

Sec. 4.2.22. Crematories.

Crematory use shall be located at least 100 feet from the property line of any property zoned or used for residential purposes.

(Ord. of 8-2-2017, § 1(4.2.22))

Sec. 4.2.23. Drive-through facility, restaurant.

All drive-through facilities must comply with the following:

- A. Drive-through facilities shall not be located within 60 feet of a residentially zoned property, as measured from any menu or speaker box to the property line of adjacent residential property, unless part of a mixed use development.
- B. No drive-through facility shall be located on a property less than 10,000 square feet in area, unless part of a mixed use development. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in article 6 of this chapter.
- C. Drive-through lanes and service window serving drive-through lanes shall only be located to the side or rear of buildings.
- D. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
- E. Speaker boxes shall be directed away from any adjacent residential properties and shall require masonry sound attenuation walls with landscaping or other speaker volume mitigation measures. Speaker boxes shall not play music but shall only be used for communication for placing orders.
- F. All lighting from drive-through facilities shall be shaded and screened so as to be directed away from any adjacent residential properties.
- G. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following requirements. Stacking spaces shall be a minimum of ten feet wide and 25 feet long. Stacking spaces shall begin at the last service window for the drive-through lane (typically the pick-up window).
- H. All drive-through facilities with the exception of drive-through restaurants shall provide at least three stacking spaces for each window or drive-through service facility.
- I. The following general standards shall apply to all stacking spaces and drive-through facilities:
 - a. Drive-through lanes shall not impede on- and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
 - b. Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
 - c. All drive-through facilities shall include a bypass lane with a minimum width of ten feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.
 - d. Drive-through lanes must be set back five feet from all lot lines and roadway right-of-way lines.
 - e. Owner and operator are responsible for daily litter clean-up to ensure the property remains free of trash, litter, and debris.

- f. Drive-through restaurants shall not be located within 500 feet of an elementary, middle, or high school.
- g. Drive-through restaurants located in activity centers require a special land use permit. In all other character areas a special land use permit is required unless the facility can meet at least two of the following criteria:
 - i. Facility is located within 400 feet of an intersection of a major arterial street and a major or minor arterial street, or within 1,000 feet of an interstate highway interchange do not require a special land use permit.
 - ii. Facility is accessible only through interparcel access or through a shared driveway.
 - iii. Facility is part of a major redevelopment, as defined in section 27-8.1.16.
- h. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.

(Ord. of 8-2-2017, § 1(4.2.23))

Sec. 4.2.24. Dwellings; cottage, mobile home, townhouse, urban single-family, and condominium.

- A. *Cottage.* Notwithstanding any other provision to the contrary, a cottage development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee-simple or condominium lots.
- B. *Mobile home or manufactured home.* When permitted outside of a mobile home zoning district, mobile homes or manufactured homes may be used to house caretakers or security personnel only, and may not be used for commercial purposes.
- C. *Townhouse and urban single-family (U-SF).* Notwithstanding any other provision to the contrary, a townhouse or U-SF development may be subdivided into individual lots that do not meet the minimum street frontage requirements and may be treated as fee simple or condominium lots.
- D. *Condominium standards.* If a condominium form of ownership is proposed for a development, the development shall meet all applicable state laws, including the Georgia Condominium Act (O.C.G.A. § 44-3-70 et seq.). Proposed bylaws and the articles of incorporation for the condominium association shall be submitted to the director of planning with the application for development approval.

(Ord. of 8-2-2017, § 1(4.2.24))

Sec. 4.2.25. Emission stations.

Emission stations shall be setback no less than 35 feet from the public right-of-way. A metal building may be used if it has a brick base at least three feet high. No fabric structures may be used. Large planters for landscaping must be installed around any building.

(Ord. of 8-2-2017, § 1(4.2.25))

Sec. 4.2.26. Extended stay motels/hotels.

Extended stay motels/hotels shall meet the following requirements:

- A. Extended-stay motels/hotels shall have no more than 25 guest rooms per acre.

- B. Each guest room must have a minimum of 300 square feet and access with a magnetic keycard entry/locking device.
- C. Extended-stay hotels/motels shall not be more than four stories in height.
- D. Extended-stay hotels/motels must be constructed on a tract of land containing at least two acres.
- E. Extended-stay hotels/motels must contain an enclosed, heated and air conditioned laundry space containing a minimum of three clothes washers and three clothes dryers for the use of guests.
- F. Extended-stay hotels/motels must provide a minimum of 1,000 square feet for recreational use by guests. In computing the 1,000 square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection.
- G. Management must be on the property 24 hours a day, seven days a week.
- H. Daily maid service must be included in the standard room rate.
- I. Parking areas must have security fencing and lighting with a minimum luminescence of one footcandle at pavement level.
- J. No extended stay motel/hotel may be located within 1,000 feet of another extended stay motel/hotel.
- K. Change of location or name.
 - 1. No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay motel/hotel under any name other than his name and the name of the business as specified on the occupation tax certificate.
 - 2. Any application for an extension or expansion of a building or other place of business where an extended-stay motel/hotel is located shall require inspection and shall comply with the provisions and regulations of this article.
 - 3. The applicant shall pay an administrative fee to be set by the city council to apply for a change of name for an extended-stay motel.

(Ord. of 8-2-2017, § 1(4.2.26))

Sec. 4.2.27. Farmers markets, temporary seasonal.

Temporary or seasonal farmers markets must obtain a special administrative permit for temporary seasonal sales or event in order to operate and shall adhere to the following requirements:

- A. The operator of a farmers market shall obtain a business license from City of Stonecrest prior to opening the farmers market.
- B. City of Stonecrest shall be provided a list of the names of persons, firms or corporations who shall provide produce or merchandise for sale as part of the public market. The list shall also generally describe the type of item sold by each said person, firm or corporation. The list shall be updated quarterly during the term of the business license.
- C. Displayed inventory of the products sold may include:
 - 1. Farm products such as fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

2. Value-added farm products such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.
 3. All other items may not be displayed and sold.
- D. At least 75 percent of the vendors participating during the market's hours of operation must be either producers (a person or entity that raises farm products on farms the person or entity owns, rents or leases), family members, employees or agents of producers or preparer of said products.
 - E. If a booth sells farm products or value-added farm products that are not produced by the vendor, said booth must explicitly disclose the producer's name and location in writing with lettering that is at least two inches tall and visible to the consumer.
 - F. Vending structures may include a temporary, movable booth, stall, table, tent or other structure used for the sale of goods or for display purposes at a farmers market.
 - G. Hours of operation. Temporary or seasonal market hours may be between 7:00 a.m. and 9:00 p.m. Temporary or seasonal markets shall not operate more than six hours per day nor more than three days per week. Set-up of market operations shall begin no earlier than 6:00 a.m. and take-down and clean-up shall end no later than 10:00 p.m.
 - H. Market manager. On-site presence of a market manager is required during all hours of operation. The market manager shall direct the operations of all vendors participating in the market and verify that the requisite number of individual vending structures are operated by producers.
 - I. Parking. Two parking spaces per vendor shall be provided on-site or within 500 feet of the boundary line of the property hosting a temporary or seasonal farmer's market.
 - J. Access to public toilet facilities shall be provided to customers.
 - K. Farmers markets must obtain a special administrative permit for temporary seasonal sales or event to operate in City of Stonecrest. The application shall include:
 1. Name and current address of the applicant.
 2. A notarized letter signed by the property owners or authorized property manager or agent, consenting to the placement of the farmers market on the property.
 3. A site plan drawn to-scale showing:
 - a. Property lines, street curbs, street names, adjacent sidewalks as applicable.
 - b. Plan layout and dimensions showing the on-site market area including the number, arrangement, and size of the vending structures to be located in the market.
 - c. Location of on-site and off-site parking spaces.
 - d. Any other documents or information requested and deemed by the director of planning as applicable to the specific application.

(Ord. of 8-2-2017, § 1(4.2.27))

Sec. 4.2.28. Fuel pumps, accessory.

- A. Upon the minor redevelopment of existing structures or buildings, as defined in section 28-8.1.16, that also requires a land disturbance permit or building permit, the director may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing

- structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.
- B. Gas station and convenience store design shall comply with the design standards and transitional buffer requirements set forth in article 5 of this chapter.
- C. The following standards apply to all gas pumps:
- (1) All associated light fixtures shall be directed away from surrounding residential neighborhoods.
 - (2) Canopies covering gasoline dispensers shall be set back not less than 15 feet from all street rights-of-way.
 - (3) Canopy height shall not exceed the greater of 20 feet or the height of the principal building.
 - (4) Canopies and their columns shall be complementary to the overall color scheme and building materials scheme of the building facade to which the canopy is necessary.
 - (5) Canopy lighting shall not extend beyond the area immediately beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than 30 minutes after closure of the facility.
 - (6) Automobile service stations with gas sales shall have a capacity to store one car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow.
 - (7) A minimum of 30 feet is required between a property line and the nearest gasoline pump.
 - (8) Owner and operator are responsible for daily litter clean-up to ensure that property remains free of litter, trash, and debris.
 - (9) When a separate retail or restaurant use is located on the same property as fuel pumps, there shall be separate and distinct parking spaces for each use.
 - (10) The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building is not prohibited, but must not be visible from or face adjacent residential uses.
- D. Location criteria. Fuel pumps associated with convenience stores, gas stations, and service stations must meet the following criteria:
1. Facility is located within 100 feet of an intersection of a major arterial street and a major or minor arterial street, or located within 500 feet of an interstate highway intersection with an arterial street as designated on the Functional Classification Map in the City Comprehensive Plan.
 2. Facility is accessible via direct or secondary access to two roads.
 3. Facility includes at least 5,000 square feet of retail space.
 4. No more than two facilities may be located at any given intersection.
 5. Except for facilities located at the same roadway intersection, facilities cannot be located closer than 1,500 feet apart.
- E. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.
- F. Facility must include at least two bathrooms capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.
- G. If a reverse frontage design is proposed the primary building shall be located close to the street to define street edge. Pump islands shall not be located between the building and the street, but shall be placed

behind or to the side of the primary building. The facade of the primary building located closest to the street shall include architectural features and shall have an active entrance either on the side or rear, with clear unobstructed pedestrian access from the public sidewalk. The street facade shall have at least 25 percent fenestration or faux fenestration.

- H. Service areas, storage areas, and trash enclosure shall be oriented away from public view and screened from adjacent properties.
- I. Facilities must provide a two-foot-high masonry wall with landscaping and/or an evergreen hedge to help screen the pumps from view from a public right-of-way.

(Ord. of 8-2-2017, § 1(4.2.28))

Sec. 4.2.29. Heavy industrial uses.

In addition to the submission requirements of article 7 of this chapter, any application for a special land use permit (SLUP) or a rezoning related to a heavy industrial use shall provide the following information as applicable:

- A. Submit within the letter of application the following details:
 - 1. Specific operations to be performed.
 - 2. Hours of operation.
 - 3. Whether operations will be indoors or outdoors.
 - 4. How long materials will be stored on the property.
 - 5. Whether any hazardous wastes will be involved in the operation, including an explanation of how safety measures will ensure that there is no air or water contamination and how the operators will safely dispose of such hazardous materials.
 - 6. A description of any solid wastes handled, produced, or disposed of, including whether the operations will require a solid waste handling permit.
 - 7. How many employees there will be.
 - 8. Whether the operation will be open to the public.
 - 9. What types of vehicles will be delivering materials to the property; and how many and how often, what thoroughfares or major route plan the trucks will take to get to and from the site to minimize any impact on residential area, and whether trucks will be covered to minimize dust/odor impacts on adjacent roadways used to get to the site.
 - 10. Whether the proposed use requires the submittal of a development of regional impact (DRI).
- B. Copies of any required state and/or federal agency applications, requirements, environmental assessment reports, or related data; or, if none have been submitted, an indication as to whether such documentation is required.
- C. Data from reputable industry sources on current industry standards regarding the proposed land use and how the proposed operation will comply with industry standards to ensure that surrounding properties are not adversely impacted.
- D. For any of the following uses, certification by an environmental professional that the proposed operation will not have any adverse air or water quality impacts on surrounding properties:
 - 1. Any use requiring a solid waste handling permit.
 - 2. Any use which utilizes burning, melting, or degasification.

- 3. Any use which involves the emissions of particulate matter.
- 4. Any use which processes or stores hazardous materials.
- E. Detailed information on proposed methods to minimize any adverse air/water quality impacts based on current industry standards.
- F. Detailed information on proposed methods to minimize any noise, odor, dust, and vibration on surrounding properties in light of current industry standards.
- G. Detailed information regarding how traffic impacts will be accommodated on the surrounding road network.
- H. Any data regarding any monthly, quarterly, or yearly required inspections by any state or federal agency to ensure compliance with any state or federal permits once use has been approved by City of Stonecrest.

(Ord. of 8-2-2017, § 1(4.2.29))

[TMOD-22-001]

Sec. 4.2.30. Heliport, general aviation airport.

Heliports must comply with FAA regulations AC No. 150/5390 for design standards for general aviation, hospital heliports, and rooftop emergency facilities.

(Ord. of 8-2-2017, § 1(4.2.30))

Sec. 4.2.31. Home occupations and private educational uses.

The following provisions apply to home occupations:

- A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning and zoning.
 - 1. The owner/operator of the business must reside on the premises.
 - 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
 - 1. Customer contact is allowed for Type II home occupations.
 - 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- C. All home occupations shall meet the following standards:
 - 1. There shall be no exterior evidence of the home occupation.

2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
 3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
 4. No more than twenty-five (25) percent of the dwelling unit and or 500 square feet, whichever is less, may be used for the operation of the home occupation.
 5. No more than one (1) business vehicle per home occupation is allowed.
 6. No home occupation shall be operated so as to create or cause a nuisance.
 7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
 8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with section 6.1.3, and is limited to one (1) business vehicle per occupation.
- D. Private educational services shall comply with home occupation standards and no more than three (3) students shall be served at a time. Family members residing in the home are not counted towards the three (3) students allowed.
- E. Child Care Homes and Personal Care Homes are considered Home Occupations and must adhere to these provisions in addition to Section 4.2.41.

(Ord. of 8-2-2017, § 1(4.2.31)) [TMOD-21-002]

Sec. 4.2.32. Late-night establishments and night clubs.

- A. The regulations that follow regarding late-night establishments and nightclubs are intended to afford protection to residential uses and other uses so as to protect the public health, safety, and welfare while respecting and providing adequate opportunities for nightlife in the city.
- B. Late-night establishments and nightclubs shall be subject to all of the following standards:
1. Parking facilities within a lot may be shared in accordance with article 6 of this chapter, parking.
 2. Valet parking shall not be used to satisfy the requirement to meet applicable parking standards.
 3. Methods of traffic circulation, ingress and egress shall be consistent with best management practices as approved by the planning department.
 4. Noise from the proposed use shall be contained within the subject retail center units or standalone structures. The facility shall comply with chapter 16.
- C. No late night establishment or night club boundary line shall be located within 1,500 feet from the boundary line of property zoned for residential use without the issuance of a special land use permit (SLUP). A late-night establishment or night club is not required to obtain a special land use permit when their closest residential neighbor is on the opposite side of an interstate highway.
- D. Every special land use permit application for a late-night establishment or nightclub shall include a scaled drawing of the location of the proposed premises, showing the distance measured in feet from the boundary line of the property proposed to be used as a late-night establishment or nightclub to the boundary line of property zoned for residential use. Such drawing shall be certified by a land surveyor or professional engineer registered in the State of Georgia. For the purposes of this section, distance shall be measured in feet as follows:

1. From the property line of the land upon which the late-night establishment or nightclub is located;
 2. To the property line of the land which is zoned for a residential use;
 3. Along a straight line which describes the shortest distance between the two property lines (i.e., "as the crow flies").
- E. Any late-night establishment or nightclub operating pursuant to a validly issued business and liquor license issued prior to the effective date of November 18, 2008, shall be a legal nonconforming use, as defined in article 9 of this chapter. No late-night establishment or nightclub currently operating under a valid license issued prior to the effective date set forth in this section shall be required to secure a special land use permit from the city council in order to continue operation. Such establishments shall be required to comply with the applicable provisions of article 4, division 5 [sic] of this chapter regarding cessation, expansion, movement, enlargement or other alteration of the late-night establishment or nightclub. If a licensee is operating a legal nonconforming late-night establishment or nightclub at a particular location pursuant to this zoning ordinance, and such license is revoked, upon revocation, the legal nonconforming status of the licensee at that particular location shall be terminated.

(Ord. of 8-2-2017, § 1(4.2.32))

Sec. 4.2.33. Live-work.

A live-work unit is a residential unit used as both living accommodations, which includes cooking space and sanitary facility in conformance with applicable building standards and board of health standards, and adequate working space accessible from the living area. If a live-work unit is not constructed to commercial fire safety standards, the commercial portion of the live-work unit may only be operated by one or more persons who reside in the unit. If a live-work unit is constructed to commercial fire safety standards, a resident of the live-work unit may allow the commercial portion of the live-work unit to be operated by a third-party.

- A. Live-work units shall meet all of the following standards:
1. Uses shall be compatible with residential uses and shall not produce or create noise, smoke, vibrations, glare, fumes, odors, electrical interference, or fire hazards that would unreasonably interfere with residential uses.
 2. If a live-work unit is in a residential district, permitted uses shall be limited to those uses allowed in the Neighborhood Shopping (NS) District. For a live-work unit located in a nonresidential district, permitted uses shall be limited to those uses allowed in that district.
 3. Restroom facilities shall be provided to serve the commercial portion of the unit. Individual public restrooms facilities are not required within each live-work unit when disabled accessible public restroom facilities are provided elsewhere on an accessible route within the building or building site.
 4. A live-work unit will be subject to all applicable licenses and business taxes.
 5. See also article 5 of this chapter for additional design requirements, including section 5.7.7.

(Ord. of 8-2-2017, § 1(4.2.33))

Sec. 4.2.34. Mines, mining, quarries, gravel pits, borrow pits, and sand pits.

The following regulations apply to the use of land as a mine, mining operation, quarry, gravel pit, borrow pit, and sand pit. See also article 7 of this chapter, administration for additional approval criteria.

- A. The following provisions apply to removal or extraction of dirt, sand and soil:

1. Drainage plans and a plan for the redevelopment of the site when the removal is completed shall be submitted with the application for a development permit.
 2. The use shall not be established within 1,000 feet of a residential zoning district or use nor within 300 feet of any other use.
 3. This subsection shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes, upon issuance of a development permit in accordance with the provisions of this chapter.
- B. Quarry and mining. The following provisions apply to the use of any parcel of land for a quarry, mine or mining operation:
1. All improved and maintained entrances shall be fenced and locked during non-business hours. The property shall be adequately posted as is required by state law, and evidence of such posting shall be filed with the director of planning.
 2. Operators shall comply with state department of natural resources, surface mining land reclamation program rules and regulations, and the mining permit number issued by the state shall be filed with the director of planning.
 3. A blasting limit of two inches per second peak particle velocity, as measured from any of three mutually perpendicular directions in the ground at off-site buildings, shall not be exceeded.
 4. An air blast limit of 128 decibels (linear-peak), measured at off-site residential buildings, shall not be exceeded.
 5. Seismographic and noise instrumentation shall be required for a minimum of one blast per three-month period. The records of such instrumentation and records of all blasts, including total charge weight, charge weight per delay, charge depth, date and time, location and meteorological conditions, shall be retained by the operator for a period of not less than two years. All non-instrumented blasts shall be in compliance with the recommended scaled distance, as defined by the United States Department of the Interior, Bureau of Mines Bulletin 656, entitled "Blasting Vibrations and Their Effects on Structures."
- C. Prior to the issuance of any development permit for any mine, quarry, gravel pit, or sand pit, the applicant shall provide to the director a reuse or reclamation plan which meets all requirements of chapter 14 of the Code.

(Ord. of 8-2-2017, § 1(4.2.34))

Sec. 4.2.35. Mini-warehouses.

- A. Outside storage for mini-warehouses shall be limited to vehicles such as boats, RVs, etc., and shall only be allowed in side and rear yards.
- B. Storage units may not be used for the following uses: The operation of a business or service enterprise; personal activities such as hobbies, arts and crafts, woodworking, repair, restoration or maintenance of machinery or equipment; hazardous or toxic material storage; and/or living or sleeping quarters.
- C. Wares, goods and/or personal property stored therein shall not include explosives, paint, flammable chemicals or other materials which might be corrosive or hazardous.
- D. Buffer standards in article 5 of this chapter shall apply.
- E. Exterior lighting for a mini-warehouse facility shall project inward and downward, and shall not spillover to adjacent properties.

(Ord. of 8-2-2017, § 1(4.2.35))

Sec. 4.2.36. Moving buildings, requirements.

No dwelling unit or other permanent structure shall be moved within or into the city unless, when relocated, it meets all requirements of chapter 27 of the Code and is first approved by the director of planning.

(Ord. of 8-2-2017, § 1(4.2.36))

Sec. 4.2.37. Outdoor display and seating.

This section applies to the placement of merchandise and/or merchandise vending machines outside the walls of any enclosed building with the intent being to entice potential customers onto the premises through the public display of such merchandise and/or merchandise vending machines. The term "outdoor display" shall not apply to merchandise which is placed outside temporarily for the purpose of sales. See division 3 of this article, temporary use regulations. Outdoor display shall be permitted in conjunction with permitted uses in the NS, C-1, C-2, MU districts, M, and M-2 zoning districts, provided the following requirements are met:

- A. Areas devoted to outdoor display, as referred to in this section, shall be allowed on public and private sidewalks, provided that all ADA requirements are fulfilled.
- B. All outdoor display areas shall be located contiguous to the principal building, subject to all fire safety requirements.
- C. No outdoor display shall be permitted to occupy or interfere with traffic circulation, required parking areas or pedestrian access.
- D. The type of merchandise permitted in outdoor displays shall be limited to automobiles, boats, recreational vehicles, farm equipment, yard and garden accessories, prefabricated storage sheds, nursery and agricultural products, gas pump island beverage shelving, and vending machines. This section shall not be interpreted to include supply yards, salvage yards, or other items or materials considered outdoor storage.
- E. Outdoor displays of tires shall be within ten feet of the building.
- F. Outdoor displays shall be permitted in any yard, but shall not encroach into any public rights-of-way.
- G. Outdoor displays shall present a neat and orderly appearance.
- H. Outdoor displays shall be permitted only where such display is incidental to and supportive of the principal use of the structure located on the same parcel.
- I. Each outdoor display location must be shown on the site plan at time of initial permitting of land development permits and building permits and shall not encroach on any required landscaping and parking areas.
- J. These standards shall apply to outdoor seating areas at restaurants, coffee shops, etc.

(Ord. of 8-2-2017, § 1(4.2.37))

Sec. 4.2.38. Outdoor storage of materials, supplies, equipment or vehicles.

The following regulations shall apply to outdoor storage of materials, supplies, equipment, or vehicles. The term outdoor storage does not include outside display of merchandise; outdoor temporary sales or events; auto-

dealerships; salvage yards; junkyards; automobile wrecking yards; or storage yards for non-operable, confiscated, or dilapidated vehicles, equipment, or materials.

- A. In the O-I, NS, and C-1 districts, accessory outdoor storage associated with the operation of a business is allowed subject to the following requirements:
 - 1. The outdoor storage area shall be at least 50 feet from the street right-of-way.
 - 2. The outdoor storage area shall be screened so as not to be visible at ground level from any adjoining property or public street.
 - 3. The materials stored must be for use by the owner and not displayed for sale to third parties.
 - 4. Fleet vehicles associated with the operation of the business are exempt from these requirements.
- B. In the C-2, M, and M-2 districts, any outdoor storage areas (primary or accessory) are allowed subject to the following requirements:
 - 1. The outdoor storage area shall be at least 50 feet from the street right-of-way.
 - 2. The outdoor storage area shall be screened so as not to be visible at ground level from any adjoining property or public street.
 - 3. A ten-foot-wide evergreen landscape buffer around the outside perimeter of the screened area shall be provided when adjacent to any property not zoned C-2, M, or M-2.
 - 4. Fleet vehicles associated with the operation of a business are exempt from these requirements.
- C. In residential districts, outdoor storage is allowed for items such as barbecue grills, lawn furniture, hoses, garden tools, lawn equipment and outdoor play equipment. Outdoor storage of the following are expressly prohibited:
 - 1. Indoor appliances, whether or not in use;
 - 2. Indoor furniture, whether or not used for outdoor leisure furniture; and
 - 3. Items that are no longer used for their intended purpose; for example, a bike missing a tire, broken machinery, old appliances and scrap metal or other scrap materials.

(Ord. of 8-2-2017, § 1(4.2.38))

Sec. 4.2.39. Parking, commercial lot.

Commercial parking lots shall meet all the streetscape, landscaping, buffering and screening requirements provided in article 5 of this chapter.

(Ord. of 8-2-2017, § 1(4.2.39))

Sec. 4.2.40. Pawn shops.

The following provisions shall apply to pawn shops:

- A. Pawn shops shall not be permitted within 1,000 feet of an existing pawn shop or check cashing facility. For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.

- B. The window and door area of any existing first floor facade that faces a public street or sidewalk shall not be reduced, covered, nor otherwise obscured, nor shall changes be made to such windows or doors that block one's view into the building at eye level from the street or sidewalk.
- C. For new construction, at least 30 percent of the first floor facade that faces a public street or sidewalk shall be window or doors of clear or lightly tinted glass that allows a person to see into the building at eye level from the street or sidewalk.
- D. The use of bars, chains, roll down doors or similar security devices placed on the outside of the building is prohibited.
- E. The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or the outside of the building is prohibited.

(Ord. of 8-2-2017, § 1(4.2.40))

Sec. 4.2.41. Personal care homes and child caring institutions.

A. *Personal care homes, general requirements.*

- 1. The owner of a group personal care home must be a person, sole proprietor, single owner Limited Liability Company, or a single owned business entity. The owner/operator must own and reside in the group personal care home.
- 2. Each personal care home must obtain all licenses and/or permits required by the State of Georgia before beginning to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued and city-issued licenses and/or permits in plain view, visible from the front doorway of the facility.
- 3. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
- 4. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.
- 5. No city permit for the operation of the personal care home shall be transferable.

B. *Personal care home, group (four to six persons).*

- 1. Two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
- 2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6 of this chapter.
- 3. The home must be at least 1,800 sq. ft in size.
- 4. In order to prevent institutionalizing residential neighborhoods, no group personal care home located in a residential zoning district may be operated within one thousand five hundred (1,500) feet of any other group personal care home. The one-thousand-five-hundred-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the group personal care homes are located.

C. *Personal care home, (seven (7) or more persons).*

1. Two copies of complete architectural plans for the subject community personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
 2. Each personal care home must provide at least one-half (0.5) parking space for each employee and resident, and must comply with any applicable requirements in article 6 of this chapter.
- D. *Child Care Home, and Child Care Facility, general requirements.*
1. The owner of a child care home or child care facility must be a sole proprietor, single owner Limited Liability Company, or a single owned business entity. The owner/operator must own and reside in the child care home, or child care facility.
 2. No child care home, or child care facility shall be located within 1,500 feet of another child care home or child care facility. The one-thousand-five-hundred-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the child care homes, or child care facilities are located.
 3. Each child caring home, and child care facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring institution must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
 4. Child Care homes and Child Care facilities are not permitted in Multi-family dwellings.
 5. No child caring home, facility may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
 6. Each child care home, facility shall meet the minimum state requirements for playground size, location, and fencing.
- E. *Child Care Homes, (up to five (5) children).*
1. Each group child caring institution must provide at least four (4) parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in article 6 of this chapter.
- F. *Child Care Facility, (six (6) or more children).*
1. Two (2) copies of the complete architectural plans of the subject community child caring institution, signed and sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
 2. Each community child caring institution must provide at least one-half (0.50) parking spaces for each employee and resident, and must comply with any applicable requirements in article 6 of this chapter.

(Ord. of 8-2-2017, § 1(4.2.41)) [TMOD-21-002]

Sec. 4.2.42. Places of worship, convents; monasteries; temporary religious meetings.

The following subsections shall apply to places of worship, convents and monasteries and their related uses, buildings and structures located in a residential district:

- A. Any building or structure established in connection with places of worship, monasteries or convents shall be located at least 50 feet from any residentially zoned property. Where the adjoining property is zoned for nonresidential use, the setback for any building or structure shall be no less than 20 feet for a side-yard and no less than 30 feet for a rear-yard.
- B. The required setback from any street right-of-way shall be the front-yard setback for the applicable residential district.

- C. The parking areas and driveways for any such uses shall be located at least 20 feet from any property line, with a visual screen, provided by a six-foot-high fence or sufficient vegetation established within that area.
- D. Places of worship, convents and monasteries shall be located on a minimum lot area of three acres and shall have frontage of at least 100 feet along a public street.
- E. Places of worship, convents and monasteries shall be located only on a thoroughfare or arterial.
- F. Any uses, buildings or structures operated by a place of worship that are not specifically included within the definition of place of worship must fully comply with the applicable zoning district regulations, including, but not limited to, any requirement for a special land use permit.

(Ord. of 8-2-2017, § 1(4.2.42))

Sec. 4.2.43. Private elementary, middle and high school.

- A. The minimum lot size for private elementary, middle and high school, for which an application for a special land use permit is filed, shall be as follows:
 - 1. *Elementary school.* Two acres plus one additional acre for each 100 students based on the designed capacity of the school.
 - 2. *Middle school.* Three acres plus two acres for each 100 students based on the designed capacity of the school.
 - 3. *High school.* Five acres plus two acres for each 100 students based on the designed capacity of the school.
- B. The minimum public road frontage for a private school is 200 feet.
- C. Accessory ball fields shall be located at least 50 feet from a residential district or property used for a residential purpose.
- D. A 50-foot undisturbed buffer is required if adjacent to a residential district or property used for a residential purpose.

(Ord. of 8-2-2017, § 1(4.2.43))

Sec. 4.2.44. Salvage yard, junkyard.

The following provisions shall be required for automobile salvage, wrecking yards and junkyards, primary or accessory:

- A. The site shall be enclosed by a wall or opaque fence not less than eight feet in height.
- B. No activity and no vehicle storage associated with such uses shall be conducted within 100 feet of any property zoned or used for residential purposes.
- C. No activity and no vehicle storage associated with such uses, except for deliveries, pickups, and signs, shall be conducted within 50 feet of the street right-of-way.
- D. No activity and no vehicle storage associated with such uses shall be conducted within 50 feet of the side and rear property lines, unless the adjacent property is zoned M or M-2.
- E. The use shall not be permitted within 300 feet of any property used for a school, park, playground or hospital.

- F. The sale of automobile parts removed from vehicles on the site shall be permitted.
- G. A ten-foot-wide evergreen landscape buffer around the outside perimeter of the screened area shall be provided when adjacent to any property not zoned C-2, M, or M-2.

(Ord. of 8-2-2017, § 1(4.2.44))

Sec. 4.2.45. School, specialized and vocational.

Specialized and vocational schools must meet the applicable requirements of section 4.2.42 and, with the exception of facilities located in industrial districts, all activities shall occur within enclosed buildings.

(Ord. of 8-2-2017, § 1(4.2.45))

Sec. 4.2.46. Senior housing; independent and assisted living, nursing, and continuing care.

- A. Primary uses. Senior housing facilities shall include either independent living units or assisted living units, or both. The independent living units may be either single-family (detached) residences or multifamily (attached) residences.
- B. Accessory uses. Senior housing facilities shall include one or more of the following accessory uses:
 - 1. Ancillary clinics, personal service, retail (e.g., pharmacy, hair salon, medical offices).
 - 2. Central kitchen and dining facility.
 - 3. Recreation and amenities.
 - 4. Building/clubhouse for classes, meetings, concerts, storytelling, etc.
 - 5. Adult daycare.
- C. The maximum number of unrelated residents living independently (not requiring personal care) and at age 55 or older allowed in an independent living unit is one per bedroom.
- D. Height standards. A senior living facility in which all of the occupied units are occupied by at least one senior aged 55 or older is authorized up to ten stories without a height SLUP in HR, MU-3, MU-4, and MU-5 zoning districts, subject to transitional height plane regulations in article 5 of this chapter.
- E. Accessibility standards. All senior housing shall incorporate accessibility standards that meet certification requirements for easy living or universal design and/or include all of the following minimum features:
 - 1. At least one step free entrance to the main floor at either the front or side of the structure; if only one is provided, it shall not be from a patio or raised deck.
 - 2. Main floor of each unit shall include a kitchen, entertaining area, and master bedroom with full bathroom.
 - 3. Every door on the main floor shall provide a minimum width of 34 inches of clear passage.
 - 4. Blocking shall be installed in the master bath around toilet, tub, and shower for placement or future placement of grab bars.
- F. Assisted living, nursing and continuing care facilities shall provide the following:
 - 1. Primary and secondary support services: Approval for assisted living, nursing or continuing care facilities shall not be granted without documentation of provisions for the following primary and secondary services:

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- a. Primary services: on-site dining facility, 24-hour on-call medical services, on-site licensed practical nurse, on-call registered nurse, linen and housekeeping services, and transportation services.
 - b. Secondary services: physical therapy, medication administration program, care technician services (clothes changing, bathing, etc.), on-site personal care (barber, beauty salon), fitness center, library.
 - c. Access to outdoor seating and walking areas shall be provided as part of every assisted living, nursing or continuing care facility.
- G. A senior housing facility shall only be approved after consideration of the use permit criteria, found in article 7 of this chapter and after consideration of the following:
- 1. Proximity and pedestrian access to retail services and public amenities.
 - 2. Transportation alternatives.
 - 3. Integration into existing neighborhoods through connectivity and site design.
 - 4. Diverse housing types.
 - 5. Site and building design that encourages social interaction.
 - 6. Building design that meets easy living standards.
- H. In addition, in consideration of the special land use permit or special administrative permit for a senior housing facility, the following criteria shall be evaluated based on the degree to which these elements provide transition from the proposed project to adjacent existing development:
- 1. Building height.
 - 2. Landscaping.
 - 3. Maximum lot coverage.
 - 4. Setbacks from exterior property lines.
 - 5. Site size.
 - 6. Access to thoroughfare.
- I. Submittal requirements. The following documents and information are required for submittals for rezoning, special land use permits, land development permits and building permits associated with proposed senior living facilities:
- 1. Survey and site plan (per established requirements in article 7 of this chapter).
 - 2. Landscape and tree plan.
 - 3. Number and location of residential units.
 - 4. Types of units.
 - 5. Amenities.
 - 6. Institutional/nonresidential services.
 - 7. Proximity to services such as health care, shopping, recreation, and transit.
 - 8. Other documents addressing the approval criteria in subsections G. and H. of this section.

(Ord. of 8-2-2017, § 1(4.2.46))

Sec. 4.2.47. Service areas, outdoor, for nonresidential uses.

All service areas for nonresidential uses shall be established so as not to encroach into any yard requirement and shall be visually screened from adjacent residential properties.

(Ord. of 8-2-2017, § 1(4.2.47))

Sec. 4.2.48. Shelters for homeless or battered persons and transitional housing facilities.

- A. No shelter for homeless or battered persons and no transitional housing facility shall be designed to exceed a capacity of 20 persons, unless accessory to a place of worship.
- B. Prior to issuance of any approvals for operation of a shelter for homeless or battered person or transitional housing facility, the applicant for such approval shall disclose, in writing, the capacity and floor plan of the facility.
- C. Such shelters shall comply with all applicable City of Stonecrest building, housing, and fire codes and shall fully comply with O.C.G.A. § § 30-3-1 et seq. before a certificate of occupancy can be issued. The loss of any state license or permit shall result in an automatic revocation of that city issued permit or license.
- D. There shall be no use on the property other than the shelter, unless accessory to place of worship.
- E. No new shelter or transitional housing facility shall be located within 1,000 feet of an existing shelter or transitional housing facility.
- F. Shelters for homeless or battered persons and transitional housing facilities may apply for an FHA Accommodation Variance as provided for in section 7.5.9 if the residents would constitute disabled persons under the FHA.

(Ord. of 8-2-2017, § 1(4.2.48))

Sec. 4.2.50. Swimming pool, community.

Community swimming pools and their customary accessory buildings and structures shall be set back at least 15 feet from all side and rear lot lines and be enclosed by a wall or fence, not less than four feet nor more than six feet in height. Setback is measured from the pool decking except where established elsewhere.

(Ord. of 8-2-2017, § 1(4.2.50))

Sec. 4.2.51. Telecommunications towers and antennas.

See section 4.2.57, wireless telecommunications.

(Ord. of 8-2-2017, § 1(4.2.51))

Sec. 4.2.52. Tennis court, accessory to residential.

Tennis courts on individual residential lots shall be located in rear yards and shall be set back at least 15 feet from all side and rear property lines and be enclosed by a fence or freestanding wall at least eight feet high. Lighting for the private tennis court shall not be permitted, except by a special administrative permit.

(Ord. of 8-2-2017, § 1(4.2.52))

Sec. 4.2.53. Transit shelters.

- A. Transit shelters may be located within a street right-of-way with permission from the director of planning or within an established yard fronting a street, but may not be located so as to obstruct the sight distance triangle per article 5 of this chapter.
- B. A schematic plan of the transit shelter must be submitted and approved by the director of planning. The plan must include the following:
 - 1. The location of the proposed shelter relative to street, property lines, and established building yards;
 - 2. The size and design of the shelter, including front, side, and rear elevations, building materials, and any public convenience or safety features such as telephone, lighting, heating, or trash containers. Trash containers shall be provided for all transit shelters.

(Ord. of 8-2-2017, § 1(4.2.53))

Sec. 4.2.54. Truck stop.

The following provisions apply to truck stops whether designed as a primary use or accessory use as part of an industrial development:

- A. Truck stops shall be permitted only on parcels of ten acres or more.
- B. Entrance drives for truck stop facilities shall not be closer than 300 feet from any point of an interstate highway interchange.
- C. Truck stops shall meet all state and federal environmental guidelines and requirements.

(Ord. of 8-2-2017, § 1(4.2.54))

Sec. 4.2.55. Urban garden or community gardens.

- A. If an urban garden or community garden is greater than five acres, a special administrative permit is required. The permit shall expire 24 months from issuance, and such use shall thereafter only operate upon issuance of a new permit in the manner prescribed herein.
- B. The following items shall be submitted with the special administrative permit application:
 - 1. Name and current address of the applicant.
 - 2. Address of the garden.
 - 3. Proof of ownership or leasehold interest (for the duration of the special administrative permit) of the lot on which the garden is located; or a notarized letter signed by the property owners, or authorized property manager or agent, consenting to the placement of a garden on the lot.
 - 4. A site plan showing:
 - a. Property lines, street curbs, street names, and adjacent sidewalks as applicable.
 - b. Plan layout and dimensions showing plot layout, structures and compost areas.
 - c. Source of water, including any rain barrel locations.
 - 5. Permit fee.

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6. Other documents or information reasonably deemed necessary to determine the compatibility of the use identified in the permit application.
- C. Sales of produce from the community garden site is allowed with the approval of a special administrative permit for temporary outdoor seasonal activities, provided the following regulations are met and documentation, where required, is provided with the application:
1. *Sales hours.* Garden sales and pickups may occur between 7:00 a.m. and 9:00 p.m. Set-up of sales operations shall begin no earlier than 6:00 a.m., and take-down and clean-up shall end no later than 10:00 p.m.
 2. *Management.* An individual shall be present on-site during all sales hours to direct the vending operations.
- D. The following requirements apply for all urban or community gardens, of any acreage. Gardens accessory to a residence are excluded from these standards.
1. Garden operating rules and regulations. A set of operating rules shall be established to address the governance structure of the garden, hours of operation, maintenance, and security.
 2. Fencing. All fences shall comply with all applicable sections in the Code pertaining to the relevant zoning district in which the garden is located.
 3. Synthetic fertilizers, pesticides, and herbicides. Gardens may submit documentation of organic methods. Alternatively, the garden shall be designed and maintained so that synthetic fertilizers, pesticides, and herbicides will not harm any adjacent property.
 4. Waste removal. The garden shall recycle and remove waste in accordance with all applicable sections of the Code.
 5. Parking requirements. The garden shall provide a minimum of one parking space per one-half acre of property on which the community garden is located during the hours of operation. The parking requirement may be met by providing either on-site parking or off-site parking within 500 feet of the property line of the property on which the community garden is located.
 6. Permitted structures. The following structures are permitted in association with an urban or community garden:
 - a. Greenhouses, hoop houses, cold-frames and similar structures used to extend the growing season.
 - b. Storage buildings limited to tool sheds, shade pavilions, barns, restroom facilities with composting toilets, and planting preparation houses.
 - c. Benches, bike racks, raised and accessible beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops, beehives and children's area.
 7. Use of machinery. Use of machinery and equipment is allowed, but use of machinery is limited to the hours of 8:00 a.m. to 8:00 p.m. When not in use, all such machinery and equipment (with the exception of machinery and equipment that is:
 - (i) Intended for ordinary household use;
 - (ii) Borrowed or rented for a period not to exceed seven days; or
 - (iii) Located in an urban garden in Light Industrial District or Heavy Industrial District); shall be stored so as not to be visible from any public street, sidewalk, or right-of-way.
 8. Buildings. Buildings shall be set back a minimum of ten feet from property lines.

9. A minimum of 20 feet of lot frontage along a public right-of-way, or an access easement not less than ten feet wide to provide vehicular access in case of an emergency is required.
10. Driveways and parking may be surfaced with pervious material, including gravel.
11. The site should be designed and maintained so that water does not cause erosion or allow sedimentation on adjacent property.
12. No fencing shall exceed six feet in height. Fencing along the front shall not exceed four feet.
13. Compost and waste collection bins must be located in the rear yard (if a building exists) and be placed at least ten feet from any property line.
14. One sign located on a community garden site is permitted, provided that it shall not exceed six square feet of sign area, excluding the base, and shall not exceed four feet in height. Garden signs shall not be illuminated. Internally located directional, instructional, educational and labeling signs are allowed without a permit.
15. Hours of operation (other than sales) shall be allowed from dawn until dusk. No lighting is allowed.
16. Community gardens must comply with supplemental regulations regarding livestock, bee keeping, and temporary, seasonal sales or events, as applicable.

(Ord. of 8-2-2017, § 1(4.2.55))

Sec. 4.2.56. Utility structure necessary for transmission or distribution of service.

Any utility structure necessary for the transmission or distribution of service, whether an authorized use or a permitted use, shall provide security fencing and landscaping to lessen the visual impact of such structures on adjoining property. Noise resulting from temporary construction activity pursuant to a valid development or building permit, that is not a part of the usual and ongoing operation of the use on the site, that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section. Such structures shall be located only within the buildable area of any lot where permitted or authorized by zoning and shall meet all requirements of the district in which such structure is located.

(Ord. of 8-2-2017, § 1(4.2.56))

Sec. 4.2.57. Wireless telecommunications

- A. *Purpose and goals.* The purpose of this section is to ensure that residents, public safety operations, and businesses in City of Stonecrest have reliable access to wireless telecommunications networks and state of the art communication services while also ensuring that this objective is achieved in a manner consistent with City of Stonecrest's planning and zoning standards, to maintain to the extent possible the aesthetic integrity of the community, and in accordance with applicable state law and with federal law, regulations, and guidance, including the Telecommunication Act of 1996, which preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless telecommunication facilities. The goals of this section are:
1. To ensure City of Stonecrest has sufficient wireless infrastructure to support its public safety communications throughout the city;
 2. To provide access to reliable wireless telecommunication services by residents, businesses, and visitors throughout all areas of the city;
 3. To minimize the total number of support structures within the city by promoting and encouraging the joint use of new and existing wireless support structures among wireless service providers;

4. To encourage the location of wireless support structures, to the extent possible, in areas where adverse impacts on the community will be minimized;
 5. To encourage the design and construction of towers and antennas to minimize adverse visual impacts;
 6. To avoid potential damage to property caused by wireless communications facilities by ensuring that such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or when determined to be structurally unsound;
 7. To preserve those areas of scenic or historic significance;
 8. To facilitate implementation of an existing tower map for City of Stonecrest;
 9. To promote and encourage the joint use of new and existing tower sites among service providers;
 10. To enhance the ability of the providers of wireless communications services to deliver such services to the community effectively, safely, and efficiently;
 11. To be consistent with all overlay districts within the city, to the extent practicable and so as to not to conflict with this section;
 12. To encourage the location of telecommunication facilities, including all Telecommunication Support Structures, Equipment and/or Antenna(s) in nonresidential areas;
 13. To promote health, safety, and general welfare of the public by regulating the siting of and establishing development standards for wireless facilities and related wireless support structures, equipment, and infrastructure; and
 14. To follow and promote policies embodied in Section 704 of the Federal Telecommunications Act of 1996 and O.C.G.A. §36-66B-1, et. seq., in such manner as not to unreasonably discriminate between providers of functionally equivalent wireless services or to prohibit or have the effect of prohibiting personal wireless services in the City.
- B. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning. Words not defined herein shall be construed to have the meaning given by common and ordinary usage and shall be interpreted within the context of the sentence and section in which they occur:

Accessory equipment (or Equipment) means any device or telecommunications infrastructure component serving or being used in conjunction with the delivery or transmission of all types of Telecommunication Services.. This equipment includes, but is not limited to, Antennas, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures, small cell devices and similar wireless transmitters or conduits

Administrative approval means zoning approval that the director of planning is authorized to grant in the form of a special administrative permit.

Administrative review means evaluation of an application by the director of planning in connection with the review of an application for a building permit.

Alternative Telecommunication Support Structure means clock towers, bell towers, water tanks, church steeples, light/power poles, electric transmission support structures, man-made trees and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of Antennas or telecommunication support structures. An Alternative Telecommunication Support Structure may include a pre-existing building and outdoor advertising sign.

Antenna means any communications equipment that transmits, receives, or transmits and receives electromagnetic radio signal used in the provision of all types of wireless communication services, including, but not limited to, cellular, paging, personal communications services (PCS) or microwave communications. Such

structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. The term "antenna" does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Applicant means a person or entity with an application for an administrative or special use permit for the erection of, Modification of, or Co-location of Telecommunication Facilities in the City, whether located on private lands or in a Public Right-of-Way. For purposes of this section, this term shall include any Co-Applicant or party with an ownership interest in a proposed or affected existing Telecommunication Facility, including, but not limited to, property owners, telecommunication support structure owners, and any proposed tenants for the facility.

Application means a formal request submitted to City of Stonecrest to construct, collocate or modify a Telecommunication Facility, Telecommunication Support Structure or Alternative Telecommunication Support Structure..

Attached wireless telecommunications facility means an antenna or antenna array that is secured to an existing building or structure (except an antenna support structure) with any accompanying pole or device which attaches it to the building or structure, together with transmission cables and an equipment cabinet, which may be located either on the roof or inside/outside of the building or structure, and do not significantly change the profile of the existing structure and are not readily noticeable to the untrained eye. Attached wireless telecommunications facilities may be concealed or contained in an architectural feature and should complement the existing theme and rhythm of the structure. An attached wireless telecommunications facility is considered to be an accessory use to the existing principal use on a site.

Carrier on wheels or cell on wheels (COW) means a portable self-contained telecommunications facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure, though it may use a separate temporary mast for the placement of antennas.

Collocate or collocation means the placement or installation of new wireless facilities on previously approved and constructed Telecommunication Support Structures or Alternative Telecommunication Support Structures, including monopoles and towers, both self-supporting and guyed, in a manner that negates the need to construct a new freestanding Telecommunication Support Structure or Alternative Telecommunication Support Structure. Such a term includes the placement of accessory equipment within an existing equipment compound.

Commission means the Georgia Public Service Commission

Distributed antenna systems (DAS) means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. A DAS is considered a type of Small Cell Installation.

Equipment compound means an area surrounding or adjacent to the base of a wireless support structure within which accessory equipment is located.

FAA means the Federal Aviation Administration.

Fall zone means the maximum distance from its base a Telecommunication Support Structure or Alternative Telecommunication Support Structure will collapse in the event of a failure, usually less than the total height of such structure. This distance must be defined by a professional civil or structural engineer licensed in the State of Georgia.

FCC means the Federal Communications Commission.

Geographic search area (GSA) means a geographic area designated by a wireless provider or operator as the area within which a new telecommunication facility must be located to serve an identified system need, produced in accordance with generally accepted principles of wireless engineering.

Grantee means an Applicant in receipt of written authorization from the City to erect, operate, and/or maintain Telecommunication Facilities in the Public Right-of-Way.

Guyed Structure means a style of Telecommunication Support Structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

Height means the distance measured from ground level to the highest point on a Telecommunication Support Structure or Alternative Telecommunication Support Structure, including all Antennas or lighting rods.

Modification means the improvement, upgrade, expansion, or replacement of wireless facilities on an existing Telecommunication Support Structure or Alternative Telecommunications Support Structure or within an existing equipment compound, including improvements, upgrades, expansions, or the replacement of any existing telecommunication Equipment, conduit, or infrastructure apparatus, provided such improvement, upgrade, expansion, or replacement does not increase the Height of the Telecommunication Support Structure. *Monopole* means a single, freestanding Telecommunication Support Structure that consists of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on the roof of a building.

Ordinary maintenance means action taken to ensure that telecommunications facilities and support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic and structural integrity; for example the strengthening of a support structure's foundation, or of the support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing telecommunications facility, and relocating the antennas of approved telecommunications facilities to different height levels on an existing Telecommunication Support Structure or Alternative Telecommunication Support Structure upon which they are currently located. Ordinary maintenance does not include modifications.

Provider means any legal entity authorized and/or engaged in the provision of Telecommunication Services.

Public Right(s)-of-Way means and includes all public streets and utility easements now or hereafter owned by or granted to the City, but only to the extent of the City's right, title, interest or authority to authorize or permit an Applicant to occupy and use such streets and easements for the erection and operation of Telecommunication Facilities.

Public Street means a street, road, highway, boulevard, freeway, lane, path, alley, court, sidewalk, parkway, or drive which is owned by a public entity or to which a public entity has an easement for street purposes, and with respect to which, and to the extent that, the City has a right to grant use of the surface of and space above and below in connection with an authorized Provider of Telecommunication Services and/or owner of Telecommunication Facilities.

Small Cell or Small Cell Installation means an antenna facility that meets the following conditions:

- (i) Mounted on structures 50 feet or less in Height, including their antennas; or
- (ii) Mounted on structures no more than 10 percent taller than other adjacent structures; or
- (iii) Do not extend existing structures on which they are located to a Height of more than 50 feet or by more than 10 percent, whichever is greater;

AND

- (iv) Each antenna, excluding associated Equipment, is no more than three cubic feet in volume; and
- (v) All wireless equipment associated with the structure, including any pre-existing associated Equipment on the structure, is no more than 28 cubic feet in volume.

Substantial Increase in Size means:

(i) Any increase in an existing Telecommunication Support Structure's Height by more than 10% or 10 feet (on private property) or 20 feet (on Rights-of-Way), whichever is greater, or width of the added appurtenances more than 20 feet on property or 6 feet on the Right-of-Way, as previously approved by the City or County, as a result of Modification or Collocation of Antennas or similar telecommunication Equipment;

(ii) An increase in the dimensions of a Telecommunication Facility's Equipment compound as approved by the City or County as a result of Modification or Collocation by more than 10%, inclusive of the increase due to placement of an additional Equipment compound or, if in the Right-of-Way, an installation of any Equipment compound where none existed prior to the Modification or Collocation;

(iii) A Modification or Collocation that will, as proposed, violated condition(s) of approval of an existing Telecommunication Facility, including any subsequently adopted amendments;

(iv) A Modification or Collocation of Equipment that, as proposed, will exceed the applicant weight limits for an existing Telecommunication Facility, as approved by the City or County;

(v) The addition of more than four (4) new Equipment cabinets or one (1) new shelter;

(vi) The excavation outside existing leased or owned property and current easements; and/or

(vii) For concealed or stealth-designed facilities, if a Modification or Collocation would defeat the concealment elements of the Telecommunication Facility or base station.

Telecommunications facility means any physical component utilized in the provision of all types of Telecommunications Services, including all Telecommunication Support Structures, Alternative Telecommunication Support Structures, Antennas, Equipment, infrastructure apparatus, based support mechanism, accessory equipment, towers, Monopoles, Small Cell Installations, and physical attachments necessary for the provision of such Telecommunication Services.

Telecommunication Facility Owner(s) means any person or entity that directly or indirectly owns, controls, operated or manages Telecommunication Facilities, including any related Equipment or property within the City, used or to be used for the purpose of offering or transmitting signals used in the provision of any Telecommunication Services.

Telecommunication Service(s) means the transmittal of voice, data, image, graphic, and video programming between or among points by wire, cable, fiber, optics, laser, microwave, radio, satellite, or other facilities. This term shall include commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange services as identified in the Telecommunications Act of 1996.

Telecommunication Support Structure means a freestanding structure that is designed to support or capable of supporting and constructed primarily for the purpose of supporting telecommunication Equipment; this term shall include self-supporting, guyed, and Monopole support structures. The term includes, and is not limited to, radio and television transmission telecommunication support structures, microwave telecommunication support structures, common-carrier telecommunication support structures, cellular telecommunication support structures, man-made trees, Alternative Telecommunication Support Structures, and other similar structures. In the Public Right-of-Way, only Telecommunication Support Structures erected for the installation of Small Cells shall be permitted.

Utility means any person, corporation, municipality, county, or other legal entity or department thereof or entity related or subordinate thereto, providing retail or wholesale electric, data, cable, or Telecommunication Services, or otherwise subject in any way to the lawful jurisdiction of the Commission.

Visual Quality means the appropriate design, arrangement, and location of Telecommunication Support Structures in relation to the built or natural environment to avoid abrupt or severe differences.

- C. *Approvals required for telecommunications facilities.* It shall be unlawful for any person to erect, install, construct, enlarge, move, alter or convert any Telecommunication Support Structure, Alternative Telecommunication Support Structure or antenna or cause the same to be done within City of Stonecrest except in accordance with the provisions of this section. In addition, except as otherwise specifically provided herein, all support structures and antennas shall also comply with all applicable regulations for the zoning district in which said support structures or antenna is located and any permits authorizing said support structures or antennas.
1. All telecommunications facilities and support structures shall require the issuance of a building permit in compliance with the administrative review processes described in this chapter. The building permit for telecommunications facilities and support structures shall be in addition to either a special administrative permit or a special land use permit if required.
 2. Telecommunications facilities and support structures permitted upon issuance of a special administrative permit by the director of planning shall be considered in accordance with the standards set forth in this chapter. A building permit for a telecommunications facilities and support structures may be applied for and considered contemporaneously with an application for a special administrative permit.
 3. Telecommunications facilities and support structures not permitted by a special administrative permit shall be permitted upon the granting of a special land use permit by the City of Stonecrest City council in accordance with the standards set forth in this chapter, before submittal for administrative review (building permit).
- D. *Exempt.* Ordinary maintenance of existing telecommunications facilities and support structures shall be exempt from zoning and permitting requirements. In addition, the following facilities are not subject to the provisions of this section:
1. Antennas used by residential households solely for broadcast radio and television reception;
 2. Satellite antennas used solely for residential or household purposes;
 3. Telecommunication facilities and support structures located on city-owned property;
 4. COWs placed for a period of not more than 120 consecutive days at any location within City of Stonecrest after a declaration of an emergency or a disaster;
 5. Television and AM/FM radio broadcast towers and associated facilities; and
 6. Small Cell facilities when located within a building interior.
- E. *Collocation of Telecommunications facilities permitted by Special Administrative Permit review.*
1. Collocation.
 - a. Collocated telecommunications facilities are permitted in all zoning districts, when located on any existing structure fifty (50) feet in height or less) subject to administrative review in accordance with the requirements of this chapter.
 - b. Collocated telecommunication facilities may exceed the maximum building height limitations within a zoning district, above the roof line of a flat roof or the top of a parapet wall to which they are attached, but shall be camouflaged or screened with an architectural feature compatible with the building. Any collocation that causes a substantial increase in size of the Telecommunication Facility and/or supporting structure shall be permitted only upon a demonstration deemed sufficient to the director of planning that such collocation will obviate the need for an erection of a new telecommunications support structure or alternative support structure in the same geographic search area (GSA), as well as all other applicable review criteria as stated in this section.

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2. The Special Administrative Permit must follow the application requirements in subsection “F” below. The director of planning must issue a written decision approving, approving with conditions, or denying the application for Special Administrative Permit for collocation within 90 days of submission of the initial application or within sixty (60) days if the proposed Collocation does not substantially increase in size the existing Telecommunication Facility or is a Collocated Small Cell Installation.
- F. Erection of new Small Cell Installations *and support structures permitted by special administrative permit.*
1. *New support structures.*
 - a. New Telecommunication Support Structures and Alternative Telecommunication Support Structures for Small Cell Installations shall be permitted in all zoning districts and Public Rights-of-Way by special administrative permit.
 - b. New Telecommunication Support Structures and Alternative Telecommunication Support Structures, from fifty (50) feet up to 199 feet in height shall be permitted by special administrative permit in the OI, OD, C-1, C-2, M and M-2 zoning districts.
 - c. Attached wireless telecommunications (AWT) Antennas are allowed in single-family residential districts, RE, RLG, R-100, R-85, R-75, R-60 and RSM. An AWT shall be located only on property that is used for nonresidential purposes, and attached to nonresidential structures. The height of the facility shall be measured to include the height of the structure. These facilities shall be permitted by special administrative permit in accordance with the requirements of this chapter.
 2. *Cell on wheels/carrier on wheels (COW) facilities.* The use of COWs shall be permitted in any zoning district after special administrative permit approval and administrative review (building permit). COWs may be placed for a period of not more than 120 consecutive days at any location within unincorporated City of Stonecrest if used during a non-emergency or special event. Placement of a COW for the purpose of providing wireless telecommunication service in connection with a special event, subject to the COWs compliance with all federal requirements, may be up to 45 consecutive days before such special event, for the duration of the event, and for up to 14 consecutive days thereafter. After a declaration of an emergency or disaster by federal or state government, by City of Stonecrest, or a determination of public necessity by the director of planning, COWs are authorized without permitting.
 4. *General standards, design requirements, and miscellaneous provisions.* Unless otherwise specified herein, all telecommunications facilities and support structures permitted by special administrative permit approval are subject to the applicable general standards and design requirements contained herein.
 5. *Special administrative permit review process.* All special administrative permit applications must contain the following:
 - a. The special administrative permit application form signed by the applicant.
 - b. A copy of a lease or letter of authorization from the owner of the property on which the telecommunications facility and support structure are or proposed to be located evidencing the applicant's authority to pursue the application. Such submissions need not disclose the financial lease terms.
 - c. Site plans detailing proposed improvements complying with the city's site plan requirements. Site plans must depict all improvements and satisfaction of all applicable requirements contained in this Code, including property boundaries, setbacks, topography, elevation sketch, landscaping, fencing, and dimensions of improvements.
 - d. Proof of and/or certified copies of any required approval, registration, and/or licensure from the Commission for any Provider of Telecommunication Services to provide such services in the State

of Georgia, where applicable, and any other required FAA, FCC, or otherwise state and federal approval, registration, and/or licensure required to erect, Modify, or Collocate the proposed Telecommunication Facility.

- e. An affirmative declaration that the Applicant shall comply with all applicable federal, state, and local laws and regulations, including all applicable provisions of the City's Code of Ordinances and conditions imposed by the City regarding the erection and maintenance of Telecommunication Facilities.
- f. In the case of a new support structure:
 - i. A statement indicating why collocation could not meet the applicant's requirements. Such statement may include justifications, including why collocation is either not reasonably available or technologically or structurally feasible, as applicable, to document the reason why collocation is not a viable option.
 - ii. The applicant shall provide a list of all the existing structures considered by it as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either reasonably unavailable, or technologically or structurally infeasible.
 - iii. Applications for new support structures with accompanying telecommunications facilities shall be considered together as one application requiring only a single application fee.
 - iv. A list of all antennas and support structures in City of Stonecrest in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of structure, the height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.
 - v. A color propagation map demonstrating the existing coverage of all telecommunications facilities owned and proposed by the applicant within the GSA.
 - vi. Current and proposed coverage map for the proposed Telecommunication Facility.
 - vii. A structural integrity analysis of a support structure shall be included where antennas and equipment will be attached to such support structure, or to establish the fall zone. Such certification and structural integrity analysis shall bear the signature and seal of a professional engineer licensed in the State of Georgia.
 - viii. A special administrative permit application fee as listed in City of Stonecrest's published fee schedule. Such fee for Small Cell Installations shall not exceed \$500 for the first five locations submitted concurrently, and \$100 for each additional location thereafter.
- g. Any other information as the director of planning may require to demonstrate full compliance with this section, all other ordinances of the City and all applicable requirements of state or federal law.
- h. Additional Requirements for Right-of-Way Applications. Applicants seeking to Modify, Collocate or erect new Small Cell Installations on any Public Right-of-Way within the municipal limits of the City shall provide the following in addition to the requirements of this subsection:
 - (i) Proof of adequate insurance or self-insurance of the Applicant to defend and cover all claims of third parties against the Applicant and/or City personnel related to the use of the Public Right-of-Way;
 - (ii) A description of the Applicant's service area, where applicable, which shall be sufficiently detailed so as to allow the City to respond to subscriber or end-user inquiries. For the

purpose of this paragraph, an Applicant providing Telecommunication Services may, in lieu of or as a supplement to a written description, provide a map on 8 ½ inch by 11 inch paper that is clear and legible and that fairly depicts the service area within the municipal limits of the City. If such service area is less than the municipal limits of the City, the map shall describe the boundaries of the geographic area to be served in clear and concise terms;

- (iii) Proof of an executed Right-of-Way Use Agreement with the City or otherwise an existence of a valid telecommunications franchise to locate utilities in the Public Rights-of-Way of the City, as applicable, in accordance with State law.

5. *Procedure.*

- a. Within 30 days of receipt of an application for special administrative permit, or within ten (10) days if for Small Cell Installations, the director of planning shall either:
 - (1) Inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or
 - (2) Deem the application complete.

If the director informs the applicant that its application is incomplete within 30 days, the overall timeframe for review is suspended until such time that the applicant provides the requested information necessary to complete the application. In case of Small Cell Installations, the first subsequent resubmittal shall restart the review period anew.

- b. An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's failure to complete the application within 60 days after receipt of written notice of incompleteness shall result in the withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted as a new application upon the filing of a new application fee.
- c. The director of planning must issue a written decision approving, approving with conditions, or denying the application for the erection of a new Telecommunication Support Structure or Alternative Telecommunication Support Structure within 150 days of the submission of the initial application , or ninety (90) days in the case of application for the erection of a new Small Cell Installation, unless the director of planning notified applicant in writing that its application was incomplete within 30 days of filing. If so, the remaining time from the applicable total review time is suspended until the applicant provides the missing information.
- d. Upon receipt of a completed application, the director of planning shall post a sign on the subject property with information concerning the name of the applicant, a short summary of what the application is requesting, and a deadline for decision. The same information shall also be published in the City's legal organ in the next available edition after receipt of a completed application.

G. *Special land use permit review process.*

- 1. Erection of a new telecommunications facility, and new support structure, located in a medium to high density residential district, or NS and OIT, from 51 to 150 feet in height (except for an attached wireless telecommunication facility) shall meet the requirements of this chapter and shall be approved by a special land use permit subject to:
 - a. The submission requirements below;
 - b. The applicable standards below; and
 - c. The requirements of the special land use permit general requirements provided in this chapter.
- 2. Submission requirements for special land use permit applications.

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- a. All special land use permit applications for telecommunications facilities must contain the following:
- i. The special land use permit application form signed by applicant.
 - ii. A copy of a lease or letter of authorization from the property owner evidencing applicant's authority to pursue the special land use permit application. Such submissions need not disclose the financial lease terms.
 - iii. A legal description of the parent tract, the leased parcel and any associated easements, as applicable.
 - iv. A scaled site plan clearly indicating the location, type and height of the proposed Telecommunication Support Structure or Alternative Telecommunication Support Structure to be utilized, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines and residential structures (if located on adjacent property), elevation drawings of the proposed support structure, design of the support structure and facility and how visible obtrusiveness is reduced, accessory structure and any other structures, topography on-site and of surrounding property, existing streams, wetlands and floodplains, and other information deemed necessary by the director of planning to assess compliance with this section.
 - v. A letter of intent providing a detailed narrative regarding the proposed facility, including the needs it is intended to meet, the area to be served, design characteristics, collocation alternatives, nature of uses on adjacent properties, and any other information deemed necessary by the director of planning to provide an adequate description of the proposal.
 - vi. A radio frequency study including a description of the area of coverage, capacity and radio frequency goals to be served by the proposed facility, and the extent to which such proposed facility is needed for coverage or capacity needs. The study shall include all planned, proposed, in-service or existing sites operated by the applicant in or near the boundaries of and a color propagation study demonstrating the existing coverage of all telecommunications facilities owned and proposed by the applicant within the GSA. The study shall also demonstrate that the proposed height is the minimum necessary to achieve the required coverage. The study shall bear the signature of a qualified radio frequency engineer and certify that all emissions from any Antenna on the Telecommunication Support Structure will comply with FCC frequency emissions standards..
 - vii. Certification that the telecommunications facility, the foundation and all attachments are designed and will be constructed to meet all applicable local codes, ordinances, and regulations, including any and all applicable city, state and federal laws, rules, and regulations and will not interfere with public safety communications or the usual and customary transmission or reception of radio, television, or other Telecommunication Services enjoyed by adjacent properties.
 - viii. Line-of-sight diagram or photo simulation, including a balloon test, showing the proposed support structure set against the skyline and viewed from at least four directions within the surrounding areas.
 - ix. A list of all Telecommunication Support structures and Alternative Telecommunications Support Structures in the City of Stonecrest in which the applicant has an ownership interest or use agreement. The list shall include the location, the type of structure, the height of the structure, the number of facilities located on the same structure, and the number of facilities for which collocation would be available under existing conditions.

- x. A statement indicating why collocation is not feasible. Such statement shall include:
 - (1) Such technical information and other justifications as are necessary to indicate the reasons why collocation is not a viable option; and
 - (2) A list of the existing structures considered by the applicant as possible alternatives to the proposed location and a written explanation why the alternatives considered were structurally deficient or otherwise unsuitable.
- xi. A statement certifying that the support structure will be made available for collocation to other service providers at commercially reasonable rates.
- xii. Notification to surrounding property owners as required by this chapter.
- xiii. A special land use permit application fee as listed in City of Stonecrest's published fee schedule.
- ix. Proof of and/or certified copies of any required approval, registration, and/or licensure from the Commission for any Provider of Telecommunication Services to provide such services in the State of Georgia, where applicable, and any other required FAA, FCC, or other State and Federal approval, registration, and/or licensure required to erect the proposed new Telecommunication Support Structure or Alternative Telecommunication Support Structure.

3. *Procedure.*

- a. Within 30 days of the receipt of an application for special land use permit, the director of planning shall either:
 - (1) Inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or
 - (2) Deem the application complete.

If the director informs the applicant in writing that its application is incomplete within 30 days, the overall timeframe for review is suspended until such time that the applicant provides the requested information necessary to constitute a complete application.
- b. If an application is deemed incomplete, the applicant may submit additional materials to complete the application. An applicant's unreasonable failure to complete the application within 60 days after receipt of written notice of incompleteness shall result in the withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.
- c. A complete application for a special land use permit shall be scheduled for a hearing date as required by City of Stonecrest.
- d. The posting of the property and public notification of the application shall be accomplished in the same manner required for any special land use permit application under this chapter.
- e. The director of planning must provide the applicant with a written decision of the city council approving, approving with conditions, or denying the request within 150 days of the submission of the initial application unless the director of planning notified applicant in writing that its application was incomplete within 30 days of filing. If so, the remaining time from the 150-day total review time is suspended until the applicant provides the missing information in writing.

H. *General standards and design requirements.*

1. *Design.*

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- a. Support structures shall be subject to the following:
 - i. Designed to accommodate a minimum number of collocations based upon their height, as follows:
 - (i) Support structures less than 100 feet in height shall be designed to support at least two antenna arrays;
 - (ii) Support structures between 100 and 150 feet shall be designed to support at least three antenna arrays; and
 - (iii) Support structures greater than 150 feet in height shall be designed to support at least four antenna arrays.
 - ii. The compound area surrounding the support structure must be in the minimum size to accommodate accessory equipment for the appropriate number of collocations.
 - iii. Property leased or purchased for the purpose of a telecommunication facility is not required to have minimum road frontage or lot area of the zoning district. However, the applicant must demonstrate access to a public road via an access easement.
 - b. Upon request of the applicant, the director of planning may waive the requirement that new support structures accommodate the collocation of other service providers if the director of planning determines that collocation at the site is not essential to the public interest and that the construction of a shorter support structure with fewer antennas would minimize adverse impact on the community. Additionally, the director may reduce the required size of the compound area if it can be demonstrated that the proposed compound is of sufficient size to accommodate the required number of collocations.
2. *Setbacks.*
- a. Property lines. Unless otherwise stated herein or on public Right-of-Way, new support structures shall be set back from all property lines a distance of the fall zone plus 20 feet, or if adjacent to property zoned residential, the greater of:
 - (a) The fall zone plus 20 feet; or
 - (b) 100 feet.
 - b. Residential dwellings. There shall be no setback requirement from dwellings located on the same parcel as the proposed structure.
 - c. Unless otherwise stated herein, all accessory equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district and any overlay district. Accessory equipment associated with an existing or replacement utility pole shall not be subject to setback requirements.
 - d. The zoning board of appeals shall have the authority to vary any required setback upon the request of the applicant if:
 - i. The applicant provides a letter stamped by a certified structural engineer licensed in the State of Georgia documenting that the proposed structure's fall zone is less than the requested setback; and
 - ii. The proposed telecommunication support structure or alternative support structure is consistent with the purposes and intent of this division.
3. *Height.*

- a. In nonresidential districts, support structures shall be designed to be the minimum height needed to meet the service objectives of the applicant, but in no event shall exceed 199 feet in height as measured from the base of the structure to its highest point, excluding any appurtenances.
 - b. In medium and high density residential districts, stealth support structures shall not exceed 150 feet. Stealth support structures shall be measured from the base of the structure to the top of the highest point, excluding appurtenances. Any proposed stealth support structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.
 - c. In all zoning districts, the zoning board of appeals shall have the authority to vary the height restrictions listed in this section upon the request of the applicant and a satisfactory showing of need for a greater height. With its variance request the applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the zoning board of appeals.
4. *Aesthetics.* Amateur radio Telecommunication Support Structures, or receiver-only Antennas, shall not be subject to the provisions of this subsection unless such structures exceed thirty-five (35) feet in Height.
- a. Lighting and marking. Telecommunications facilities or support structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). If lighting is required, the City may review the available federally-approved lighting alternatives and approve the design that would cause the least disturbance to the surrounding area.
 - b. Signage. Signs located at the telecommunications facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.
 - c. Landscaping. The visual impacts of a Telecommunication Facility and support structure shall be mitigated by landscaping. Unless located in heavily wooded areas, or on Public Rights-of-Way, Telecommunications Facilities shall be landscaped with a landscape buffer which effectively screens the view of the facility from all sides. The use of existing plant material and trees shall be preserved to the maximum extent practicable and may be used as a substitute for, or in supplement towards, meeting landscaping requirements.
 - d. Landscape buffers shall be a minimum of ten feet in width and located outside the fenced perimeter of the Telecommunications Facility compound.
 - e. All landscaping shall be of the evergreen variety and shall conform to the city's buffer standards.
 - f. Telecommunication Support Structures and Antennas shall either maintain a galvanized steel outer shell or, subject to any applicable standards of the FAA and FCC, shall be painted a neutral color so as to reduce visual obtrusiveness.
 - g. All Telecommunication Support Structure sites and related structure designs shall use materials, colors, textures, screening, and landscaping that will blend the Telecommunication Facilities to the natural setting and surrounding environment.
 - h. For Antennas erected on an Alternative Telecommunication Support structure, the Antenna and supporting electrical and mechanical ground Equipment shall be a neutral color so as to make the Antenna and related Equipment as visually unobtrusive as is reasonable.
 - i. Telecommunication Support Structures in the Public Right-of-Way must be substantially similar in appearance to adjacent light poles or other similar structures so as to blend in to same, including any design requirements of the adjacent zoning or overlay district. All Equipment associated with

a Telecommunication Support Structure in the Public Right-of-Way that are not placed on the Structure itself must either be located on adjacent private property, buried underground, or both. Any such Equipment placed on the Structure itself must be on the side of the Structure facing away from the Public Right-of-Way, if at all physically possible.

5. *Accessory equipment, including any buildings, cabinets or shelters.*
 - a. Accessory equipment shall be used only to house equipment and other supplies in support of the operation of the on-site telecommunication facility or support structure.
 - b. Any equipment not used in direct support of such on-site operation shall not be stored on the site.
 - c. Accessory equipment must conform to the setback standards of the applicable zoning districts. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required by the director of planning in order to accomplish the purposes and goals of this section.
6. *Stealth design telecommunications facilities.*
 - a. Any telecommunications facility that otherwise complies with the requirements of this chapter, including procedural approvals, may be designed as a stealth telecommunication facility.
 - b. Stealth telecommunication facilities are mandatory in medium and high-density residential districts and shall not exceed one hundred fifty (150) feet in height. All towers in medium and high-density residential districts must be approved by a special land use permit.
 - c. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.
- I. *Sound provision.* No sound emanating from the facility generator during normal operations shall be audible above 70 decibels which would allow normal conversation within 15 feet of the compound.
- J. *Pre-existing Facilities.* Any pre-existing Telecommunication Facility which does not meet the requirements of this section shall be considered nonconforming and subject to the nonconforming use provisions of the zoning ordinance; provided, however, that the installation of a new Antenna on a pre-existing Telecommunication Support Structure shall not constitute the expansion of a nonconforming use provided that (a) the new Antenna does not result in a Substantial Increase in Size and (b) the resulting Height of the pre-existing Telecommunication Support Structure is less than the maximum Height the Telecommunication Support Structure previously approved by the City.
- K. *Annual Registration of Telecommunication Facilities.* The owner of any Telecommunication Facility shall submit an annual registration of such Facility on such forms as the director of planning shall prescribe. Each annual registration shall identify the tax parcel identification and physical street address for the parcel on which such Telecommunication Facility is located. Each annual registration of such Telecommunication Facility shall describe all Telecommunication Support Structures, Alternative Telecommunication Support Structures, Antennas, and other Telecommunication Equipment on the site, describe in detail any improvements during the preceding calendar year, and, for Telecommunication Support Structures only, state the total gross income from all improvements on the site for the preceding calendar year. Each annual return shall be filed with the City on or before April 1st of each year and shall be accompanied by an annual administrative fee in an amount as established by the Mayor and Council.
- L. *Principal or Accessory Use.* A Telecommunication Support Structure and/or Antenna is considered a principal use if located on any parcel as the sole or primary structure, and is considered an accessory use if located on a parcel shared with a different existing primary use or existing structure. An existing use or structure on the same parcel shall not preclude the installation of an antenna or Telecommunication Support Structure. For purposes of determining whether the erection of a Telecommunication Support Structure or Antenna complies with the requirements of the zoning district in which it is located (including, but not limited to, all

setback and buffer requirements), the dimensions of the entire parcel shall control, even though the Antenna or Telecommunication Support Structure may be located on a leased area within the dimensions of such parcel.

- M. Inventory of Existing Sites for New Telecommunication Support Structure or Alternative Telecommunication Support Structure Applications.
1. The City shall maintain an itemized list of all Telecommunication Support Structures or Alternative Telecommunication Support Structures, active and inactive, which are located within the municipal limits of the City. This list shall include specific information about the location (latitude and longitude coordinates), Height, design, Telecommunication Support Structure type and general suitability for Antenna co-location of each Telecommunication Support Structure and authorized Alternative Telecommunication Support Structures, and other pertinent information as may be decided by the City.
 2. To facilitate collocation of Antennas, each Applicant seeking to erect a new Telecommunication Support Structure or Alternative Telecommunication Support Structure, or to modify any such existing structure, shall provide to the City an itemized list of its existing Telecommunication Support Structures and authorized Alternative Telecommunication Support Structures as provided for below. Applicants seeking to erect an amateur radio Telecommunication Support Structure or Antenna less than thirty-five (35) feet in Height shall be exempt from this provision.
 3. Each Applicant seeking to erect a new Telecommunication Support Structure or Alternative Telecommunication Support Structure or to modify existing support structures shall provide the City with an itemized list, including all of the following: a complete listing of all Applicant-owned Telecommunication Support Structures that are within the municipal limits of the City or within one-quarter (1/4) mile of the municipal limits of the City; with respect to each listed Telecommunication Support Structure, specific information, including the location (latitude and longitude coordinates), Height, design, structure type, and general suitability for Antenna collocation; and other pertinent information as may be required by the director of planning. The City shall share such information with any other Applicant under this section or any other organization or governmental entity seeking to locate a Telecommunication Facility within the municipal limits of the City, provided, however, that the City shall not, by sharing such information, in any way be deemed to have represented or warranted that such sites are available or suitable.
 4. An application, with the exception of an application to erect an amateur radio telecommunication support structure or Antenna less than thirty-five (35) feet in Height as set forth herein, shall not be considered complete without the itemized list required in this subsection.
- N. Documentation from Applicable Regulatory Agencies and Review for Aviation Purposes. Any applicant for the erection of a Telecommunication Facility governed by this section shall demonstrate compliance with all FAA and FCC regulations with respect to prior approval, registration and/or licensure of a proposed Telecommunication Facility. No building permit shall be issued until an Applicant has received approval from the FAA and/or registered the proposed facility with the FCC where required and provided copies of all applicable approvals, registrations, and/or licenses to the City. In the alternative, Applicants may demonstrate that such prior authorization and/or registration is not required to be accompanied by a sworn affidavit asserting same. All Telecommunication Facilities must meet or exceed current standards and regulations of the FAA, the FCC, the Commission, and any other agency of the federal government authorized to regulate such facilities.
- O. Building Codes; Safety Standards. To ensure structural integrity of Telecommunication Facilities, the owner, permittee, or subsequent lessee of a Telecommunication Support Structure or Alternative Telecommunication Support Structure shall ensure that all applicable Telecommunication Facilities on such site are maintained in compliance with standards contained in applicable local building codes. If, upon inspection, the City concludes that an applicable Telecommunication Facility fails to comply with all governing codes and standards, or constitutes a danger to persons or property, then upon receipt of written

notice by the owner, permittee, or lessee of such a facility, the recipient shall have fifteen (15) days to bring the Telecommunication Facility into compliance with such standards. If the owner, permittee, or lessee fails to bring the Telecommunication Facility into compliance within the 15-day period, the City may, at the direction of the City Manager, remove the non-compliant Telecommunication Facility at the owner, permittee, or lessee's expense. Prior to the removal of any telecommunication facility, the City may consider detailed plans submitted by the owner, permittee, or subsequent lessee for repair of substandard Telecommunication Support Structures, and may grant a reasonable extension of the above-referenced compliance period. Any such removal by the City shall be in the manner provided in O.C.G.A. §§ 41-2-7 through 41-2-17.

P. Change of Ownership or Control Notification. Upon the transfer of ownership or control of any Telecommunication Facility, the party transferring such ownership or control shall notify the City of the transaction in writing within thirty (30) days.

Q. Revocation or Termination of Permit.

Any authorization to erect or operate Telecommunication Facilities may be revoked for the following reasons:

- (1) Erection or operation of Telecommunication Facilities at an unauthorized location;
- (2) Misrepresentation or lack of candor by or on behalf of a Grantee in any representation to the City;
- (3) Abandonment of applicable Telecommunication Facilities;
- (4) Failure to pay required reasonable fees or costs, as may be required in this section;
- (5) Failure to meet any provision of the annual registration requirement in this section;
- (6) Failure to pay required reasonable fees or costs for access and use of Public Rights-of-Way, as may be required in this section; and
- (7) Violation of a material provision of the City's Code of Ordinances or violation of a material condition set forth in any permit or authorization to erect and operate Telecommunication Facilities.

R. Access to the Public Right-of-Way.

- (a) Fees for Access to Public Rights-of-Way. Pursuant to O.C.G.A. §46-5-1(b)(9) and in accordance with applicable state law, Providers of Telecommunication Services and Applicants governed by this section shall provide the City due compensation for use of, and access to, a Public Right-of-Way, equal to no more than three (3) percent of actual recurring local service revenues received by a Provider from its retail, end user customers located within the municipal limits of the City, and no more than three (3) percent of actual recurring revenues from the lease of governed Telecommunication Facilities. Such compensation shall not be assessed in a discriminatory fashion with respect to the Telecommunication Services to be provided or transmitted by or through a proposed Telecommunication Facility, in accordance with applicable state law. Said compensation for the use of the Public Right-of-Way shall be paid by the Applicant to the City within thirty (30) days after the end of each calendar quarter. Included with any such application for the installation of Antennas on existing structures or the erection of structural poles so as to accommodate such Antennas in Public Rights-of-Way, the Applicant shall demonstrate to the director of planning that the Applicant possesses a Certificate of Authority from the Georgia Public Service Commission. Those Applicants that do not hold such certification are subject to the rules and regulations of other wireless Applicants including tower companies and carriers. For those Applicants without end-user customers from which said percentage is calculated shall be required to execute a Right-of-Way Use Agreement with the City which shall set out fees for access thereto.
- (b) Maintenance. A Telecommunication Facility erected in a Public Right-of-Way shall be maintained in good condition, as determined by the City. Maintenance of such a Telecommunication Facility shall

include, but not be limited to, the structural integrity of all Telecommunication Support Structures, Alternative Telecommunication Support Structures, Antennas, Equipment compounds, Equipment cabinets, painting, irrigation systems, buffer areas, and landscaping, to the extent applicable.

- (c) Restoration of Public Rights-of-Way and City Property. When a Grantee authorized to construct Telecommunication Facilities in the Public Rights-of-Way, or any person acting on behalf of a Grantee, does any work affecting any Public Right-of-Way or City Property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such Public Right-of-Way or City Property to as good a condition as existed before the work was undertaken, unless otherwise directed by the City. Restoration will be consistent with standards required by the City.
 - (d) Grantee Insurance for Use of Public Right-of-Way. Unless otherwise provided by the City, any Applicant, as a condition of the grant of authorization to erect Telecommunication Facilities in a Public Right-of-Way, shall secure and maintain comprehensive insurance policies insuring both the Applicant and the City, and its officers, appointed officials, agents, employees, and assigns as coinsured. Such insurance coverage shall include general liability insurance, automobile liability insurance, worker's compensation insurance, employer's liability insurance and premises-operations insurance. Such insurance shall be maintained throughout the duration of the Applicant's authorization to own or operate a Telecommunication Facility in an applicable Public Right-of-Way.
 - (e) Indemnification. Each Applicant shall, upon receiving authorization from the City to erect or Modify Telecommunication Facilities in a Public Right-of-Way, and to the greatest extent permitted by law, expressly undertake to defend, indemnify, and hold the City and its officers, appointed officials, agents, employees, and assigns harmless from and against any and all damages, losses, and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless, or wrongful acts, omissions, failures to act, or misconduct of the Applicant, its affiliates, officers, employees, agents, contractors, or subcontractors in the construction, operation, maintenance, repair, or removal of any Telecommunication Facilities in Public Rights-of-Way, whether such acts are authorized, allowed, or prohibited by this section.
 - (f) Transfer of Authorization to Erect, Own, and Operate Telecommunication Facilities in Public Rights-of-Way. Control of an authorized Telecommunication Facility in a Public Right-of-Way may not, directly or indirectly, be transferred, assigned, or disposed of by sale, lease, merger, consolidation or other act of a Grantee, by operation of law or otherwise, without prior consent of the City, which shall not be unreasonably withheld or delayed. A Grantee and the proposed assignee or transferee of an existing permit to erect and operate a Telecommunication Facility in a Public Right-of-Way shall provide and certify, via sworn affidavit, the following information to the City not less than ninety (90) days prior to the proposed date of such transfer or assignment of control:
 - (1) Information setting forth the nature, terms, and conditions of the proposed transfer or assignment of ownership and/or control;
 - (2) With respect to the transferer/assignee, all information as outlined in subsection "F" of this section;
 - (3) Any changes to information provided to the City, as set forth in subsection "F" of this section; and
 - (4) Any other information reasonably required by the director of planning.
- S. Limitations on Municipal Authority. In regulating the erection and maintenance of Telecommunication Facilities, whether located on private lands or in Public Rights-of-Way, the City shall not:

- (a) Condition the approval of any application for a new Telecommunication Support Structure or Alternative Telecommunication Support Structure on a requirement that a Modification or Collocation to such structure be subject to a review inconsistent with this section;
 - (b) Required the removal of an existing Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Telecommunication Facility as a condition of approval of an application for a new Telecommunication Facility unless such existing Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Telecommunication Facility is abandoned and owned by the Applicant;
 - (c) Require the Applicant to place an Antenna or other Equipment on publicly owned land or on a publicly or privately owned water tank, building, or electric transmission tower as an alternative to the location proposed by the Applicant.
- T. Fees. The fees levied and charged for all persons and businesses subject thereto shall be set forth on a schedule which may be amended from time to time by resolution of the Mayor and Council, a copy of which shall be maintained on file in the City Clerk's office and with the director of planning. Said fees are levied and assessed in addition to any business or occupational taxes assessed and levied under the City Code. Applications for Small Cell Installations, whether collocation or erection of new infrastructure, shall not be charged more than \$500 for up to the first five (5) locations requested concurrently, and \$100 for each additional location therefrom. The City shall not seek reimbursement from an Applicant for fees, consultation fees, registry fees, audit fees, or otherwise payment in connection with an application subject to this section on a contingency fee arrangement.
- U. Bond Requirement for new Telecommunication Support Structures. Prior to the issuance of a permit for the erection of a Telecommunication Support Structure or Alternative Telecommunication Support Structure, an Applicant shall procure a bond or an irrevocable letter of credit in an amount not less than twenty-five thousand dollars (\$25,000.00) conditioned upon the removal of the Telecommunication Support Structure or Alternative Telecommunication Support Structure, should it be deemed abandoned under the provisions set forth in this section. Such bond or letter of credit (a) shall be renewed at least every two (2) years during the life of the Telecommunication Support Structure, (b) shall not expire unless the City is given sixty (60) calendar days' prior written notice, (c) shall include the name, address, telephone number, and contact for the provider of bond or letter of credit and (d) in the case of a bond, shall include the statement that the provider of the bond is listed in the latest issue of the U.S. Treasury Circular 570.
- V. Non-Discrimination. In evaluating any application governed by this section, the City shall not unreasonably discriminate among telecommunication providers of functionally equivalent services and technical capabilities and/or deny an application based solely on the financial status of an Applicant, type of Telecommunication Services to be provided should a prospective application be approved, and/or the content of telecommunications to be provided by and/or through proposed Telecommunication Facilities.
- W. Inspections.
- (1) Whenever inspections of the premises used for or in connection with a Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Antenna are provided for or required by ordinance, or are reasonably necessary to ensure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the Applicant, or the person(s) responsible for the premises to be inspected, to admit thereto for the purpose of making the inspection any officer, agent, or employee of the City who is authorized or directed to make such inspection, at any reasonable time that admission is requested.
 - (2) In addition to any other penalty which may be provided, the permit granted to any Applicant who refuses to allow any authorized officer, agent or employee of the City to make any inspection provided for in subsection (a) hereinabove, or who interferes with such officer or employee while in the

performance of his duty in making such inspection may be suspended or revoked at the reasonable discretion of the director of planning.

- X. Penalties for Violation. In addition to the other remedies available to the City for violation of this section set forth herein or in any other applicable provisions of the City Code, the municipal court of the City, after notice to the Applicant or permittee and hearing, may impose a civil fine for failure to comply with the provisions of this section or a sentence not to exceed sixty (60) days. Such a civil fine shall not exceed one thousand dollars (\$1,000.00) per day and may be enforced by the contempt power of the court. In addition, the Applicant or permittee shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this subsection shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation of this section.
- Y. Appeals of Decisions of the Mayor and Council. Appeals of the decisions of Mayor and Council under this section shall be by writ of certiorari to the Superior Court of DeKalb County in accordance with State Law.
- Z. *Miscellaneous provisions.*
 - 1. *Fencing.*
 - a. Ground-mounted accessory equipment and support structures shall be secured and enclosed with a fence to a height of at least six feet.
 - b. Fencing shall be decorative, including brick or concrete columns.
 - c. The director of planning may waive the requirement of subsection (j)(1)a. of this section if it is deemed that a fence is inappropriate or unnecessary at the proposed location in order to accomplish the purposes and goals of this section.
 - 2. *Neighborhood identity.* If located in residential area, towers may incorporate features that identify neighborhoods, such as banner arms or monuments.
 - 3. *Abandonment and removal.* If a support structure is abandoned, the director of planning may require that the support structure be removed, provided that the director of planning must first provide written notice to the owner of the support structure and give the owner the opportunity to take such actions as may be necessary to reclaim the support structure within 60 days of receipt of said written notice. In the event the owner of the support structure fails to reclaim the support structure within the 60-day period, the owner of the support structure shall be required to remove the same within six months thereafter at the owner's expense. The city shall ensure and enforce removal by means of its existing regulatory authority.
 - 4. *Multiple uses on a single parcel or lot.* Telecommunications facilities and support structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.
- AA. *Telecommunications facilities and support structures in existence on the date of adoption of this chapter.*
 - 1. Telecommunications facilities and support structures that were legally permitted nonconforming uses on or before the date the ordinance from which this chapter is derived was enacted shall be considered a legal, lawful use, subject to the nonconforming use regulation in this chapter and state law.
 - 2. Ordinary maintenance may be performed on a nonconforming support structure or telecommunications facility.
 - 3. Collocation or modifications of telecommunications facilities on an existing nonconforming support structure shall not be construed as an expansion, enlargement or increase in intensity of a nonconforming structure and/or use and shall be permitted through the administrative approval of a building permit process.

(Ord. of 8-2-2017, § 1(4.2.57)) [TM0D-19-004]

Sec. 4.2.58. Party Houses

- A. A Single-Family Residential Property may only be utilized as a "Party House" by Special Administrative Permit in the "RE" and "RLG" zoning districts and only on lots with at least 300 feet of frontage on a public street and a primary structure no less than 4,000 square feet in area.
- B. An event defined as a "Party House" may only be conducted inside the primary structure and/or in a completely fenced back yard.
- C. With exception of traditional internal lighting and porch lights, no other illumination may be utilized during a "Party House" event, including, but not limited to, strobe lighting, disco-ball light, spotlight or any other light used to draw attention to the structure.
- D. Any music utilized for the "Party House" event must be contained solely inside the primary structure and shall be subject to the applicable provisions of the City's Noise Ordinance contained in Chapter I 8, Article VII of the City Code.
- E. In addition to a Special Administrative Permit, the owner of each "Party House" cannot have such an event at the residence without acquiring an occupation tax certificate from the City. A Special Administrative Permit and Occupation Tax Certificate for a "Party House" may only be granted to the owner of the property.
- F. Event guests at a "Party House" must park only on the designated driveway or on the public street directly in front of the residential lot on which the event is taking place, on the same side of the street, and only for the length of the street frontage directly abutting the property.
- G. A qualifying event at a "Party House" may not continue past 11 p.m. on Sunday - Thursday, or midnight on Friday-Saturday or any Federal Holiday.
- H. Neither a Special Administrative Permit nor an Occupation Tax Certificate may be granted to any property for a "Party House" that is located within 2000 feet of any City or County park facility, senior housing or public or private school, or be within 1,000 feet of more than 2 other residential lots.
- I. No alcohol may be sold during a qualifying event of a "Party House" and no more than one (1) drink may be included as part of a cover charge for said event. For purposes of this provision, one drink shall be either a 12 oz. malt beverage, 12 oz. glass of wine or an alcoholic drink featuring no more than 1.5 oz. of any distilled spirit.
- J. A Special Administrative Permit and Occupation Tax Certificate for a "Party House" shall authorize the owner of the property no more than ten (10) such qualifying events in any calendar year.

[TMOD-19-005]

Sec. 4.2.59. 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. In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain not less than 70 square feet of floor area, and every room occupied for sleeping purposes two occupant shall contain at least 120 additional square feet of floor area. Maximum occupancy limits for any overnight guests must not exceed two guests for every bedroom located in the STVR.
- D. Every bedroom shall have a window facing directly and opening to the outdoors.

- E. Every bedroom shall have access to not less than one water closet and lavatory without passing through another bedroom. Every bedroom in an STVR shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.
- G. There shall also be provided at least one off-street parking space for each bedroom used as a part of the STVR.
- H. No signs or advertising are permitted to identify or advertise the existence of the STVR, beyond those otherwise allowed for the residential property.
- I. 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.
- J. A diagram depicting two evacuation routes shall be posted on or immediately adjacent to every required egress door.
- K. No individual renting a STVR shall use the STVR for a special event, party, or temporary outdoor event. No owner or operator of a STVR shall permit a STVR to be used for a special event, party, or temporary event.
- L. It shall be unlawful to establish, operate, or cause to be operated a STVR in the city within 500 feet of another STVR, bed and breakfast, boarding house, home stay bed and breakfast residence, hotel/motel, hotel/motel extended stay, personal care home, or child caring institutions. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two uses.

(Ord. No. 2018-09-01, § 1, 9-17-2018)

Sec. 4.2.60. Smoking Lounges

Smoking Lounges shall be subject to the following restrictions:

- A. Smoking of hookah in any establishment that serves alcohol or food shall be prohibited.
- B. Hours of operation shall not extend past 11:00 p.m.
- C. Shall not serve patrons under the age of 19 or as restricted by Georgia statute.

Sec.4.2.61. Eating and Drinking Establishments that also operate another use

Any establishment that serves food and drink, but which also operates as another use under Chapter 4 (the Alcohol Code) with separate parking regulations shall follow the parking regulations in Chapter 27 applicable to that use.

DIVISION 3. TEMPORARY USE REGULATIONS

Sec. 4.3.1. Temporary outdoor uses; general requirements.

- A. Temporary outdoor uses shall not be held, unless the necessary special administrative permit is obtained from the planning department, subject to the provisions of article 7 of this chapter, and any other applicable agency which may require review prior to issuance of permits.
- B. Any applicant for a permit for temporary outdoor use shall have the written authorization of the owner of the property to use the property for the specific event for which the application was submitted.
- C. All applicants for a permit for temporary outdoor use shall obtain a business license, if applicable.
- D. All approvals, permits, or licenses granted under this division must be displayed in a conspicuous manner on the premises at all times for inspection by City of Stonecrest.
- E. No temporary outdoor use may be located within or encroach upon any drainage easement, public sidewalk or right-of-way, fire lanes, designated loading areas, driveways, maneuvering aisles, or ADA minimum four-foot sidewalk width within private sidewalks or other areas intended for pedestrian movement.
- F. Temporary signage is permitted subject to the size and height standards in accordance with chapter 21, signs.
- G. No operator, employee, or representative of the operator of a temporary outdoor use shall solicit directly from the motoring public.
- H. Any temporary outdoor uses which have not complied with this division shall be a violation of this section. Any person or entity found to be in violation of this section may be punished as provided for in article 7 of this chapter.
- I. No temporary outdoor use shall be conducted within any public right-of-way unless permitted by public entity.
- J. Merchandise shall only be displayed in a manner that does not obstruct pedestrian or vehicular circulation or flow of traffic.
- K. Merchandise shall only be displayed in an area not wider than 50 percent of the total linear frontage of the building occupied by the merchant.
- L. The premises for a temporary outdoor use shall be restored to a sanitary condition, i.e., cleaned and cleared of all litter, trash and debris; and all equipment, materials, signs, temporary power poles, etc., associated with the temporary outdoor use shall be removed from the property within two days of the last day specified for such use, except for yard sales. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within 24 hours of conclusion of the sale.

(Ord. of 8-2-2017, § 1(4.3.1))

Sec. 4.3.2. Duration, frequency and hours of operation of temporary outdoor uses.

The maximum duration, frequency and hours of operation for temporary outdoor uses shall be limited as shown in Table 4.3, below:

Table 4.3. Temporary Outdoor Uses Operational Requirements

Operational requirement maximums for temporary outdoor uses				
Temporary Use	Duration	Frequency	Hours of Operation	Special Administrative Permit Required?
Christmas tree sales	Nov. 15 through Jan. 1		Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Pumpkin and Halloween sales	Sept. 15 through Oct. 31		Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Charitable/non-profit event	7 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary Produce stand	One full year	Year round	Daylight hours only	Yes
All other seasonal sales	3 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary outdoor retail sales display	30 consecutive days	4 times/calendar year	Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Temporary outdoor event	14 consecutive days		Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Yard sales	3 consecutive days	Once/6 months	Daylight hours only	No
Farmer's Markets	Year Round	3 consecutive days per month or one day per week	Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes

(Ord. of 8-2-2017, § 1(4.3.2))

Sec. 4.3.3. Temporary outdoor seasonal activities.

Temporary outdoor seasonal activities include the sale of retail merchandise associated only with recognized seasonal and federal holidays, the sale of farm produce, Mother's Day, Easter, and Valentine's Day, subject to the following regulations:

- A. *Use regulations.*
 1. A special administrative permit shall be required, for all temporary outdoor seasonal activities.
 2. Events or sales of retail merchandise not customarily associated with seasonal or federal holidays or farm produce is prohibited.
 3. Produce stands in residential areas shall only be located on property of nonresidential uses such as churches, schools, or recreational areas.

B. *Lot and parcel restrictions.*

1. A temporary outdoor seasonal activity may be held on a vacant parcel if within a nonresidential zoning district.
2. A temporary outdoor seasonal activity may be held on parcels where the temporary outdoor seasonal activity is not associated with the principal use of the property.
3. Temporary outdoor seasonal activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress.
4. All exterior lighting utilized in conjunction with temporary outdoor seasonal activities shall be directed downward to minimize glare on adjacent properties.
5. Spotlights and high-temperature process lighting for temporary outdoor seasonal activities are prohibited.

C. *Setback and structure requirements.*

1. All temporary outdoor seasonal activities, including installation or erection of associated temporary display and sales structures, shall not be within any public right-of-way, and no display or sales area shall be located within 25 feet of the street.
2. Tents over 200 square feet and canopies over 400 square feet shall require issuance of a building permit and approval by the fire marshal.
3. A sign may be erected on the property in accordance with chapter 21, sign ordinance, for the duration approved by the administrative permit.

(Ord. of 8-2-2017, § 1(4.3.3))

Sec. 4.3.4. Temporary outdoor retail sales displays.

Temporary outdoor retail sales displays and related outdoor storage activities include the exhibition or representation of goods, merchandise, materials, or other items sold or bought at a retail establishment in which the items are displayed or sold outside the confines of a wholly enclosed building, and which are associated with the principal use of an existing business. Temporary outdoor retail sales displays shall not include events for which no business license is required (e.g., cookie sales). Temporary outdoor retail sales displays shall be subject to the following regulations.

A. *Use regulations.*

1. A special administrative permit must be approved in accordance with the provisions of article 7 of this chapter.
2. Temporary outdoor retail sales displays shall include the display and sale of retail merchandise associated only with the principal use of the primary business on the property for a limited period of time.
3. Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service or event, shall also be considered part of the temporary outdoor retail sales display.
4. Sales transactions associated with the temporary outdoor retail sales display shall be conducted by employees of the principal use, and goods shall be owned by the owner or tenant of the principal use, not a consignment operation or temporary arrangement with a transient merchant/vendor.

5. Sales transactions associated with the temporary outdoor retail sales display must be consummated inside the building housing the principal use located on the site.
- B. *Lot and parcel restrictions.*
1. Goods and merchandise may be displayed on public sidewalks only when a sidewalk abuts the store or building. Displays on public or private sidewalks shall not interfere with pedestrian travel, and the minimum ADA-required sidewalk width clearance shall be maintained.
 2. Temporary outdoor retail sales display activities are prohibited on a vacant parcel.
 3. Temporary outdoor retail sales display activities shall be conducted only on a paved surface, unless approved by the director.
 4. Temporary outdoor retail sales display activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress and are not permitted within areas required, set aside or designated for loading and maneuvering areas, emergency access ways, driving aisles and driveways.
 5. Property zoned M (Light Industrial) and M2 (Heavy Industrial) are exempt from subsections (b)(1) and (b)(2) of this section and the duration limits (Table 4.3). An administrative use permit is required, and duration of use is subject to the approval of the director.
- C. *Setback and display requirements.*
1. All temporary outdoor retail sales display activities, including installation or erection of associated temporary display and sales structures, and stand-alone merchandise, display tables, or display racks, must be set back at least ten feet from a city or state right-of-way.
 2. A temporary shade structure, tent, tilt-up, umbrella or covering may be erected as a part of the temporary outdoor retail sales display activity. Mobile buildings are prohibited. Tents over 100 square feet shall require issuance of a building permit.
 3. Display tables, racks or shelves may be used as part of a temporary outdoor retail sales display activity.
 4. Temporary outdoor retail sales display items, excluding shade structures, tents, tilt-ups, umbrellas or coverings, shall not exceed six feet above grade.
 5. A sign may be erected on the property in accordance with chapter 21, sign ordinance, for the duration approved by the administrative permit.

(Ord. of 8-2-2017, § 1(4.3.4))

Sec. 4.3.5. Temporary outdoor sales or events.

Temporary outdoor sales or events may include temporary art shows, carnival rides, special outdoor social or religious event, entertainment, athletic events, rodeos, horseshows, and other events of community interest.

- A. *Use regulations.* Temporary outdoor sales or events shall be governed by the following regulations:
1. Site conditions.
 - a. Employees shall be uniformed and identified.
 - b. Security or off-duty police officers shall be on-site during operating hours.
 - c. Portable toilets or access to bathrooms shall be provided.
 - d. Approval from the property owner.

- e. Traffic Control Plan must be approved by the fire marshal's office.
- 2. If the temporary outdoor event involves structures that require issuance of a building permit, a site plan of the event shall be included with the building permit application. The site plan submittal required by article 7 of this chapter shall indicate compliance with all zoning ordinance requirements.
- B. *Lot and parcel restrictions.* Temporary outdoor event activities shall be set back at least 100 feet from any residential district or use.
- C. *Temporary sites for worship.* The establishment of sites and tents for temporary worship conducted on a site not designated as a place of worship requires the grant of a special administrative permit by the director of planning.

(Ord. of 8-2-2017, § 1(4.3.5))

[TMOD-22-001]

Sec. 4.3.6. Yard sales.

- A. Yard sales may be conducted without a permit on private property, but shall not be conducted within the public right-of-way.
- B. Goods sold at yard sales must originate as the legal property of the homeowner, other persons participating in the sale, or members of a participating organization. Goods shall not include any items purchased for resale at the yard sale.
 - 1. Two temporary signs are permitted during the yard sale, provided that such signs shall be on private property with permission of the owner, not within the public right-of-way or attached to a utility pole. Signs must be removed immediately following the conclusion of the sale.
 - 2. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within 24 hours of conclusion of the sale.

(Ord. of 8-2-2017, § 1(4.3.6))

Sec. 4.3.7. Temporary buildings, use and construction of.

Except where herein otherwise specifically permitted, temporary buildings, such as a mobile home or trailer, shall not be allowed in any district except:

- (1) For caretaker's residence in the industrial districts;
- (2) To serve as a home sales office for a subdivision only during such time as a subdivision is under development; or
- (3) In conjunction with construction work or pending completion of a permanent building for a period concurrent with approved land disturbance and building permits.

Such temporary buildings shall be sited and permitted in any district upon approval of the director of planning through a special administrative permit. Such temporary buildings shall be removed when the construction has been completed.

(Ord. of 8-2-2017, § 1(4.3.7))

ARTICLE 5. SITE DESIGN AND BUILDING FORM STANDARDS

All development shall comply with this article's site, design, and building form standards, in addition to the requirements in article 2 of this chapter, zoning districts, and chapter 14, land development.

(Ord. of 8-2-2017, art. 5)

DIVISION 1. BLOCK AND LOT REQUIREMENTS

Sec. 5.1.1. Blocks.

- A. *Intent.* The intent of this section is to have the lengths, widths and shapes of blocks in residential subdivisions designed with due regard to:
1. Provision of building sites suitable to the special needs of:
 - a. The building form contemplated;
 - b. The conservation of open space; and/or
 - c. Existing historic features.
 2. Zoning requirements for lot sizes and dimensions;
 3. Needs for convenient access by pedestrians and bicyclists to public transit, nearby schools, and commercial districts, vehicular circulation at safe speeds and adequate access for emergency vehicles;
 4. Limitations of, and opportunities for, topography to minimize land disturbance and erosion;
 5. Connectivity standards in section 5.3.2.
- B. *Block length.*
1. When blocks are subdivided by new streets or created as part of a new development, including mixed-use, the minimum length of resulting new blocks shall be 200 to 300 linear feet.
 2. The maximum block length for new subdivisions in the Suburban Neighborhood character area is 600 linear feet.
- C. *Blocks and pedestrian access.* If a new development provides for a path with an easement through a block:
1. An easement for pedestrian use only shall be at least five feet wide.
 2. An easement for pedestrian and bicycle use shall be at least ten feet wide.

(Ord. of 8-2-2017, § 1(5.1.1))

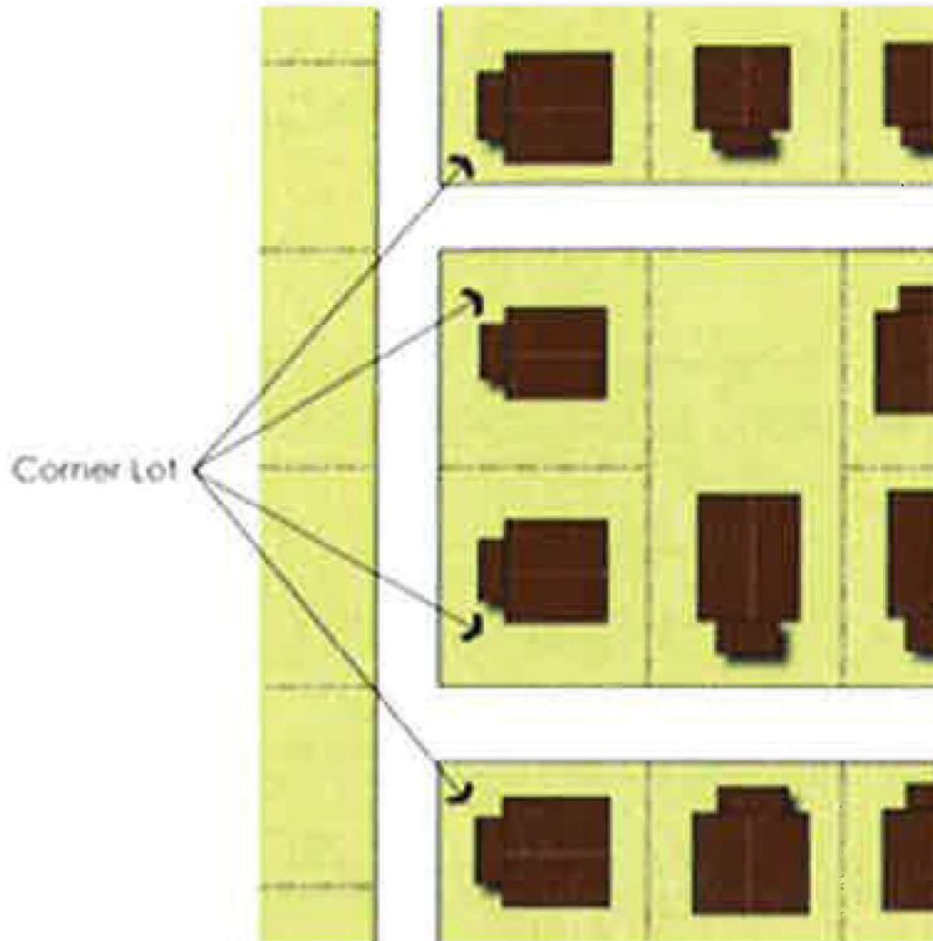
Sec. 5.1.2. Lots.

All lots shall conform to the minimum requirements for the zoning district in which such lot is located, to all applicable requirements of this article, and the requirements of chapter 14 of the Code. In the event of a conflict between the provisions of this chapter and chapter 14 of the Code with respect to regulation of lots, the provisions of this chapter shall prevail.

(Ord. of 8-2-2017, § 1(5.1.2))

Sec. 5.1.3. Lots, access.

Each lot shall have vehicular access to a public or approved private street, or, in the case of townhouses, fee simple condominiums or cottage lots, to an alley or private internal drive, provided the overall townhouse or cottage development site provides access to a public street. In new subdivisions with three or more single-family detached or single-family attached units, lots on minor or major thoroughfares with lot frontages less than 100 feet shall have driveway access via shared driveways.



(Ord. of 8-2-2017, § 1(5.1.3))

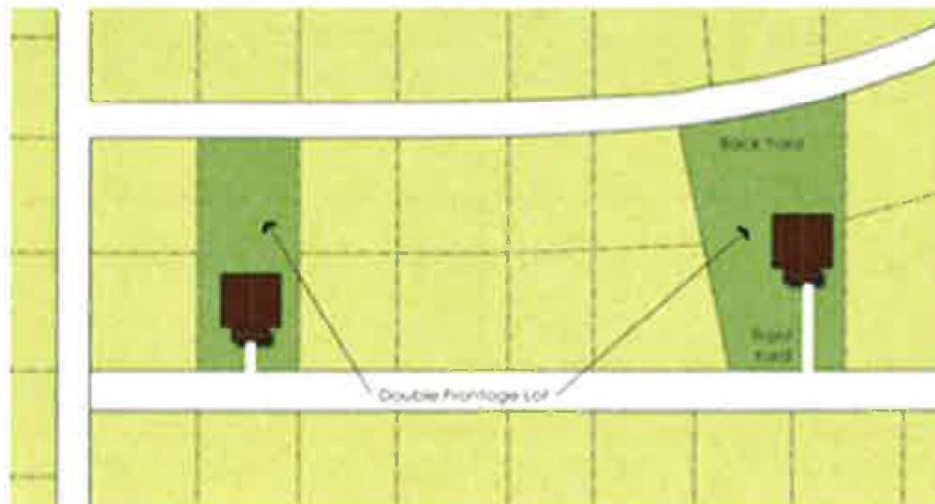
Sec. 5.1.4. Lots, corner.

- A. *Front yard building setback.* On corner lots, the lot frontage with the shortest distance to a public right-of-way shall be designated as the front yard, and development shall comply with front yard building setback requirements of the zoning district in which the lot is located.
- B. *Side corner yard.* Once the front of a corner lot is determined pursuant to subsection A. of this section, the remaining side adjacent to a street is the side corner yard.

- C. *Side corner yard building setback.* The minimum side corner yard building setback on corner lots shall be as designated by the zoning district regulations in article 2 of this chapter. Unless otherwise restricted, buildings may face either the front or side corner.
- D. *Lot width.* The minimum width of corner lots with residential uses shall be increased by 15 feet above the minimum width required for the zoning district in which the lot is located.
- E. *Side corner yard for nonconforming residential.* The side corner yard building setback in residential districts may be reduced to 60 percent of the minimum front yard building setback in the zoning district if:
 - 1. The lot is a legal nonconforming lot; and
 - 2. The lot does not abut a thoroughfare.

(Ord. of 8-2-2017, § 1(5.1.4))

Sec. 5.1.5. Lots, double frontage.



Double Frontage Lot

- A. Lots which adjoin public streets in both the front and rear shall provide the minimum required front yard setback on each street.
- B. For the purposes of front yard regulations, there shall be only one front yard designated, depending on which street the front of the house is built to face.
- C. Driveway access on double frontage lots shall be limited to one street only. A ten-foot, no-access easement shall be provided along the frontage of the street not used for a driveway.

(Ord. of 8-2-2017, § 1(5.1.5))

Sec. 5.1.6. Every use must be upon a lot of record.

No building or structure shall be erected and no use shall be established unless upon a lot of record.

(Ord. of 8-2-2017, § 1(5.1.6))

Sec. 5.1.7. Buildings on single-family and duplex lots.

On all single-family detached and two-family residential lots, only one principal building, together with its permitted accessory structures and uses, shall occupy each lot.

(Ord. of 8-2-2017, § 1(5.1.7))

Sec. 5.1.8. Multiple principal buildings on a lot.

Multiple principal buildings with nonresidential uses, mixed-uses and mixed attached or multi-dwelling residential uses (triplex, duplex, condominium, apartment) may be established on a single unified lot, provided that all other provisions of this article 5 and this chapter are met.

(Ord. of 8-2-2017, § 1(5.1.8))

Sec. 5.1.9. Minimum lot size and minimum lot width.

A. No lot shall be created that fails to meet the minimum lot size and minimum lot width for the zoning district in which the lot is located as established in article 2 of this chapter, except as otherwise provided in article 8 of this chapter.

B. Flag lots are prohibited.

(Ord. of 8-2-2017, § 1(5.1.9))

Sec. 5.1.10. Maximum lot coverage.

No lot shall be developed to exceed the maximum allowable coverage by buildings, structures, driveways or parking areas, or any other impervious surface specified for the zoning district in which the lot is located. In addition to the maximum impervious surface amount, pervious materials may be added up to a maximum amount of 15 percent of the total lot area for non-vehicular uses only, such as walkways, patios and pool decks.

(Ord. of 8-2-2017, § 1(5.1.10))

Sec. 5.1.11. Street frontage for lots.

All lots shall meet the minimum street frontage requirements of the zoning district in which the lot is located.

(Ord. of 8-2-2017, § 1(5.1.11))

Sec. 5.1.12. Lots served by wells and septic tanks; sewer and water connections.

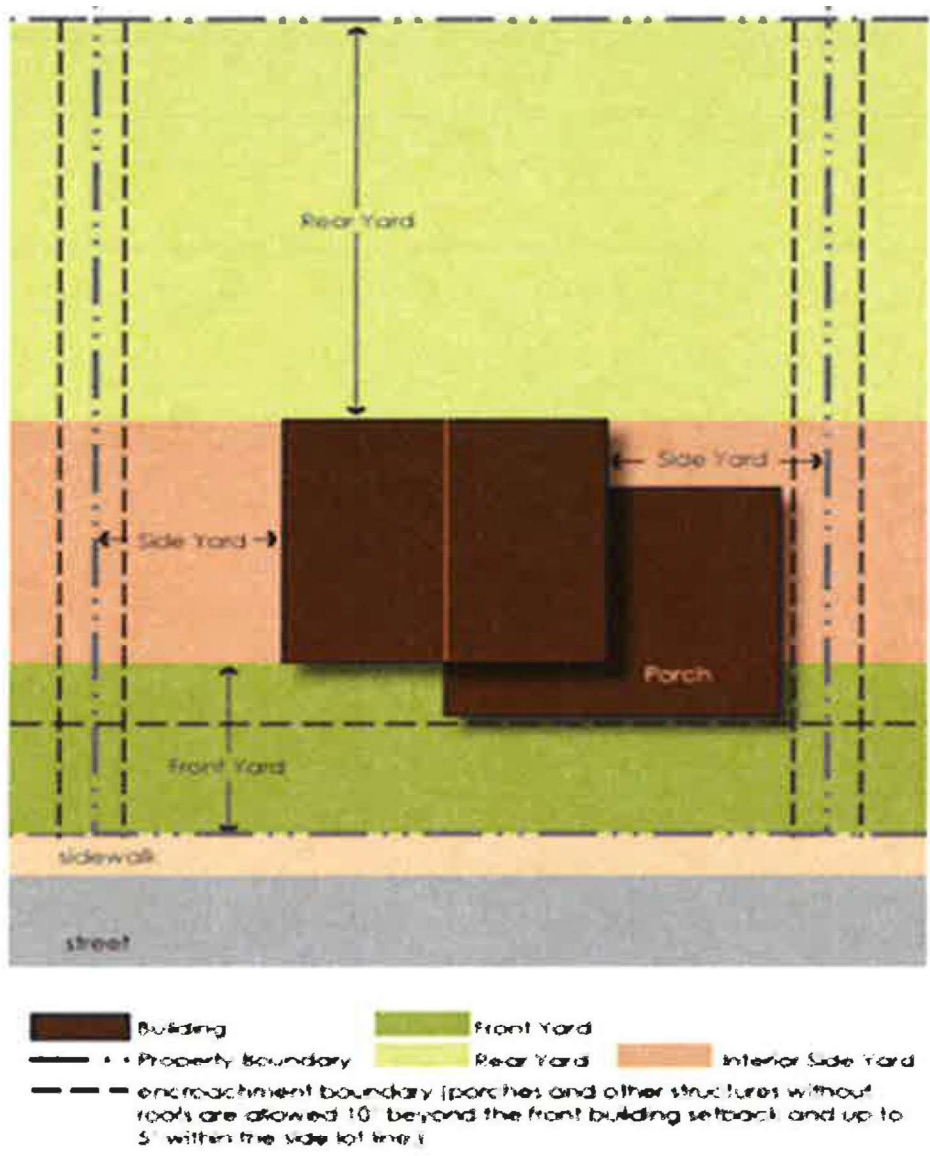
A. Any lot that is to be served by an individual well or septic tank shall have an area of not less than that required by state and DeKalb County health regulations. The site location on the lot of the facility shall be approved by the county board of health in accordance with applicable board of health regulations.

B. Sewer and water facilities and connections shall be approved by the director of planning.

(Ord. of 8-2-2017, § 1(5.1.12))

DIVISION 2. GENERAL YARD AND MEASUREMENT PROVISIONS

Sec. 5.2.1. Minimum required yards and building setbacks.

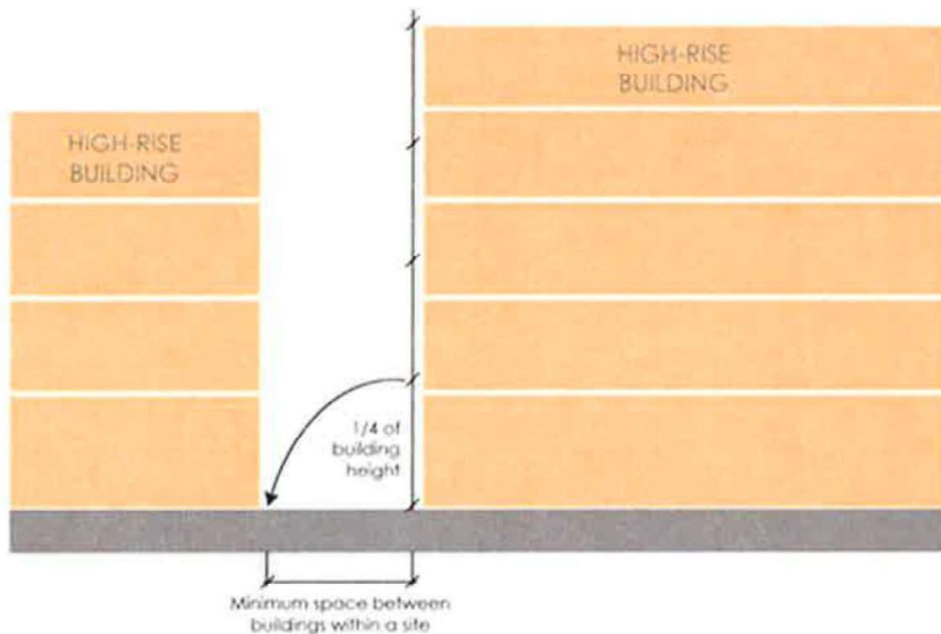


Projections into Yards

A. Projections into yards.

1. Every part of a required yard shall be open to the sky and unobstructed except for the ordinary projections of sills, belt courses, cornices, eaves, awnings, chimneys, buttresses and other ornamental and architectural features, provided that these features do not project more than three feet into any required yard and do not encroach on other lots or rights-of-way.

2. An open, unenclosed porch, balcony or hard-surfaced terrace, steps, stoops and similar fixtures of a building may project into a required front yard or rear yard for a distance not to exceed ten feet, and into a side yard to a point not closer than five feet from any lot line.
 3. Enclosed porches may encroach for a distance of up to eight feet into the front or rear yard, but shall be no closer than five feet from the side property line.
- B. *Spacing between buildings.* For single-family attached buildings and multifamily buildings:
1. Building shall be separated a distance as required by the International Codes Council (ICC).



High-rise multifamily spacing

- C. *Setback averaging.* When a vacant lot located in a zoning district authorized for single-family detached dwellings is proposed for development, and is located where at least 60 percent of the other lots on the same block face are occupied by single-family detached dwellings, then setback averaging shall apply. Where setback averaging applies, the minimum front setback for the vacant lot to be developed shall be the average of the actual front setbacks of the existing dwellings adjacent to the vacant lot and on the same blockface. Where application of setback averaging would require that the proposed dwelling be located closer to the street than the otherwise applicable minimum front setback for the zoning district where the vacant lot is located, then setback averaging shall not be applied. Where application of setback averaging would make it impossible for the proposed dwelling to comply with the applicable zoning district's rear yard setback requirement, then the proposed dwelling may be constructed closer to the street, up to the minimum front setback required in the subject zoning district, only to the extent necessary to satisfy the minimum rear yard setback requirement. If the actual front setbacks of the existing dwellings on the adjacent lots on the same blockface as the vacant lot differ from each other by more than 30 feet, then the minimum front setback for the vacant lot shall be the actual front setback of the dwelling closest to the street.

(Ord. of 8-2-2017, § 1(5.1.1))

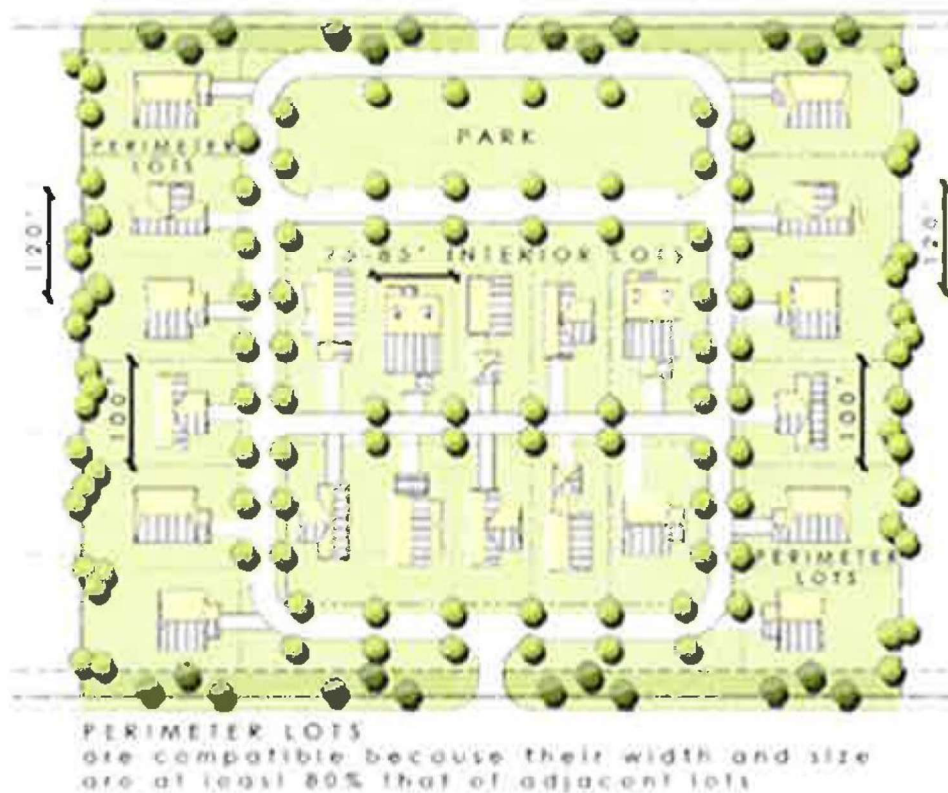
Sec. 5.2.2. Minimum floor area per dwelling unit.

- A. No new dwelling unit shall have less than the minimum floor area of the applicable zoning district specified in article 2 of this chapter.
- B. No existing dwelling unit shall be reduced in size so that its floor area is less than the minimum floor area for a dwelling unit established by the applicable zoning district specified in article 2 of this chapter.

(Ord. of 8-2-2017, § 1(5.1.2))

Sec. 5.2.3. Compatibility of new and existing subdivisions.

- A. Lot size variability. Lots created as part of a new or redeveloped single-family detached subdivision, containing 20 or more lots, shall be compatible with existing developed single-family lots to which they are adjacent as described in subsection B. of this section.
- B. Compatibility of new lots with adjacent lots shall be demonstrated by at least two of the following:
 - 1. The lot width of the new lot is at least 80 percent of the lot width of an adjacent existing subdivision lot;
 - 2. The lot size of the new lot is at least 80 percent of the lot size of an adjacent existing subdivision lot or eight-tenths of an acre, whichever is less;
 - 3. The new lot provides a minimum transitional buffer of 20 feet;
 - 4. The lot depth of the new lot is at least 20 feet deeper than the depth of the adjacent existing lot.
- C. Calculations for measuring compatibility:
 - 1. Only lots with existing residential structures adjacent to the proposed development will be used in the calculation.



Perimeter Lot Diagram

(Ord. of 8-2-2017, § 1(5.1.3))

Sec. 5.2.4. Transitional height plane.

A transitional height plane shall apply to commercial or multifamily buildings that is either:

- (1) Adjacent to; or
- (2) Separated by a street with a width of 50 feet or less from any property zoned RE, RLG, R-60, R-75, R-85, R-100, MHP, RNC or RSM.

No portion of a commercial or multifamily structure shall protrude into a transitional height plane. The transitional height plane shall begin at a point 35 feet above any setback or transitional buffer line, whichever is furthest from the property line, and then extend at an upward angle of 45 degrees over the lot of the commercial or multifamily building.

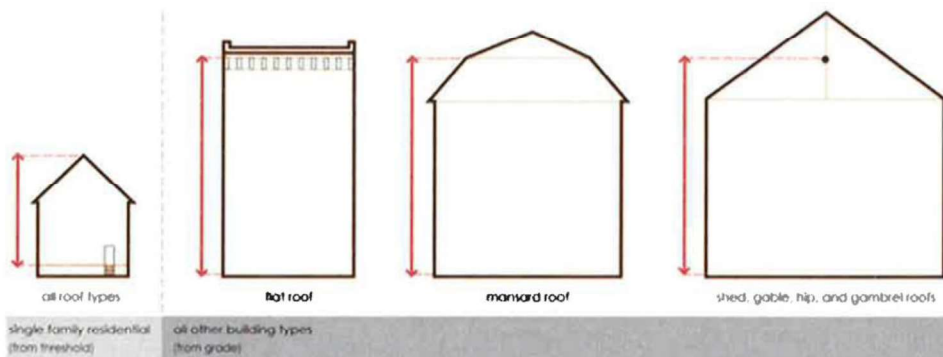


Transitional Height Plane Diagram

(Ord. of 8-2-2017, § 1(5.1.4))

Sec. 5.2.5. Height measurement requirements and thresholds.

- A. Building height of all structures other than single-family detached dwellings shall be measured from average finished grade (determined by averaging the elevations of finished grade around the entire footprint of the structure) to the top of the highest roof beams on a flat roof, to the deck level on a mansard roof, and to the average distance between the eaves and the ridge level for gable, hip, shed and gambrel roofs.
- B. Building height for single-family detached dwellings shall be measured from the front-door threshold of the structure to the highest point of the roof of the structure. Threshold means the top of the subfloor in the opening that is designated as the front door of a dwelling.
- C. Reserved.
- D. Elevation of single-family detached dwelling thresholds. The following standards shall apply to single-family detached dwellings:
 - 1. *Replacement of a single-family detached dwelling.* If new construction of a single-family detached dwelling would require alteration or eradication of the threshold of a previously existing residential structure, the proposed front door threshold elevation for the new single-family detached dwelling shall not be more than two feet higher than the front door threshold elevation of the previously existing residential structure, which shall be measured and certified by a licensed surveyor or engineer.
 - 2. *Construction on vacant or undeveloped lot.* If no dwelling previously existed on the lot, the threshold shall be no higher than the average elevation of the existing natural grade at the front building line.
 - 3. *Sewer conditions.* If the existing residence or lot is not connected to county sewer and if an applicant for a building permit establishes that the minimum threshold height prevents gravity flow connections to county sewer, the director of planning may grant an administrative variance to allow the threshold height to be up to five feet above the threshold of the previously existing residence in order to allow for gravity flow into the existing sewer tap. Should a greater increase in threshold height be required, a variance from the zoning board of appeals must be obtained in accordance with the process set forth in article 7 of this chapter.
 - 4. *Topographical conditions.* If exceptional topographical restrictions exist on the subject lot that were not created by the owner or applicant, then the director of planning may grant an administrative variance to allow the threshold to be up to three feet above the threshold of the previously existing house.



Building Height Measurement

- E. Height requirements.
1. The maximum height of a new single-family detached dwelling shall comply with the requirements of Table 2.2.
 2. The height limitations established in this chapter shall not apply to the following:
 - a. Barns, silos or other similar structures when located on farms; belfries, steeples, cupolas and domes; chimneys; and flagpoles.
 - b. Bulkheads, elevator penthouses, rooftop mechanical equipment, water tanks and scenery lofts and similar structures, provided that these structures shall not cover more than 25 percent of the total roof area of the building on which the structures are located.
 - c. Telecommunications towers and antennas otherwise permitted by this chapter by special administrative permit or permitted by special land use permit by the city council pursuant to section 4.2.57.
 - d. Any single-family detached dwelling that exceeds the building height limitations set forth in subsection E.2.a. of this section and has been damaged by fire or other act of nature may be reconstructed to its verifiable original height.
 - e. When an undeveloped single-family lot is located within a platted subdivision in which at least 60 percent of the lots have had certificates of occupancy issued for single-family detached homes that exceed the building height limitations set forth in subsection E.(1) of this section, a single-family detached residential structure built on the undeveloped single-family lot may be built to a maximum height equal to the average building height of the existing single-family detached homes within the same block in which the undeveloped single-family lot is located.
 - f. Rooftop mechanical equipment, vent pipes, lightning rods, solar panels, and/or wind vanes that are less than six feet in height measured from top of roof adjacent to such structure.

(Ord. of 8-2-2017, § 1(5.1.5))

DIVISION 3. SUPPLEMENTAL STREET REGULATIONS AND TRAFFIC IMPACT

Sec. 5.3.1. Design standards by street type.

Public and private streets shall be designed according to standards for street classification established in chapter 14 of the Code, except as otherwise provided in section 5.7.6 of this chapter.

(Ord. of 8-2-2017, § 1(5.3.1))

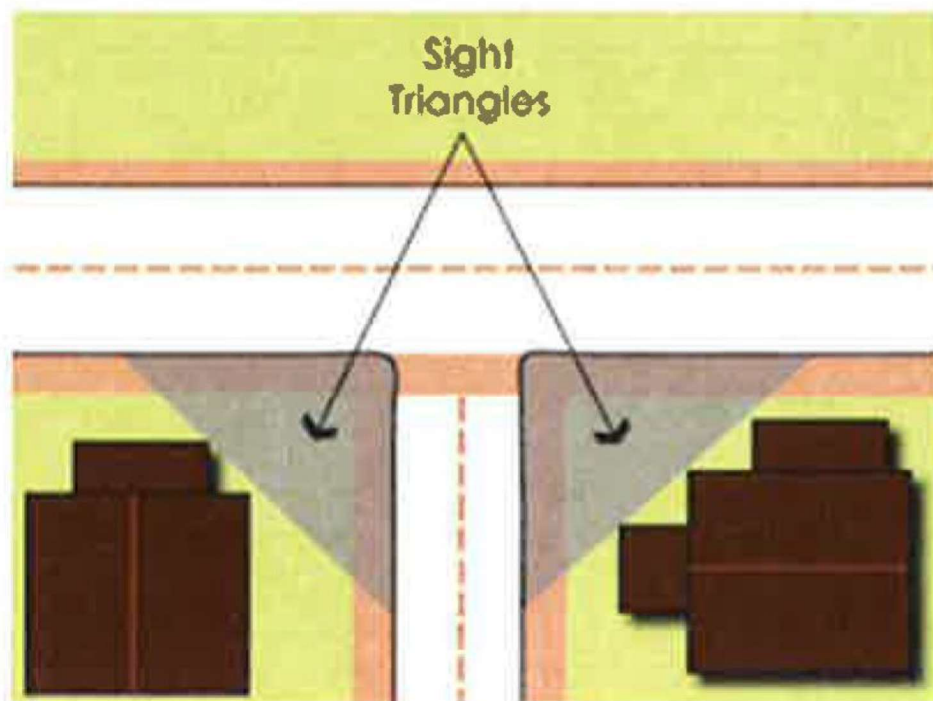
Sec. 5.3.2. Street connectivity.

- A. *Connectivity measures.* New streets shall be designed to create an interconnected system of grid-patterned roads, modified only to accommodate topographic conditions. Each new street shall connect to the existing street grid.
- B. *Pedestrian connectivity.* Common areas shall be connected by pedestrian pathways in accordance with section 5.1.1.C.
- C. *Small area transportation plan conformity.* New streets shall demonstrate conformance with the intent of any and all city adopted transportation plans, thoroughfare plans and subarea plans.

- D. *Waivers.* The requirements of subsections A. and B. of this section may be waived by the director of planning in accordance with article 7 of this chapter and as provided below:
1. Waivers may only be granted for hardships resulting from unusual topography or when access constraints or other requirements imposed by city departments impede compliance.
 2. As part of the waiver request, the applicant shall prepare and submit a site plan, drawn to scale and showing the existing public and private street network, and shall provide an explanation as to how the proposed street plan supports the intent of this section to design an interconnected system of grid-patterned roads.

(Ord. of 8-2-2017, § 1(5.3.2))

Sec. 5.3.3. Sight visibility triangles.



Sight Triangles

- A. No structure, fence, wall, sign, hedge or planting, or any similar improvement will be permitted to obstruct the sight lines or visibility of motorists and/or pedestrians at any intersection of public or private streets or at any driveway intersection with a public or private street. All intersecting streets and driveways must meet the intersection and stopping sight distance requirements as outlined in the American Association of State Highway and Transportation Officials' (AASHTO's) A Policy of Geometric Design of Highways and Streets, current edition.
- B. For the purposes of this section, obstructions shall be prohibited if any part thereof is more than 30 inches and less than eight feet above local streets and driveways, or more than 30 inches and less than 12 feet above any street classified as collector or higher.
- C. Properties requiring GDOT approvals shall also comply with GDOT standards for sight visibility triangles and sight distances.

(Ord. of 8-2-2017, § 1(5.3.3))

Sec. 5.3.4. Traffic impact study.

A traffic impact study, the scope of which shall be determined by the director of the planning department or his designee, necessary to establish the impact of a development project on the surrounding roads and what improvements may be available to mitigate such impacts, is required for any rezoning, special land use permit, sketch plat, and land disturbance or building permit applications for projects reasonably expected to meet any of the following criteria:

- A. Multifamily development with over 300 new units at build-out;
- B. Single-family developments with over 200 new lots or units at build-out;
- C. Retail developments with over 125,000 gross square feet (GSF);
- D. Office developments with over 200,000 GSF;
- E. Medical office developments with over 55,000 GSF;
- F. Industrial/warehouse developments with over 280,000 GSF, employing more than 650 workers, or covering more than 200 acres;
- G. Any mixed-use development which could reasonably expect to generate 2,000 or more gross daily trips; or
- H. Special traffic generating uses, including truck stops, quarries, landfills, stadiums, etc. which would require development of regional impact review.

(Ord. of 8-2-2017, § 1(5.3.4))

Sec. 5.3.5. Traffic calming features.

New subdivisions may provide a traffic calming structure for every 500 feet of road length. Traffic calming structures, curves and other traffic calming features are subject to the approval of director of the planning department, or his designee, which approval shall be given where the proposed traffic calming structure or traffic calming feature is designed in such a way as to reduce traffic speeds to a reasonably safe speed for the location.

(Ord. of 8-2-2017, § 1(5.3.5))

DIVISION 4. STREETScape AND LANDSCAPING REQUIREMENTS

Sec. 5.4.1. Purpose and intent.

The requirements and regulations for landscaping in the City of Stonecrest are a critical public concern that are necessary in order to preserve and enhance property values, the aesthetic beauty of the city, and the safety and general welfare of its residents. The intent of landscape regulations is to:

- A. Provide buffering between non-compatible land uses.
- B. Protect, preserve, and promote aesthetic appeal and scenic beauty.
- C. Reduce noise pollution and air pollution.
- D. Reduce stormwater run-off, erosion and degradation of water quality.
- E. Filter and reduce glare from artificial light sources.

- F. Provide shaded areas along streets and in parking areas.
- G. Reduce solar heat islands.

(Ord. of 8-2-2017, § 1(5.4.1))

Sec. 5.4.2. Applicability.

- A. *New developments, principal building or use.* The requirements and regulations for streetscape and landscaping apply to principal buildings, new developments or open uses of land constructed or established after the effective date of this zoning ordinance.
- B. *Change of use, expansions or reconstruction.* Where a change of use, expansion to, or reconstruction of an existing building or site improvements (such as parking lots) impact streetscape and/or landscape improvements, the landscaping requirements shall apply only to the area disturbed in the development process.
- C. *Publicly-owned buildings.* To the extent allowed by law, the requirements and regulations for streetscape and landscaping apply to improvements to land owned by public agencies except utility rights-of way or easements.

(Ord. of 8-2-2017, § 1(5.4.2))

Sec. 5.4.3. Streetscape elements and dimensions.

All development shall comply with the streetscape element requirements described below and in Table 5.1. Topping of canopy trees within this section is prohibited.

- A. *Streetscape dimensions and placement.*
 - 1. *New streets.*
 - a. *Applicability.* New streets shall be constructed with continuous streetscape zones on both sides of the street, beginning from back of curb.
 - b. *Streetscape zone elements for new streets.* The streetscape zone on new streets shall consist of a landscape strip, a sidewalk, and, when required per Table 5.1, a supplemental zone.
 - c. *Sidewalks.* Sidewalks shall be provided between the landscape strip and the supplemental zone, as required in Table 5.1 and the figures following the table.
 - d. *Landscape strips.*
 - i. Landscape strips shall be located between the curb and the sidewalk.
 - ii. Landscape strips shall be designed with street trees and pedestrian scale streetlights as required in Table 5.1 and the figures following the table.
 - iii. See subsection C. of this section for planting and materials requirements.
 - iv. Large scale retail has additional landscape standards adjacent to streets as provided in section 5.7.8.
 - e. *Supplemental zone.* New streetscape zones in nonresidential areas shall provide a supplemental zone outside the right-of-way on a private easement. Private easement agreements shall be submitted to the director of planning. See subsection D. of this section.

(2) *Improvements on existing streets.*

- a. *Applicability.* New development and redevelopment occurring on existing streets shall provide a streetscape zone on the side of the street where the development takes its access.
- b. *Streetscape zone elements for existing streets.*
 - i. The streetscape zone for existing streets shall consist of a minimum of 11 feet along the existing shoulder, as indicated in Table 5.1.
 - ii. The streetscape zone for existing streets shall consist of a landscape strip and a sidewalk, as shown in Table 5.1 and the figures following the table.
- c. *Sidewalk and landscape strip dimensions.* The width and location of sidewalks and landscape strips shall be determined by the director of the planning department or his designee, based on GDOT standards, if applicable, and compatibility with existing sidewalks and utilities.
- d. *Landscape strips.*
 - i. Landscape strips shall be located between the curb and sidewalk, and/or between the sidewalk and the property line. The required total width of the landscape strip may be distributed on either side of the sidewalk so as to accommodate existing infrastructure.
 - ii. Landscape strips shall be designed with street trees and pedestrian scale streetlights as shown in Table 5.1 and the figures following the table.
 - iii. See subsection C. of this section for planting and materials requirements.
 - iv. Large-scale retail has additional landscape standards as provided in section 5.7.8.
- e. *Programmed road improvement projects.* If DeKalb County, the City of Stonecrest, or GDOT has a programmed road improvement project along the frontage to be developed, then the streetscape shall be constructed consistent with the design standards for such road improvements plans.
- f. *Administrative variance.* The director of planning shall have the power to grant administrative variances for streetscape requirements on existing streets upon written request by the property owner and compliance with article 7 of this chapter based on a finding that the requirement of the subsection A.2. of this section would have a significant adverse effect on the historic pattern or cannot be met due to circumstances beyond the control of the applicant, including, but not limited to,
 - i. Inadequate right-of-way;
 - ii. Conflicting standards between this section and GDOT design standards;
 - iii. Unique topographic or subsurface conditions;
 - iv. Need to relocate existing utilities.

B. *Sidewalks and interior walks.*

- 1. Sidewalks shall be paved in concrete and paver accents approved by the director of planning and kept clear and unobstructed for the safe and convenient use of pedestrians.
- 2. Sidewalks shall adhere to ADA guidelines.

3. Sidewalks shall be continued across intervening driveways by continuation of the sidewalk paving materials or other methods of differentiation.
 4. Where newly constructed sidewalks abut existing sidewalks, the newly constructed sidewalk shall provide safe transition of pedestrian traffic flow to the adjacent sidewalks. Development that disturbs existing sidewalks on another property shall replace disturbed areas to their pre-disturbance state and condition.
 5. For uses other than single-family residential, safe and convenient paved pedestrian pathways shall be provided from sidewalks along streets to each building entrance, including pedestrian access routes to parking decks and through parking lots and between adjacent buildings, transit stops, street crossings within the same development. All such pathways shall have a minimum width of three feet.
- C. *Landscape strip materials and maintenance.*
1. *Required mix of materials.* Landscape strips in the streetscape zone shall be planted with a variety of deciduous, over story and understory trees. Species of shrubs, flowering plants, grass and other ground covers, which are well adapted to the local climate, may be included in the landscape strip.
 2. *Sidewalks.* Sidewalks shall be paved in concrete and paver accents approved by the director of planning and kept clear and unobstructed for the safe and convenient use of pedestrians.
 3. *Pedestrian crossing.* Landscape strips may include brick, concrete, or granite pavers where on-street parking is provided or regular pedestrian crossing of the landscape strip is reasonably anticipated to occur.
 4. *Maintenance.* Required landscape strips shall be established and maintained by the owners. Topping of canopy trees is prohibited.
 5. *Permanent structures.* Permanent structures such as buildings, driveways that are not perpendicular to the landscape strip, parking spaces, dumpsters, drainage structures and detention facilities shall be prohibited in required landscape strips. The prohibition of this subsection shall not include crossings perpendicular to the strip, necessary retaining walls four feet or lower, bike racks, benches, trash receptacles, signs, mailboxes, and drainage swales.
 6. *Planting specifications, all trees.*
 - a. Planting areas for trees shall contain a minimum depth of 12 inches of screened topsoil. Below 12 inches the soil shall be uncompacted to a depth sufficient to allow proper drainage and root growth.
 - b. Use of root barriers such as U.B.36 or an equivalent is required at the back of the sidewalk or back of the curb if no sidewalk exists.
 - c. Trees shall meet the standard for American Nursery Stock ANSI Z60.1.
 7. *Street trees.*
 - a. Street trees shall be overstory trees unless site constraints prohibit the use of large maturing trees, subject to the approval of the director of planning.
 - b. Street trees shall be provided with spacing as depicted in Table 5.1.
 - c. Street trees shall not be planted closer than 20 feet from the curb line of intersecting streets and not closer than ten feet from intersecting lines of alleys or private drives.
 - d. Street trees shall not be planted closer than 12 feet from light standards. No new light standard location shall be positioned closer than ten feet to any existing street tree.

- e. Street trees shall not be planted closer than 2½ feet from the back of the curb.
 - f. Where there are overhead power lines, street tree species are to be chosen from a list provided by the city arborist that will not interfere with those lines.
 - g. Street trees, as they grow, shall be pruned to provide at least eight feet of clearance above sidewalks and 12 feet above driveways and roadway surfaces.
 - h. Street trees shall be a minimum of two-inch caliper measured at six feet above ground level at the time of planting and shall have a mature height of at least 25 feet.
 - i. Street trees shall be planted in a mulched area of at least 25 square feet.
- D. *Supplemental zone.*
1. In supplemental zones in commercial areas where building setbacks are 15 feet or less, the supplemental zone must contain hardscape and street furniture such as trash receptacles, bike racks, and benches.
 2. For additional requirements for supplemental zones abutting parking lots, see section 5.4.4.
- E. *Street lighting.* Street lighting shall be accomplished with pedestrian scale lighting and street lights. Street lights shall be placed on property lot lines abutting the street. Lighting plans must be approved by the director of the planning department or his designee. Lighting shall be installed by local power company employees or contractors.
- F. *Administrative variance.* An administrative variance to streetscape standards may be granted by the director of planning for adaptive reuse and redevelopment projects as specified in this section or to preserve historic patterns. In addition to other required materials, an applicant for an administrative variance to the streetscape standards shall include a site plan, drawn to scale, showing the existing right-of-way and specific conditions of the lot.

Table 5.1. Required Streetscape Dimensions

Required Streetscape Dimensions (Minimum, unless stated)						
New Streets						
Street Type	Streetscape Zone				Landscape Strip Elements	
	Total Width	Landscape Strip	Sidewalk	Supplemental Zone	Light Pole Spacing (Max)	Street Tree Spacing (typical*)
Local Residential	11'	6'	5'	NONE	100'	30'
Local Nonresidential	22'	6'	6'	10'	80'	50'
Arterial and Collector Nonresidential and Mixed Use	20'	10'	6'	4'	80'	40' in Activity Centers
						50' outside Activity Centers
Existing Streets						
Street Type	Streetscape Zone				Landscape Strip Elements	

	Total Width	Landscape Strip	Sidewalk	Supplemental Zone	Light Pole Spacing (Max)	Street Tree Spacing (typical*)
Local Residential	11'	6'	5'	NONE	100'	30'
Local Nonresidential	12'	6'	6'	NONE	80'	50'
Arterial and Collector Nonresidential and Mixed Use	16'	10'	6'	NONE	80'	40' in Activity Centers
						50' outside Activity Centers

* Location of street trees is subject to infrastructure and utility locations and approval by the city arborist and GDOT if state roads.



Streetscape Figure—Local Streets, Single-family Residential Districts



Streetscape Figure—Local Streets, all Other Districts



Streetscape Figure—Arterial and Collector Streets

(Ord. of 8-2-2017, § 1(5.4.3))

Sec. 5.4.4. Site and parking area landscaping.

- A. *Single-family residential lots.* Each single-family residential lot on which new development occurs shall be planted with a minimum of three new trees. Street trees along the lot frontage shall count towards this requirement. The species and specifications for the trees to be planted in compliance with this requirement shall meet the requirements of a list approved by the city arborist.
- B. *Interior strips.* Interior to nonresidential, mixed-use and multifamily developments, three-foot-wide planted landscape strips shall be required along all interior drives and pedestrian paths.
- C. *Property perimeter landscape strip.* Along nonresidential, mixed-use and multifamily development perimeter lot lines, a perimeter landscape strip shall be required, as follows:
 1. A five-foot-wide continuous perimeter landscape strip is required along all property lines that are not subject to streetscape requirements. This applies to individual tenant sites interior to a master planned project, even in instances where individual tenant sites do not have separately platted lot lines.
 2. A perimeter landscape strip shall include one overstory deciduous shade tree, or three understory or three evergreen trees, for every 50 linear feet at a minimum size of two-inch caliper for deciduous trees and eight-foot height for evergreen trees.
 3. A perimeter landscape strip is not required where a transitional buffer is also required.
- D. *Parking area landscaping.* All surface parking lots that contain a total of 15 or more parking spaces that are constructed or redeveloped subsequent to the effective date of the ordinance from which this chapter is derived shall comply with the following requirements:
 1. A minimum of ten percent of the total lot area of the parking lot shall be landscaped.
 2. Non-continuous barrier curbs shall be installed around the perimeter of the parking lot and around landscaped areas that are required herein, except where the perimeter abuts an adjacent building or structure and except at points of ingress and egress into the facility, so as to prevent encroachment of vehicles onto adjacent property, rights-of-way, sidewalks and landscaped areas.
 - a. Barrier curbs shall be a minimum of six inches in height and six inches in width, shall be concrete or stone, shall be securely installed, and shall be maintained in good condition.
 3. A continuous hedge, berm, or short wall with landscaping thereon, not to exceed three feet in height shall be required between surface parking and an adjacent public street right-of-way.

4. Tree and island quantity. A minimum of one tree per eight parking spaces, and one island per ten parking spaces, shall be provided.
5. Landscape islands. All trees planted in a parking lot shall be planted in a landscape island, which island shall be a minimum of 250 square feet.
6. In addition to trees, ground cover shall also be provided in order to protect tree roots and to prevent erosion. Ground cover shall consist of shrubs, ivy, liriope, pine bark mulch, or other similar landscaping material.
7. Ground cover shrubs in parking area landscaping shall be maintained at a maximum height of 30 inches, except where such shrubs are screening the parking surface from an adjacent residential area.
8. Newly planted trees in parking area landscaping shall be a minimum of two-inch caliper as measured at a height of six inches above ground level, shall be a minimum of ten feet in height at planting, shall have a 30-foot minimum mature height, and shall be drought tolerant. Trees shall be planted at least 30 inches from any barrier curb, so as to prevent injury to trees from vehicle bumpers. A minimum of 75 percent of the trees planted pursuant to these requirements shall be deciduous hardwood shade trees.
9. All landscaped areas shall be properly maintained in accordance with landscape plans approved as part of the land disturbance permit. In the event that a tree or any plant material dies, it shall be replaced within 12 months so as to meet all requirements of this section and to allow for planting in the appropriate planting season.
10. All trees planted pursuant to the requirements of this section shall be counted for the purpose of meeting the tree planting and tree replacement requirements required by chapter 14 of the Code.

(Ord. of 8-2-2017, § 1(5.4.4))

Sec. 5.4.5. Transitional buffers.

- A. *Intent.* Transitional buffers are intended to create a visual screen in order to diminish the potential negative impacts of nonresidential and mixed land uses on adjacent residential land uses. Similarly, transitional buffers diminish the potential negative impacts of higher intensity residential development on adjacent single-family residential land uses.
- B. *General requirements.* Natural or planted transitional buffers required by this article shall be established and permanently maintained by the property owner as follows:
 1. The required transitional buffer shall be depicted in detail on each site plan or plat prior to final approval. Type and location of natural and planted vegetation shall be included.
 2. Within the transitional buffer, the natural topography of the land shall be preserved and existing growth shall not be disturbed except where necessary to remove dead or diseased trees and undergrowth or to enhance the buffer with additional landscaping in order to provide a screen so as to prevent view of the higher density development from the lower density development.
 3. Grading or construction adjacent to the transitional buffer zone shall not disturb or encroach upon the transitional buffer zone.
 4. Notwithstanding subsection B.3. of this section, if grading is required in the transitional buffer in order to prevent or control erosion, the area of such grading shall cover no more than 20 percent of the required transitional buffer, shall be immediately replanted upon completion of easement improvements and shall avoid disturbance of the soil within the dripline of trees within the transitional buffer.

-
5. Any approved utility crossings shall be perpendicular to the transitional buffer.
 6. A pedestrian walkway, a maximum width of five feet, may be located in the buffer to provide pedestrian access to the adjoining property. Where a pedestrian walkway is provided, a gate shall be installed in the required screening fence.
 7. If existing vegetation in a buffer area does not meet the transitional buffer standards, a five-foot-high, landscaped berm may be installed subject to the approval of the city arborist. Grading to construct the berm shall not remove significant plants designated by the city arborist as part of the approval of the landscaped berm.
- C. *Buffer planting and materials.* When the conditions of the existing natural topography and vegetation are insufficient to achieve the visual screening required by this section, a landscape planting plan to enhance the transitional buffer shall be prepared and implemented to supplement existing natural growth or to provide new plant materials of such growth characteristics as will provide a screen meeting the standards below:
1. *Planting height.* Proposed planting as part of an enhanced transitional buffer shall have a height of at least six feet at the time of planting and planted in a minimum of two rows, with staggered on center spacing such that a continuous opaque screen is created within two years of planting.
 2. *Plant types.* Plant species in an enhanced transitional buffer shall be evergreen, native, naturalized or other species well-adapted to the local climate and rainfall patterns, disease and pest-free, healthy and vigorous, and meet standard for American Nursery Stock, ANSI Z60.1.
 3. *Plant functions.* Plants shall be approved from a list made available from the planning department, but shall not be exclusive of other plants which may be suitable, provided they can provide a continuous opaque screen.
 4. *Fences.* Fences are required with transitional buffers and shall meet the requirements of section 5.4.7.
 5. *Wall and fence finishes.* Walls and fences shall be constructed with the finished or decorative side facing outward from the property.
- D. *Buffer dimensions and specifications.* Table 5.2(a) identifies the transitional buffer class required for each zoning district based on the zoning district to which it is adjacent. Table 5.2(b) summarizes the minimum width of the required transitional buffer for each transitional buffer class (A-E).

Table 5.2(a). Transitional Buffer Class by District

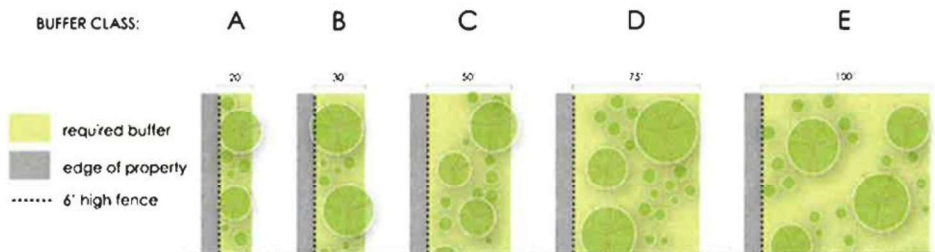
Transitional Buffer Class by District												
Districts	Adjacent District											
Residential Districts	R*	MHP	RNC	RSM	MR-1	MR-2	HR-1-3	MU-1	MU-2	MU-3	MU-4	MU-5
MHP	C	-	-	-	-	-	-	-	-	-	-	-
RNC	B	-	-	-	-	-	-	-	-	-	-	-
<i>Mixed Residential Districts</i>												
RSM**	A	C	A	-	-	-	-	-	-	-	-	-
MR-1**	B	C	B	B	-	-	-	-	-	-	-	-
MR-2**	C	C	C	C	C	-	-	-	-	-	-	-
HR-1-3**	C	C	C	C	B	B	-	-	-	-	-	-
<i>Mixed-Use Districts</i>												
MU-1	B	B	B	B	-	-	-	-	-	-	-	-
MU-2	C	B	B	B	B	-	-	-	-	-	-	-
MU-3	C	C	C	B	A	B	B	B	B	-	-	-
MU-4	C	C	C	B	A	B	B	B	B	-	-	-
MU-5	C	C	C	B	A	B	B	B	B	-	-	-
<i>Nonresidential Districts</i>												
OI	C	C	C	C	C	C	C	B	B	B	-	-
OIT	C	C	C	C	C	C	C	B	B	B	-	-
NS	C	C	C	C	C	C	C	A	A	A	-	-
C-1	C	C	C	C	C	C	C	B	B	B	-	-
OD	D	D	D	D	D	D	D	D	D	D	D	D
C-2	C	C	C	C	C	C	C	B	B	B	B	B
M	D	D	D	D	D	D	D	D	D	D	D	D
M-2	E	E	E	E	E	E	E	E	E	E	E	E

* R= RE, RLG, R-100, R-85, R-75, R-60 (except when R-60 use is single-family attached).

** Where the Mixed Residential District has single-family units along an adjacent residential (R) boundary, then a transitional buffer is not required.

Table 5.2(b). Transitional Buffer Minimum by Buffer Class

Transitional Buffer Minimum Width by Buffer Class	
Buffer Class	Width
A	20'
B	30'
C	50'
D	75'
E	100' with fence



Transitional Buffers Figure

(Ord. of 8-2-2017, § 1(5.4.5))

Sec. 5.4.6. Screening.

Trash and recycling areas, loading areas, mechanical and utility equipment, parking decks, detention facilities, and outdoor storage shall be surrounded by opaque fences, walls, or vegetation. Vegetative screening shall be at least 75 percent evergreen, with a minimum of two rows of plants, and shall grow to a height of six feet in two years.

- A. *Loading areas.* All loading areas must be screened from view so as not to be visible from any public street or adjacent property.
- B. *Trash and recycling areas.* All dumpsters must be screened from view on all four sides so as not to be visible from adjacent properties and the public street. The screen may incorporate access to the dumpster by using a wood fence or other opaque device to serve as a gate.
- C. *Parking decks.* All parking decks and aboveground parking structures shall have a six-foot-wide landscape strip immediately contiguous to the facade of the parking deck or structure, unless otherwise screened from view by an intervening building.
- D. *Mechanical and utility equipment.* All mechanical and utility equipment must be screened from view so as not to be visible from any public street.
- E. *Detention facilities.* In addition to fencing requirements set forth in chapter 14 of the Code, detention facilities shall be planted with evergreen plant material consistent with buffer standards in section 5.4.5.C. No trees shall be allowed in the ten-foot maintenance shelf. However, detention facilities designed as open space amenities may be approved by the director of planning and in compliance with division 5 of this article. A detention facility located in an historic district that is subject to architectural design review shall require a certificate of appropriateness, for appearance only, from the City of Stonecrest Historic Preservation Commission.
- F. *Outdoor storage.* See section 4.2.38 for screening regulations for outdoor storage of materials, supplies, equipment or vehicles regulations.

(Ord. of 8-2-2017, § 1(5.4.6))

Sec. 5.4.7. Walls, fences, and retaining walls.

- A. General.
 - 1. When this chapter requires a wall or fence to be constructed, the wall or fence shall be completed prior to the issuance of a certificate of occupancy for the principal structure.
 - 2. No wall or fence shall be constructed in any public right-of-way.

3. See Table 5.3, Fence and Wall Standards for additional requirements.
- B. Single-family residential standards.
1. Fences or free-standing walls constructed in a front yard shall not exceed four feet in height.
 2. No freestanding wall or fence, other than a retaining wall, shall be more than eight feet high from finished grade.
 3. Subdivision or project identification monuments at the entrance to a subdivision or residential development that incorporates a wall or fence shall only be located in a common area or private easement and shall not exceed six feet in height.
 4. Retaining walls on lots developed with single-family dwellings shall abide by the following:
 - (1) The entire wall structure, including footer, shall not encroach on adjacent property;
 - (2) Drainage shall be properly conveyed on both sides of the wall in conformance with state and city codes; and
 - (3) A construction/maintenance easement shall be obtained from the adjoining property owner, if applicable.
- Newly constructed retaining walls shall not be higher than four feet; however, existing retaining walls may be repaired and replaced so long as the height of the repaired or replaced wall is no greater than the original height of the wall.
- a. If exceptional topographical restrictions exist that were not created by the owner or his agent on a lot, and it is established to the reasonable satisfaction of the director of planning that no practical alternative design of such wall is feasible, then the director of planning may, upon application therefor, grant an administrative variance allowing up to two additional feet in the applicable retaining wall maximum height limitation set forth in this subsection B.4 of this section. An applicant for a retaining wall administrative variance shall include with the application a certified field-run site plan or a topographical map certified by an engineer or landscape architect.
 - b. If exceptional topographical restrictions exist that were not created by the owner or his agent on the lot, and it is established to the satisfaction of the zoning board of appeals that no practical alternative design of such wall is feasible, the zoning board of appeals may, upon application therefor, grant a variance allowing newly constructed retaining walls to be greater than six feet. Notwithstanding any provision in this chapter to the contrary, no variance may be granted to allow the height of a retaining wall above eight feet. In addition to the materials otherwise required for a variance in division 5 of article 7 of this chapter, an applicant for a retaining wall variance shall provide a certified field-run site plan or a topographical map certified by an engineer or landscape architect with the application for the variance.
- C. Height. The height of a wall or fence is measured along the adjacent finished grade. However, if located within 15 feet of any street, and if the street grade is above the adjacent finished grade, the fence or wall height may be measured from the street grade.
- D. Material composition.
1. No freestanding walls, retaining walls or fences may be composed of exposed common concrete block, tires, junk, pallets, railroad ties, loose stone, vinyl and other discarded materials.
 2. With the exception of M and M-2 zoning districts, fences, freestanding walls or retaining walls erected within the front yard shall be constructed of brick, stone, wood, wrought iron, or aluminum that looks like wrought iron. Any other material, including, but not limited to, chain link and other wire fences are prohibited in the front yards of all districts, with the exception of M and M-2 zoning districts.

- E. Security gates. Entrance gates for vehicles shall be located at least 50 feet from the property line in order to ensure safe queuing, ingress to and egress from the property.
- F. Temporary fencing may be erected during construction for security and public safety purposes.
- G. Fences and walls in the M and M-2 zoning districts are exempt from regulations governing the height and materials of fences and walls.
- H. No freestanding wall or fence in a multifamily, nonresidential or mixed use zoning district may be more than ten feet in height.

Table 5.3. Fence and Wall Standards

Use	Height	Setbacks	Variance Allowed
Single-family fences in the front yard	Up to four feet from finished or street grade.	Outside right-of-way	May apply for a variance from zoning board of appeals to increase height.
Single-family fences in side or rear yards	Up to eight feet.	Fences may be on property line; retaining walls, including footings, must not encroach over property line.	No variance can be approved to exceed eight feet in height.
Single-family retaining walls	Up to four feet from finished or street grade. Cannot exceed eight feet on side or rear property line.	Retaining walls, including footings, shall not encroach over property line.	Administrative variance allowed to increase wall from four to six feet based on topography.
Single-family and Multifamily identification monument walls	In front yard, cannot exceed ten feet in height.	Cannot be located in right-of-way. Setback varies, depends on sight visibility.	May apply for a variance from zoning board of appeals to increase height.
Nonresidential, multifamily and mixed-use zoning districts	Up to ten feet.	Cannot be located in right-of-way. Setback varies, depends on sight visibility.	May apply for a variance from zoning board of appeals to increase height.
Industrial	No limit.	No limit.	N/A

(Ord. of 8-2-2017, § 1(5.4.7))

DIVISION 5. OPEN SPACE STANDARDS

Sec. 5.5.1. Applicability.

- A. All development that is required to have open space shall, upon application for a land disturbance permit, identify all open space by a functional category established pursuant to the requirements of this chapter. Further, in commercial and mixed-use developments, open space requirements of individual parcels may be met by open spaces that are owned, maintained, and held in common for use by multiple properties that are subject to legal agreement for maintenance and association approved by the director of planning.

- B. The open space requirements in division 5 of this article do not apply to residential subdivisions with less than five acres or less than 36 residences.
- C. The minimum quantity of open space for approved developments is established by zoning district and controlled by Table 5.4.
- D. Open space shall be maintained as open space until such time that the entire existing development is proposed for redevelopment and shall be landscaped with trees, shrubs, flowers, grass, stones, rocks or other landscaping materials.
- E. Open space may include hardscape elements depending on functional type as described in Table 5.6. If serving a conservation function, open space may be preserved in a natural state without enhancements.

(Ord. of 8-2-2017, § 1(5.5.1))

Sec. 5.5.2. Maintenance, management and ownership.

- A. *Ownership and management of open space* . Open space shall be owned by one of the following entities, which shall be responsible for maintenance and management as described herein:
 - 1. *City of Stonecrest*.
 - a. Open space agreements may be made with the city to deed the required open space to the city. City of Stonecrest is under no obligation to accept any proposed dedication of open space used to meet the requirements of this division.
 - b. Public access easement agreements may be made with the city for open space so dedicated by the owner for city trails, parks or other public recreational amenities, as agreed to by City of Stonecrest and whereby maintenance agreements shall be executed between the owner and city.
 - 2. *Land conservancy or land trust*. The responsibility for maintaining the open space and any facilities located thereon may be transferred to a land conservancy or land trust, subject to prior approval by City of Stonecrest.
 - 3. *Homeowners or property owners association*. A homeowners or property owners association representing residents or property owners of the subdivision may own and be responsible for maintenance and management of open space. Membership in the association shall be mandatory and automatic for all homeowners or property owners, and their successors. The homeowners/property owners association shall have lien authority to ensure the collection of dues from all members. The Homeowners or property owners association organizational documents must first be submitted to the director of planning for review to ensure compliance with this subsection. The homeowners or property owners association shall be formed and maintained in compliance with all applicable state law.
 - 4. *Recording of open space*. Open space shall be shown on the final approved plat as a conservation easement, permanent restrictive covenant or equivalent legal document in a form approved by the City of Stonecrest, which shall include a provision rendering the covenant or document void when a property is being redeveloped or redesigned, in which case applicable zoning standards shall apply to ensure consistency with this chapter. At no time shall the development provide less than the required open space.
- B. *Maintenance of open space*.
 - 1. Undeveloped open space used to satisfy the requirements of this division shall be preserved in a natural state except for the removal of litter, dead trees, invasive species and plant materials that obstruct pedestrian movement, as well as other maintenance necessary to preserve the natural state

of the open space as approved by the director of planning. Natural water courses and stream channels shall be kept free of litter and obstructions and shall be maintained so as to not alter floodplain levels, and as required by stream buffer regulations in chapter 14 of the Code.

2. Open space shall be maintained so that there exist no hazards, nuisances or unhealthy conditions.
3. Permitted elements as described in Table 5.6 shall be maintained in good repair.
4. New landscaping in required open space shall be maintained such that planted materials that die within one year of the installation, shall be replaced within six months or the next appropriate planting season as determined by the city arborist.

(Ord. of 8-2-2017, § 1(5.5.2))

Sec. 5.5.3. Standards and design.



Open Space and Enhanced Open Space Calculations

- A. Required open space shall meet the standards of Table 5.4, Enhanced Open Space: Minimum Requirements.
- B. All deeded open space created shall be platted and provide a public access easement in a form approved by the City of Stonecrest.
- C. Prior to issuance of a land disturbance permit or building permit:
 1. For development projects with residential uses requiring enhanced open space, no lot or multifamily building shall be more than one-quarter mile distance from a designated enhanced open space. If site constraints limit access to the enhanced open space, the distance may exceed the minimum setback requirement of this subsection, subject to the approval of the director of planning. Measurement of distance shall be based on the distance of road and/or pathway providing connectivity to the enhanced open space.
 2. A development project with residential uses not within one-half mile distance to a public park or recreation facility that is required to provide enhanced open space shall incorporate at least one enhanced open space type identified as clubhouse/pool amenity, neighborhood park with active recreation, and/or playground. If a development is intended for senior housing, a passive park with benches and paved paths, common patio, courtyard, barbecue/fire pit shall be considered an enhanced open space.
 3. For development projects with residential uses within one-half mile of an existing or programmed public school, park, trail or library, the applicant for a land disturbance permit shall provide for pedestrian access to the school, park, trail or library. If an existing or future

pedestrian network and/or multi-use trail is identified by City of Stonecrest, the applicant may be required to provide a future reservation for such a connection. Where a programmed facility has no current concept design for potential alignment, an applicant for a land disturbance permit requiring connection to a park shall meet with the planning department to determine whether any reasonable spur connection would be possible.

- a. For measurement of distance to a qualifying public amenity, measurement shall be taken along an improved walkway or sidewalk to the entrance of the public amenity.
 - b. For measurement to nearby existing or proposed public trail or greenway, measurement shall be taken from a point along the exterior boundary of the development directly to the nearest point of the trail or greenway.
- D. *Enhanced open space.* Enhanced open space shall be required as set forth in Table 5.4. Standards for enhanced open space are found in Tables 5.5 and 5.6. In addition, each function may be designated as either public (subject to the approval of and acceptance by the City of Stonecrest) or private ownership.
- E. *Open space and enhanced open space standards.*
- 1. Required open space shall conform to the zoning district requirements in article 2 of this chapter. Where Table 5.4 conflicts with article 2 of this chapter, article 2 shall prevail. Open space and enhanced open space design within an historic district that is subject to architectural design review shall require a certificate of appropriateness from the City of Stonecrest Historic Preservation Commission.
 - 2. Lakes or ponds may be included as part of the open space requirements in a development, provided they are incorporated as part of enhanced open space design, subject to limitations of the riparian buffer as set forth in chapter 14 of the Code.
 - 3. Dry detention basins shall be designed by a professional engineer and may not count toward open space area requirements unless designed as an amenity or aesthetic feature.
 - 4. Enhanced open space may include hard space surface areas in accordance with the permitted elements identified in Table 5.6.
 - 5. Below ground utilities or facilities may be located in the open space area.
 - 6. Designated wetlands and dedicated conservation areas for native species and/or vegetation may count toward open space requirements in accordance with Table 5.5.
 - 7. Open space adjacent to existing buildings that have historical or cultural significance may be counted toward the minimum required open space if made accessible for the common usage of the development. However, the enclosed building area may not be included in the minimum required open space requirement.
 - 8. Stormwater facilities may be located within open space if the stormwater facility is designed and approved as an amenity and/or low impact stormwater management technique, and is in compliance with applicable regulation of chapter 14 of the Code, including approved best management practices. Such facilities may be exempt from fencing, provided that the public health safety and welfare is not jeopardized by the lack of fencing as determined by the director of planning.
- F. *Residential lots and yards.* No residential lots shall be allowed to extend into the required open space nor shall individual residential yards count toward open space requirements.

Table 5.4. Enhanced Open Space: Minimum Requirements




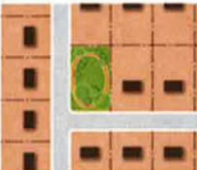

Total and Enhanced Open Space: Minimum Requirements									
	SF-RES Cottage	SF-RES Attached or Detached	Mobile Home Parks	Multifamily	Mixed-Use	Commercial/Retail	Large Retail	Office	Industrial
Open space minimum required percent of total square footage of the development	See section 5.7.5	20 percent	10 percent	See specific zoning district	See specific zoning district	15 percent	20 percent	15 percent	20 percent
Enhanced open space minimum required percent	3,000 sq. ft. minimum. See section 5.8.4.	Minimum 50 percent of total open space	Minimum 25 percent of total open space	See specific zoning district	Site plan specific	N/A	Minimum 50 percent of total open space	N/A	N/A



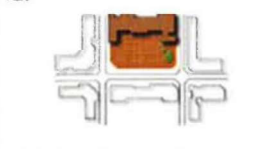

G. *Enhanced open space standards and types.*

1. Enhanced open space areas are areas readily accessible, practical, and generally acceptable for active or passive recreation uses. If able to meet these characteristics, enhanced open space areas may not include required setback areas, drainage easements required by the City of Stonecrest or DeKalb County, dedications with existing above ground facilities, or contain structures not intended for landscape or recreational purposes.
2. Maintenance of such areas is not the responsibility of the City of Stonecrest unless formally established and approved by the city through legal agreements. Maintenance shall be the responsibility of the owner or homeowner association in a form approved by the City of Stonecrest.
3. Total enhanced open space may be distributed throughout the project, but each individual enhanced open space type shall meet the enhanced open space dimensional standards of Table 5.5.
4. Elements shown under the Permitted Elements column in Table 5.6 are allowed for the various enhanced open space types. Other elements that are not listed may be allowed by the director of planning if they are consistent with the enhanced open space type.
5. Table 5.5 establishes enhanced open space types and minimum dimensional standards. The minimum size for any enhanced open space type shown in Table 5.5 may be reduced below the minimum amount if another enhanced open space type in the same development is increased by a corresponding amount above the minimum size shown in Table 5.5. Table 5.5 is supplemented further by Table 5.6 which provides design requirements for each type.
6. Table 5.6 establishes the requirements for each enhanced open space type and its associated design requirements. Elements may be required by specific development types according to Table 5.6.

Table 5.5. Enhanced Open Space Types with Minimum Size

Enhanced Open Space Dimensional Standards	
Enhanced Open Space Types	Minimum Size (sq. ft.)
Clubhouse*/pool amenity area	N/A
Greens/attached squares	500
Greenway	N/A
Pocket park	2,000
Neighborhood park	43,560
Plaza	3,000
Square	2,000
Playground	3,000
Detention facilities designed and approved to serve as aesthetic amenity	N/A

Enhanced Open Space Type	General Description	Permitted Elements	Design Requirements
 <p>Clubhouses/Pool or Tennis Amenity Area</p>	<p>Clubhouses and swimming pools must meet all applicable building and health codes.</p>	<p>Clubhouse Pool Toilet facilities, public or private Ornamental water features and fountains Gazebo/Pavilion/Picnic Areas Accessory concession stands Benches Trash receptacles Tennis courts</p>	<p>Pedestrian connectivity to all residents Parking shall be adjacent to pool and clubhouse facilities and not interfere with pedestrian activity or movement</p>
 <p>Green</p>	<p>A Green is an urban open space that is natural in its details. Greens are small, civic, and surrounded by buildings. Tree plantings can be informal and the topography irregular. Greens may be used to protect specimen trees and provide for conservation functions.</p>	<p>Toilet facilities, public or private Ornamental water features and fountains Gazebo/Pavilion/Picnic Areas Benches Trash receptacles Paved walks/trails (not within stream buffer) Urban Garden (50% max of Green)</p>	<p>Landscaped with trees at the edges and lawns at the center No rear facing lots allowed adjacent to a Green</p>
 <p>Greenway</p>	<p>Greenways connect residences and recreational areas. Greenways incorporate natural settings, such as creeks and significant stands of trees within neighborhoods. Greenway details are natural (i.e., informally planted), except along rights-of-way, and may contain irregular topography.</p>	<p>Pedestrian trails Picnic tables Benches Trash receptacles Conservation areas for natural, archeological or historic resources Meadows, wetlands, wildlife corridors, game preserves, other</p>	<p>Shall have a minimum width of at least 50' Conserve existing tree canopy and landscape Protect existing natural drainage way and creeks Land shall not be cleared except for trails Water bodies are allowed provided that they do not count toward more than 50% of the required open space</p>
 <p>Pocket Park</p>	<p>A pocket park is a small outdoor space, usually no more than 1/4 of an acre, most often located in an urban area that is surrounded by commercial buildings or houses on small lots.</p>	<p>Toilet facilities, public or private Hardscape materials Gazebo/Pavilion/Picnic areas Trash receptacles Ornamental water features and fountains Public art Recreational courts Urban Garden (25% max of Pocket Park)</p>	<p>Rear facing lots are allowed Attractive landscaping Minimize negative impacts on adjacent residents</p>
 <p>Neighborhood Park</p>	<p>A neighborhood park, by size, program, and location, provides space and recreation activities for the immediate neighborhood in which it is located. It is considered an extension of neighborhood residents' "out-of-yard" and outdoor use area.</p>	<p>Gazebo/Pavilion/Picnic areas Hardscape materials Toilet facilities, public or private Picnic tables Benches Trash receptacles Paved walks/trails Ornamental water features and fountains Recreational courts and fields Urban Garden (25% max of park) Playground (swings, slides) Dog parks</p>	<p>Shall be bounded by streets on at least 50% of its perimeter Active recreation areas (25% max)</p>

Enhanced Open Space Type	General Description	Permitted Elements	Design Requirements
 <p>Community Park</p>	<p>Community Parks are designed for active recreational use. Community Parks create a central open space that services an entire neighborhood or group of neighborhoods, or incorporates physical features that are an asset to the community (e.g., lake or river frontage, high ground, or significant stands of trees). Community Parks may be combined with parkways and greenways.</p>	<p>Gazebo/Pavilion Hardscape materials Toilet facilities, public or private Picnic tables Benches and other outdoor seating Trash receptacles Ornamental water features and fountains Public/private art Promenades and esplanades Playground (swings, slides) Recreational courts Urban Garden (25% max of Community Park)</p>	<p>Trees shall be planted parallel to all perimeter rights-of-way Trees shall be planted at the edge of active recreational use areas Tree spacing shall be a minimum of 15' to a maximum of 50' on center Interior portions of parks may be kept free of tree plantings Active recreation (25% max) Shall be bounded by streets on a minimum of 50% of their perimeter Golf courses shall be allowed but shall not count toward more than 50% of the required open space</p>
 <p>Square</p>	<p>A Square provides a means to emphasize important places, intersections, or centers. Squares are bordered on all sides by street(s).</p>	<p>Gazebo Hardscape materials Benches and other outdoor seating Trash receptacles Ornamental water features and fountains</p>	<p>Shall be bound by streets on a minimum of 3 sides or 75% May be bound by front facing lots on 1 side or 25% of their perimeter No rear facing lots allowed adjacent to a square Trees plantings are encouraged parallel to the street right-of-way</p>
 <p>Plaza</p>	<p>Plazas are areas for passive recreational use that are entirely bounded by streets and/or lanes. Buildings.</p>	<p>Hardscape materials Toilet facilities, public or private Benches and other outdoor seating Trash receptacles Ornamental water features and fountains Public art</p>	<p>Shall be square or rectangular with a length of not less than 1/5 of its width Shall be level, stepped or gently sloping</p>
 <p>Playground</p>	<p>A Playground provides space for parental supervised recreation of toddlers and young children within a neighborhood, or as part of a larger neighborhood or community park and urban center, including retail shopping areas.</p>	<p>Hardscape materials Active recreational, playground equipment Toilet facilities, public or private Benches and other outdoor seating Ornamental water features and fountains Trash receptacles</p>	<p>Shall be designed with commercial grade play equipment for two age groups, ages 1 to 5 and ages 6 to 10 Must have shock absorbing surface with a maximum 2% slope Shall meet all federal, state and local regulations and be compliant with the Americans with Disabilities Act</p>

- H. *Phasing provisions.* If a project's required open space is developed in phases, the amount of open space shall be computed separately for each phase, but may be combined with existing open space in earlier phases:
1. The first phase of development shall contain, at a minimum, its pro rata share of the total amount of required open space based on the size and type of the development; and
 2. The total amount of open space set aside in each phase shall meet the open space standard as applied to the total area of the phase and previously approved phases.
- I. *Conservation or water quality.*
1. No more than 50 percent of required open space may consist of floodplain, wetlands, steep slopes, streams and buffers.
 2. Green roofs may contribute to open space minimum area requirements with documentation from a licensed professional that such feature serves a water quality or alternative stormwater function.
- J. *Prohibited uses of open space.* The following shall not be considered when calculating open space:
1. Individual wastewater disposal systems, such as septic tanks, septic fields, etc.
 2. Private yards that are not subject to an open space or conservation easement.
 3. Public street rights-of-way or private street easements, including streetscapes located within those rights-of-way or easements.

(Ord. of 8-2-2017, § 1(5.5.3))

DIVISION 6. SUPPLEMENTAL SITE IMPROVEMENTS

Sec. 5.6.1. Outdoor lighting.

Lighting must provide adequate vehicular and pedestrian visibility and security of on-site areas, such as building entrances, parking, service delivery and pedestrian walkways. A professional outdoor lighting plan shall be required for all non-single-family residential developments of three acres or more and for community recreation that proposes to use outdoor lighting.

- A. *Exceptions.* This section shall not apply to the following:
 - 1. Lighting established by a governmental authority within public rights-of-way.
 - 2. Lighting activated by motion sensor.
 - 3. Construction or emergency lighting provided it is temporary and is discontinued immediately upon construction completion or emergency cessation.
 - 4. Security lighting less than two average footcandles.
 - 5. Sites requiring fewer than five lighting fixtures.
 - 6. In subsections A. 1. through A.5. of this section, lighting in all zoning districts shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways.
- B. *All lighting fixtures.*
 - 1. Lighting in all zoning districts shall be established in such a way that no direct light is cast upon or adversely affects adjacent properties and roadways.
 - 2. Light fixtures shall include glare shields to limit direct rays onto adjacent residential properties.
 - 3. All lighting fixtures (luminaries) shall be cutoff luminaries whose source is completely concealed with an opaque housing. Fixtures shall be recessed in the opaque housing. Drop dish refractors are prohibited.
 - 4. Light source shall be light emitting diodes (LED), metal halide, or color corrected high-pressure sodium not exceeding an average of 4½ footcandles of light output throughout the parking area. A single light source type shall be used for any one site. Fixtures must be mounted in such a manner that the cone of the light is not directed at any property line of site.
 - 5. The minimum mounting height for a pole is 12 feet. The maximum mounting height for a pole is 25 feet, excluding a three-foot base.
- C. *Lighting plans.* Lighting plans shall include the following:
 - 1. The location and mounting information for each light.
 - 2. Illumination calculations showing light levels in footcandles at points located on a ten-foot center grid, including an illustration of the areas masked out per the requirements regarding points of measurements.
 - 3. A schedule listing the fixture design, type of lamp, distribution and wattage of each fixture, and the number of lumens.
 - 4. Manufacturer's photometric data for each type of light fixture, including initial lumens and mean depreciation values.

5. An illumination summary including the minimum average and maximum footcandle calculation (array values) and the total number of array points (points used on the ten-foot grid calculations).
6. Points of measure shall not include the area of the building or areas which do not lend themselves to pedestrian traffic.
7. Average level of illumination shall not exceed the calculated value, as derived using only the area of the site included to receive illumination.
8. An outdoor lighting plan required within a locally designated historical district that is subject to architectural design review shall require a certificate of appropriateness from the City of Stonecrest Historic Preservation Commission.

Table 5.7. Lighting Level Standards by Footcandle

Location or Type of Lighting	Minimum Level	Average Level	Maximum Level
Nonresidential parking lots	0.6	2.40	10.0
Multifamily residential parking Lots	0.2	1.50	10.0
Walkways, access drives and loading/unloading areas	0.2	2.00	10.0
Landscaped areas	0.0	0.50	5.0

(Ord. of 8-2-2017, § 1(5.6.1))

Sec. 5.6.2. Stormwater detention facilities.

Stormwater detention facilities shall be located on an individual parcel of land not meant for other improvements. A detention facility for a subdivision of fee simple single-family residences shall not be located on the same lot with a single-family home.

(Ord. of 8-2-2017, § 1(5.6.2))

DIVISION 7. BUILDING FORM AND CONFIGURATION STANDARDS

Sec. 5.7.1. Application of standards.

- A. This division establishes standards for the form and configuration for the following building types:
 1. Detached and attached houses;
 2. Multifamily;
 3. Live/work; and
 4. Nonresidential except industrial use buildings.
- B. Compliance review. Review of proposed development to ensure compliance with the standards of division 7 shall occur concurrent with any zoning compliance review conducted during the process of approving a rezoning, use permit, variance or modification of conditions, a sketch plat, a land disturbance permit, a development permit, or any other applicable permit or license.
- C. These standards apply to new buildings as well as to the substantial redevelopment and renovation of such buildings, as applicable per article 8 of this chapter regarding nonconformities.

(Ord. of 8-2-2017, § 1(5.7.1))

Sec. 5.7.2. Exemptions and variances.

- A. Historic structures and structures in historic districts that are subject to architectural design review and structures that are individually designated historic are exempt from the requirements of this division 7.
- B. New residential infill.
 - 1. Modification of building form. Article 7 of this chapter provides for an administrative procedure that allows an applicant to request a waiver from the building form or materials standards on a case-by-case basis during the compliance review process.
 - 2. Where the architectural style of existing residential development building types on the same block as the proposed project conflicts with the building form standards herein, a land disturbance permit applicant may apply to the director of planning for an administrative waiver from the building form standards in accordance with article 7 of this chapter.

(Ord. of 8-2-2017, § 1(5.7.2))

Sec. 5.7.3. Conflict with other standards and review.

- A. *Conflict with overlay standards.* In the event the standards of this division conflict with the overlay district standards in article 3 of this chapter, as determined by the director of planning, the standards in article 3 of this chapter shall prevail.
- B. *Conflict with other provisions in the zoning code.* In the event the standards of this division conflict with any other provision of this chapter, the more restrictive provision, as determined by the director of planning, shall prevail.
- C. *Conflict with other city standards.* In the event the standards in this division conflict with any city ordinance not included within this chapter, as determined by the director of planning, this division shall prevail.

(Ord. of 8-2-2017, § 1(5.7.3))

Sec. 5.7.4. Materials.

- A. *Exterior building materials.*
 - 1. Except for exempted buildings described in subsection A.5. of this section, exterior wall materials of primary buildings shall consist of any of the following types:
 - a. Brick masonry;
 - b. Stone masonry;
 - c. Cement wood or fiber cement siding, including simulated half-timbering;
 - d. Hard coat stucco;
 - e. Cedar shingles or fiber cement;
 - f. Textured face concrete block;
 - g. Architectural concrete;
 - h. Precast or tilt-up panel (for industrial buildings only);
 - i. Glass;

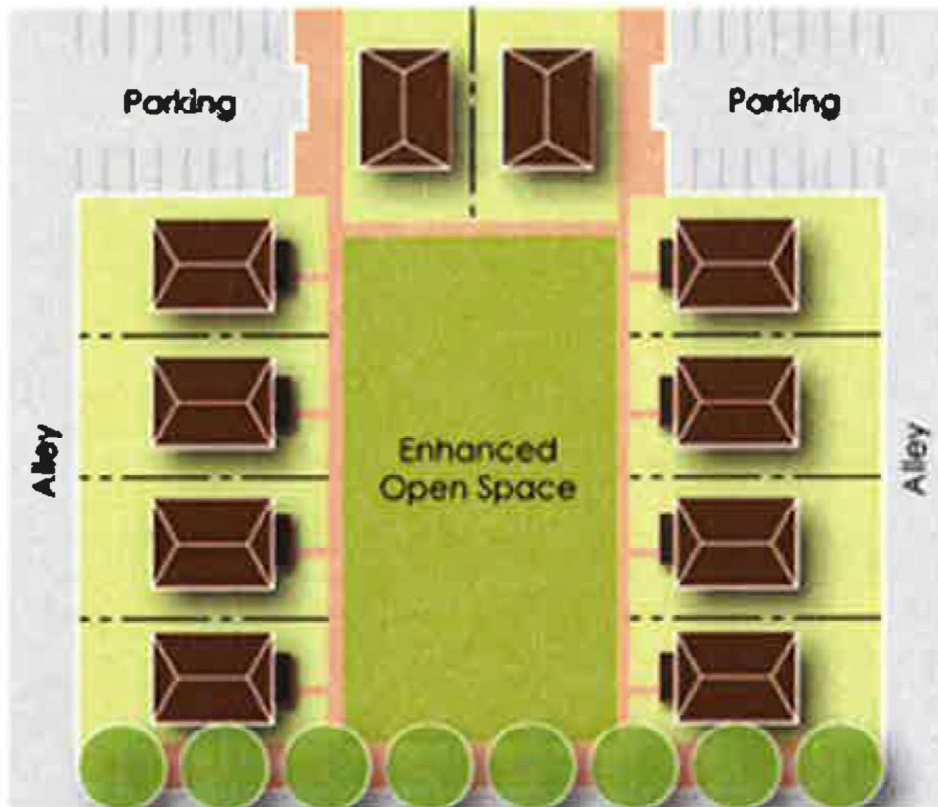
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- j. Material not listed in this section, which shall contribute to innovative design or green construction as determined by the director of planning on a case-by-case basis; and/or
 - k. Architectural accent materials as approved by the director of planning.
2. Exterior building material requirements do not preclude solar panel installation on building roofs.
 3. The following materials may be used as secondary building material or siding, up to 40 percent of total facing:
 - a. Standing seam or corrugated metal siding;
 - b. Exterior insulation and finish system (EIFS). If within three feet of grade or within six feet of grade adjoining a public right-of-way or a parking area, the EIFS shall have ultra-high impact resistance in accordance with ASTM E2468. EIFS is prohibited for use on single-family, two-family, and three-family dwellings.
 - c. Vinyl siding and other polymeric siding provided the siding shall:
 1. Be installed by a certified installer or an individual certified as trained through the VSI certified installer program sponsored by the Vinyl Siding Institute, Inc. (VSI) or an approved equivalent program;
 2. Be certified and labeled as conforming to the requirements of ASTM D3679 Standard Specifications for Rigid Poly (Vinyl Chloride) (PVC) Siding by an approved quality control agency;
 3. Have a minimum thickness of 0.046 inches;
 4. Have panel projections of no less than five-eighths-inch for clapboard and Dutch lap styles;
 5. Have double (rolled over) nail hem, up to 0.92-inch nominal thickness strength;
 6. Meet or exceed the color retention requirement of ASTM D6864, 3679 or D7251;
 7. Be installed in accordance with the manufacturers' instructions and in accordance with ASTM D4756. Polypropylene siding shall be certified and labeled as conforming to the requirements of ASTM D7254 Standard Specification for Polypropylene (PP) siding by an approved quality control agency. Insulated Vinyl Siding shall be certified and labeled as conforming to the requirements of ASTM D7793 Standard Specification for Insulated Vinyl Siding by an approved quality control agency.
 4. The following exterior building materials shall be prohibited on all buildings:
 - a. Plywood;
 - b. Common concrete block;
 - c. Oriented strand board (OSB).
 5. Universities, and structures located in M or M-2 zoned districts shall be exempt from the requirements of subsections A.1. and A.3. of this section, provided:
 - a. Such structures are located interior to the site with an intervening building facing the street.
 - b. If materials in subsection A.3. of this section are used as primary exterior building materials, at least 30 percent of total facade area shall be brick or stone masonry.
- B. *Arrangement of materials.*
1. Where two or more materials are proposed to be combined on a facade, the heavier and more massive material shall be located below the lighter material.

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2. Material changes on a facade shall occur along a continuous horizontal line or where two building forms meet. Secondary building materials may be used as trim, around windows, doors, cornices, at corners, or as a repetitive pattern within a wall covered in a primary building material.
 3. Primary facade materials shall wrap around at outside building corners for at least four feet.
- C. *Roof and accessory structure materials.*
1. Sloped roofs on primary buildings shall be clad in wood shingles, standing seam metal, clay or concrete tile, stone coated metal tile, painted metal tile, recycled rubber tile, slate, asphalt shingles or similar material or combination of materials. This regulation does not prohibit the application of solar panels, which shall not be considered an architectural material for the purposes of building form regulations.
 2. The exterior of accessory buildings shall be constructed of materials that are similar to those used on the principal structures.

(Ord. of 8-2-2017, § 1(5.7.4))

Sec. 5.7.5. Detached houses.

- A. This section shall apply to the following housing types:
1. *Conventional single-family detached.* A development with one dwelling unit per lot of record with private yards on all four sides.
 2. *Single-family cottage.* A development with one or 1½ story small detached dwelling units arranged whereby cluster around a commonly shared open space and each dwelling unit is located on a separate lot with private rear, side, and front yards.
 3. *Urban single-family detached.* A development with single-family detached dwelling units located on small lots. Urban single-family (Urban-SF) residential buildings share similar configurations to townhouse developments; however, they are detached and may have lot lines that coincide with the building envelope, provided that a yard area is provided in the dimensions required by the zoning district.
- B. Dimensional and use requirements. Minimum lot size, width, and setbacks shall meet the dimensional requirements set forth for the applicable base zoning district in article 2 of this chapter.



Cottage housing orientation

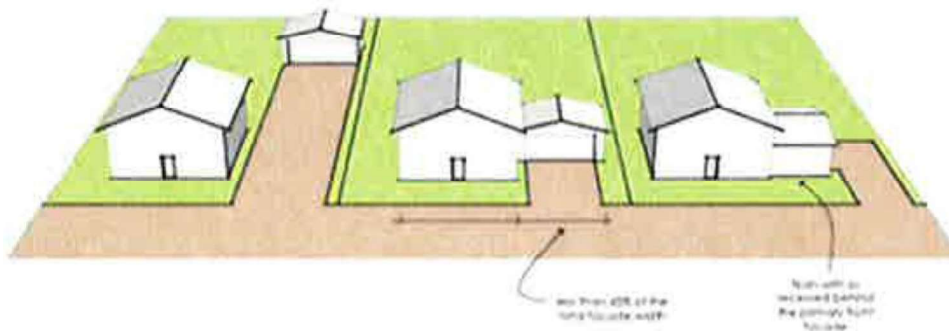
- C. Orientation.
 - 1. Lots along the perimeter of a development of single-family detached residences shall be oriented so that dwellings front internal local streets instead of a thoroughfare. Lots with rear yards abutting a thoroughfare shall provide a ten-foot no access easement and: a 20-foot landscape strip, a six-foot-high decorative fence, or a five-foot-high landscaped berm to screen the rear view of houses from the thoroughfare.
 - 2. Single-family cottage lots shall be oriented toward the enhanced open space.
 - 3. Street frontage requirements in chapter 14 of the Code shall not apply to individual lots within a cottage or urban type residential development, provided the overall site complies with minimum street frontage requirements and an alley or private drive provides access directly to a public street.
- D. Each dwelling unit shall be metered for water individually.
- E. An easement for water and sewer shall be required and subject to the approval of the director of planning.
- F. Access driveway, internal private drive and alley standards.
 - 1. Single-family cottage or urban residences shall have vehicular access from the rear of the property from an alley or similar private drive, or may have an off-street parking area located on the side or rear of the development. Such parking area may not occupy more than 30 feet of frontage and be located no more than 200 feet from the unit's entrance. The alley shall be at least 20 feet in width and meet the standards of International Fire Code (IFC) 503, unless another width is approved by the director for one-way direction only.

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- 2. Single-family detached residences may share a driveway serving two lots, provided that the width of the driveway at the street shall not exceed the width requirements established in chapter 14 of the Code, and that the driveway width not increase for the first ten feet of drive.
 - G. Urban single-family dwellings may gain access through private drives that meet the standards of section 5.7.6C.4.
 - H. Driveways shall not exceed ten feet between garage door and sidewalk.
 - I. Maximum size.
 - 1. Conventional single-family detached residences shall follow the requirements set forth in article 2 of this chapter.
 - 2. Single-family cottages shall not exceed a building footprint of 800 square feet and gross floor area of 1,200 square feet.
 - J. Architectural variability.
 - 1. Residential subdivisions of three or more lots intended for conventional single-family detached residences shall include distinctly different front facade designs within each phase of the development. The term "distinctly different" shall mean that each front facade must differ from adjacent buildings' front facades in at least four of the following six ways:
 - a. The use of different primary exterior materials;
 - b. Variation in the width or height of the front facade by four feet or more;
 - c. Variation of the type, placement or size of windows and doors on the front facades;
 - d. Variations in rooflines, including the use of dormers and changes in the orientation of rooflines;
 - e. Variation in the location and proportion of front porches; and
 - f. Variation in the location or proportion of garages and garage doors.
 - 2. No conventional single-family detached residence shall be of the same front facade design as any other conventional single-family detached residence along the same block face within eight lots of the subject residence. Mirror images of the same configuration are not permitted on the same block face.
 - 3. No single front facade design may be used for more than 25 percent of the total units of any single phase of a conventional single-family detached residence subdivision.
 - K. Porches and stoops. Any porch shall have minimum dimensions of four feet by eight feet for porches, and any stop shall have minimum dimensions of and four feet by four feet. Porches and stoops shall be no closer than two feet from a utility easement.
 - L. Facades. Any conventional single-family detached residence with a front facade width of 40 feet or more shall incorporate wall offsets in the form of projections or recesses in the front facade plane. Wall offsets shall have a minimum depth or projection of two feet so that no single wall plane exceeds 25 feet in width.
 - M. Roof and overhangs. Conventional single-family detached residences shall incorporate the following standards:
 - 1. Roofs covering the main body of the structure shall be symmetrical gables, hip-style, or mono-pitch (shed) style.
 - 2. Mono-pitch roofs shall have a minimum pitch of 4:12, and all other roofs covering the main body of a detached house shall have a minimum roof pitch of 6:12.
 - 3. Overhanging eaves shall extend at least 12 inches beyond the exterior wall.

4. To the maximum extent practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear facades or configured to have a minimal visual impact as seen from an adjacent street.

N. Garages. The following standards shall apply:

1. Street-facing garage facades shall not comprise more than 45 percent of the total width of the conventional single-family detached residence's front facade. Street-facing garages shall be at least two feet behind the primary front facade plane of a conventional single-family detached residence.



Acceptable Garage Configurations

O. Enhanced open space.

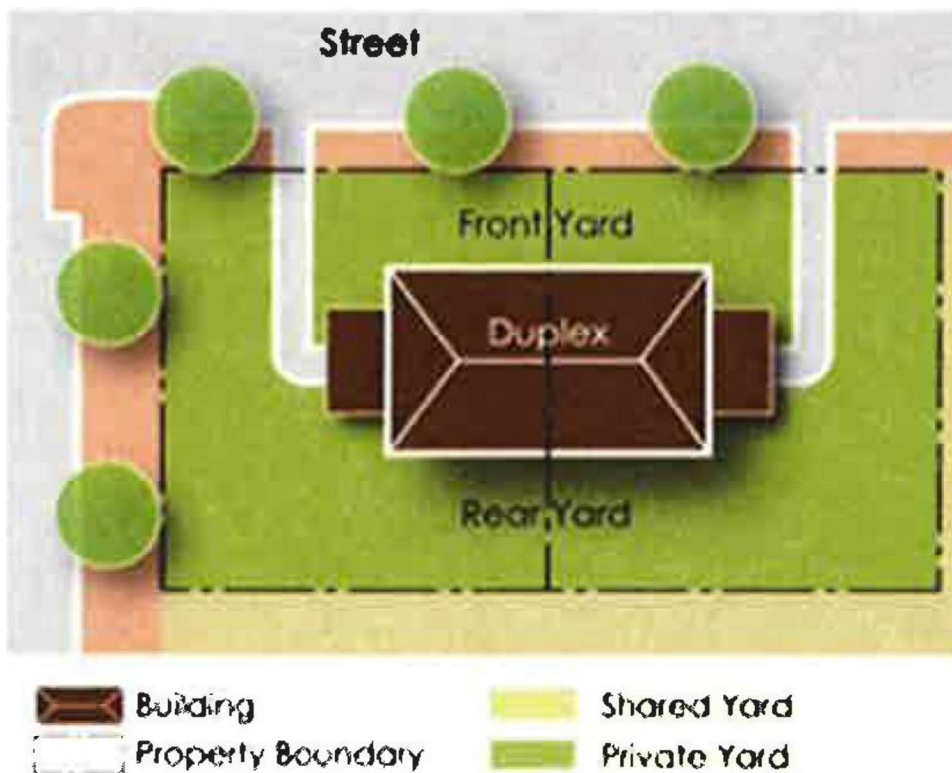
1. Clubhouse/pool amenity areas, greens, playgrounds, pocket parks, neighborhood parks, or detention facilities designed to serve as amenities shall meet dimensional requirements in the base zoning district (article 2 of this chapter) and the standards of article 5, division 5 of this chapter, open space standards.
2. Cottage residential development enhanced open space.
 - a. Single-family cottages shall be clustered around an enhanced open space green that is a minimum of 3,000 square feet or 400 square feet per cottage served by the enhanced open space, whichever is greater.
 - b. The enhanced open space green shall have a minimum dimension of 20 feet on each side.
 - c. At least two sides of the enhanced open space green shall have cottages along its perimeter.

(Ord. of 8-2-2017, § 1(5.7.5))

Sec. 5.7.6. Single-family attached buildings.

Single-family attached residential buildings are buildings in which dwelling units are attached to one another in a variety of ways, each with its own external entrance. Fee simple condominiums share similar configurations to townhouse developments, and they have lot lines that coincide with the building footprint. This section applies to the following development types:

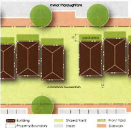
- A. Single-family attached, two- or three-family attached (also called duplex or triplex). A house with two or three attached principal dwelling units located on a single lot. The units may be located on separate floors or side-by-side. A side-by-side, single-family attached duplex may also be permitted to be located on two lots, whereby each unit is located on its own lot.



Single-Family Attached Housing on Two Lots

- B. Fee simple condominium. One or more single-family attached buildings where the owner has fee simple title to the building and the land beneath the building. The building may or may not have a small yard in front of or behind the building. The remaining land is under common ownership.
- C. Single-family attached, and townhouse developments shall meet the following standards.
 1. The overall tract of land for townhouse or fee simple condominium development shall have frontage on a public or private street.
 2. The overall tract of land for townhouse or fee simple condominium development must meet the dimensional requirements of the zoning district.

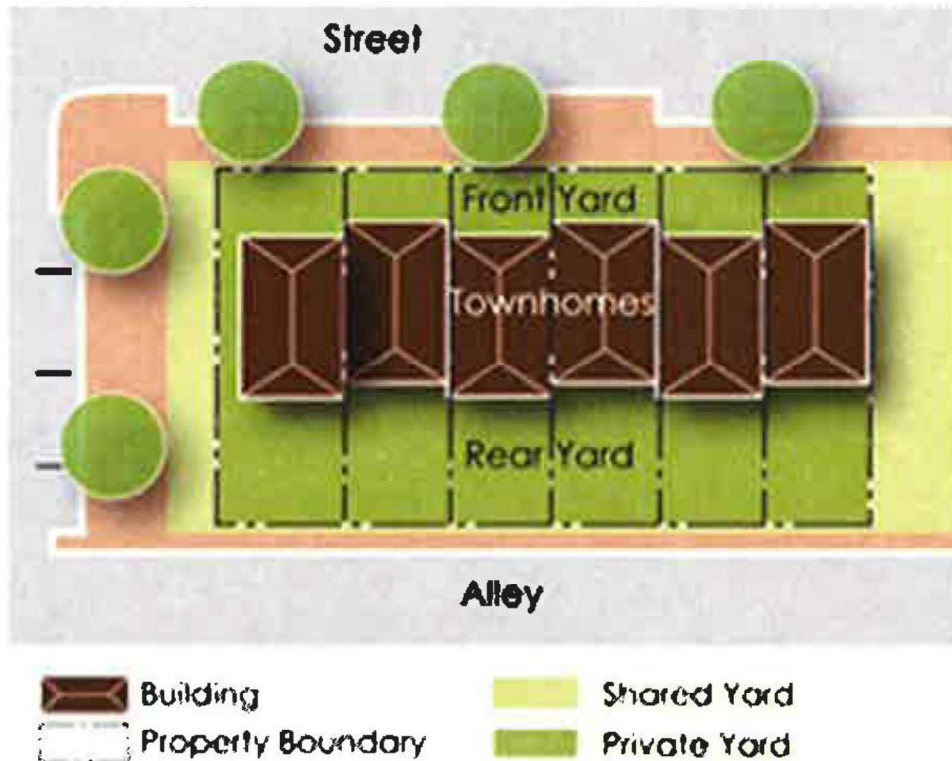
	<p>Traditional Townhouse lot: Townhomes which include yards on the individual property.</p>
<p>Urban Single-Family (Urban-SF) Detached lot: Urban-SF lot lines may coincide with the building envelope. Yard area designated for each unit, however, must still be provided even if held in common ownership. Dimensions of yard areas shall equal the setback that is specified by the zoning district (or approved master plan).</p>	

	<p>Urban Single-Family (Urban-SF) Detached lot: Urban-SF detached residential lots may include yards on the individual property or provide yard area held in common ownership.</p>	<p>Urban Single-Family (Urban-SF) Detached lot: Urban-SF detached residential lots may include yards on the individual property or provide yard area held in common ownership.</p>
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3. Private drives shall meet the requirements of section 14-189.1 of the Code, except as follows:
 - a. Private drives shall provide a ten-foot unobstructed easement on both sides of the drive, measured from back of curb.
 - b. Private drives shall have a minimum 22-foot road width measured from back of curb to back of curb.
 - c. Private drives shall have the same base and paving specifications as required for public streets.
 - d. Roadway shoulders for private drives shall consist of a combination of five-foot sidewalk, five-foot landscape strip for street trees, and may include parallel parking spaces.
 - e. Private drives shall be maintained in accordance with chapter 14.
4. The development shall incorporate a pedestrian circulation plan that separates pedestrians from automobiles by providing rear access to the units or designing an alternative location for pedestrian paths or sidewalks.
5. Sidewalks and pedestrian ways shall provide a continuous network that connects each dwelling unit with adjacent public streets and all on-site amenities designed for use by residents of the development.
6. Sidewalks may go to back of curb when adjoining on-street parking space.
7. Street trees shall be planted on both sides of the street 50 feet on center or every other unit, whichever distance is less.
8. Buildings shall be no more than 200 feet in length.
9. Spacing of buildings shall be consistent with International Codes Council (ICC).
10. Alleys.
 - a. Alleys shall be at least 12 feet wide, subject to the standards of IFC 503.
 - b. Dead end alleys over 150 feet in length are prohibited.
11. Ownership.
 - a. There shall be a mandatory property owners association clearly stating the residents' responsibility to share in the ownership and maintenance of common areas including roadways, alleys, parking, utilities, landscaping, and stormwater management facilities subject to chapter 14 of the Code. The city shall have no ownership or maintenance responsibility of any common areas unless expressly agreed otherwise.
 - b. Individual ownership of the units shall comply with the Georgia Condominium Act or shall require membership in a property owners association in accordance with Georgia law.
 - c. Upon approval of the development plans, a final plat shall be recorded before any units are sold.

- D. Building orientation. The primary entrance and front facade of individual buildings within a townhouse development may be oriented toward streets, private drives or enhanced open space, and shall not be oriented toward off-street parking lots, garages, or carports.
- E. Each dwelling unit shall be metered for water individually.
- F. An easement for water and sewer shall be required with the location subject to approval of the City of Stonecrest, or its designee.
- G. Roofs. Roofs of attached residential buildings shall comply with the following standards:
 - 1. Roofs shall be symmetrical gables, flat with parapet, hip-style, or mono-pitch (shed) style, but alternative roof forms or pitches may be used over porches, entryways, and similar features. Overhangs allowed on principal structures shall be no less than 12 inches.
 - 2. Mono-pitch roofs shall have a minimum pitch of 4:12.
 - 3. Gable and hip-style roofs shall have a minimum roof pitch of 6:12.
 - 4. Roof forms shall be designed to shelter building entrances.
- H. Roof penetrations and equipment. To the maximum extent practicable, roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear facades or screened from view so as to have a minimal visual exposure as seen from an adjacent street.
- I. Facades. For the purposes of this subsection, a building facade shall be considered the entire wall surface on a building side from grade level to underneath an overhanging eave or to the top of a cornice. All single-family attached buildings shall comply with the following facade standards:
 - 1. Facades facing a street shall provide doors, porches, balconies, or windows in the following ratios:
 - a. A minimum of 60 percent of front facade; and
 - b. A minimum of 30 percent of side and rear building facades.
 - 2. All front facades shall provide a minimum of three of the following design features for each residential unit:
 - a. Projections or recesses in the facade plane that contrast with an adjoining unit, with a minimum depth or projection of one foot;
 - b. Exterior building materials or colors different from the materials or colors of the other units;
 - c. Decorative patterns on exterior finish (e.g., shingles, wainscoting, window box, and similar ornamental features);
 - d. A dormer window, cupola, turret, tower, or canopy;
 - e. A recessed entrance;
 - f. A covered porch or balcony;
 - g. Pillars, posts, or pilasters;
 - h. A box or bay window with a minimum 12-inch projection from the facade plane;
 - i. Eaves with either exposed rafters or a cornice projecting a minimum 12 inches from the facade plane; or
 - j. A parapet wall with an articulated design that varies in height.

3. Front facades should be varied to avoid long, flat building fronts so that no more than 20 percent of the front facades of the units in the same building are substantially the same, unless designed as brick row houses.
- J. Garages.
1. Garages for dwelling units shall not face public streets, and shall be accessed by alleys or private drives. Garages that face private drives must comply with subsection C.5 of this section for pedestrian and vehicle separation plan.
 2. Parking spaces for dwelling units shall be located behind buildings, within individual units, on designated on-street spaces or off-street parking lots as provided in subsection K. of this section, off-street parking.
 3. Garage entrances shall be set back between three and ten feet from adjacent streets and sidewalks.
 4. Garage entrances shall be set back a minimum of three feet and a maximum of ten feet from alleys.
- K. Off-street parking.
1. Off-street surface parking lots (including access and travel ways) located on the side of an attached residential building shall not occupy more than 30 percent of the primary street frontage for the attached residential building.



Off-Street Parking on the Side of Attached Residential Buildings

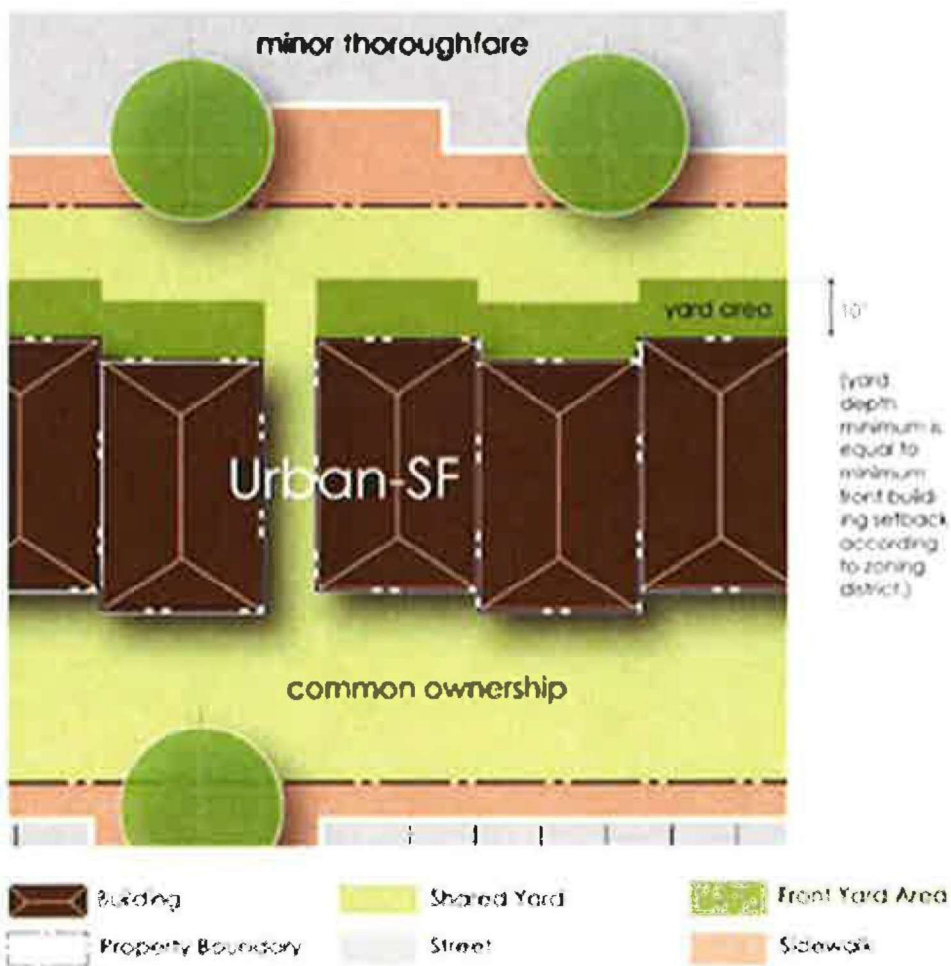
2. Off-street parking required for each attached residential unit is not required on the same lot as the dwelling unit, but the edge of the off-street parking lot shall be no more than 200 feet from the unit's entrance.

- L. The architectural features of a parking deck or structure shall be compatible with the primary buildings.
- M. Streetscape design. Single-family attached residential developments shall comply with the streetscape design standards in division 4 of this article.

(Ord. of 8-2-2017, § 1(5.7.6))

Sec. 5.7.7. Multifamily, nonresidential, live/work and mixed-use buildings.

- A. Multifamily residential building and nonresidential buildings include the following building types: multifamily low rise (three stories and fewer); multifamily high rise (four stories and greater); live/work buildings; and large-scale retail.
 - 1. Multifamily residential buildings contain four or more residential dwelling units consolidated into a single structure. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units, and units share common walls. Structures appearing as townhouses but with internal units that are located one below the other (also known as "stacked townhouses") are also considered multifamily residential buildings.
 - 2. Large-scale retail refers to freestanding buildings containing single-tenant retail sales uses that exceed 60,000 square feet in size.
 - 3. Live/work units incorporate both living and working space in a single unit. A kitchen and a bathroom must be included in each unit. The residential portion may not be less than 33 percent of the unit's total floor area. Within two-story live/work buildings, nonresidential uses shall be located on the ground floor only. Within single story units, the nonresidential use shall be located in the front, with street access. Living space within the live/work unit shall have direct and internal access to work space. Each live/work unit may have a primary entrance from the sidewalk, enhanced open spaces, arcades or public spaces. See also section 4.2.33 for additional live/work use requirements. Multifamily residential orientation shall comply with section 5.7.6.
- B. All development types other than single-family, shall comply with the following:
 - 1. Dimensional and use requirements. Lot size, width, and setbacks shall meet the dimensional requirements set forth for the applicable base zoning district in article 2 of this chapter.
 - 2. Building plane and scale.
 - a. Building facades shall not exceed 40 feet in length without projections, recesses or other architectural features.
 - b. Windows and doorways. Structures built to the edge of the street right-of-way or located within mixed-use and nonresidential districts shall have windows and/or doorways that occupy at least 25 percent of the width of the first floor street-level front facade.

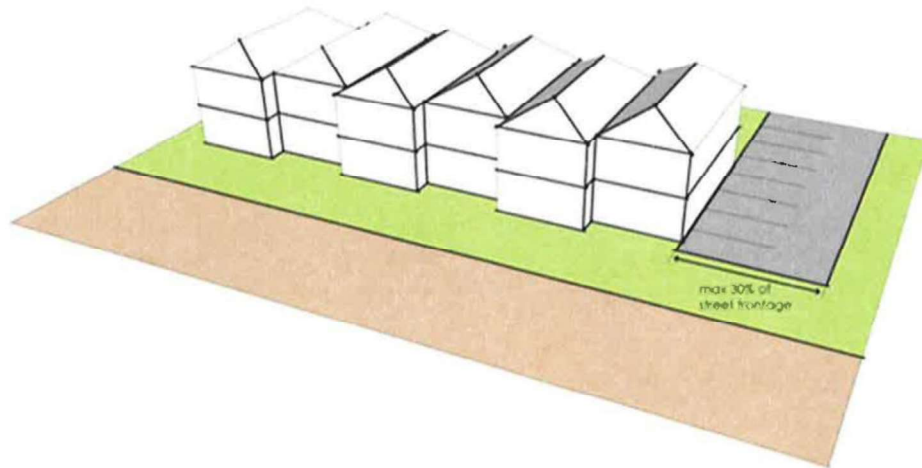


- c. All buildings regulated by this section that are four stories or greater shall:
 1. Clearly articulate the building base, middle and top through materials, architecture details and/or changes in the plane of the wall (projections and recessions).

Urban Single-Family (Urban-SF) Detached lot:
 Urban-SF detached residential lots may include yards on the individual property or provide yard area held in common ownership.

Building Articulation: Clearly defined base, middle and top

2. Provide side step-backs at the fourth story when adjacent to the side of another building four stories or greater and along a private or public street.



Side step-backs between mid- and high rise buildings

- C. Roofs.
 1. Multifamily low-rise buildings regulated by this section shall have roof design and features that comply with section 5.7.6.G.
 2. Multifamily buildings adjacent to a courtyard may be designed with a flat roof.
 3. Rooflines of large-scale retail buildings shall be varied to add interest and variety to the large building form through the use of parapets, hips, gables, eaves, dormers or other similar features. These features shall be incorporated along a minimum of 50 percent of the length of the roofline facing a public street.
 4. Flat roofs shall provide parapets to screen mechanical equipment from street view and from the primary drive facing the front facade.
- D. Parking configuration. Nonresidential and mixed-use buildings shall:
 1. Have no more than one double row of parking within the front yard where there is no intervening building between parking and the street; and
 2. Be allowed to locate parking along the side or rear or as on-street parking dedicated as right-of-way by the applicant for a land disturbance permit or building permit.
- E. Multifamily developments shall meet the building separation requirements provided in section 5.2.1.B.
- F. Off-street surface parking lots (including access and travel ways) consisting of five or more spaces shall be located on the side or to the rear of a multifamily structure or development.
- G. Multifamily housing developments shall provide and maintain outdoor play and recreation areas with a minimum area of five percent of the total area of the lot or 4,000 square feet, whichever is greater.
- H. Low-rise multifamily building types. The following low-rise multifamily buildings shall be allowed, provided they meet the requirements set forth herein:
 1. *Mansion*. The mansion style low-rise multifamily building shall have four to eight units within the structure, which shall be distinguished as a building designed to appear as a typical single-family detached home.

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2. *Courtyard.* The courtyard building shall be oriented such that the courtyard faces the street or roadway and has buildings facing along the other three sides.
 - a. Minimum width of the courtyard is 30 feet and depth is 15 feet.
 - b. Building walls facing a courtyard may be separated by more than the maximum building separation requirements.
 3. *All other.* To reduce massing and promote livability, all other low-rise multifamily building types shall provide:
 - a. Functional balconies for all exterior units;
 - b. Landscaping around each building within ten feet of building and along both sides of all internal sidewalks.
 - I. Multi-building nonresidential development, excluding industrial. Buildings in a nonresidential development composed of multiple buildings totaling 100,000 square feet or more for the whole development shall:
 1. Be configured to break up the site into a series of smaller blocks defined by streets with pedestrian walkways forming an interconnected circulation route;
 2. Face the corner of an existing street intersection or entry point to the development;
 3. Frame and enclose:
 - a. A main street pedestrian or vehicle access corridor entering the development site;
 - b. At least three sides of parking areas, public spaces, or other site amenities; and
 - c. Provide outdoor gathering spaces for pedestrians between buildings.
 - J. Outparcel development.
 1. Outparcels and their buildings shall be aligned in order to define continuous street edges with well-defined entry points.
 2. Spaces between buildings shall be improved to provide landscaped pedestrian amenities such as plazas, seating areas, arcades, pedestrian connections, and gathering spaces.

(Ord. of 8-2-2017, § 1(5.7.7))

Sec. 5.7.8. Large-scale retail; additional standards.

- A. *Entrances.*
 1. The primary entryway into a large-scale retail building shall be clearly articulated by greater architectural detail, incorporating no fewer than three of the following elements:
 - a. Projecting or recessed, covered entrance;
 - b. Distinct roof form above entrance shall include at least one of the following:
 1. Roof overhangs;
 2. Awnings, canopies or porticos;
 3. Raised corniced parapets;
 4. Gabled or peaked roof form;
 5. Arches;

- c. Display windows directly adjacent to the entrance;
 - d. Architectural details and ornamentation emphasizing the building entrance;
 - e. Arcades connecting the entrance to adjacent pedestrian attractions;
 - f. Outdoor plaza with a minimum depth of 20 feet adjacent to the entrance and having seating and a water feature or landscaping; or
 - g. Landscape areas or seating areas.
- B. *Off-street parking.*
- 1. Parking for large-scale retail development shall be distributed around the principal structure on at least two sides.
 - 2. No more than 50 percent of parking may be located between the principal structure and primary street. If located within an activity node, no parking shall be allowed between the principal structure and the primary street, except required parking spaces.
- C. *Pedestrian circulation.*
- 1. Continuous internal sidewalks and pedestrian walkways shall be provided to connect the public sidewalk or right-of-way with the principal building entrance of all principal buildings on the site. Such sidewalks shall also connect key pedestrian focal points such as transit stops, street crosswalks, and building entry points.
 - 2. Internal pedestrian walkways and sidewalks shall be at least five feet in width.
 - 3. Sidewalks shall be provided along all sides of the lot adjacent to a public street.
 - 4. Sidewalks shall be provided for the principal building along any facade featuring a public entrance and along any facade leading to a public parking area.
 - 5. Internal pedestrian walkways and sidewalks shall be differentiated from vehicular driveways and parking spaces through the application of colors and durable surface materials such as pavers, brick, or scored concrete, in order to enhance pedestrian safety and appearance of the pedestrian walkway or sidewalk.
- D. *Landscaping.* In addition to the landscape and screening requirements of division 4 of this article, the following requirements shall also apply:
- 1. *Building frontage.* Beginning 15 feet from the principal customer entrance, along the building facade, a landscape area with trees shall be required for the entire length of the building. Each of the trees required herein shall be at least four and one-half-inch caliper and eight feet tall at installation. Trees required herein shall be spaced no more than 100 feet apart.
 - 2. *Landscape strip.* A landscape strip at least 15 feet wide shall be required along any property line adjacent to a public street. When parking lot landscape strip requirements coincide with this location, the 15 feet shall not be required in addition to the parking lot landscaping, but shall serve as the parking lot dimensional requirement and planted according to parking lot landscaping standards in division 4 of this article.
 - 3. *Walkways.* Pedestrian walkways connecting a public street adjacent to the lot on which the principal building is located and parking aisles shall be provided approximately every 120 feet perpendicular to street frontages.
- E. *Open space and enhanced open space areas.*
- 1. An outdoor gathering space (plaza or square) shall be developed with requirements by open space functional category and enhanced open space types as specified in division 5 of this article.

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2. Sites containing one or more large-scale retail building shall include an outdoor gathering space equal to at least three percent of the total square footage of the building.
 3. Outdoor gathering spaces shall be connected to the sidewalk and pedestrian walkway network, and shall provide at least three of the following features per space:
 - a. Lighted bollards;
 - b. Tables and chairs;
 - c. Fountains or other water features;
 - d. Benches;
 - e. Seat walls and/or raised landscape planters;
 - f. Shade trees lining the gathering space;
 - g. Pots or hanging baskets filled with seasonal plant material;
 - h. Information kiosks;
 - i. Sculptures or other public art features; or
 - j. Other features as approved by the director of planning if the feature enhances the visual impact of the outdoor gathering space.

(Ord. of 8-2-2017, § 1(5.7.8))

ARTICLE 6. PARKING

Sec. 6.1.1. Introduction.

This chapter establishes the standards for the number, location, and development of motor vehicle parking facilities, standards for on-site loading areas, and standards for bicycle parking.

(Ord. of 8-2-2017, § 1(6.1.1))

Sec. 6.1.2. Interpretation.

- A. *Fractions.* Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be the next lowest whole number.
- B. *Parking space requirement not specified.* Where the parking requirement for a particular use is not described in Table 6.2, and where no similar use is listed, the director of planning shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, total square footage, potential customer use, or other expected demand and traffic generated by the proposed use. If the director of planning reasonably determines that a parking generation study should be prepared by a qualified professional, the director of planning may require submission of such a study to aid the director of planning in making a determination with respect to the number of required parking spaces.
- C. *Computations for multiple floor uses within a building.* In cases where a building contains some combination of residential use, office space, retail or wholesale sales area, or bulk storage area, the director of planning may determine on a proportional basis the parking and loading requirements based on separate computations for each use.

(Ord. of 8-2-2017, § 1(6.1.2))

Sec. 6.1.3. Parking regulations, off-street parking spaces.

Off-street parking spaces shall be provided in accordance with the following requirements:

- A. Each application for a development permit or building permit, other than for a detached single-family residence, shall be accompanied by a parking plan showing all required off-street parking spaces, driveways, and the internal circulation system for each such parking lot.
- B. All parking lots and spaces shall conform to the following requirements:
 - 1. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street, except as otherwise allowed in this section.
 - 2. Each parking space, except those located on a single-family residential lot, shall comply with the minimum dimensions established in Table 6.1. Each parking lot shall have adequate space for each car to park and exit every parking space and space for internal circulation within said parking lot.
 - 3. Each parking lot, except those parking spaces located on property used for single-family residential purposes, shall comply with section 5.4.4, site and parking area landscaping.

4. All parking lots and parking spaces, except those located on property used for single-family residential purposes, shall conform to the geometric design standards of the Institute of Traffic Engineers.
5. Parking and loading shall not be permitted within the front yard in any MR, HR, O-I, or O-I-T zoning district, except for required handicapped parking. Notwithstanding the previous sentence, parking and loading shall be permitted within the front yard where provision of adequate parking spaces within the rear is impractical and upon issuance of a variance pursuant to article 7 of this chapter.
6. Parking shall not be permitted within the front yard of any property used for single-family residential purposes, except within a driveway, or in a roofed carport or enclosed garage. Within any single-family residential district, not more than 35 percent of the total area between the street right-of-way line and the front of the principal building shall be paved.
7. No parking space, driveway or parking lot shall be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicle or equipment, unless located within a zoning district which otherwise permits such use.
8. The parking of business vehicles on private property located within residential zoning districts is prohibited. This section shall not prohibit:
 - (1) Typical passenger vehicles, with or without logos, including automobiles, pickup trucks, passenger vans, and dually trucks;
 - (2) Vehicles engaged in active farming, construction activities or contractor services on the private property, or the temporary parking (12 hours or less) of vehicles for the purpose of loading/unloading within residential zoning districts; nor
 - (3) The parking of vehicles on property located in residential zoning districts, where such property is used for an authorized nonresidential use such as a church.

Vehicles used in law enforcement are exempt from the restrictions of this subsection.
9. All parking lots shall conform to the requirements of section 6.1.7.

Table 6.1. Minimum Parking Space Dimensions

Minimum Parking Space Dimensions			
Parking Angle	Minimum Stall Width	Minimum Stall Depth	Minimum Parking Aisle Width
Regular-sized vehicles			
90 degrees	9'	18'	24'
75 degrees	9'	19'	21'
60 degrees	9'	17'	14'
45 degrees	9'	15'	11'
Compact vehicles			
90 degrees	8.5'	15'	22'
75 degrees	8.5'	16'	20'
60 degrees	8.5'	15'	14'
45 degrees	8.5'	14'	10'

10. Notwithstanding any other provisions of chapter 27 or chapter 14, parking areas and/or parking on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage,

without services provided, shall be permitted as a principal use on parcels zoned M or M-2, provided that:

- a. The parking area shall be screened from view of the public street with an opaque corrugated metal fence or wall minimum of ten feet in height. Chain link and wooden fences along street frontage are prohibited.
 - b. The parking area shall be at least 25 feet from the street right-of-way.
 - c. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least two rows of trees. All trees shall be a least six feet in height and/or two inches caliper, and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched.
 - d. The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met;
 - e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality; and
 - f. The parking lot has a minimum of one acre.
 - g. All parking areas and/or parking on unpaved surfaces for transportation equipment and storage or maintenance (vehicle) storage without services provided which are permitted as a principal use on parcels zoned M or M-2 shall be upgraded to the standards of this Sec. 6.1.3.B.10. no later than at the time of business license renewal in 2022.
11. Unpaved parking areas within the M and M-2 zones permitted under subsection B.10. of this section shall comply with the following specifications:
- a. The parking area shall be at least 150 feet from the boundaries of a residentially zoned parcel;
 - b. The parking area subgrade must meet a minimum compaction of 95 percent as certified by a registered professional engineer;
 - c. The parking area surface shall be composed of at least eight inches of compacted Graded Aggregate Base;
 - d. The Graded Aggregate Base shall be stabilized and treated to control dust through approved means, which may include but is not limited to, the effective design and operation of the facility, the periodic application of dust suppressant materials such as calcium chloride, magnesium chloride, or lignin sulfonate, reduced operating speeds on unpaved surfaces, or the periodic replenishment of gravel surfaces;
 - e. Parking areas shall be inspected by the City of Stonecrest or a third-party inspector approved by the City of Stonecrest every year to ensure continued compliance with the above specifications. Proof of inspection and compliance with the Stonecrest Code of Ordinances is required at time of annual business license renewal, and this inspection report must be approved by the Building Department prior to issuance or renewal of a business license. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be required;

(Ord. of 8-2-2017, § 1(6.1.3); Ord. No. 2018-07-02, § 1(6.1.3), 7-16-2018) [TMOD-21-012]

Sec. 6.1.4. Off-street parking ratios.

- A. Minimum on-site parking requirements may be reduced through use of shared parking, in accordance with section 6.1.5.
- B. In residential districts in which garage space is provided, the garage space may count for no more than one required space per 200 square feet of garage space.
- C. Tandem parking is permitted in association with all single-family detached and single-family attached housing types.
- D. Minimum and maximum parking ratios. Unless otherwise regulated elsewhere in this chapter, off-street parking spaces shall be provided for all uses listed are specified in Table 6.2. Unless otherwise noted, the parking requirement shall be based on the gross square footage of the building or buildings devoted to the particular use specified. Maximum parking standards shall not apply to existing uses so long as the building or parking lot is not expanded.
- E. Phased development. Where a project is intended to be developed in phases, the director of planning may approve phased development of a parking lot intended to serve current and future development.
- F. Reduction of minimum parking requirements. The minimum number of required spaces described in Table 6.2 for a particular use may be reduced by ten percent by the director of planning pursuant to an administrative variance in compliance with article 7 of this chapter. If the use is within 1,000 feet of a designated heavy rail, streetcar/light rail or bus rapid transit station, the minimum number of required spaces may be reduced by 25 percent in accordance with article 7 of this chapter.
- G. Carpool/vanpool parking. For office, industrial, and institutional uses where there are more than 20 parking spaces on the site, the following standards shall be met:
 - 1. At least five percent of the parking spaces on-site must be reserved for carpool use.
 - 2. Except as otherwise provided by applicable law, parking lots shall be designed so as to provide the most convenient access to building entrances by persons arriving by vanpools and carpools. In the event of a conflict between the priority described in this subsection and section 6.1.16, this subsection shall prevail.
 - 3. Signs shall be posted identifying spaces reserved for carpool use.

Table 6.2. Off-street Parking Ratios

Minimum and Maximum Parking Spaces		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
<i>Residential</i>		
Detached single-family dwelling	Two spaces per dwelling unit.	Four spaces per dwelling unit.
Two-family and three-family dwellings	One space per dwelling unit.	Four spaces per dwelling unit.
Detached single-family condominium	Two spaces per dwelling unit.	Four spaces per dwelling unit.
Attached single-family dwelling	1½ spaces per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.	Three spaces per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.

Minimum and Maximum Parking Spaces		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Attached two-family and three-family dwellings	1½ spaces per dwelling unit, not including garage, plus one-quarter space per dwelling unit to accommodate guest parking.	Three spaces per dwelling unit, not including garage, plus one-quarter space per dwelling unit to accommodate guest parking.
Multifamily dwellings	1½ spaces for every dwelling unit.	Three spaces for every dwelling unit.
Mobile Homes	Two spaces per mobile home lot.	Four spaces per mobile home lot.
Multifamily dwellings, supportive living	One-half space per dwelling unit.	One space per dwelling unit.
Fraternity house or sorority house	One space per bed.	1¼ spaces per bed.
Rooming house or boarding house, shelter	One space per four beds.	One space per 1½ beds.
Senior housing	One-half space per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.	Two spaces per dwelling unit, plus one-quarter space per dwelling unit to accommodate guest parking.
Assisted Living	One-half space per dwelling unit.	One space per dwelling unit.
Personal care home, group	Two spaces.	Four spaces
Personal care home, community	One space for every 3 beds.	One space for every 2 beds.
Adult daycare facility	Two spaces.	Four spaces.
Child daycare facility	Two spaces.	Four spaces.
Child care institution, group	Two spaces.	Four spaces.
Child care institution, community	One-half space for each employee and resident.	Three-quarters space for each employee and resident.
Live Work dwelling	Two spaces per unit.	Four spaces per unit.
<i>Institutional</i>		
Ambulance service where accessory to a hospital, ambulance services, delivery services and other similar services	One parking space for each fleet vehicle plus one-half space for each administrative or service employee.	One parking space for each fleet vehicle plus three-quarter space for each administrative or service employee.
Child daycare center	One space for each 400 square feet of floor area.	One space for each 300 square feet of floor area.
Convent or monastery	One space for each 400 square feet of floor area.	One space for each 200 square feet of floor area.
Funeral home	One space for each 400 square feet of floor area	One space for each 200 square feet of floor area.
Hospital and similar institutional use	One space per three beds.	No maximum.
Nursing care facility, nursing or convalescent home, and similar institutional use	One-quarter space per bed	One-half space per bed
Kindergarten	One space per 300 square feet of floor area.	One space per 200 square feet of floor area.

Minimum and Maximum Parking Spaces		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Places of assembly with fixed seating, including places of worship, movie theaters, stadiums, auditoriums, live performance theaters, conference centers and cultural facilities	One space for each four seats in the largest assembly room.	One space for each two seats in the largest assembly room.
Places of Assembly without fixed seating, including conference centers, gymnasiums, Place of Worship, libraries, museums, cultural facilities and art galleries	One space for each 40 square feet of floor space in the largest assembly room.	One space for each 20 square feet of floor space in the largest assembly room.
Private elementary and middle school	1½ spaces for each classroom.	Two spaces for each classroom, plus one space for each 50 square feet in largest assembly room.
Private high school	Three spaces for each classroom.	Five spaces for each classroom, plus one space for each 50 square feet in largest assembly room.
Colleges, including trade, vocational, and commercial vocational schools	Ten spaces per classroom, plus 2½ spaces for each 1,000 square feet of floor area in the library or assembly area.	No maximum.
<i>Recreational</i>		
Athletic Field	20 spaces per field.	60 spaces per field.
Bowling alley	Four spaces for each alley.	Five spaces for each alley.
Driving range	One space per tee	1½ spaces per tee
Miniature Golf	12 spaces	20 spaces
Noncommercial club, lodge, or fraternal or social organization (other than fraternity and sorority houses)	One space for each 200 square feet of floor area.	One space for each 100 square feet of floor area.
Public or private swimming pool, neighborhood recreation club/subdivision clubhouse and amenities (recreation and meeting rooms, swimming, and playground), or similar use	One space per 10 homes.	One space per five homes.
Public or private golf course	15 spaces per nine holes.	30 spaces per nine holes.
Indoor recreational facilities, not including bowling alley, swimming pool, tennis courts, or neighborhood recreation centers	One space for each 300 square feet of floor area.	One space for each 125 square feet of floor area.
Special events facilities	One space for each 200 square feet of space used for such activity.	One space for each 100 square feet of space used for such activity.
Temporary outdoor social, religious, seasonal, entertainment or recreation activity	One space for each 300 square feet of land devoted to such use; or where such use is conducted within	One space for each 200 square feet of land devoted to such use; or where such use is conducted

Minimum and Maximum Parking Spaces		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
	a tent one space for each 300 square feet of area within the tent enclosure.	within a tent one space for each 200 square feet of area within the tent enclosure.
Public or private tennis courts	Three spaces per court.	Four spaces per court.
Outdoor recreational uses, waterparks, amusement parks	One space for each 3,000 square feet of gross site area.	One space for each 1,000 square feet of gross site area.
<i>Commercial</i>		
Sexually Oriented Businesses	One parking space for each 400 square feet of floor area in the building.	One parking space for each 25 square feet of floor area in the building.
Automobile repair garage, minor repair, and maintenance establishments	One space for each 400 square feet of floor space.	One space for each 150 square feet of floor space.
Automobile service station	Two spaces for each service bay, with minimum of ten spaces required.	Three spaces for each service bay, with maximum of 15 spaces required.
Bed and breakfast establishment	One space for the owner-operator plus one per guest bedroom.	Two spaces for the owner-operator plus one per guest bedroom.
Car wash	Two stacking spaces for each car wash lane plus two drying spaces per lane.	Three stacking spaces for each car wash lane plus three drying spaces per lane.
Convenience Store without gas pumps	Three spaces for each 1,000 square feet of floor area.	Four spaces for each 1,000 square feet of floor area.
Convenience Store with gas pumps	One space per 500 square feet of floor area	One space per 150 square feet of floor area.
Grocery Store	One space per 500 square feet of floor area.	One space per 200 square feet of floor area.
Hotel or motel	One space per lodging unit, plus one space per each 150 square feet of banquet, assembly, or meeting area.	1 2/10spaces per lodging unit, plus one space per each 100 square feet of banquet, assembly, or meeting area.
Laboratory, research facility	One space for each 1,000 square feet of floor area	One space for each 300 square feet of floor area
Office, Professional	One space for each 500 square feet of floor area.	One space for each 250 square feet of floor area.
Offices, Doctor and Dentist	One space for each 500 square feet of floor area.	One space for each 200 square feet of floor area.
Restaurant with seating for patrons (with or without drive-through)	One space for each 150 square feet of floor area, but not less than ten spaces.	One space for each 75 square feet of floor area, but not less than ten spaces.
Late Night Establishment	One space for each 300 square feet of floor area with a minimum of ten spaces.	One space for each 150 square feet of floor area with a minimum of ten spaces.
Nightclub	One space for each 300 square feet of floor area, but not less than ten spaces.	One space for each 150 square feet of floor are, but not less than ten spaces.

Minimum and Maximum Parking Spaces		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Restaurant, drive-through, without seating area for patrons	One space for each 250 square feet of floor area.	One space for each 150 square feet of floor area.
Restaurant where accessory to hotel or motel	One space for each 300 square feet of floor area, but not less than ten spaces.	One space for each 175 square feet of floor area, but not less than ten spaces.
Retail and personal service uses accessory to high-rise apartment building or high-rise office building	Three spaces for each 1,000 square feet of floor area.	Four spaces for each 1,000 square feet of floor area.
Retail uses, personal service uses, and other commercial and general business uses, but not including Convenience Stores or Grocery Stores or other uses described more particularly herein	One space for each 500 square feet of floor area.	One space for each 200 square feet of floor area.
Storage facilities (mini-warehouse)	One space for each 8,000 square feet of floor area	One space for each 5,000 square feet of floor area.
<i>Industrial</i>		
Heavy and light industrial, manufacturing, and commercial establishments not involving retail sales	One space for each 2,000 square feet of floor area.	One space for each 1,300 square feet of floor area.
Warehouse, distribution	One space for each 2,500 square feet of floor area.	One space for each 500 square feet of floor area.
Wholesale membership club	One space for each 500 square feet of floor area	One space for each 200 square feet of floor area.
Wholesale trade establishments, distribution establishments, offices in conjunction with showrooms, and similar uses	One space for each 200 square feet of floor area devoted to sales or display, plus one space for each 2,000 square feet of gross storage area.	One space for each 150 square feet of floor area devoted to sales or display, plus one space for each 1,500 square feet of gross storage area.

(Ord. of 8-2-2017, § 1(6.1.4)) [TMOD-22-001]

Sec. 6.1.5. Off-street parking reduction for shared parking.

Parking spaces for any existing or new mixed-use development may be based upon a shared parking formula as set forth in Table 6.3.

Shared parking may be utilized for any of the combinations of uses shown in Table 6.3. If shared parking is to be used to satisfy the requirements of this article, an application shall be submitted to the director of planning seeking approval of a shared parking plan. The applicant must submit a scaled site plan for each site that will participate in the shared parking showing zoning, use, and existing parking facilities. Shared parking agreements approved by the director of planning shall be executed prior to issuance of any certificates of occupancy for the development.

In any shared parking agreement, at least 50 percent of shared parking spaces must lie within 700 feet of the main entrance to the principal use for which the parking is provided, and all shared parking spaces must lie within

1,000 feet of the main entrance to the principal use for which the parking is provided. Shared spaces shall not be separated from the site by a roadway with more than four through-travel lanes, unless there is a well-marked, safe pedestrian crossing such as a pedestrian hybrid beacon, a signalized crosswalk, or a refuge median.

Any change in the use of a building, shop or leased area that relies on a shared parking agreement to meet its parking requirements shall require compliance with the parking standards in this article based on the new use in order to obtain a certificate of occupancy. No right to shared parking shall vest in a property where the use of the property changes. In the event that property on which the shared parking is located has a different owner than the owner of the principal development, a written shared parking agreement between all relevant property owners, approved by the director of planning and filed on the deed records in the office of the Clerk of Superior Court for DeKalb County, shall be provided prior to approval of a certificate of occupancy for the principal development. Expiration for any reason of a shared parking agreement, on which compliance with this article is based, shall automatically terminate the related certificates of occupancy and place the property owners in violation of this zoning ordinance.

The steps for determining parking requirements in a mixed use development are:

- A. Determine the minimum amount of parking required for each separate use (Table 6.2).
- B. Multiply each parking requirement by the corresponding percentage for each of the time periods given below.
- C. Calculate the column total parking requirement for each time period.
- D. The largest column total is the shared parking requirement.
- E. Example of shared parking calculation:

If the following uses were proposed with the following example number of parking spaces in accordance with the individual use:

Office: 400 spaces;

Retail: 300 spaces; and

Restaurant uses: 100 spaces;

With a total parking for individual use on-site: 800 spaces.

Then these same land uses under the provisions for shared parking would require the number of parking spaces shown in the example Table 6.4 (by applying the percent reduction in Table 6.3):

Table 6.3. Shared Parking Reduction Table

Shared Parking Reduction Table					
Land Use Type	Weekdays		Overnight	Weekends	
	6:00 a.m.— 5:00 p.m.	5:00 p.m.— 1:00 a.m.	1:00 a.m.— 6:00 a.m.	6:00 a.m.— 5:00 p.m.	5:00 p.m.— 1:00 a.m.
Office	100 percent	10 percent	5 percent	10 percent	5 percent
Retail	60 percent	90 percent	10 percent	100 percent	70 percent
Hotel	75 percent	90 percent	100 percent	75 percent	90 percent
Restaurant	50 percent	100 percent	100 percent	100 percent	100 percent
Entertainment/Recreational	40 percent	100 percent	10 percent	80 percent	100 percent
Church	25 percent	60 percent	10 percent	100 percent	100 percent

Table 6.4. Example of Shared Parking Reduction Calculation

Shared Parking Reduction Table EXAMPLE					
Land Use Type	Weekdays		Overnight	Weekends	
	6:00 a.m.— 5:00 p.m.	5:00 p.m.— 1:00 a.m.	1:00 a.m.— 6:00 a.m.	6:00 a.m.— 5:00 p.m.	5:00 p.m.— 1:00 a.m.
Office	400	40	20	40	20
Retail	180	270	30	300	210
Hotel	0	0	0	0	0
Restaurant	50	100	10	100	100
Entertainment/Recreational	0	0	0	0	0
Church	0	0	0	0	0
Total	630	410	60	440	330

As shown in the weekdays 6:00 a.m.—5:00 p.m. column, 6:30 parking spaces would be needed for this example development. This is a reduction of 170 required spaces.

(Ord. of 8-2-2017, § 1(6.1.5))

Sec. 6.1.6. Shared driveways and interparcel access.

- A. *Applicability.* This section shall apply to all new office, commercial, institutional, mixed use, and industrial developments and any building renovations and repaving projects of office, commercial, institutional, or industrial developments for which a land disturbance permit is required.
- B. *Shared driveways.* Shared driveways between two parcels along a common property line may be required by the planning commission during subdivision plat review or by the director of planning during the land disturbance permitting process. In such cases, each property owner shall grant an access easement to facilitate the movement of motor vehicles and pedestrians across the site. The property owner's obligation to comply with this requirement shall be limited to the extent legal permission to construct and utilize the required shared drive can be obtained from the neighboring property owner.
- C. *Interparcel access requirements.* Interparcel access for vehicles between abutting and nearby properties shall be provided so that access to individual properties can be achieved between abutting and nearby developments as an alternative to forcing all movement onto highways and public roads, unless the director of planning during the land disturbance permitting process determines that it is unnecessary to provide interparcel access due to the unlikelihood of patrons traveling among abutting or nearby sites, or due to inability after reasonable efforts by the property owner to obtain legal permission from the abutting property owners for such interparcel access.

(Ord. of 8-2-2017, § 1(6.1.6))

Sec. 6.1.7. Number of handicapped parking spaces required.

The minimum number of and dimensions for handicapped parking spaces shall comply with the requirements of the Americans with Disabilities Act (ADA) (Public Law 101—136), the State Building Code, and the American National Standards Institute, and any other applicable state or federal law.

(Ord. of 8-2-2017, § 1(6.1.7))

Sec. 6.1.8. On-street parking.

On-street parking spaces located immediately abutting the subject property, entirely within the extension of the side lot lines into the roadway and not within any required clear sight triangle, may be counted toward meeting the required parking ratios for all uses occurring on such abutting lots facing a local street or minor collector street. Where streets have been designated "no parking" by the city, no credit for on-street parking shall be available.

(Ord. of 8-2-2017, § 1(6.1.8))

Sec. 6.1.9. Parking structures.

The following requirements shall apply for parking structures:

- A. *Minimum setbacks.* Parking structures shall comply with the setback requirements for accessory structures established for the zoning district in which they are located.
- B. *Maximum height.* Parking structures shall comply with the maximum height requirements established in the zoning district in which they are located.
- C. *Architectural features and facades.*
 - 1. Parking structures shall utilize materials such as brick, glass, stone, cast stone, poured-in-place concrete, hard coat stucco or precast concrete with the appearance of brick or stone on facades facing public rights-of-way.
 - 2. Architectural features and facades for parking structures shall be compatible with abutting structures.
- D. *Orientation.* Parking structures shall be oriented to the interior of the parcel by adhering to the following:
 - 1. Residential dwelling units, retail storefronts or office facades shall line the parking structure along all first floor facades adjacent to a street, excluding alleys and driveways.
 - 2. Parking structures, when added to an existing residential development, shall not be located between the building front and the street.

(Ord. of 8-2-2017, § 1(6.1.9))

Sec. 6.1.10. Parking area landscaping.

See parking area landscaping requirements in section 5.4.4.

(Ord. of 8-2-2017, § 1(6.1.10))

Sec. 6.1.11. Paving surfaces.

- A. *Typical paving surfaces.* The paving surface of required minimum on-site and off-site parking areas shall be a dust-free, all-weather material (e.g., asphalt, concrete, or pavers). The paving surface shall have the parking stalls, loading and unloading zones, fire lanes and any other applicable designations delineated in white or yellow paint.

- B. Alternative paving surfaces may be used for the number of spaces that exceed 105 percent of the minimum required spaces subject to the confirmation by the director of planning of the pervious nature of the alternative paving material and the numerical calculations.
1. Alternative paving surfaces may include living turf grass or similar ground cover, pervious pavers or concrete, stabilized grass lawn, or other pervious parking surfaces.
 2. Driveways, access aisles and parking spaces (excluding handicapped) may be surfaced with grass lawn or other pervious parking surface serving:
 - a. Uses within 50 feet of environmentally sensitive areas identified in the comprehensive plan;
 - b. Uses which require parking for less than five days per week during a typical month; and
 - c. Parks, playgrounds, and other similar outdoor recreation areas with less than 200 parking spaces.

(Ord. of 8-2-2017, § 1(6.1.11))

Sec. 6.1.12. Stacking spaces.

All driveway entrances, including stacking lane entrances, must be at least 50 feet from an intersection. The distance is measured along the street from the junction of the two street curb lines to the nearest edge of the entrance.

(Ord. of 8-2-2017, § 1(6.1.12))

Sec. 6.1.13. Valet parking requirements.

All valet parking services shall meet the following requirements:

- A. Valet parking services shall only use off-street parking to park customer vehicles.
- B. A valet parking service shall be allowed only where the business establishment being served possesses the minimum required parking spaces either on-site or through a shared off-site parking agreement.

(Ord. of 8-2-2017, § 1(6.1.13))

Sec. 6.1.14. Off-street loading requirements.

- A. Off-street loading spaces shall be provided as indicated in Table 6.5.

Table 6.5. Off-street loading space requirements

Off-street loading requirements		
Type of Use	Gross Floor Area (Sq. Ft.)	Loading Spaces Required
Single retail establishment services	0 to 19,999	0
	20,000 to 49,999	1
	50,000 to 250,000	2
	Over 250,000	3
Shopping centers	0 to 9,999	1

	10,000 to 24,999	2
	25,000 to 39,999	3
	40,000 to 99,999	4
	Each additional 100,000	1 additional
Office buildings, multifamily residential over four stories, hospitals, health care establishments, hotels and motels	10,000 to 49,999	1
	50,000 to 99,999	2
	100,000 to 199,999	3
	200,000 to 999,999	4
	Each additional 1,000,000	1 additional
Manufacturing, warehousing, wholesaling, etc.	10,000 to 24,999	1
	25,000 to 39,999	2
	40,000 to 99,999	3
	Each additional 100,000	1 additional
Recycling centers		2

- B. Design and arrangement of off-street loading areas. The following standards shall apply to off-street loading areas, which shall be comprised of loading spaces and maneuvering areas:
1. A loading space shall measure no less than 12 feet by 35 feet and have no less than 14 feet of vertical clearance.
 2. For any use required to furnish three or more loading spaces, at least one in every three shall measure no less than 12 feet by 55 feet.
 3. For manufacturing and warehousing uses, all loading spaces shall measure no less than 12 feet by 55 feet.
 4. Maneuvering areas shall not include required parking spaces or any portion of a public right-of-way. No off-street maneuvering area shall require vehicles to back in from or out to a public street.
- C. Off-street loading and maneuvering location limitations. Off-street loading spaces and maneuvering areas shall be located only in those portions of a lot where off-street parking areas are allowed with the following additional limitations:
1. Industrial zoning districts. If the off-street loading spaces and maneuvering areas are across from, or adjacent to, any non-industrial zoning district, a 50-foot landscaped strip shall be established between the nonindustrial zoning district and the off-street loading spaces and maneuvering area.

- D. Screening of loading areas. Loading areas shall be paved with impervious materials and shall be screened so as not to be visible from any public plaza, ground-level or sidewalk-level outdoor dining area, public sidewalk, public right-of-way, private street or any adjacent residential use.
- E. Enclosure of dumpsters and trash compactors. All external dumpsters and loading areas shall be enclosed with opaque fence or walls at least six feet in height.

(Ord. of 8-2-2017, § 1(6.1.14))

Sec. 6.1.15. Parking of trailers in residential districts.

- A. In a residential zoning district, no trailer or recreational vehicle shall be parked in front of the principal structure; within the side yard setback or ten feet from side property line, whichever is less; or within ten feet of the rear lot line.
- B. No recreational vehicle or trailer may be occupied for human habitation for more than 14 consecutive days while parked within a residential zoning district.
- C. Recreational vehicles and trailers may be parked, for the limited purpose of storage between travel, on unpaved surfaces, including gravel or a similar material that prevents the vehicle's or trailer's tires from making direct contact with the earth, soil, sod or mud, so long as the unpaved surface prevents tracking of earth, soil, sod or mud onto public streets when the vehicle or trailer is moved from the property.
- D. Within any residential zoning district, no recreational vehicle, trailer or storage container may be parked on a lot that does not contain a permanent dwelling unit or other structure intended for permanent human habitation as its principal use.
- E. No portable storage container may be parked or stored in a residential zoning district for a period of a time exceeding 15 consecutive days, or a total of 30 days during any calendar year. A container used during active construction under a valid permit may remain for the duration of the active construction, counting toward the time restrictions of this subsection.

(Ord. of 8-2-2017, § 1(6.1.15))

Sec. 6.1.16. Alternative fuel vehicles parking.

- A. *Where required.* Preferential parking for alternative fuel vehicles shall be provided for all new nonresidential parking areas containing 100 or more parking spaces, and for new parking areas of mixed-use projects where the nonresidential portion of the project requires 100 or more parking spaces. The parking spaces shall be striped with green paint to distinguish the spaces as preferential parking spaces, and in accordance with the Georgia Department of Transportation requirements.
- B. *Required number of spaces.* At least two percent of all parking spaces in parking lots identified in subsection A. of this section shall be designated for preferential parking for alternative fuel vehicles.
- C. *Location of parking spaces.* The required alternative fuel preferential parking spaces shall be located as close as possible to the primary entrance without conflicting with the Americans with Disability Act requirements, or other state or federal law. In the event the priority described in this subsection shall conflict with the priority described in section 6.1.4, section 6.1.4 shall prevail.
- D. *Signage required.* Each alternative fuel preferential parking space shall be provided with a sign that identifies the parking space as designated for use by alternative fuel vehicles. The sign shall be in compliance with chapter 21, signs.

- E. *Existing vehicle recharging stations.* Existing parking spaces with vehicle recharging stations may be used to meet the requirements of this section.

(Ord. of 8-2-2017, § 1(6.1.16))

Sec. 6.1.17. Bicycle/moped parking requirements.

- A. A building, commercial establishment, recreation area, or other property, whether privately or publicly-owned or -operated, that is required to provide automobile parking facilities, whether free of charge or for a fee, to any employees, tenants, customers, clients, patrons, residents, or other members of the public shall provide at least one bicycle/moped parking space for every 20 required automobile parking spaces. No such building, commercial establishment or other property subject to the provisions of this section shall have fewer than three, nor be required to have more than 50 bicycle/moped parking spaces. The requirements of this section shall not apply to properties being operated primarily as commercial parking facilities, residences, or churches.
- B. All bicycle/moped spaces shall be located within 250 feet of a regularly used building entrance and shall not interfere with pedestrian traffic. Each space shall include a metal anchor that will secure the frame and both wheels of a bicycle or moped in conjunction with a user-supplied lock. If bicycle/moped parking is not visible to the general visiting public, then a sign no larger than ten inches by 15 inches shall be displayed that directs cyclists to the bicycle/moped parking.
- C. The provisions of this section shall apply to property owners, persons occupying the property pursuant to a leasehold interest, or other managers or operators of buildings, commercial establishments and property subject to the provisions of this section.
- D. The provisions of this section shall apply to any building, commercial establishment or property for which a permit for new construction is issued following the effective date of this part, and to the alteration of existing buildings in all cases where sufficient space exists to provide such parking facilities.

(Ord. of 8-2-2017, § 1(6.1.17))

ARTICLE 7. ADMINISTRATION

DIVISION 1. GOVERNING BODIES AND AUTHORITY

Sec. 7.1.1. Purpose and intent; compliance with law.

- A. This article is intended to provide certain procedures to govern.
 - 1. Processing of various applications for rezoning, variances, comprehensive plan text amendments, comprehensive plan map amendments, special land use permits, administrative variances, and major and minor modifications to conditions of zoning.
 - 2. The calling and conducting of public hearings pertaining to said applications.
 - 3. Establishing criteria for making decisions on such applications.
- B. The city council, planning commission, and zoning board of appeals shall comply with all applicable provisions of state law, now and as they may be amended hereafter, including, but not limited to, state law concerning open records, open meetings and records retention.

(Ord. of 8-2-2017, § 1(7.1.1))

Sec. 7.1.2. Governing bodies.

- A. *Director of planning.*
 - 1. The provisions of this zoning ordinance shall be administered by the director of planning or his designee, in conjunction with the planning commission, the zoning board of appeals and the city council as set forth herein. The specific duties of the director of planning shall include, but not be limited to, the following:
 - a. Accepting and processing applications for zoning map amendments (rezonings), special land use permits, zoning certifications, continuances of nonconforming uses, text amendments to the zoning ordinance, modifications of zoning conditions, variances, residential lot divisions, amendments to the map and text of the comprehensive plan, or any other such business as may be scheduled for public hearing by the planning commission, zoning board of appeals, or city council.
 - b. Researching facts and preparing recommendations for the planning commission and the city council for such applications.
 - c. Researching facts and preparing recommendations regarding variances and appeals of error, or any other business as may be scheduled for public hearing by the zoning board of appeals.
 - d. Maintenance of permanent records concerning the administration of this zoning ordinance and comprehensive plan, including all maps, amendments, records of public hearings, and any other business of the planning commission and zoning board of appeals.
 - e. Review of applications for permits and licensing to ensure conformity with the requirements of this zoning ordinance and other relevant city ordinances.
 - f. Upon written request by the property owner or owner's authorized agent and payment of a fee established by the city council, the director of planning may issue a certificate verifying the current zoning of a parcel of land, or a letter confirming a legal nonconforming status.

- g. Administratively correct the official zoning map after a graphic or scrivener error has been identified.
- h. Other duties as authorized in this zoning ordinance, including, but not limited to, the rendering of administrative decisions authorized by division 6 of this article.

B. Training and Education of Boards and Commissions

- 1. Members of the Planning Commission and Zoning Board of Appeals shall attend by the 365th day of their term of appointment or re-appointment one (1) or more courses, seminars, or other opportunities of training and education on matters pertaining to the operations, activities, or duties of their respective board or commission (Sec 2.6.17.b).
- 2. Education and training opportunities include, but are not limited to, any organized training or educational activities that in the opinion of the Planning and Zoning Director are relevant to the activities, operations, and duties of said board or commission. (Sec. 2.6.17.e)

C. *Reserved.*

D. *Planning Commission.*

- 1. There is hereby established a Planning Commission which shall consist of five members, all residents of the City of Stonecrest, who shall be appointed as follows:
 - a. The Mayor shall appoint one member from each district, subject to confirmation by the city council.
 - b. Each member shall serve a term of two years. However, the initial term of all initial planning commissioners first appointed after the effective date of the ordinance from which this section is derived shall expire on December 31, 2018.
- 2. A planning commissioner shall be removed at any time for failure to attend three consecutive meetings or for failure to attend 75 percent or more of the meetings within any calendar year without the excuse of the chairman of the commission. It shall be the duty of the secretary of the planning commission to keep a record of the attendance of members and to notify the city council when any planning commissioner is removed pursuant to the failure to attend meetings requirement of this section. Such removal shall be effective ten days following notification by the secretary of the planning commission to the city council. The Mayor shall have the authority to remove a planning commissioner for cause by providing written notice to the city council and the planning commissioner proposed to be removed, subject to the majority vote of the city council. Upon request of the planning commissioner proposed for removal for cause other than for failure to attend meetings, the city council shall hold a hearing on the removal prior to the city council's vote on the removal. Planning commissioners may be reappointed to successive terms without limitation. Any vacancy in the membership of the planning commission shall be filled for the unexpired term in the same manner as the initial appointment. Members of the planning commission shall hold no other city office or city compensated position. Members of the planning commission shall hold no elective office in DeKalb County. If a planning commission member moves outside the district from which he was originally appointed, or moves outside the City of Stonecrest, that action shall constitute a resignation from the planning commission, effective immediately.
- 3. No person shall serve or continue to serve as a member of the planning commission until they have been certified by the director as having completed a training session sponsored by the city or designated by the city.
- 4. No person shall serve as a member of the planning commission until they have executed and filed with the designated officer of the city an oath, administered by the mayor or a judicial officer authorized to administer an oath, in the following form:

"I do solemnly swear or affirm that I will faithfully execute the office of planning commissioner for the City of Stonecrest, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the Charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I, by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the municipal Charter, the Code of the City of Stonecrest, the Constitution and laws of Georgia. I am a resident of district _____ and the City of Stonecrest. I will perform the duties of my office in the best interests of the City of Stonecrest to the best of my ability without fear, favor, affection, reward, or expectation thereof."

5. The governing authority shall determine the amount of compensation, if any, to be paid to the members of the planning commission.
6. No amendment to the text of this chapter, the official zoning map, or the comprehensive plan text or maps shall become effective unless the subject matter of the amendment has been submitted to the planning commission for public hearing and recommendation pursuant to the requirements of this chapter.
7. The planning commission shall further adopt rules of procedure governing the conduct of its meetings; which rules shall be supplemental to and not conflict with this chapter. In any case where the rules do not address a procedural issue which arises before the planning commission, the most recent edition of Robert's Rules of Order shall govern. The planning commission may from time to time amend its rules by majority vote. A copy of the adopted rules of procedure and any subsequent amendment thereto shall be filed by the secretary of the planning commission with the city clerk, and copies of the rules shall be made available to the public by the secretary of the planning commission and the city clerk.
8. All meetings of the planning commission shall be open to the public, and the agenda for each board meeting shall be made available to the public. Notice of all meetings of the public commission shall be given in accordance with section 7.2.4.
9. A quorum of the planning commission shall consist of at least three members of the commission, except that a lesser amount shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of at least three members of the planning commission. A roll call vote shall be taken upon the request of any member. If there is not a quorum present, all items shall be rescheduled and re-advertised for the next regular meeting.
10. At its first regular meeting and the first regular meeting in each January thereafter, the planning commission shall, by majority vote of its membership elect one of its members to serve as chairperson to preside over the commission's meetings and one member to serve as vice chairperson. The persons so elected shall serve in these capacities for terms of one year or until a replacement is elected. Vacancies may be filled for the unexpired terms only by majority vote of the planning commission membership. The chairperson and vice chairperson may take part in all deliberations and vote on all issues. The chairperson and the vice-chairperson may each be elected to successive terms without limitation.
11. At its first regular meeting and the first regular meeting in each January thereafter, the planning commission shall, by majority vote of its membership, appoint one person to serve as its secretary. The director of planning or his designee may serve as secretary of the planning commission. The planning department staff shall keep minutes of the proceedings of the planning commission, showing the vote of each member upon each item, or, if a member is absent or fails to vote, indicating such fact, and shall keep records of the planning commission official actions and evidence submitted, all of which shall be filed in the office of the planning department and shall be a public record.

E. *Zoning board of appeals.*

1. There is hereby established a zoning board of appeals which shall consist of five members, each of whom shall be a resident of the city. Each member shall serve a term of two years. The Mayor shall appoint one member from each district, subject to confirmation by the city council. A member of the zoning board of appeals shall be removed at any time for failure to attend three consecutive meetings or for failure to attend 75 percent or more of the meetings within any calendar year without the excuse of the chairman of the board. It shall be the duty of the secretary of the zoning board of appeals to keep a record of the attendance of members and to notify the city council when any zoning board of appeals member is removed pursuant to the failure to attend meetings requirement of this section. Such removal shall be effective ten days following notification by the secretary of the zoning board of appeals to the city council. The Mayor shall have the authority to remove a zoning board of appeals member for cause by providing written notice to the city council and the zoning board of appeals member proposed to be removed, subject to the majority vote of the city council. Upon request of the zoning board of appeals member proposed for removal for cause other than for failure to attend meetings, the city council shall hold a hearing on the removal prior to the city council's vote on the removal. Members of the zoning board of appeals may be reappointed to successive terms without limitation. Any vacancy in the membership of the zoning board of appeals shall be filled for the unexpired term in the same manner as the initial appointment. Members of the zoning board of appeals shall hold no other city office or city compensated position. Members of the zoning board of appeals shall hold no elective office in DeKalb County. If a member of the zoning board of appeals moves outside the district from which he was originally appointed or outside the City of Stonecrest, that action shall constitute a resignation from the zoning board of appeals, effective immediately.
2. No person shall serve or continue to serve as a member of the zoning board of appeals until they have been certified by the director as having completed a training session sponsored by the city.
3. No person shall serve as a member of the zoning board of appeals until they have executed and filed with the designated officer of the city an oath, administered by the mayor or a judicial officer authorized to administer an oath, in the following form:

"I do solemnly swear or affirm that I will faithfully execute the office of planning commissioner for the City of Stonecrest, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the Charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I, by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the municipal Charter, the Code of the City of Stonecrest, the Constitution and laws of Georgia. I am a resident of district _____ and the City of Stonecrest. I will perform the duties of my office in the best interests of the City of Stonecrest to the best of my ability without fear, favor, affection, reward, or expectation thereof."
4. Each member shall serve a term of two years. However, the initial term of all initial members first appointed after the effective date of the ordinance from which this section is derived shall expire on December 31, 2018.
5. The governing authority shall determine the amount of compensation, if any, to be paid to the members of the zoning board of appeals.
6. The zoning board of appeals shall meet each month at a standard day and time to be determined by the board. The chairperson may, when necessary, call for special meetings of the board. A meeting may be canceled by the chairperson if there are no matters to be acted upon by the board.

7. The zoning board of appeals shall conduct its meetings in accordance with the procedures contained in this chapter. The board shall further adopt rules of procedure governing the conduct of its meetings, which rules shall be supplemental to and not conflict with this chapter. In any case where the rules do not address a procedural issue which arises before the board, the most recent edition of Robert's Rules of Order shall govern. The board may from time to time amend its rules by majority vote. A copy of the adopted rules of procedure and any subsequent amendment thereto shall be filed by the secretary of the zoning board of appeals with the city clerk, and copies of the rules shall be made available to the public by the secretary of the zoning board of appeals and the city clerk.
8. All meetings of the zoning board of appeals shall be open to the public, and the agenda for each board meeting shall be made available to the public. Notice of all meetings of the zoning board of appeals shall be given in accordance with section 7.2.4.
7. A quorum of the zoning board of appeals shall consist of at least three members of the board, except that a lesser amount shall be sufficient to recess or adjourn any meeting; but no official action shall be taken except upon the affirmative vote of at least three members of the zoning board of appeals. A roll call vote shall be taken upon the request of any member. If there is not a quorum present, all items shall be rescheduled and re-advertised for the next regular meeting.
8. At its first regular meeting first regular meeting each January thereafter, the zoning board of appeals shall, by majority vote of its membership elect one of its members to serve as chairperson to preside over the board's meetings and one member to serve as vice chairperson. The persons so elected shall serve in these capacities for terms of one year or until a replacement is elected. Vacancies may be filled for the unexpired terms only by majority vote of the board membership. The chairperson and vice chairperson may take part in all deliberations and vote on all issues. The chairperson and the vice-chairperson may each be elected to successive terms without limitation.
9. At its first regular meeting of each January, the zoning board of appeals shall, by majority vote, appoint a secretary. The director of planning or his designee may serve as secretary to the zoning board of appeals. The planning department staff shall keep minutes of the proceedings of the board, showing the vote of each member upon each item, or if absent or failing to vote, indicating such fact, and shall keep records of its official actions and evidence submitted, all of which shall be filed in the office of the planning department and shall be a public record.
10. The staff of the planning department shall conduct a site inspection of and shall prepare an analysis of each application for a variance applying the applicable criteria and standards set forth in this chapter to each such application.

(Ord. of 8-2-2017, § 1(7.1.2))

DIVISION 2. GENERAL PROCEDURES

Sec. 7.2.1. Applications and public hearing.

This division establishes procedures that apply to all application submittals and procedures for public hearings required by this zoning ordinance. Prior to the processing of any application for an amendment to the official zoning map, commonly referred to as a rezoning, variance, comprehensive plan text amendment, comprehensive plan map amendment, special land use permit, or modification to conditions of zoning, the applicant shall be required to file documentation and follow certain procedures as set forth in this article. Additional regulations that apply to specific application types may be found in subsequent sections of this chapter.

(Ord. of 8-2-2017, § 1(7.2.1))

Sec. 7.2.2. Applications.

- A. *Applications for city action that require a public hearing.* Applications for city action that require a public hearing shall be filed with the director of planning, along with a fee as set by the city council and the campaign disclosure required by O.C.G.A. § 36-67A-3. Applications and procedures shall be made available to the public in the offices of the planning department.
- B. *Processing of said applications.* The processing of said applications shall be based upon an annual calendar adopted by the city council. This calendar shall be made available to the public in the offices of the planning department.
 - 1. The director of planning shall be authorized to establish application submittal requirements necessary to obtain sufficient information to allow for a compliance review of the application as well as forms and instructions for each application type or petition.
 - 2. No application shall be processed by the planning and zoning director unless it complies with the procedural requirements of this division and is found to be a complete application.
 - 3. A change to a site plan or proposed condition of zoning associated with an application, which change has been accepted and allowed to be part of the application by the director of planning, may be deferred by the city council for a full-cycle review if the city council determines such review is reasonably necessary as a result of the change. The amended application shall be treated as if it were a new application, for the purposes of publication, review, notice and hearings, as required under this article, including review by the planning commission. An amendment to an application shall not change the original filing date of that application. An amended application shall not require a new application fee. However, in the case of a deferral requested by the applicant, the applicant shall pay a required re-advertising fee.
- C. *Application fees.* The application fees for special land use permits, amendments to the official zoning map and comprehensive plan map amendments shall be as established by the city council.
- D. *Site plan preparation.* The director of planning shall publish a checklist of requirements for site plans submitted pursuant to this zoning ordinance. All site plans submitted pursuant to this zoning ordinance shall be submitted with the applications to which they apply and shall comply with the checklist requirements.
- E. *Notice of applications filed.* The secretary of the planning commission shall provide the city council with a list of all applications and amendments filed. The listing of applications shall be reasonably made available to the public.
- F. *Withdrawal of application by applicant.* Applications may not be withdrawn without permission of the city council after they have been filed for advertising for public hearing, except as otherwise provided herein.
- G. *City clerk to provide signed copy of final actions taken by the city council to director of planning to be noted on official zoning maps.* The clerk shall, after any final action taken by the city council, provide to the director of planning a signed, certified copy of each such action. The director of planning shall cause all relevant documents to be amended accordingly to reflect the final action approved by the city council.
- H. *Resubmittal of rejected or denied applications.*
 - 1. *Rezoning.*
 - a. If an application for rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of 24 months from the date of the city council's final decision.

- b. Notwithstanding subsection H.1.a. of this section, the city council may by resolution reduce the 24-month time restriction between applications to a period no less than the minimum required by the O.C.G.A. § 36-66-1 et seq., as it now exists and may be amended hereafter, which currently is six months as of the date of adoption of the ordinance from which this division is derived.
 - c. An applicant may request that the city council allow withdrawal of an application without prejudice, in which case, if approved, no minimum time period need expire before a subsequent application for rezoning of the property may be accepted by the director of planning.
2. *Variance.*
- a. An application for a variance affecting all or a portion of the same property for which an application for variance for the same regulation was denied shall not be submitted before 24 months have passed from the date of final decision by the zoning board of appeals on the previous variance.
 - b. The zoning board of appeals may reduce this 24-month time restriction by resolution, provided that the time restriction between the date of said denial and any subsequent application affecting the same property shall be no less than six months.
 - c. An applicant may request that the zoning board of appeals allow withdrawal of an application without prejudice, in which case, if approved, no minimum time period need expire before a subsequent application for rezoning of the property may be accepted by the director of planning.
3. *Special land use permit.*
- a. An application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before 24 months have passed from the date of final decision by the city council on the previous special land use permit.
 - b. Notwithstanding section a. above, the city council may by resolution reduce the 24-month time restriction between applications to a period no less than the minimum required by the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., which is six months as of the date of adoption of the ordinance from which this division is derived.
 - c. An applicant may request that the city council allow withdrawal of an application without prejudice, in which case, if approved, no minimum time period need expire before a subsequent application for rezoning of the property may be accepted by the director of planning.

(Ord. of 8-2-2017, § 1(7.2.2))

Sec. 7.2.3. Reserved.

(Ord. of 8-2-2017, § 1(7.2.3))

Sec. 7.2.4. Public hearings.

- A. *Zoning decisions.* The term "zoning decision" is defined in article 9 of this chapter by reference to the definition of "zoning decision" set forth in state law, O.C.G.A. § 36-66-3, as it now exists and may be amended hereafter.
- B. *Zoning decisions initiated by the city.* For any zoning decision initiated by the city at least 15 but not more than 45 days prior to the date of the public hearing before the city council, the city shall cause to be

published within a newspaper of general circulation within the territorial boundaries of the city, a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.

- C. *Zoning decisions, appeals to the zoning board of appeals, variances, extensions of special land use permits, and major modifications of conditions initiated by a party other than the city.* For any zoning decision, appeal to the zoning board of appeals, variance, extension of special land use permits, or major modification of conditions initiated by a party other than the city, notice of the public hearing shall be provided as follows:
1. Written notice of each public hearing shall state the nature of the proposed change, and the date, time, and place of the public hearing before either the planning commission, zoning board of appeals or the city council and shall be mailed by first class mail by the director of planning to all owners of property within one thousand (1,000) feet of the boundaries adjoining the subject property, as such property owners are listed on the records of DeKalb tax commissioner, at least 15 days and not more than 45 days prior to said public hearing.
 2. Signs shall be posted on the subject property at least 15 days and not more than 45 days prior to the public hearing before the city council, the planning commission or the zoning board of appeals. The required information on each sign shall be as provided in O.C.G.A. § 36-66-1 et seq., as it now exists and may be amended hereafter. At least one sign shall be posted on each street on which the subject property has frontage in a conspicuous location within ten feet of the right-of-way. One additional sign shall be posted for each additional 500 feet of frontage or fraction thereof in excess of 500 feet of frontage on each street on which the subject property has frontage. Signs shall be double-faced and posted so that the face of the sign may be read by the traveling public in both directions, and the applicant shall pay a sign fee, in an amount to be established by the city council, to the planning department.
 3. One notice sign may serve both the application for an amendment to the official zoning map and/or the application for a special land use permit, as long as the sign states the relevant information for all hearings relating to those actions.
 4. A dated photograph of each sign shall be submitted by the applicant to the director of planning as evidence of its proper posting.
 5. The city shall cause a notice of each public hearing regarding a proposed zoning decision to be published in a newspaper of general circulation within the city at least 15 days and not more than 45 days prior to the public hearing. The notice shall include the date, time and place of the hearing before the planning commission, the city council, and/or the zoning board of appeals, the address of the property, the present zoning classification of the property, the proposed zoning classification of the property, the nature of the variance sought, and the proposed special land use, as applicable.

(Ord. of 8-2-2017, § 1(7.2.4))

Sec. 7.2.5 Community Impact Notification

- A. **Applicability**
1. Any development or building project with an aggregate of 12,000 square feet or more of new buildings or a site consisting of two acres or more must meet the Community Impact Notification requirements.
 2. This includes any development or building project with an aggregate of 12,000 square feet of construction, or other similar work requiring a building permit within the next 24 months.
- B. **Requirements**
1. *Council notification.* The Chief Building Official shall provide notification to the pertinent district councilmember.

2. *Posted notice.* Applicant shall place one or more signs in a conspicuous location on the property. At least one sign shall be posted along each street on which the subject property has frontage. One additional sign shall be posted for each additional 500 feet of frontage. Each sign shall contain the location and nature of the proposed project and web address to access and view plans.
3. *Written notice.* Written notice shall be mailed by first class mail by the Applicant to all owners of property within 1,000 feet of the boundaries of the subject property. The notice shall state the location and nature of the proposed project.

DIVISION 3. ZONING AND COMPREHENSIVE PLAN AMENDMENTS AND PROCEDURES

Sec. 7.3.1. Initiation of proposals for text and map amendments.

A proposed amendment to the text of this chapter, the official zoning map, or the comprehensive plan may be introduced by the director of planning, one or more members of the city council or by the planning commission. In addition, amendments to the official zoning map (rezoning) and the comprehensive plan may be initiated upon application by the owners of the subject property or the authorized agent of the owners. Before enacting any amendment to this chapter, the official zoning map, or the comprehensive plan maps, the city council shall provide for the public notice and public hearings required by section 7.2.4 of this article.

(Ord. of 8-2-2017, § 1(7.3.1))

Sec. 7.3.2. Consistency with comprehensive plan.

Any applicant seeking to rezone property to a classification that is inconsistent with the comprehensive plan, as established in article 1 of this zoning ordinance, must first obtain approval of an amendment to the comprehensive plan land use map from the city council. The comprehensive plan maps shall be amended according to a schedule approved by the city council. However, exceptions may be granted by the city council in between the regular review cycle in cases of demonstrated hardship, or in cases of large-scale developments that may provide special economic benefits to the community. Requests for exceptions shall be subject to approval by the city council during a city council meeting.

(Ord. of 8-2-2017, § 1(7.3.2))

Sec. 7.3.3. Staff analysis, findings of fact, and recommendations.

- A. The staff of the planning department shall conduct a site inspection on all applications for zoning map and comprehensive plan map amendments and shall investigate and prepare an analysis of each proposed text amendment to this chapter or to the comprehensive plan.
- B. The findings and recommendations of the planning department staff shall be made based on each of the standards and factors contained in section 7.3.4 or section 7.3.5, below, as applicable. In an application for rezoning, the planning staff may recommend the imposition of conditions in accordance with section 7.3.9. The staff shall present its findings and recommendations to the planning commission and the city council.
- C. Within a reasonable amount of time after acceptance of a complete application, the director of planning shall submit the application for review by city departments and external agencies, as may be appropriate. External agencies may include, but are not limited to, DeKalb County, DeKalb County School Board, Georgia

Regional Transportation Authority, Georgia Department of Transportation, and the Atlanta Regional Commission (ARC), and any municipality that abuts the property that is the subject of the application. Any written comments received prior to submittal of the report shall be submitted to the review bodies for consideration and such comments shall become an official public record.

(Ord. of 8-2-2017, § 1(7.3.3))

Sec. 7.3.4. Standards and factors governing review of proposed amendments to the comprehensive plan map.

The following standards and factors are found to be relevant for evaluating applications for amendments to the comprehensive plan map and shall govern the review of all proposed amendments to the comprehensive plan map:

- A. Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.
- B. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties.
- C. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- D. Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies.
- E. Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near municipal boundary lines.
- F. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change.
- G. Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.

(Ord. of 8-2-2017, § 1(7.3.4))

Sec. 7.3.5. Standards and factors governing review of proposed amendments to the official zoning map.

The following standards and factors are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the official zoning map:

- A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.
- B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.
- E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

- F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.
- G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

(Ord. of 8-2-2017, § 1(7.3.5))

Sec. 7.3.6. Reserved.

(Ord. of 8-2-2017, § 1(7.3.6))

Sec. 7.3.7. Action by the planning commission.

The secretary of the planning commission shall provide the members of the planning commission complete information on each proposed application requiring a public hearing by the planning commission, including a copy of the application and all supporting materials. The planning commission, after conducting a public hearing with prior public notice as required by this article, shall consider the proposal and vote on its recommendation to the city council. Any recommendation by the planning commission shall not be binding on the city council. The planning commission may recommend approval of the application, recommend approval to a less intense zoning district or land use category than that requested by the applicant, recommend approval of the application with conditions, recommend denial of the application, recommend deferral of the application, or, upon request of the applicant, recommend withdrawal of the application without prejudice. In its recommendation of any application, the planning commission may recommend the imposition of conditions in accordance with section 7.3.9. All findings and recommendations of the planning commission relating to amendments to the official zoning map shall be made based on each of the standards and factors contained in section 7.3.5. All recommendations of the planning commission relating to amendments to the comprehensive plan maps shall be made based on each of the standards and factors contained in section 7.3.4. The secretary of the planning commission shall make and maintain a written record of the planning commission's consideration and recommendations, which shall be public record.

(Ord. of 8-2-2017, § 1(7.3.7)) [TMOD-21-014]

Sec. 7.3.8. Action by the city council.

At the next scheduled city council meeting pursuant to the applicant zoning calendar following the appearance of the matter on the planning commission agenda, the city council, after conduct of a public hearing with public notice as required by this article, shall vote to approve the proposed amendment pursuant to this division, approve with conditions, approve to a less intense zoning district or land use category than that requested by the applicant, deny the proposed amendment, defer the proposed amendment, or, upon request of the applicant, permit withdrawal without prejudice. In the approval of any proposed amendment to the official zoning map, the city council may impose conditions in accordance with section 7.3.9. For each proposed zoning decision, the analysis submitted by the applicant, if any, the analysis prepared by the planning department, and the record prepared by the planning commission shall be presented to each member of the city council. All decisions of the city council relating to each proposed amendment to the official zoning map shall be made based on each of the standards and factors contained in sections 7.3.4 and 7.5.3 or 7.5.4, as appropriate. All decisions of the city council relating to amendments to the comprehensive plan maps shall be made based on each of the standards and factors contained in section 7.3.4. Any proposed amendment or any proposed substitute ordinance considered by the city council shall be presented in written form prior to being voted on by the city council, or made a part of the motion.

(Ord. of 8-2-2017, § 1(7.3.8))

Sec. 7.3.9. Conditions of zoning.

Conditions of zoning may be requested by an applicant, recommended by the planning department or planning commission, or imposed by the city council, as a part of any proposed change to the official zoning map, in accordance with the following requirements:

- A. Conditions of zoning may be imposed so as to ameliorate the effects of the proposed developmental change for the protection or benefit of neighboring persons or properties consistent with the purpose and intent of the zoning districts involved, and the goals and objectives of the comprehensive plan and state law. No condition shall be imposed which reduces the requirements of the zoning districts involved, except as stipulated in section 8.1.12 of this chapter. All conditions shall be of sufficient specificity to allow lawful and consistent application and enforcement. All conditions shall be supported by a record that evidences the relationship between the condition and the impact of the developmental change. No condition in the form of a development exaction for other than a project improvement shall be imposed within the meaning of the Georgia Development Impact Fee Act, as amended.
- B. Once imposed, conditions of zoning shall become an integral part of the approved amendment and shall be enforced as such. Changes to approved conditions shall be authorized only pursuant to section 7.3.10.
- C. Site plans referenced in the conditions of zoning are conceptual only unless specific aspects of the site plan or the site plan itself are approved as a separate zoning condition. Development shall meet or exceed the imposed zoning conditions and all other applicable law, standards and regulations of the City. Compliance with the conditions of zoning shall be demonstrated prior to the issuance of a land disturbance permit or building permit and conditional improvements shall be in place prior to the issuance of the first certificate of occupancy.

(Ord. of 8-2-2017, § 1(7.3.9))

Sec. 7.3.10. Modifications and changes to approved conditions of zoning.

- A. The director of planning shall have sole authority to approve minor changes to conditions attached to an approved zoning amendment. Minor changes are those that implement only slight alterations to the approved conditions made necessary by actual field conditions at the time of development, and that do not alter the impact of the development on nearby properties nor the intent or integrity of the conditions as originally imposed. Any request for minor changes to conditions shall be filed with the director of planning or his designee on a written form which shall include a full description of the documents and/or information necessary for the application to be considered complete. At a minimum, if an approved site plan exists, the request for minor changes shall be accompanied by four copies of the proposed revised site plan. The director of planning shall decide whether to grant or deny the request for minor changes to conditions within 30 calendar days of receipt of a complete application for such minor changes. If the director of planning does not decide within 30 days the request for minor change shall be deemed denied as of the 31st day after receipt of a complete application. After making a decision, the director of planning shall have ten calendar days to post a sign on the subject property which reflects the decision of the director and includes the deadline for taking an appeal of the decision. Persons identified in section 7.5.2.B. shall have 15 calendar days from the posting of the sign to appeal the director of planning's decision by filing an application for appeal with the secretary of the zoning board of appeals. Any major changes to conditions attached to an approved zoning amendment shall require an application and public hearings before the planning commission and the city council, as required in section 7.2.4 of this article for amendments to the official

zoning map without limiting the meaning of the phrase, the following shall be deemed to constitute major changes:

1. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;
2. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
3. Any decrease in the size of residential units imposed in the original conditional zoning amendment;
4. Any change in any buffer requirements imposed in the original conditional zoning amendment;
5. Any increase in the height of any building or structure;
6. Any change in the proportion of floor space devoted to different authorized uses; or
7. Any change to conditions, except minor changes, as defined in subsection A. of this section, imposed by the city council when approving any change to the official zoning map, commonly referred to as a rezoning or a zoning amendment.

(Ord. of 8-2-2017, § 1(7.3.10)

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DIVISION 4. SPECIAL LAND USE PERMITS

Sec. 7.4.1. Special land use permits generally.

- A. A special land use permit is a means by which the city council gives special consideration, pursuant to a clear set of standards and criteria, to those types of uses which may or may not be compatible with uses and structures authorized as a matter of right within a particular zoning district. Special land use permits are required for uses that have operational characteristics and/or impacts that are significantly different from the zoning district's principal authorized uses and therefore require individual review pursuant to the standards and criteria set forth in this division and article.
- B. Special land use permit applications shall be authorized only for those uses specifically listed in the applicable zoning district regulations, as permitted by special land use permit, and in compliance with any applicable supplemental regulations, according to article 4 of this chapter or section 7.4.7.
- C. An applicant desiring to apply for a special land use permit authorized within a zoning district described in this chapter shall file an application with the planning department in accordance with this division. The city council, following consideration by the planning commission, shall determine whether the proposed use, in the particular location contemplated, meets the standards and criteria set forth in this division and chapter.
- D. Such uses may further require, and the city council shall be authorized to impose, special conditions in order to ensure their compatibility with surrounding uses and to minimize adverse impacts on the use of surrounding property.

(Ord. of 8-2-2017, § 1(7.4.1))

Sec. 7.4.2. Initiation of applications and public hearing requirements.

- A. Procedures for applications shall comply with section 7.2.2.
- B. Applications for special land use permits require a public hearing, as provided for in section 7.2.4.

(Ord. of 8-2-2017, § 1(7.4.2))

Sec. 7.4.3. Initiation of ordinance for application for special land use permit.

Upon receipt of a complete application for a special land use permit, the secretary of the planning commission shall prepare a proposed ordinance to grant the proposed special land use permit, and said proposed ordinance shall be referred to the planning commission for public hearing and consideration pursuant to the requirements of this chapter and presented to the city council at their next scheduled zoning meeting after appearance on the planning commission agenda.

(Ord. of 8-2-2017, § 1(7.4.3))

Sec. 7.4.4. Reserved.

(Ord. of 8-2-2017, § 1(7.4.4))

Sec. 7.4.5. Staff analysis, findings of fact, and recommendation on each application.

An application for a special land use permit shall be filed on forms provided by the planning department and shall not be considered an authorized application unless complete in all respects. Upon receipt of a complete application, the staff of the planning department shall conduct a site inspection and shall prepare an analysis of each application for a special land use permit and shall present its findings and recommendations in written form to the planning commission. Staff analysis and recommendations on each application for special land use permit shall be based on the criteria contained in section 7.4.6 and, in addition, where applicable to the use proposed, on the criteria contained in section 7.4.7.

(Ord. of 8-2-2017, § 1(7.4.5))

Sec. 7.4.6. Special land use permit; criteria to be considered.

The following criteria shall be considered by the planning department, the planning commission, and the city council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the city council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations in article 4 of this chapter:

- A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.
- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
- C. Adequacy of public services, public facilities, and utilities to serve the proposed use.
- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.
- E. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.

- F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.
- G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.
- H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.
- I. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.
- J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.
- K. Whether the proposed use is consistent with the policies of the comprehensive plan.
- L. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.
- M. Whether there is adequate provision of refuse and service areas.
- N. Whether the length of time for which the special land use permit is granted should be limited in duration.
- O. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
- P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.
- Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.
- R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.
- S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

(Ord. of 8-2-2017, § 1(7.4.6))

Sec. 7.4.7. Additional criteria for specified uses.

In addition to the criteria contained in section 7.4.6 above for which each applicant for a special land use permit is required to provide information, the following additional criteria shall apply to specific uses as specified below. No application for a special land use permit for the uses specified below shall be granted by the city council unless it is determined that, in addition to meeting the requirements contained within the zoning district in which such property is located and the criteria contained in section 7.4.6 above, and complying with applicable regulations in article 4 of this chapter, satisfactory provisions and arrangements have been made concerning each of the following criteria:

- A. *Telecommunications towers and antennas.* In determining whether to authorize a special land use permit for a telecommunication tower or antenna, the city council shall comply with and apply the requirements of section 4.2.57.

- B. *Reserved.*
- C. *Child daycare facility.* In determining whether to authorize a special land use permit for a child daycare facility, the city council shall also consider each of the following criteria:
 - 1. Whether there is adequate off-street parking for all staff members and for visitors to the child daycare facility.
 - 2. Whether the proposed off-street parking areas and the proposed outdoor play areas can be adequately screened from adjoining properties so as not to adversely impact any adjoining land use.
 - 3. Whether there is an adequate and safe location for the dropping off and picking up of children at the child daycare facility.
 - 4. Whether the character of the exterior of the proposed structure will be compatible with the residential character of the buildings in the zoning district in which the child daycare facility is proposed to be located, if proposed for a residential zoned district.

(Ord. of 8-2-2017, § 1(7.4.7))

[TMOD-22-001]

Sec. 7.4.8. Action by the planning commission.

- A. Planning staff shall provide the members of the planning commission complete information on each proposed application for a special land use permit that the commission considers, including a copy of the application and all supporting materials. The planning commission, after conducting a public hearing with public notice, as required by this article, shall vote on its recommendation to be provided to the city council.
- B. The planning commission may recommend approval of the application, approval of the application with conditions, denial of the application, or deferral of the application.
- C. The planning commission may recommend the imposition of conditions based upon the facts of a particular application in accordance with section 7.3.9.
- D. The planning commission recommendation on each application shall be based on a determination as to whether or not the applicant has met the criteria contained in section 7.4.6, the criteria contained in section 7.4.7 where applicable to the use proposed, and the requirements of the zoning district in which such use is proposed to be located.

(Ord. of 8-2-2017, § 1(7.4.8))

Sec. 7.4.9. Action by the city council.

- A. The city council, after conducting the public hearing with public notice as required by this chapter, shall vote to approve the application, approve the application with conditions, deny the application, defer the application, or, upon request of the applicant, to permit withdrawal of the application without prejudice.
- B. The city council may impose conditions based upon the facts of a particular application in accordance with section 7.4.9.
- C. The decision of the city council on each application for special land use permit shall be based on a determination as to whether or not the application satisfies the criteria contained in section 7.4.6, the criteria contained in section 7.4.7 where applicable to the use proposed, and the requirements of the zoning district in which such use is proposed to be located.

- D. The city council may specify the duration of each such special land use permit approved.
(Ord. of 8-2-2017, § 1(7.4.9))

Sec. 7.4.10. Appeals of decisions of the city council.

All appeals of all final decisions of the city council under the provisions of this division shall be as follows:

- A. Any person aggrieved by a final decision of the city council on an amendment to the zoning ordinance which rezones property from one zoning classification to another or which changes zoning conditions, or which denies any such ordinances may seek review of such decision by petitioning the Superior Court of DeKalb County via direct appeal, setting forth plainly the alleged errors. Such petition shall be filed within 30 days after the final decision of the city council is rendered.
- B. Any person aggrieved by a final decision of the city council on a special land use permit may seek review of such decision by petitioning the Superior Court of DeKalb County via a writ of certiorari plainly setting forth the alleged errors. Such petition shall be filed within 30 days after the final decision of the city council is rendered.

(Ord. of 8-2-2017, § 1(7.4.10))

Sec. 7.4.11. Limitations of special land use permits.

- A. *Development of an approved special use.* The issuance of a special land use permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required by any applicable law or regulation.
- B. *Expiration of a special land use permit.* Unless a building permit or other required approvals is applied for within 12 months of the city council's approval, and construction pursuant to such building permit is promptly begun and diligently pursued thereafter, the special land use permit shall expire automatically, unless the permit is extended upon application to the city council in accordance with subsection C. of this section.
- C. *Time extension of a special land use permit.* A time limitation imposed on special land use permits by the city council and the expiration date established pursuant to subsection B. of this section may be extended once for 12 consecutive months upon written request by the applicant and approval by the planning director. Any further time extensions shall be by the city council upon written request by the applicant and approval of the city council after compliance with the public notice provisions of section 7.2.4.C. In considering a request to extend, the planning director and the city council shall consider the criteria described in section 7.4.6.
- D. *Limitations on approvals for special land use permits.* A special land use permit shall expire automatically and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of 12 consecutive months.
- E. *Modifications to a special land use permit.* Changes to an approved special land use permit, including changes to approved conditions, expansion of the approved use, or expansion of building square footage, shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.

(Ord. of 8-2-2017, § 1(7.4.11))

Sec. 7.4.12. Transfer of special land use permits.

A special land use permit, including the site plan and any conditions imposed at the time of the grant of the special land use permit by the city council, is granted to the person, corporation or other legal entity that applied for the permit. A special land use permit expires automatically upon change in ownership of the subject property, unless the special land use permit is transferred as authorized in this section. A special land use permit may only be transferred from one person, corporation, or other legal entity to another person, corporation, or other legal entity upon application to the director of planning. Any such application by any person, corporation, or other legal entity to transfer a special land use permit shall be accompanied by an affidavit of the proposed transferee certifying that the new owner or operator is familiar with and will abide by the approved site plan and all of the conditions, if any, imposed by the city council at the time of the grant of the special land use permit.

If an application to the city council for a special land use permit is submitted due to an existing violation of this chapter and such application for special land use permit is denied, the violation shall be required to be corrected within 30 days of such denial. Notwithstanding the foregoing, the director of planning may extend the deadline for correction of the violation for a period up to 90 days following the denial of the special land use permit application upon a showing that the violation cannot reasonably be corrected within 30 days.

(Ord. of 8-2-2017, § 1(7.4.12))

DIVISION 5. VARIANCES AND APPEALS TO THE ZONING BOARD OF APPEALS

Sec. 7.5.1. Testimony and burden of proof.

The chairperson of the zoning board of appeals, or, in his absence, the acting chairperson, may administer oaths and compel the attendance of witnesses by subpoena.

- A. *Requirements.* The standards and requirements of this zoning ordinance and decisions made by public officials are presumed to be valid and just. It shall be the responsibility of an applicant seeking relief to assume the burden of proof and rebut this presumption by presenting sufficient facts and evidence to explain how the proposed appeal or variance is consistent with the general spirit and intent of this zoning ordinance and the comprehensive plan.
- B. *Review.* It is the duty of the zoning board of appeals to review such facts and evidence in light of the intent of the zoning ordinance to balance the public health, safety and general welfare against the injury to a specific applicant that would result from the strict application of the provisions of this zoning ordinance to the applicant's property.

(Ord. of 8-2-2017, § 1(7.5.1))

Sec. 7.5.2. Appeals of decisions of administrative officials.

- A. *General power.* The zoning board of appeals shall have the power and duty to hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement, or decision made by an administrative official based on or made in the enforcement of this zoning ordinance or as otherwise authorized by local law or the Code of the City of Stonecrest. Administrative officials must make final decisions covered by this section within 180 days of receipt of all necessary information to make such decision. A failure to act prior to the passage of 180 days shall not be construed to be a final order, requirement or decision within the meaning of this division. If a decision is not made by the 181st day, the requested decision is deemed denied, and becomes appealable. All such appeals shall be heard and decided

following the notice requirements of section 7.2.4, and pursuant to the following criteria and procedural requirements.

- B. *Appeals of decisions of administrative officials.* Appeals of decisions of administrative officials may be filed by:
- (1) Any person aggrieved by; or
 - (2) An owner of property within 250 feet of the nearest property line of the property that is the subject of any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this zoning ordinance, or as otherwise authorized by local law or the Code of the City of Stonecrest.

By filing with the secretary of the zoning board of appeals an application for appeal, specifying the grounds thereof, within 15 days after the action was taken by the official that is the subject of the appeal.

- C. *Appeal stays all legal proceedings.* An appeal of a decision of an administrative official stays all legal proceedings in furtherance of the action or decision appealed from unless the official from whom the appeal is taken certifies to the zoning board of appeals, after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life or property. In such a case, legal proceedings shall be stayed only pursuant to a restraining order granted by a court of competent jurisdiction directed to the officer from whom the appeal is taken and on due cause shown.
- D. *Appeal stays land disturbance or construction activity in certain situations.* If the action or decision appealed from permits land disturbance or construction activity to commence or continue on residentially zoned property, the appeal stays the land disturbance or construction activity until the zoning board of appeals issues a decision on the appeal. Thereafter, land disturbance or construction activity in such cases shall only be stayed by an order from a court of competent jurisdiction. In all cases involving nonresidentially zoned property, the appeal to the zoning board of appeals does not stay land disturbance or construction activity; such activity shall only be stayed by an order from a court of competent jurisdiction.
- E. *Order granted by court.* Thereafter, in such situations land disturbance or construction activity shall only be stayed by an order granted by a court of competent jurisdiction.
- F. *Time of hearing.* The zoning board of appeals shall fix a reasonable time for the hearing of the appeal and give notice thereof pursuant to the requirements of section 7.2.4 as well as written notice to the appellant. Any party may appear at the hearing in person, by an agent, by an attorney, or by the submission of written documentation.
- G. *Decision of the zoning board of appeals.* Following the consideration of all testimony, documentary evidence, and matters of record, the zoning board of appeals shall make a determination on each appeal. The zoning board of appeals shall decide the appeal within a reasonable time, but in no event more than 60 days from the date of the hearing. An appeal shall be sustained only upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the zoning ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by any applicable laws are met.

(Ord. of 8-2-2017, § 1(7.5.2))

Sec. 7.5.3. Applications for variances; and criteria to be used by the zoning board of appeals in deciding applications for variances.

The zoning board of appeals shall hear and decide applications for variances from the strict application of the regulations of this chapter and chapter 21 where the strict application of any regulation enacted under said chapters would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the board shall apply the criteria specified in this section to the facts of each case. The board may attach reasonable conditions to any approved variance in accordance with section 7.3.9. Once imposed, conditions shall become an integral part of the approved variance and shall be enforced as such. No changes to an approved condition attached to a variance shall be authorized except by re-application to the zoning board of appeals in full compliance with the applicable provisions of this division. No relief may be granted or action taken under the terms of this division unless such relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this chapter and the comprehensive plan. The zoning board of appeals shall apply the following criteria to the types of applications specified below as follows:

- A. Variances from the provisions or requirements of this chapter other than variances described in section 7.5.4 shall be authorized only upon making all of the following findings:
 - 1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.
 - 2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.
 - 3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.
 - 4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.
 - 5. The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.
- B. Appeals of decisions regarding building architectural design standards shall be evaluated using the same criteria as section 7.6.7.B.
- C. Appeals to the height standards, but not to add stories, shall be evaluated using the criteria as follows:
 - 1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.
 - 2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
 - 3. Adequacy of public services, public facilities, and utilities to serve the proposed use.
 - 4. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

5. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
6. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

(Ord. of 8-2-2017, § 1(7.5.3))

Sec. 7.5.4. Applications for variances to reduce or waive off-street parking or loading space requirements.

The zoning board of appeals shall hear and decide applications for variances to reduce or waive required off-street parking or loading spaces in accordance with the provisions and standards of this section. All such applications shall be heard and decided based on the notice requirements of section 7.2.4. The zoning board of appeals may waive or reduce the required number of parking or loading spaces in any district only upon an expressed finding that:

- A. The character of the use of the buildings is such as to make unnecessary the full provision of parking or loading spaces;
- B. Reserved;
- C. The provision of the full number of parking spaces would have a deleterious effect on an historic building, site, district or archaeological resource;
- D. The use has a characteristic that differentiates it from the typical use example used in the formulation of this zoning ordinance;
- E. The location of the proposed development is relatively isolated where the opportunity for diversity of use, pedestrian access, and alternative modes is not available; or
- F. The developer is providing the additional spaces for general public parking (for hourly or daily parking charges) to serve surrounding development.

(Ord. of 8-2-2017, § 1(7.5.4))

Sec. 7.5.5. Limitations of authority of the zoning board of appeals.

No variance shall be granted by the zoning board of appeals to:

- A. Allow a structure or use not listed as a permitted use or a special use in the applicable zoning district or a density of development that is not authorized within such district. This prohibition does not apply to any variance from the supplemental regulations of article 4 of this zoning ordinance or from any other accessory feature or characteristic of a permitted or special use, unless said variance is otherwise prohibited by the regulations of this chapter.
- B. Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the city council.
- C. Reduce, waive or modify in any manner the minimum lot width unless the purpose is to reverse a lot merger.
- D. Reduce, waive or modify in any manner the minimum lot area established by this chapter.
- E. Extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the director of planning.

- F. Permit the expansion or enlargement of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit.
- G. Permit the reestablishment of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit where such use has lapsed pursuant to the requirements and limitations of article 8 of this chapter.
- H. Permit customer contact for a home occupation authorized by this chapter.
- I. Allow any variance to increase the height of a building which will result in adding a story.

(Ord. of 8-2-2017, § 1(7.5.5))

Sec. 7.5.6. Decision by the zoning board of appeals.

Each application presented to the zoning board of appeals regarding a variance shall be scheduled for a public hearing within 60 days of the filing of a complete application and shall be supported by findings and conclusions which shall be a part of the record established by the zoning board of appeals for each application. The zoning board of appeals shall grant or deny the variance. In its variance decision, the zoning board of appeals must include findings of fact citing evidence of compliance with all applicable criteria imposed by this chapter or other applicable provisions of law. The zoning board of appeals may adopt the findings of fact of the staff or the applicant, they may adopt the findings of fact of the staff or applicant with modifications, or they may adopt a separate set of facts developed by the zoning board of appeals.

(Ord. of 8-2-2017, § 1(7.5.6))

Sec. 7.5.7. Compliance with standards upon denial.

In such case that an application to the zoning board of appeals is initiated due to an existing violation of this chapter and such application is denied, the violation shall be required to be corrected within 30 days of such denial or as specified by the zoning board of appeals if a greater time period is required. The maximum extension of time the board may grant for correction shall be 90 days.

(Ord. of 8-2-2017, § 1(7.5.7))

Sec. 7.5.8. Appeals of decisions of the zoning board of appeals.

All appeals of all final decisions of the zoning board of appeals under the provisions of this chapter shall be as follows:

Only persons aggrieved by a final decision of the zoning board of appeals may seek review of such decision by petitioning the Superior Court of DeKalb County by writ of certiorari, setting forth plainly the alleged errors. Such petition shall be filed within 30 days after the final decision of the zoning board of appeals is rendered.

(Ord. of 8-2-2017, § 1(7.5.8))

Sec. 7.5.9. Fair Housing Act accommodation variance.

Notwithstanding any other provisions in this chapter to the contrary, the zoning board of appeals may grant a variance to the limitations of this chapter that might have a discriminatory impact on a handicapped person, as

that term is defined in the Federal Fair Housing Act, including, but not limited to, sections 4.2.41 and 4.2.28 as well as the terms defined therein. A Fair Housing Act accommodation variance shall be issued if the applicant for such a variance shows a documented need for accommodation based on medical or scientific studies, that the requested accommodation is the minimum necessary variance from the restrictions of the Code, that the requested accommodation does not impose an undue burden or expense on the city or its citizens, and that the requested accommodation does not effectively create a fundamental alteration of the existing zoning scheme. An application for a Fair Housing Act accommodation variance shall comply with all other procedural requirements for consideration and approval of variances in this division.

(Ord. of 8-2-2017, § 1(7.5.9))

DIVISION 6. SPECIAL ADMINISTRATIVE PERMITS; WAIVERS AND VARIANCES

Sec. 7.6.1. Special administrative permits generally.

The director of planning is hereby authorized to consider and decide requests for special administrative permits specifically authorized in this zoning ordinance. All such requests for special administrative permits shall be filed in writing on forms promulgated by the director of planning.

(Ord. of 8-2-2017, § 1(7.6.1))

Sec. 7.6.2. Standards for special administrative permits, criteria to be applied.

All applications filed for special administrative permit with the director of planning shall be considered and decided pursuant to the standards contained in sections 7.4.6 and 7.4.7 of this chapter, and any supplemental regulations, as applicable, in article 4 of this chapter. All special administrative permits approved by the director of planning shall specify the length of time of the duration of each such special administrative permit.

(Ord. of 8-2-2017, § 1(7.6.2))

Sec. 7.6.3. Time limitations.

All applications for special administrative permits shall be considered and decided by the director of planning no later than 30 days from the receipt of a complete application for such special administrative permit, unless an extension of time is agreed to by the applicant and the director of planning. If the director of planning does not render a decision on the application within 30 days the application shall be deemed denied as of the 31st day after receipt of a complete application.

(Ord. of 8-2-2017, § 1(7.6.3))

Sec. 7.6.4. Reserved.

(Ord. of 8-2-2017, § 1(7.6.4))

Sec. 7.6.5. Administrative variances, administrative waivers; authority.

- A. The director of planning is hereby authorized to consider and grant or deny, pursuant to the procedures and standards contained in this division, an administrative variance or an administrative waiver from the following regulations and subject to the standard limitations:
1. Reduce by variance any front, side or rear yard setback by an amount not to exceed ten percent of the district requirement, but not including any transitional buffer zone or any setback which is a condition of zoning or special land use permit, pursuant to the standards specified in section 7.5.3.
 2. Reduce by variance the required spacing between buildings in districts where multiple buildings are authorized on a single lot in an amount not to exceed ten percent of the requirement, pursuant to the standards specified in section 7.5.3.
 3. Reduce by variance the off-street parking or loading requirements imposed by this chapter in an amount not to exceed ten percent of the district requirement, pursuant to the standards specified in section 7.5.4.
 4. Reserved.
 5. Increase by variance the retaining wall height as set forth in article 5, division 4 of this chapter by an amount not to exceed two feet, but no such variance is allowed for property located in an historic district.
 6. Increase by variance the distancing requirements for retaining walls set forth in article 5, division 4 of this chapter by an amount not to exceed two feet.
 7. Increase by variance the elevation of residential thresholds as set forth in article 5, division 2 of this chapter by two feet.
 8. Reduce by variance, as follows, if necessary to allow reasonable use following a public road right-of-way donation or acquisition:
 - a. To reduce required minimum lot size by up to 50 percent only to maintain the pre-determined yield.
 - b. To reduce required setbacks for a permitted or existing structure on a lot in the event of public road right-of-way donations or acquisition that would otherwise cause the lot to be nonconforming with respect to the minimum setback standards.
 - c. To reduce the number of parking spaces for any existing or permitted structure below the minimum required parking spaces applicable to the use.
 9. Waive architectural building standards and designs provided in article 5 of this chapter, building form standards. The planning director shall notify the city council in writing within ten days of granting said waiver.
 10. No administrative variance or waiver shall be authorized to delete, modify, or change in any manner any condition imposed by the city council or the zoning board of appeals.

(Ord. of 8-2-2017, § 1(7.6.5))

Sec. 7.6.6. Procedures for applications for administrative variances and administrative waivers.

- A. An application for administrative variance or administrative waiver shall be submitted to the director of planning on forms approved by the director of planning, along with any such fees as may be established by the city council.
 - 1. The director of planning shall review and decide upon each complete application pursuant to the applicable standards referred to in section 7.6.7. A written decision on each such application shall be issued no later than 30 days from the date a complete application was filed, unless an extension is agreed to by the applicant and director of planning. If the director of planning does not render a decision on the application within 30 days the application shall be deemed denied as of the 31st day after receipt of a complete application.
 - 2. The application for an administrative variance or administrative waiver shall state the specific regulation from which exception is sought and the reasons the exception is needed. The application shall contain such information as the director of planning deems necessary to evaluate the request.
 - 3. It shall be the applicant's burden to provide sufficient justification for granting the variance or waiver.
 - 4. The director of planning and staff shall prepare an evaluation statement concerning each application showing the impact of the applicable criteria as set forth in this division.
 - 5. No later than ten calendar days after making a decision, the director of planning shall post a sign on the subject property which reflects the decision of the director of planning and the deadline for taking an appeal of the decision to the zoning board of appeals.

(Ord. of 8-2-2017, § 1(7.6.6))

Sec. 7.6.7. Criteria used by the director of planning in deciding administrative variances and administrative waivers.

- A. The director of planning shall grant or deny applications for administrative variances from the strict application of the regulations identified in section 7.6.5.A., where the strict application of the associated regulations would result in exceptional and undue hardship upon the owner of such property. In determining whether or not to grant a variance, the director shall apply the criteria specified in sections 7.5.3 and 7.5.4 to the facts of each application.
- B. The director of planning shall consider administrative waivers to amend, reduce, or waive architectural, design, or building material standards found in article 5 of this chapter, building form standards using the following criteria:
 - 1. Whether the proposed changes in appearance will have a substantial adverse effect on the design standards set out in article 5 of this chapter.
 - 2. The extent to which the proposed project complies with the design standard in terms of architectural style, general design arrangement, texture and color (non-painted surfaces) material of architectural features, and other site features.
 - 3. The extent to which the proposal is compatible with other structures in the area.
- C. When issuing a written decision on an administrative waiver request, the director of planning may make a decision to approve the waiver, approve with conditions, or deny the waiver, and shall cite the grounds relied upon in reaching the decision.

(Ord. of 8-2-2017, § 1(7.6.7))

Sec. 7.6.8. Persons entitled to appeal to the zoning board of appeals.

Any person identified in section 7.5.2.B. shall have the right to appeal by a decision of the director of planning related to administrative permits, variances or waivers to the zoning board of appeals. Such petition shall be filed within 30 days after the decision of the director is rendered.

(Ord. of 8-2-2017, § 1(7.6.8))

DIVISION 7. ENFORCEMENT, VIOLATIONS, AND PENALTIES

Sec. 7.7.1. Administration and enforcement; granting of permits.

The director of planning shall be responsible for the interpretation, administration and enforcement of the provisions of this chapter. The director of planning shall have the duty to issue development permits as required with respect to this chapter.

(Ord. of 8-2-2017, § 1(7.7.1))

Sec. 7.7.2. Development permits.

Unless otherwise exempted by this article, a development permit shall be required for any proposed use of land or buildings in order to ensure compliance with all provisions of this chapter and all other city ordinances and regulations before any building permit is issued or any improvement, grading, or alteration of land or buildings commences.

(Ord. of 8-2-2017, § 1(7.7.2))

Sec. 7.7.3. Building permits and certificates of occupancy required.

A building permit and a certificate of occupancy shall be obtained from the director of planning prior to occupancy of any building or structure. Such permit and certificate of occupancy shall be approved by the director of planning.

(Ord. of 8-2-2017, § 1(7.7.3))

Sec. 7.7.4. Applications for permits and certificates of occupancy.

- A. All applications for development permits shall be made to the director of planning.
- B. All applications for building permits and certificates of occupancy shall be made to the director of planning.
- C. Prior to the release of a development permit, compliance with zoning shall be reviewed and verified by the director of planning.
- D. All applications for development permits, building permits and development permits shall require a certificate of appropriateness from the Historic Preservation Commission if the project is located in an historic district or on an historic property.

(Ord. of 8-2-2017, § 1(7.7.4))

Sec. 7.7.5. Development and building permits; plans required.

- A. *Plans required.* All applications for development permits shall be accompanied by complete plans, which shall be drawn to scale, filed in duplicate, and which shall contain the following information:
 - 1. The name and signature of the author, and the author's address and telephone number;
 - 2. Plans shall show the actual shape and dimensions of the lot to be built upon, based on an actual survey by a professional engineer or land surveyor registered in the State of Georgia;
 - 3. Plans shall show all required building setback lines, buffer zones, and open space required by this chapter;
 - 4. Plans shall show the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines within which the proposed building or structure shall be erected or altered;
 - 5. Plans shall show the current zoning classification of the property including zoning conditions and zoning variances, if any;
 - 6. Plans shall show the existing or intended use of each building or part of building, and the number of families or housekeeping units the building is designed to accommodate;
 - 7. Plans shall show such other information as may be required by the director of planning with regard to the lot and neighboring lots as may be necessary to determine and provide for the application of and enforcement of the requirements of this chapter.
- B. Plans shall be returned to the owner when the plans have been approved by the director of planning.
- C. Approval of the preliminary subdivision plat and compliance with all applicable provisions of the subdivision regulations contained in chapter 14 and in this chapter shall constitute approval of the development permit for a subdivision.
- D. Development permits for individual structures within approved residential subdivisions or developments shall not be required.

(Ord. of 8-2-2017, § 1(7.7.5))

Sec. 7.7.6. Issuance of development permits.

All development permits shall be issued by the director of planning, which shall in no case grant any development permit for the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this chapter or any other ordinances and laws of the city or the state, except as provided herein. Development permits issued on properties for which any variance or special exception has been approved by the board of zoning appeals shall be in compliance with all of the terms and conditions of such approval. Development permits issued on properties for which any special land use permit has been approved by the city council shall be in compliance with all of the terms, conditions, and site plans related to such approval. Development permits issued on properties in an R-SM, MR-1, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4 or MU-5 district (or prior classifications of retired districts of CH, TND, or any PC district) shall be in compliance with the final plans approved by the director of planning. Development permits issued on properties for which conditional zoning is approved shall be in compliance with the approved statement of zoning conditions for such application. Minor alterations of conditions shall be authorized only in accordance with the provisions of this chapter.

(Ord. of 8-2-2017, § 1(7.7.6))

Sec. 7.7.7. Duration of validity of development permits.

A development permit shall be valid for two years from its issuance subject to the following provisions:

- A. If the work authorized in any development permit has not begun within six months from the date of issuance thereof, the permit shall expire.
- B. If the work described in any development permit has not been substantially completed within two years of the date of issuance thereof, the permit shall expire.

(Ord. of 8-2-2017, § 1(7.7.7))

Sec. 7.7.8. Building inspection.

The building inspection duties of the director of planning with respect to this chapter shall include, but not be limited to:

- A. Issuance of building permits in accordance with all provisions of this chapter and only after the director of planning has issued a development permit.
- B. Making field inspections to determine that the building or structure being constructed, reconstructed or structurally altered or used is being constructed or modified in accordance with the site plan for which a development permit and building permit have been issued. When a violation is found to exist, the director of planning shall immediately initiate appropriate legal action to ensure compliance.
- C. Ensuring that all construction has been completed in accordance with all applicable requirements of the Code of the City of Stonecrest prior to allowing occupancy.

(Ord. of 8-2-2017, § 1(7.7.8))

Sec. 7.7.9. Records.

The director of planning shall maintain records of all official administrative actions taken by their department pursuant to their duties as set forth in this division. The director of planning shall further maintain records of all complaints filed with their department pursuant to the requirements of this chapter and of all actions taken with regard to such complaints, and of all violations discovered by whatever means, with remedial action taken and disposition of cases. All such records shall be public records and shall be retained in accordance with Georgia's Records Act, O.C.G.A. § 50-18-90 et seq., and pertinent record retention schedules.

(Ord. of 8-2-2017, § 1(7.7.9))

Sec. 7.7.10. Inspection; right of entry.

Upon presentation of city identification to the developer, contractor, owner, owner's agent, operator or occupant, city employees authorized by the director of planning may enter during all reasonable hours any property for the purpose of making inspections to determine compliance with the provisions of this chapter. Should access to the property be denied, an inspection warrant may be obtained as authorized in section 7.7.11 below.

(Ord. of 8-2-2017, § 1(7.7.10))

Sec. 7.7.11. Inspection; warrants.

The director of planning, in addition to other procedures provided, may obtain an inspection warrant under the conditions specified in this division. The warrant shall authorize the director of planning or his designee to conduct a search or inspection of property, either with or without the consent of the person whose property is to be searched or inspected, under the conditions set out in this section.

- A. Inspection warrants may be issued by the municipal court when the issuing judge is satisfied that all of the following conditions are met:
 - 1. The person seeking the warrant must establish under oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection which includes that property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of that property.
 - 2. The issuing judge determines that the issuance of the warrant is authorized by this section and applicable state and federal law.
- B. An inspection warrant shall be validly issued only if it meets all of the following requirements:
 - 1. The warrant is attached to the affidavit required to be made in order to obtain the warrant.
 - 2. The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or possessor of the property can reasonably determine from it the property for which the warrant authorizes an inspection.
 - 3. The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal.
 - 4. The warrant refers, in general terms, to the ordinance provisions sought to be enforced.

(Ord. of 8-2-2017, § 1(7.7.11))

Sec. 7.7.12. Remedies.

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this chapter, the city may, in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of this chapter requiring the presence of the violator in the municipal court. The city may also in such cases institute injunction or other appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate the violation or to prevent the occupancy of the building, structure or land. Where a violation of this chapter exists with respect to a structure or land, the director of planning may, in addition to other remedies, require that public utility service be withheld therefrom until such time as the structure or premises is no longer in violation of this chapter.

(Ord. of 8-2-2017, § 1(7.7.12))

Sec. 7.7.13. Notice to stop work; revocation of permits.

Whenever any building or premises is being constructed, used, or occupied contrary to the provisions of this chapter or chapter 7, the director of planning may order the work stopped in accordance with the provisions of chapter 7. The director of planning may revoke any building permit or certificate of occupancy for any land,

building or this chapter in order to protect the health, safety and general structure being constructed, used or occupied in violation of welfare of the residents of the city.

(Ord. of 8-2-2017, § 1(7.7.13))

Sec. 7.7.14. Fees.

Fees and charges for permits and inspections shall be as established by official action of the governing authority.

(Ord. of 8-2-2017, § 1(7.7.14))

Sec. 7.7.15. Certificates of occupancy.

Certificates of occupancy are required as follows and shall be issued by the director of planning only after all requirements of this chapter and other applicable parts of the Code of the City of Stonecrest have been met:

- A. *For new or altered structures and uses.* No person shall use or permit the use of any building, structure, or premises or part thereof hereafter created, erected, changed, converted, enlarged or moved, wholly or partly, in use or structure, until a certificate of occupancy reflecting the extent and location of the use shall have been issued to the owner or tenant by the director of planning. Where a building permit is involved, such certificate of occupancy shall show that the structure or use, or both, to the affected part thereof, is in conformance with the requirements of this chapter. It shall be the duty of the director of planning to issue such certificate of occupancy if the director of planning finds that all of the requirements of this chapter have been met, and to withhold such certificate of occupancy if the director finds that all of the requirements of this chapter have not been met.
- B. *Temporary certificates of occupancy.* A temporary certificate of occupancy for a part of a building or premises may be issued in accordance with the requirements of chapter 7, and the director of planning may impose such additional conditions and safeguards as are necessary in the circumstances of the case to protect the safety of the occupants and of the general public.
- C. *Certificates of occupancy for existing uses or structures.* An owner may request a new certificate of occupancy for existing uses or structures. Said requests shall be in the form required by the director of planning and shall require all professional surveys or certifications required by the director of planning to adequately comply with said request. The director of planning shall require as a part of said request, fees to process said requests as are established by the city council. Upon review of the application and other relevant investigation by the director of planning, if in conformance with the requirements of this chapter, the director of planning shall issue a certificate of occupancy for any buildings, premises or use, certifying that the building, premises or use is in conformance with the requirements of this chapter.

(Ord. of 8-2-2017, § 1(7.7.15))

Sec. 7.7.16. Violations of this chapter.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use any land in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter.

(Ord. of 8-2-2017, § 1(7.7.16))

Sec. 7.7.17. Penalties.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of an offense and upon conviction in municipal court shall be punished as is provided in section 1-11 of the Code. Where any violation continues, each day's continuance of a violation shall be considered a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of this chapter exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense. In addition, the city may revoke the business license of any entity found guilty of violating this chapter in accordance with the procedures of this subsection for a period of time not to exceed five years, except to the extent prohibited by law.

(Ord. of 8-2-2017, § 1(7.7.17))

Sec. 7.7.18. Repeal of conflicting ordinances; validity of prior approvals and actions.

Nothing herein shall be construed as repealing the conditions of use, operation, or site development accompanying zoning approvals or permits legally and validly issued under previous zoning ordinances or resolutions in DeKalb County; provided, further, that modification or repeal of these past conditions of approval may be accomplished as authorized and provided by this chapter. All variances and exceptions heretofore granted by the zoning board of appeals shall remain in full force and effect, and all terms, conditions and obligations imposed by the zoning board of appeals shall remain in effect insofar as required for the initiation of any proceedings against these violations and for the prosecution of any violations heretofore commenced.

(Ord. of 8-2-2017, § 1(7.7.18))

Sec. 7.7.19. Reserved.

ARTICLE 8. NONCONFORMITIES

Sec. 8.1.1. Statement of intent and purpose.

Within the zoning districts established by this chapter, or by amendments that may later be adopted, there exist lots, uses of land, uses of land and buildings, uses of land and structures, and characteristics of buildings, structures and sites which were lawful before the effective date of the ordinance from which this chapter is derived's adoption or amendment, but that are now prohibited under the terms of this chapter or due to future amendments, collectively referred to as nonconforming situations. Such nonconforming situations are hereby declared to be incompatible with authorized and permitted uses in the zoning districts involved. It is the intent of the city council to require the cessation of certain nonconforming situations and to permit others to continue until they are otherwise removed or cease. It is further the intent of the city council that nonconforming situations not be used as grounds for adding other buildings, structures, or uses of land prohibited by this chapter, and that no such nonconforming building, structure, or use of land be enlarged, expanded, moved, or otherwise altered in a manner that increases the degree of nonconformity, except where expressly authorized in this zoning ordinance.

(Ord. of 8-2-2017, § 1(8.1.1))

Sec. 8.1.2. Applicability.

- A. *Applicability.* Nonconforming regulations apply only to those nonconforming situations that were legally authorized when established or that were subsequently approved through procedures in effect at the time the approval was obtained. Additionally, except as provided in section 8.1.5.B., nonconforming situations must have been maintained continuously and without interruption since the initial existence or subsequent approval of the nonconforming situation. Nonconforming situations which were not authorized when established or have not been continuously maintained over time in accordance with this subsection have no legal right to continue and must terminate as set forth herein.
- B. *Documentation.* An owner or applicant may request from the director of planning a determination of nonconforming status. The owner or applicant must provide documentation sufficient to show that the situation was authorized when established and was continuously maintained over time. Upon receipt of the owner or applicant's evidence, the director of planning will determine if the evidence is satisfactory and, if so, shall issue a written determination that the lot, building, structure and/or use is a legal nonconforming situation. The burden of establishing the nonconforming status of a particular lot, building, structure or use is on the applicant or owner of the property or use.
- C. *Evidence that a nonconforming situation was authorized when established.* Standard evidence that the proposed nonconforming situation was authorized, or legal, when established, includes, but is not limited to, the following:
 - 1. Building or land disturbance permits;
 - 2. Business licenses;
 - 3. Adopted zoning ordinances or maps in force at the time of permitting;
 - 4. Conditions of zoning;
 - 5. Other appropriate evidence as determined by the director of planning or designee.
- D. *Evidence that a nonconforming situation has been continuously maintained since inception.* Standard evidence that the proposed nonconforming use has been continuously maintained without interruption since inception, includes, but is not limited to:

1. Utility bills;
 2. Tax records;
 3. Business licenses;
 4. Advertisements in dated publications;
 5. Insurance policies;
 6. Leases;
 7. Receipts; and
 8. Other appropriate evidence as determined by the director of planning or designee.
- E. *Evidence of discontinuance or abandonment.* When considering whether a nonconforming situation has been continuously maintained without interruption since inception, the director of planning may consider evidence of the following:
1. Failure to maintain regular business hours, typical or normal for the use;
 2. Failure to maintain equipment, supplies or stock-in-trade that would be used for the active operation of the use;
 3. Failure to maintain utilities that would be used for the active operation of the use;
 4. Failure to pay taxes, including, but not limited to, sales tax, workers' compensation taxes, corporate taxes that would be required for the active operation of the use;
 5. Failure to maintain required local, state or federal licenses or other approvals that would be required for the active operation of the use;
 6. Failure to maintain applicable business licenses; and
 7. Other appropriate evidence as determined by the director of planning.
- F. *Change to a conforming situation.* A nonconforming situation may be changed to a conforming situation by right. Once a conforming situation occupies a site that was previously nonconforming, the nonconforming rights are lost, and a nonconforming situation shall not be re-established.
- G. *Maintenance.* Normal maintenance and repair of nonconforming situations is allowed and does not alter legal conformity status.
- H. *Strengthening and restoring to safe condition.* Nothing in this article shall prevent the strengthening or restoration to a safe condition of any part of a building or structure declared unsafe by the director of planning, and such strengthening or restoration shall not cause the loss of nonconforming status, provided such strengthening or restoration would not constitute a violation of the regulation of section 8.1.15 regarding reconstruction of damaged or destroyed nonconforming structures.

(Ord. of 8-2-2017, § 1(8.1.2))

Sec. 8.1.3. Legal nonconforming lot.

A lot of record that at the effective date of this zoning ordinance does not conform to the applicable minimum road frontage requirement, minimum lot area, or lot width requirements for the zoning district in which it is located may still be used as a building site, provided that the height, buffer, setback, and other dimensional requirements of the zoning district in which the lot of record is located are complied with, or a variance therefrom is obtained.

(Ord. of 8-2-2017, § 1(8.1.3))

Sec. 8.1.4. Legal nonconforming single-family lots; lot merger requirements.

- A. In any zoning district in which single-family dwelling units are allowed, a single-family dwelling unit and allowed accessory structures may be erected on any single nonconforming lot of record so long as such single nonconforming lot of record is not in common ownership with any other contiguous lot or lots. A property owner shall not be permitted to erect a structure on a nonconforming lot of record if he could have used his contiguous land to avoid the nonconformity.
- B. Two or more contiguous lots of record that are held in common ownership on the effective date of the ordinance from which this section is derived or come into common ownership after the effective date of this section shall be governed by this subsection B. or subsection C. of this section. If any contiguous lots of record held in common ownership do not meet the requirements established in this Code for street frontage, access requirements, lot width or lot size, then all of the contiguous lots of record held in common ownership shall be considered to be an undivided lot for the purpose of compliance with the provisions of this Code. No portion of the resulting undivided lot shall then be considered a separate lot, a nonconforming lot of record or used or conveyed in a manner which is not in compliance with the existing street frontage, access, lot width or lot area requirements established by this Code and/or any amendments thereto. No division of any hereby merged nonconforming lots of record held in common ownership shall be made which creates a substandard lot. If two or more contiguous nonconforming lots of record are in common ownership and, as merged, the property is compliant for development with a single-family dwelling without violating the provisions of this Code, then none of the former nonconforming lots of record may be considered nonconforming and authorized for single-family development. A property owner shall not be permitted to create a nonconforming lot of record if he could have used his contiguous lots to avoid the nonconformity.
- C. Two or more nonconforming contiguous lots of record that are held in common ownership as of the effective date of this section, or that come into common ownership after the effective date of this section shall be governed by the requirements of subsection B. of this section unless the owner obtains a variance from the Zoning Board of appeals pursuant to the provisions and the criteria set forth in article 7 of this chapter.
- D. Whenever a variance from the strict application of subsection B. of this section is sought with respect to properties located within an historic district, as defined in section 14-410, the variance applicant shall first obtain a certificate of appropriateness from the historic preservation commission finding that the proposed variance allowing the subject lot to retain its legal nonconforming status will not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In approving such a certificate of appropriateness, the historic preservation commission may include a finding that merger of lots pursuant to the strict application of subsection B. would have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district.

(Ord. of 8-2-2017, § 1(8.1.4))

Sec. 8.1.5. Nonconforming use.

A legal use in existence on the effective date of this zoning ordinance or any amendment thereto may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this section.

- A. Change of use. A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not constitute termination or abandonment of the nonconforming use, provided that the use itself remains unchanged and is continuously maintained.
- B. Discontinuance or abandonment. A nonconforming use shall not be re-established after discontinuance or abandonment for six consecutive months, unless the cessation of the nonconforming use is a direct

result of governmental action impeding access to the property. Vacancy or non-use of a building for six continuous months, regardless of the intent of the owner or tenant, shall constitute discontinuance or abandonment under this subsection.

- C. A nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

(Ord. of 8-2-2017, § 1(8.1.5))

Sec. 8.1.6. Nonconforming structures.

- A. A legal structure in existence on the effective date of this zoning ordinance or any amendment thereto that could not presently be built under the provisions of this chapter because of restrictions on building area, lot coverage, height, minimum yard setbacks, or other characteristics of the structure or its location on the lot shall be deemed a legal nonconforming structure subject to this article 8 of this chapter.
- B. No legal nonconforming structure shall be enlarged, or structurally altered, in a way that increases its degree of nonconformity, except as expressly permitted in this article 8 of this chapter.
- C. Alteration of legal nonconforming structures occupied by permitted, conforming uses may be allowed for improvement or modification, provided that the structure may not be enlarged and the alterations must either comply with this chapter or result in a reduction in site or structure nonconformity. See also section 8.1.16.

(Ord. of 8-2-2017, § 1(8.1.6))

Sec. 8.1.7. Landscaping and screening requirements for new or additional parking, service or storage areas.

New or additional automobile parking, service, or storage areas may be added to a legal nonconforming structure or site that contains a conforming use, provided that all required landscaping, lighting, and screening requirements are met in the new or additional parking, service or storage area.

(Ord. of 8-2-2017, § 1(8.1.7))

Sec. 8.1.8. Nonconforming parking.

On an existing structure, no new permitted use may be substituted, nor shall an existing permitted use be expanded unless the requirements for off-street parking and loading shall be met for the proposed use and for any expansion, unless a variance is granted, pursuant to article 7 of this chapter.

(Ord. of 8-2-2017, § 1(8.1.8))

Sec. 8.1.9. Prior nonconformities.

The adoption of this chapter shall not extend the six-month time period of discontinuance or abandonment set forth in section 8.1.5.B. for a legal nonconforming use that was nonconforming prior to the time this chapter was adopted.

A use, lot, building, or structure that was previously legally nonconforming shall become conforming if, as a result of amendments to this chapter, such use, lot, building, or structure complies with the requirements of this chapter.

(Ord. of 8-2-2017, § 1(8.1.9))

Sec. 8.1.10. Nonconforming signs.

See chapter 21, signs for provisions regarding nonconforming signs.

(Ord. of 8-2-2017, § 1(8.1.10))

Sec. 8.1.11. Nonconformities caused by government action.

If a property is required by a federal, state or local government to provide right-of-way or easements that cause an existing structure to have nonconforming yards or setbacks, the property and structure shall be deemed to be legal nonconforming, and, from that time forward, the owner may not expand any existing building in a way to increase the degree of nonconformity or to build new structures that are nonconforming.

(Ord. of 8-2-2017, § 1(8.1.11))

Sec. 8.1.12. Rezoning that results in nonconforming structures.

For structures or lots that become nonconforming due to rezoning, the structure or lot shall be considered legal nonconforming, subject to the requirements of this article.

(Ord. of 8-2-2017, § 1(8.1.12))

Sec. 8.1.13. Nonconforming uses requiring a special administrative permit or special land use permit.

No use, building or structure that was authorized as of right prior to the effective date of the ordinance from which this chapter is derived but would require a special administrative permit or special land use permit upon the effective date of the ordinance from which this chapter is derived, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of the required special administrative permit or special land use permit. Normal repair and maintenance of legal nonconforming buildings and structures is authorized without the need for special permits. If the use of a legal nonconforming building or structure is discontinued for a continuous period of six months, it may not be reestablished unless such discontinuance was a direct result of governmental action as provided by section 8.1.11.

(Ord. of 8-2-2017, § 1(8.1.13))

Sec. 8.1.14. Buildings and structures where construction has begun.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any legal nonconforming building or structure for which land disturbance or building permits were lawfully applied for or issued, or for which preliminary or final subdivision plats were lawfully submitted, prior to the effective date of the ordinance from which this chapter is derived or amendment thereto, provided:

- (i) Any application on which reliance is placed for the existence of nonconforming rights must have been complete as that term is defined in article 9 of this chapter;
- (ii) Such permit or approval has not by its own terms expired; and

- (iii) Actual building construction is carried on pursuant to said permit or approval and limited to and in strict accordance with said permit or approval.

Notwithstanding any other provisions to the contrary, no renewals or extensions of such permit or approval shall be authorized.

(Ord. of 8-2-2017, § 1(8.1.14))

Sec. 8.1.15. Reconstruction of damaged or destroyed nonconforming structures.

A legal nonconforming building or structure that has been damaged by fire, flood or other natural cause to an extent that the estimated cost of reconstruction does not exceed 60 percent of its fair market value according to the DeKalb County Tax Assessor's valuation for the tax year in which the damage occurred, as determined by the director of planning, may be reconstructed and used as it was prior to being damaged if a complete permit application is submitted for said re-construction within two years of the date of the damage and the work progresses continuously upon issuance of the permit therefor. If said building or structure has been determined by the director of planning to have been damaged to an extent that the estimated cost of reconstruction exceeds 60 percent of its fair market value according to the DeKalb County Tax Assessor's valuation for the tax year in which the damage occurred, then any repair, reconstruction or new construction shall conform to the then existing requirements of the zoning district in which said building or structure is located.

(Ord. of 8-2-2017, § 1(8.1.15))

Sec. 8.1.16. Expansion, redevelopment or improvement of legal nonconforming buildings, structures and/or sites.

- A. Major redevelopment. Expansion, alteration or redevelopment of a legal nonconforming building or structure to an extent that the estimated cost of the expansion, alteration or redevelopment exceeds 60 percent of its fair market value prior to expansion, alteration or redevelopment according to the DeKalb County Tax Assessor's valuation of the improvements for the tax year in which the first permit for expansion, alteration or redevelopment is applied for shall require the entire building or structure to conform to Code in every respect, except as approved by variance or special administrative permit as applicable.
- B. Minor redevelopment. Expansion, alteration or redevelopment of a legal nonconforming building or structure to an extent that the estimated cost of the expansion, alteration or redevelopment is no greater than 60 percent of its fair market value prior to expansion, alteration or redevelopment according to the DeKalb County Tax Assessor's valuation of the improvements for the tax year in which the first permit for expansion, alteration or redevelopment is applied for shall require the portion of the building or structure comprising the expansion, alteration or redevelopment to conform to all codes that are relevant to the nature of the expansion, alteration or redevelopment.
- C. Proposed improvements to access, parking, landscaping, pedestrian systems, lighting, utilities, and stormwater facilities, shall conform in every respect, except as approved by variance or special administrative permit as applicable.
- D. Notwithstanding subsections A., B., and C. of this section, no building or structure on property on which a nonconforming use is located shall be expanded, altered, or redeveloped in any way.

(Ord. of 8-2-2017, § 1(8.1.16))

Sec. 8.1.17. Prior variances, special exceptions, and special permits authorized.

Variances and special permits lawfully authorized and granted prior to the effective date of this zoning ordinance shall continue in effect, provided the terms and conditions of said authorization are followed.

(Ord. of 8-2-2017, § 1(8.1.17))

ARTICLE 9. DEFINITIONS

Sec. 9.1.1. Statement of intent and purpose.

The definitions contained herein shall apply to this chapter. Any word or phrase not defined below but otherwise defined in the Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context clearly indicates otherwise.

(Ord. of 8-2-2017, § 1(9.1.1))

Sec. 9.1.2. Interpretation.

For the purpose of this chapter, words and terms are to be interpreted as follows:

- A. Unless the obvious construction of the terming indicates otherwise, words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; words used in the singular number include the plural; and words used in the plural include the singular. An abbreviated word shall have the same meaning as the unabbreviated word.
- B. The term "shall" means "must" or "is mandatory."
- C. Unless otherwise specified, all distances shall be measured horizontally and at right angles or radially to the line in relation to which the distance is specified.
- D. The term "lot" shall be deemed also to mean "plot"; the term "used" shall be deemed also to include "designed," "intended," or "arranged to be used"; the term "erected" shall be deemed also to include "constructed," "reconstructed," "altered," "placed," "relocated" or "removed."
- E. The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building."
- F. Where words are not herein defined, those words, terms and phrases, when used in this article, shall have the meanings ascribed to them as directed above, except where the text clearly indicates a different meaning.

(Ord. of 8-2-2017, § 1(9.1.2))

Sec. 9.1.3. Defined terms.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ADA means the Americans with Disabilities Act.

A-weighted sound level means the sound level reported in units of dB(A) approximating the response of human hearing when measuring sounds of low to moderate intensity as measured using the A-weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

Abandonment means the relinquishment, discontinuance and cessation of a use, other than as a result of government action, for any continuous period of time as may be provided in this chapter.

Abutting means having property or district lines in common. This does not include property separated by a road or right-of way.

Accessory building means a building detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use.

Accessory dwelling unit. See *Dwelling unit, accessory.*

Accessory equipment. See section 4.2.57.B.

Accessory structure means a structure detached from the principal building and located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use. Compare with *Building, primary.*

Accessory use means a use of land or building or structure or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. See article 4 of this chapter for supplemental regulations.

Active recreation means leisure activities, usually performed with others, often requiring equipment and taking place at prescribed places, sites, or fields. The term "active recreation" includes, but is not limited to, swimming, tennis, and other court games, baseball and other field sports, golf and playground activities.

Activity center means a character area designed by the Comprehensive Plan.

Adaptive reuse means buildings and sites constructed and developed originally for one use but converted to or repurposed for a use not traditionally occupying the building or development form. For example, the conversion of former hospital or school buildings to residential use, or the conversion of an historic single-family home to office use.

Adjoining property means a property that touches or is directly across a street, easement or right-of-way (other than an interstate, principal arterial, urban freeway/expressway or urban principal arterial) from the subject property.

Adult bookstore or adult video store means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following means books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

- (1) At least 35 percent of the establishment's displayed merchandise consists of the items;
- (2) At least 35 percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of the items;
- (3) At least 35 percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items;
- (4) The establishment maintains at least 35 percent of its floor space for the display, sale, or rental of the items (aisles and walkways used to access the items shall be included in the term "floor space" maintained for the display, sale, or rental of the items);
- (5) The establishment maintains at least 500 square feet of its floor space for the display, sale, and/or rental of the items (aisles and walkways used to access the items shall be included in the term "floor space" maintained for the display, sale, or rental of the items);
- (6) The establishment regularly offers for sale or rental at least 2,000 of the items;
- (7) The establishment regularly features the items and regularly advertises itself or holds itself out, in any medium, by using the terms "adult," "adults-only," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests; or

- (8) The establishment maintains an adult arcade, which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas.

Adult cabaret means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

Adult daycare center means an establishment operated by any person with or without compensation for providing for the care, supervision, and oversight only during day-time hours of seven or more adults who are elderly, physically ill or infirm, physically handicapped, or mentally handicapped. The term "adult daycare center" may also include recreational and social activities for said persons.

Adult daycare facility means an establishment operated by any person with or without compensation for providing for the care, supervision, and oversight only during day-time hours of six or fewer adults who are elderly, physically ill or infirm, physically handicapped, or mentally handicapped. The term "adult daycare facility" may also include recreational, cultural and social activities for said persons.

Adult motion picture theater means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration.

Affordable housing means housing that has a sale price or rental amount that is within the means of a household that may occupy middle, moderate, or low-income housing. In the case of dwelling units for sale, housing that is affordable means housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, together constitute no more than 28 percent of such gross annual household income for a household of the size which may occupy the unit in question. In the case of dwelling units for rent, housing that is affordable means housing for which the rent and utilities constitute no more than 30 percent of such gross annual income for a household of the size that may occupy the unit in question.

Aggrieved person means a person who either:

- (a) Is the applicant or the owner of property that is the subject of an application or a decision by an administrative official; or
- (b) Has a substantial interest in an action appealed from and that is in danger of suffering special damage or injury not common to all property owners similarly situated.

Agricultural activities means activities performed in order to cultivate the soil, produce crops, or raise livestock.

Agricultural produce stand means a temporary building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs, or plants and may include accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces, or baked goods, and home-made handicrafts.

Alcohol outlet means a retail establishment that sells beer, malt beverages, hard cider, and/or wine for off-site consumption. This includes grocery stores and retail stores, less than 12,000 square feet, that may sell beer, malt beverages, hard cider and/or wine for off-site consumption, as well as other products.

All-weather material means a hard surface, dust-free material, capable of withstanding normal weather conditions during ordinary use without substantial deterioration. Gravel, rock, or screenings alone, without use of a petroleum or cement binder, does not meet the definition of an all-weather material.

Alley means a minor way, which is used primarily for vehicular service access to the back or side of properties otherwise fronting on a street.

Alternative energy production means an energy production site or facility that is dedicated to the commercial production of electricity by means of wind, solar, biomass, grease, oil, or other non-petroleum energy source.

Alternative fuel vehicle means a vehicle that runs on a fuel other than traditional petroleum fuels (petrol or diesel) including means biodiesel, denatured alcohol, electricity, hydrogen, methanol, mixtures containing up to 85 percent methanol or denatured ethanol, natural gas, and propane (liquefied petroleum gas).

Amateur radio service means radio communication services, including amateur satellite service and amateur service, which are for the purpose of self-training, intercommunication, and technical investigations carried out by duly licensed amateur radio operators solely for personal aims and without pecuniary interest, as defined in title 47, Code of Federal Regulations, Part 97 and regulated thereunder.

Amateur radio service antenna structure means a tower and antenna for radio transmission and reception which is maintained by a licensed amateur radio operator as an accessory structure.

Ambulance service facility means a privately-owned facility for the dispatch, storage, and maintenance of emergency care vehicles.

Amenity means a natural or manmade feature that enhances a particular property, increasing aesthetics and desirability to the owner or community.

Amplified sound reproduction device means any device capable of producing, reproducing or emitting sounds by means of any loudspeaker or amplifier.

Amusement park means an outdoor recreation facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

Animal means any vertebrate member of the animal kingdom, excluding humans.

Animal hospital means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use of an animal hospital as a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.

Animal shelter/rescue center means a facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public organization or by an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other non-profit organization devoted to the welfare, protection, and humane treatment of animals.

ANSI means the American National Standards Institute.

Antenna. See section 4.2.57.B.

Antique shop means a place offering antiques for sale. An antique, for the purposes of this chapter, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least 30 years old.

Apartment. See *Dwelling, multifamily.*

Apartment unit means One or more rooms with a private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing four or more dwelling units.

Apiary means a place where beehives of honey bees are kept.

Apiculture. See *Beekeeping.*

Apparel store means a retail store where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.

Appeal means a review authorized by this chapter of any final order, requirement, or decision of the planning director or designee that is based on or made in the enforcement of this chapter.

Applicant means a person who acts in his own behalf or as the agent of a property owner, who seeks a zoning decision, or who seeks a decision regarding a permit or approval by the director of planning.

Arcade means an area contiguous to a street or plaza that is open and unobstructed to a height of not less than 12 feet and that is accessible to the public at all times.

Archaeological resource means any material remains of past human culture or activities which are of archaeological interest, including, but not limited to, the following means basketry, bottles, carvings, graves, human skeletal materials, pit houses, pottery, rock intaglios, rock paintings, soapstone quarries, structures or portions of structures, tools, weapons, weapon projectiles, or any portion or piece of any of the foregoing items. Non-fossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources under the regulations of this chapter, unless found in archaeological context. No item shall be deemed to be an archaeological resource under the regulations of this chapter unless such item is at least 200 years of age.

Art, private, means a work or collection, usually displayed in a gallery or curated space, that is owned by a private individual or entity.

Art, public, means any visual work of art located so as to be visible in a public, city-owned area; on the exterior of any city-owned facility; within any city-owned facility in areas designated as public areas, lobbies, or public assembly areas; or on non-city property if the work of art is installed or financed, either wholly or in part, with city funds or grants procured by the city. Such public art shall not contain characteristics of an advertising sign.

Art gallery means an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. The term "art gallery" does not include libraries, museums, or noncommercial art galleries.

Articulated facade means a building elevation that faces a street and that is constructed with a variety of surfaces, materials, colors, projections, recesses, or similar features.

Asphalt manufacturing means an industrial facility used for the production of asphalt, concrete, or asphalt or concrete products that are used in building or construction, and that includes facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises, or the storage and maintenance of required equipment, but does not include the retail sale of finished asphalt or concrete products.

Assembly hall means a meeting place at which civic, educational, political, religious, or social groups assemble regularly or occasionally, including, but not limited to, schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

Assisted living facility means a multifamily structure whose occupants are 55 years of age or older, or where each unit is occupied by at least one person who is 55 years of age, and where occupants receive assistance with daily living activities.

Atrium means an open hall lighted from above, into which rooms open at one or more levels.

Attic means an open space at the top of a house just below the roof; often used for storage.

Authorized (permitted) use means any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

Automobile means a self-propelled, free-moving vehicle, which is licensed by the appropriate state agency as a passenger vehicle. For the purpose of this chapter, the term "automobile" shall include motorcycles, scooters, small trucks used for daily passenger trips, sports utility vehicles (SUVs), and similar passenger vehicles or any vehicle classified by the Georgia Department of Driving Services as a Class "C" vehicle.

Automobile and truck rental and leasing means a business that rents or leases automobile or light trucks, and may store the automobiles and trucks on the same site as the business office.

Automobile brokerage means the business of providing services for the purchase or leasing of a vehicle, whether noncommercial or commercial and including trailers and RVs. The brokered vehicles are not stored on the same lot as that on which the business office is located. A vehicle brokerage may find the desired vehicle, negotiate the price or lease contract, manage paperwork associated with the sale or lease, or secure financing for the sale or lease of the vehicle.

Automobile dealership. See *Automobile sales.*

Automobile mall means a single location that provides sales space and centralized services for a number of automobile dealers and may include related services as auto insurance dealers and credit institutions that provide financing opportunities.

Automobile manufacture means a facility engaged in the manufacture of passenger cars, light trucks, and/or light commercial vehicles.

Automobile parts or tire store means a building that is used for the retail sale of new or used parts or tires for noncommercial vehicles. The term "automobile parts or tire store" does not include outdoor storage yards.

Automobile recovery and storage means a facility that provides temporary outdoor storage of Class "C" passenger vehicles and motorcycles that are intended to be claimed by the titleholders or their agents. Such storage includes vehicles that have been towed, or that will be transported to a repair shop or will be subject to an insurance adjustment after an accident. See *Vehicle storage* and *Tow service.*

Automobile rental and leasing means a business that rents or leases automobiles.

Automobile repair, major, means a business that services passenger vehicles, including the dismantling and repair of engines, transmissions, carburetors, drive shafts, and similar major vehicle parts, the provision of collision repair services including body frame straightening and body part replacement, or the painting or repainting of passenger vehicles and motorcycles. Major automobile repair establishments may also perform minor automobile repairs.

Automobile repair, minor, means a business that repairs, replaces, or services tires, ignitions, hoses, spark plugs, and other minor vehicle parts as part of the regular upkeep of passenger vehicles and motorcycles, and may perform regular maintenance such as brake repair and replacement, lubrication, or replacement of small or incidental automobile parts. Minor automobile repair and maintenance may also, as an accessory function, include automobile detailing, including the application of paint protectors, the cleaning or polishing of a vehicles interior, exteriors, or engine, and the installation of aftermarket parts and accessories such as tinting, alarms, sound systems, spoilers, sunroofs or headlight covers. Minor automobile repair and maintenance does not include the dismantling and repair of engines, transmissions, or drive shafts, the provision of collision repair services including body frame straightening and body part replacement, or the painting or repainting of passenger vehicles. Minor automobile repair does not include automobile car washes where vehicles are washed and/or waxed either by hand or by mechanical equipment.

Automobile sales means a business establishment that engages in the retail sale or the leasing of new or used automobiles, small passenger trucks, motorcycles, or other passenger vehicles. Such merchandise may be stored on the same lot as that on which the business office is located. An automobile sales dealership may be located in an automobile mall. See *Automobile mall,* *Automobile brokerage.*

Automobile service station means a building, structure, or land used primarily for the sale of automotive fuels such as gasoline. This term includes the following accessory uses means convenience stores; the sale of incidental vehicle parts and fluids such as motor oil, coolant, windshield wipers, seat or floor pads; and minor automobile repair, as defined in this chapter.

Automobile upholstery shop means a building in which automobile seats are re-covered or re-upholstered. For the purposes of regulating home occupations, an automobile upholstery shop shall be considered to be major automobile repair.

Automobile wash/wax service means a building, structure, or land that is used for the washing, waxing, cleaning, or detailing of automobiles, as defined in this article. The service may be enclosed in a building or conducted outdoors, includes mobile wash/wax service, and may be a principal or accessory use.

Automobile wrecking yard. See *Salvage yard*.

Awning means a roof-like cover, usually of canvas or plastic, which can fold, collapse and retract, extended over or before places like storefront, window, door or deck as a shelter from the sun, rain, or wind.

Balcony means a horizontal flat surface that projects from the wall of a building, is enclosed by a parapet or railing, and is entirely supported by the building.

Bank, credit unions or other similar financial institutions means any building, property or activity of which the principal use or purpose is for federally insured depository purposes and including the provision of financial services such as loans and automated teller machines, but does not include cash advance, check cashing establishments, short-term loan, and pay day lending.

Barber shop means an establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

Basement means a space having one-half or more of its floor-to-ceiling height below the average finished grade of the adjoining ground and with a floor-to-ceiling height of not less than 6½ feet.

Beauty salon means a commercial building, residence, or other building or place where hair cutting or styling or cosmetology is offered or practiced on a regular basis for compensation. This term includes the training of apprentices under the regulation of such training by the appropriate licensing board.

Bed and breakfast establishment means accessory use of a single-family detached dwelling by the homeowner who resides in the dwelling, to provide sleeping accommodations to customers. Breakfast may also be provided to the customers at no extra cost. For the purpose of this definition, the term "customer" means a person who pays for the sleeping accommodations for fewer than 30 consecutive days.

Bedroom means a private room planned and intended for sleeping, separated from other rooms by a door, accessible to a bathroom without crossing another bedroom, and having a closet.

Beekeeping means the maintenance of honey bee colonies, commonly in hives, by humans.

Beer growler means an alcohol outlet that pours beers from a tap into reusable containers for off-site consumption. The term "beer growler" does not include distilled liquor sales.

Beer or malt beverage means any alcoholic beverage obtained by fermentation of any infusion or decoction of barley, malt, hops or any other similar product, or any combination of such products in water, containing up to 14 percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term "malt beverage" does not include sake, known as Japanese rice wine.

Best management practices (BMP) means activities, procedures, structures or devices, systems of regulations and activities, or other measures that prevent or reduce pollution of the waters of the United States. BMPs are intended to:

- a) Control soil loss, protect natural features such as trees, and reduce water quality degradation;
- b) Control drainage from outside storage of materials;
- c) Minimize adverse impacts to surface and groundwater flow and circulation patterns, and to the chemical, physical, and biological characteristics of streams and wetlands; and

d) control industrial plant site runoff, spillage, leaks, sludge or waste disposal.

Blight means a state or result of being blighted or deteriorated; dilapidation or decay. A structure is blighted when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare such as inadequate public or community services, vacant land with debris, litter, lack of utilities, accumulation of trash and junk or general disrepair, including, but not limited to, peeling paint, broken windows, deteriorating wood. Also see chapter 18, article IV of the Code.

Block means an area of land bounded by a street, or by a combination of streets and public parks, cemeteries, railroad right-of-way, exterior boundaries of a subdivision, shorelines of waterways, or corporate boundaries. In cases where the platting is incomplete or disconnected, the director of planning may delineate the outline of the block.

Blockface means that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Boarding house means a building containing one or more lodging units but not more than 20 lodging units, all of which offer non-transient lodging accommodations, available only at weekly or longer rental rates to the general public. Meals may only be provided from a single central kitchen and compensation for such meals, if provided, shall be included in the weekly or longer rental rate. No restaurant, meeting, reception, or banquet facilities shall be provided.

Borrow pit means a pit from which sand, gravel or other construction material is taken for use as fill in at another location.

Brewpub means any eating establishment which derives at least 50 percent of its total annual gross food and beverage revenue from the sale of prepared meals and food and in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law. [TMOD-21-016]

Broker means a party that mediates between a buyer and a seller.

Buffer means that portion of a lot set aside for open space and/or visual screening purposes, pursuant to a condition or conditions imposed in the enactment of a conditional zoning ordinance or special land use permit or by the zoning board of appeals in the grant of a variance, to separate different use districts, or to separate uses on one property from uses on another property of the same use district or a different use district. Any such buffer shall not be graded or otherwise disturbed, and all trees and other vegetation shall remain, provided that additional trees and other plant material may be added to such landscaped buffer.

Buildable area means the area of a lot remaining after all setback requirements, including buffers, have been met.

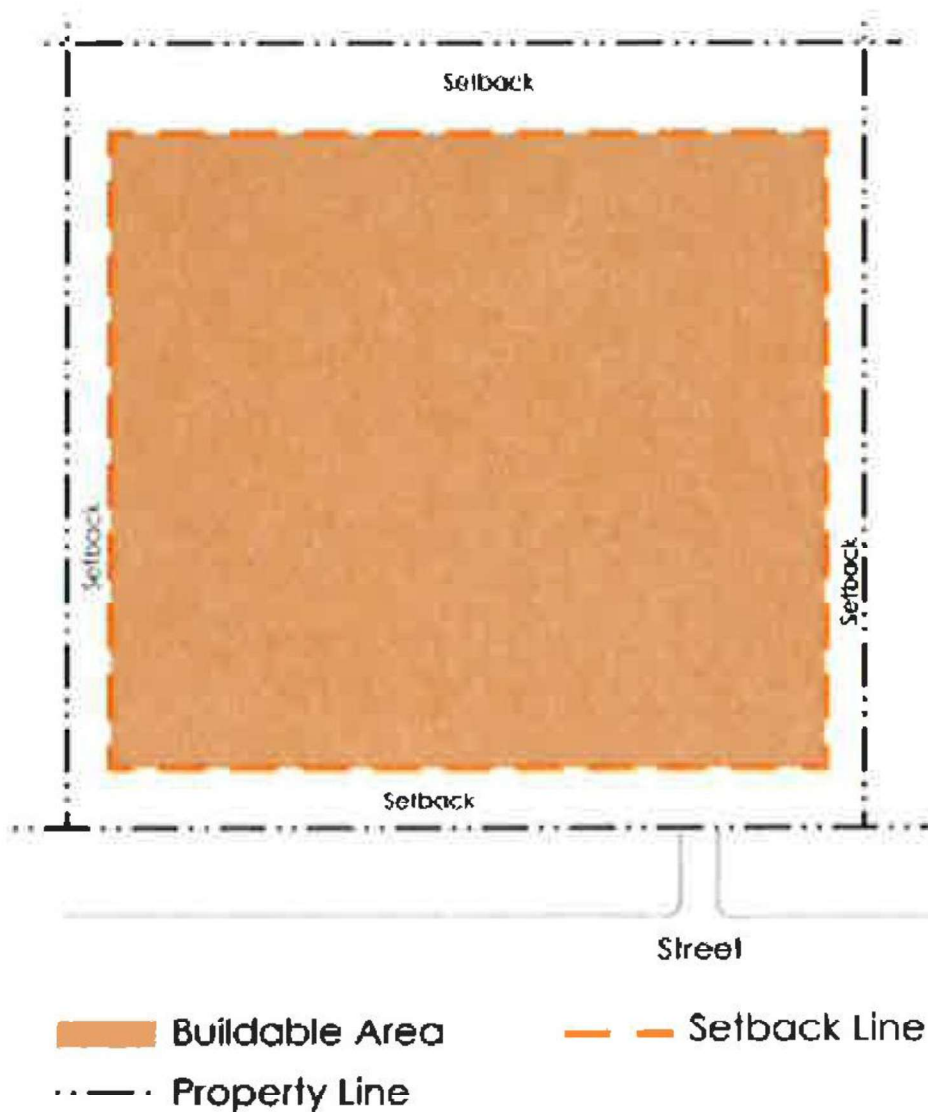


Figure 9.1 Buildable Area

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building, accessory. See *Accessory building*.

Building coverage means the maximum area of the lot that is permitted to be covered by buildings, including principal structures, structured parking and roofed accessory structures. The term "building coverage" does not include wooden decks, stone walkway and patios set without grout, and pervious, permeable, or porous pavements.

Building entrance feature means an architecturally designed element for entrances and exits of the building.

Building footprint means the outline of the total area covered by a building's perimeter at the ground level.

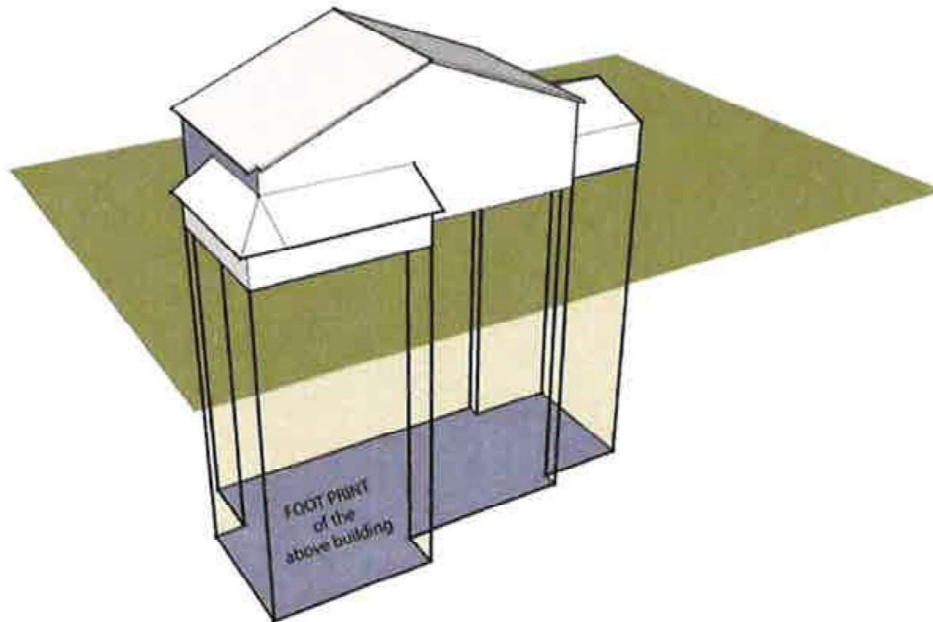


Figure 9.2 Illustration of Building Footprint

Figure 9.2 Illustration of Building Footprint

Building form means a design term that refers to the shape and/or configuration of a building and the space created by the building. Attributes of building form may include means the building relationship to the street, sidewalk, and/or other buildings and uses; the general usage of floors (office, residential, retail) which influence form; height, and/or; physical elements of the building (such as stoops, porches, entrances, materials, window coverage).

Building frontage means the maximum width of a building measured in a straight line parallel with the abutting street or fronts upon a public street, a customer parking area, or pedestrian mall, and has one or more entrances to the main part of the building or store.

Building height (as to all structures with the exception of single-family detached dwellings) means the vertical distance from the average finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. See article 5 of this chapter.

Building height (as to single-family detached dwellings) means the vertical distance from the front-door threshold of the proposed residential structure to the highest point of the roof of the structure. See article 5 of this chapter.

Building mass means the overall visual impact of a structure's volume; a combination of height and width, and the relationship of the heights and widths of the building's components.

Building materials supply establishment means a facility for the sales of materials used in the construction of a building such as cement, brick, steel, etc.

Building, primary or principal, means a structure in which is conducted the principal use of the lot on which it is located.

Building scale means the relationships of the size of the parts of a structure to one another and to humans.

Building width means the distance from the exterior face of the building siding as measured from side to side.

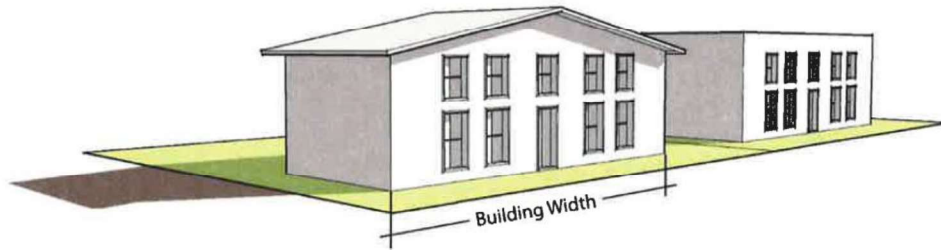


Figure 9.3 Illustration of Building Width

Figure 9.3 Illustration of Building Width

Bulkhead means a structural panel just below display windows on storefronts. Bulkheads can be both supportive and decorative in design. Bulkheads from the 19th century are often of wood construction with rectangular raised panels while those of the 20th century may be of wood, brick, tile, or marble construction.

Bury pit means a place where construction waste or refuse caused by the dismantling of a building or structure is dumped and covered with soil.

Bus or rail station or terminal means a designated place where a bus or train temporarily stops to embark or disembark passengers. A terminal is the location where the bus or train starts or ends its scheduled route.

Bus rapid transit (BRT) means a permanent, integrated transit system that uses buses or specialized vehicles on roadways or dedicated lanes to transport passengers to their destinations.

Business service establishment means an entity primarily engaged in rendering services to businesses on a fee or contract basis, including the following and similar services means advertising and mailing; building maintenance; employment services; management and consulting services; protective services; commercial research; development and testing; photo finishing; and personal supply services.

Business vehicle means vehicle, or heavy construction equipment, or trailer used to transport passengers or property in furtherance of a commercial enterprise. The term "business vehicle" may include, but is not limited to, pick-up trucks with exterior equipment storage, passenger vans, passenger vehicles with or without logos or advertisements identifying the commercial enterprise, ambulances, limousines, taxi cabs, tow trucks, earthmoving machinery such as bobcats and bulldozers, dump trucks, flatbed trucks, box vans, any vehicle with a trailer attached to it, tractors, "dually" trucks (pick-up trucks with four wheels on the rear axle), heavy construction equipment, and semi-tractor cabs whether or not a trailer is attached.

C-weighted sound level means the sound level reported in units of dB(C) as measured using the C-weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors.

Campus style development means a development type which is primarily characterized by having several separate buildings on one site, unified through design and landscape elements.

Canopy means a protective roof-like covering, often of canvas, mounted on a frame over a walkway or door.

Canopy tree means a deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a canopy tree is to provide shade to adjacent ground areas.

Car wash means a facility for washing, waxing, and cleaning of passenger vehicles, recreational vehicles, or other light-duty equipment.

Car wash, self-service, means a car wash wherein operating functions are performed entirely by an operator owner with the use of washing, waxing, and drying equipment supplemented with manual detailing by the operator owner.

Cat means a feline that has reached the age of six months.

Catering establishment means an establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

Cellar means a space having less than one-half or more of its floor-to-ceiling height below the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than 6½ feet.

Cemetery means property used for the interring of the dead. See *Georgia cemetery regulations*.

Chapel. See *Place of worship*.

Characterized by in the definition of a sexually oriented business means describing the essential character or quality of an item. No business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

Check cashing facility means a person, business or establishment licensed by the State of Georgia pursuant to O.C.G.A. § 7-1-700 et seq. that for compensation engages, as a principal use, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. The term "check cashing facility" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company.

Child care facility means a building(s) in which housing, meals, and twenty-four hour continuous watchful oversight of six (6) or more children under the age of eighteen (18) are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia..

Child care home means a building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight for up to five (5) children under the age of eighteen (18) are provided.

Child day care center means an establishment operated by any person with or without compensation providing for the care, supervision, and protection of seven (7) or more children who are under the age of eighteen (18) years for less than twenty-four (24) hours per day, without transfer of legal custody

Church. See *Place of worship*.

Cistern means an underground reservoir or tank for storing rainwater.

City means the City of Stonecrest, Georgia, a political subdivision of the State of Georgia. When appropriate to the context, the term "city" also includes authorized officers, employees and agents thereof.

Clinic, health services, means a facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human diseases, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, diagnostic center, treatment center, rehabilitation center, extended care center, nursing home, intermediate care facility, outpatient laboratory, or central services facility serving one or more such institutions.

Club, private, means a group of people organized for a common purpose to pursue common goals, interests, or activities and characterized by definite membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws, such as country clubs and golf clubs, but excluding places of worship, personal service facilities, and sexually oriented businesses which shall be defined and regulated as otherwise provided herein. The term "private club" shall also mean, where the context requires, the premises and structures owned or occupied by members of such group within which the activities of the private club are conducted.

Clubhouse means a structure in which the activities of a private club are conducted.

Cluster housing development means a development that permits a reduction in lot area provided there is no increase in overall density of development, and in which all remaining land area is perpetually and properly protected, maintained and preserved as undivided open space or recreational or environmentally sensitive areas.

Coin Laundry means an establishment with coin-operated clothing washing machines and dryers for public use.

Coliseum means a large building with tiers of seats for spectators at sporting or other recreational events.

Collector street means a street or road designated as a collector street in the DeKalb County Transportation and Thoroughfare Plan.

College means a post-secondary institution for higher learning that grants associate or bachelor's degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. The term "college" shall also include community colleges that grant associate or bachelor's degrees or certificates of completion in business or technical fields.

Collocation. See section 4.2.57.B.

Colonnade means a series of columns placed at regular intervals, usually supporting a roof.

Columbarium means a structure with niches for the placement of cinerary urns.

Commercial district means any parcel of land which is zoned for any commercial use including regional commercial centers, neighborhood and community oriented stores, shopping centers and other developed centers where commercial land uses predominate. Such districts would include O-I, O-I-T, C-2, NS, and C-1.

Commercial entertainment means places of amusement or assembly including but not limited to motion picture theaters or cinemas, live theater, comedy clubs, bowling alleys, dance halls, skating rinks, etc. This definition does not include night clubs, party houses or brewpubs.

Commercial parking garage/structure means a covered or sheltered structure of one or more stories designed, constructed and used for the parking of motor vehicles for profit.

Commercial parking lot means an uncovered or unsheltered structure of one or more stories designed, constructed and used for the parking of motor vehicles for profit.

Commercial solid waste means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

Common open space means open space designed for common use by all property owners in the development.

Common ownership means ownership as recognized by law of real property by one or more persons, their parents, brothers, sisters, children over the age of 18, spouses or any association, firm, corporation or partnership in which such person or spouse is a corporate officer, partner or is a stockholder with an ownership interest of ten or more percent.

Community garden. See *Urban garden.*

Community living arrangement. See *Personal care home.*

Compact design means the design of a structure and or development that encourages efficient land use and the preservation of open space, usually via building more vertically, and by minimizing surface parking.

Compatible (as used in article 2 of this chapter, purpose and intent for each established district) means land development that is consistent with existing, identified physical elements in proximity to that land development, such as architectural style, building mass, building scale, land uses, and landscape architecture.

Complainant means any person who has registered a noise or code complaint with an authorized enforcement agency that he is the recipient of noise or nuisance on a protected property category. A complainant must have an interest in the protected property as an owner, tenant, or employee.

Complete orcomplete application means When used in conjunction with an application under this zoning ordinance, the term "complete" or "complete application" shall mean containing all of the required elements,

information, fees, approvals or other materials as set forth in this zoning ordinance, other applicable provisions of the Code, state law, and in the most recent checklist previously issued by the director of planning.

Composting means the controlled biological decomposition of organic matter into a stable, odor-free humus.

Comprehensive plan means the DeKalb County Comprehensive Plan adopted by the board of commissioners, as adopted by the City of Stonecrest, as it may be amended from time to time, which divides the incorporated areas of the city into land use categories and which constitutes the official policy of the city regarding long-term planning and use of land.

Concert hall means an open, partially enclosed, or fully enclosed facility used or intended to be used primarily for concerts, spectator sports, entertainment events, expositions, and other public gatherings. Typical uses and structures include concerts, conventions, exhibition halls, sports arenas, and amphitheatres.

Conditional approval means the imposition of special requirements, whether expressed in written form or as a site plan or other graphic representation, made a requirement of development permission associated with a particular parcel or parcels of land and imposed in accordance with the terms of this chapter.

Condominium means a building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis in compliance with Georgia Law.

Condominium unit means a unit intended for any type of use with individual ownership, as defined in the Georgia Condominium Act, together with the undivided interest in the common elements appertaining to that unit.

Connectivity ratio means a ratio of links to nodes in any subdivision.

1. The connectivity ratio shall be the number of street links divided by the number of nodes or end links, including cul-de-sac heads.
2. A link shall be any portion of a street, other than an alley, defined by a node at either end. Stub-outs to adjacent property shall be considered links. For the purpose of determining the number of links in a development, boulevards, median-divided roadways, and divided entrances shall be treated the same as conventional two-way roadways.
3. A node shall be the terminus of a street or the intersection of two or more streets. Any curve or bend of a street that exceeds 75 degrees shall receive credit as a node. Any curve or bend of a street that does not exceed 75 degrees shall not be considered a node. A divided entrance shall only count once.

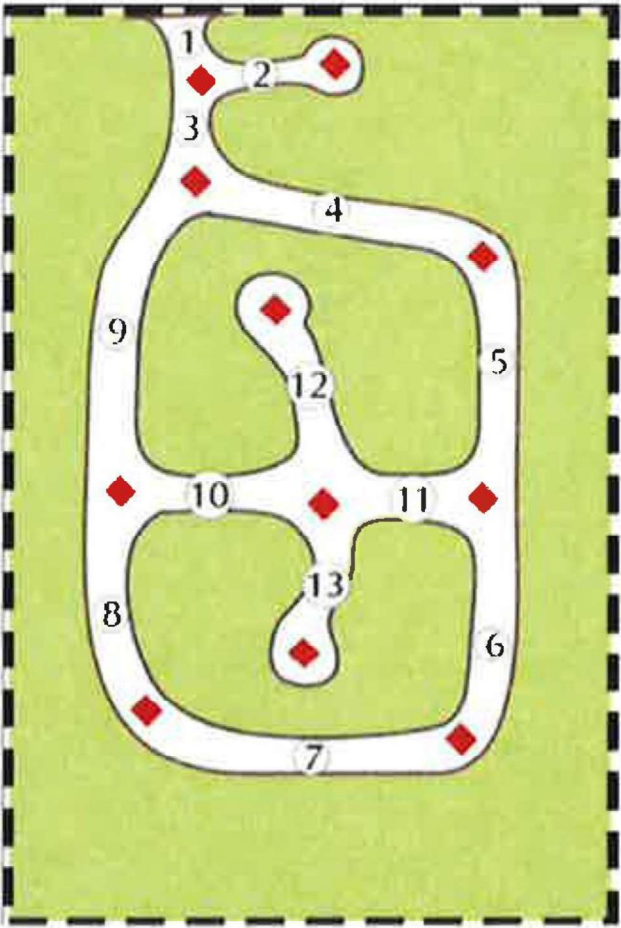


Figure 9.4 Example 1: Does not meet ratio

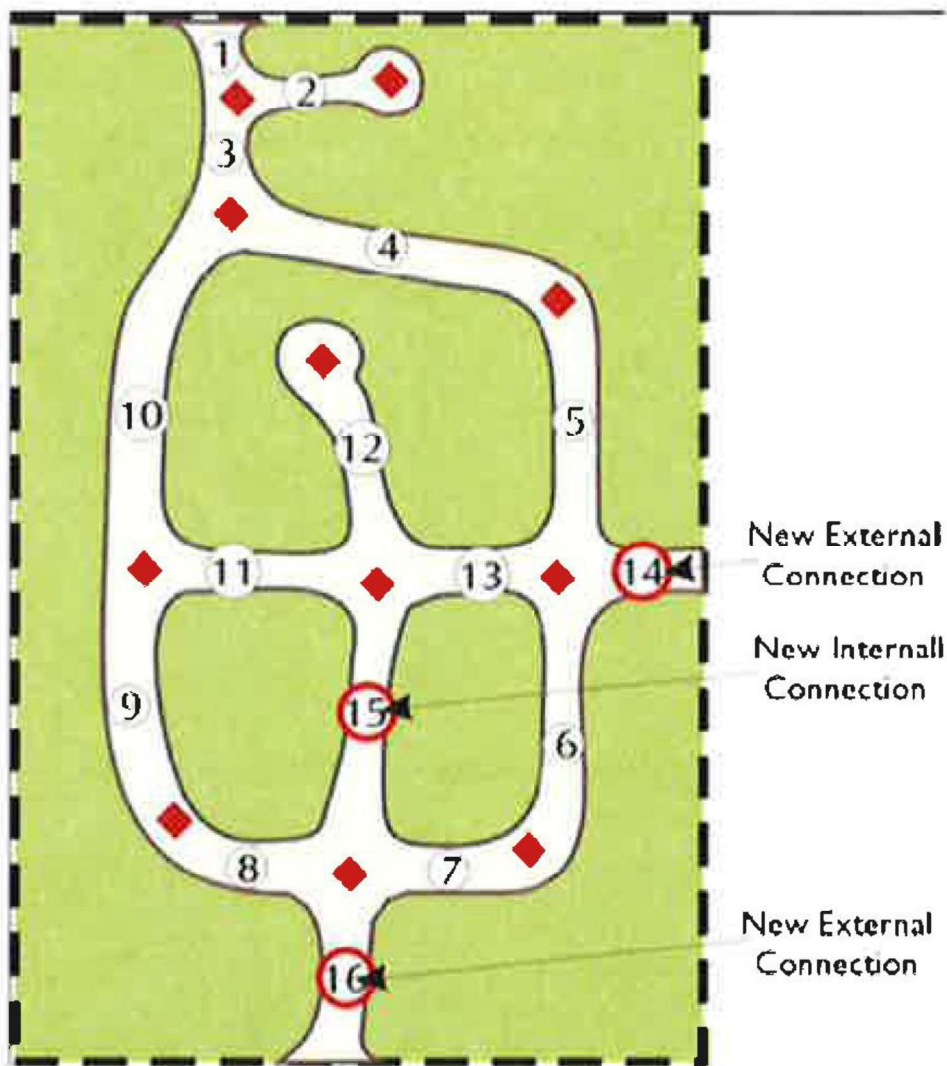


Figure 9.5 Example 2: Modified to meet ratio

Conservation area means any area designated as containing physical features of natural, historical, social, cultural, architectural, or aesthetic significance to be restored to or retained in its original state or enhanced to promote existing natural habitat.

Conservation easement means a restriction or limitation on the use of real property which is expressly recited in any deed or other instrument of grant or conveyance executed by or on behalf of the owner of the land described therein and whose purpose is to preserve land or water areas predominantly in their natural scenic landscape or open condition or in an agricultural farming, forest or open space use.

Construction means any site preparation, assembly, erection, repair, alteration or similar action, including demolition of buildings or structures.

Continuing care retirement community means a residential facility providing multiple, comprehensive services to older adults. Such facility normally contains a combination of independent living units, assisted living, and skilled nursing care units, as defined herein. Such facilities generally provide support services, such as meals, laundry, housekeeping, transportation, and social and recreational activities.

Continuous sound means any sound with duration of more than one second, as measured with a sound level meter set to the slow meter response.

Contractor, general, means a contractor or builder engaged in the construction of buildings like residences or commercial structures.

Contractor, heavy construction, means a contractor or builder engaged in the heavy construction activities such as paving, highway construction, landscaping, and utility construction.

Contractor, special trade, means Industries in the special trade contractors subsector engage in specialized construction activities, such as plumbing, painting, and electrical work.

Convalescent home means a nursing care facility.

Convenience store means any retail establishment offering for sale items such as household items, newspapers and magazines, prepackaged food products, sandwiches and other freshly prepared foods, and beverages, for off-site consumption. When a convenience store sells unopened alcoholic beverages, it is also considered to be an alcohol outlet. The term "convenience store" may also include accessory fuel pumps.

Convent means a building or buildings used as both a place of worship and as a residence, operated as a single housekeeping unit, solely by and for a group of women who have professed vows in a religious order and who live together as a community under the direction of a local supervisor designated by the order.

Cornice means any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang.

Corridor means a broad geographical band that follows a general directional flow connecting major sources of trips that may contain a number of streets, highways, and transit route alignments.

County or city solid waste means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family, duplex, and multifamily residences, hotel and motels, picnic grounds and day use recreation areas. The term "county or city solid waste" includes yard trimmings and commercial solid waste but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations.

County or city solid waste disposal facility means any facility or location where the final deposition of any amount of county or city solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, and, includes, but is not limited to, county or city solid waste landfills and county or city solid waste thermal treatment technology facilities.

Craft brewery (also known as micro-brewery) means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces small amounts of beer or malt beverage, less than 12,000 gallons in a calendar year. Much smaller than large-scale corporate breweries, these businesses are typically independently owned. Such breweries are generally characterized by their emphasis on quality, flavor and brewing technique. [TMOD-21-016]

Craft distillery (also known as micro-distillery) means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in small quantity, less than 12,000 gallons per calendar year and in which such manufactured distilled spirits may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.2. [TMOD-21-016]

County or city solid waste landfill means a disposal facility where any amount of county or city solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludge, or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Cremation means the reduction of a dead human body or a dead animal body to residue by intense heat.

Crematorium means a location containing properly installed, certified apparatus intended for use in the act of cremation. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials or narcotics.

Cultural facility means a building or structure that is primarily used for meetings, classes, exhibits, individual study, referral services, informational and entertainment presentations, and other similar programs oriented around the customs and interests of a specific group of people, including, but not limited to, an immigrant, ethnic, or national minority group, or the heritage of defined geographic region. Movies, theater performances and similar entertainment may occur in a cultural facility, but the purpose of the cultural facility is not to provide a venue solely for such entertainment. A cultural facility may be programmed, managed, or operated by a public, private, or non-profit entity.

Curb cut means a curb break, or a place or way provided for the purpose of gaining vehicular access between a street and abutting property.

Dairy means a commercial establishment for the manufacture, processing, or sale of dairy products.

Dance school means a school where classes in dance are taught to four or more persons at a time.

Day means, unless otherwise stated, calendar days.

Day spa. See *Health spa*.

Decay resistant wood means wood harvested from tree species that are known to have extractives in the heartwood which are toxic to fungi.

Decibel (dB) means the unit for the measurement of sound pressure based upon a reference pressure of 20 micropascals (zero decibels), i.e., the average threshold of hearing for a person with very good hearing.

Deciduous tree means a tree that loses all of its leaves for part of the year.

Deficiencies means exterior conditions or signs of neglect within a conservation subdivision and within the Stonecrest Area Overlay District that contributes to nuisances, hazards, or unkempt appearances, such as, but not limited to, uncut or overgrown grass or weeds, peeling paint, severe corrosion, or wood rot; accumulation of trash or debris; fallen, dead, dying, damaged, or diseased trees or shrubbery; severe erosion; stagnant pools of water; broken inoperable, or severely damaged benches, seating, paving, walls, fences, gates, signs, fountains or other structures, furnishings or equipment which is intended for decoration or use by the public. The term "deficiencies" shall only be applicable to the Stonecrest Area Overlay District regulations and the conservation subdivision regulations.

DeKalb County Transportation and Thoroughfare Plan means the DeKalb County Transportation and Thoroughfare Plan, as adopted by the board of commissioners and by the City of Stonecrest, as amended from time to time.

Demolition means any dismantling, destruction or removal of buildings, structures, or roadways whether manmade or natural occurring both above and below ground.

Demolition of an infill building means the destruction and removal of an existing building or structure in whole or in part whether such destruction and removal involves removal of all or part of the prior foundation.

Density means the number of dwelling units per gross acreage of land.

Dental clinic. See *Office, dental*.

Department of community affairs (DCA) means the state department that provides a variety of community development programs to help the state's communities realize their growth and development goals.

Department store means a business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited, and sold directly to the customer for whom the goods and services are furnished.

Deterioration means a condition of a building or a portion of a building characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance, or excessive use.

Development permit means any permit that authorizes land disturbance for the use, construction thereon or alteration of any real property within the incorporated limits of the city.

Development of regional impact (DRI) means a large-scale development that is likely to have regional effects beyond the local government jurisdiction in which it is located and meets the DCA requirements for review.

Director of Planning means the Director of the Department of Planning and Zoning, or the City Manager designee.

Dispatch office means an office used exclusively for the communication and dispatch of taxis, ambulances, limousines and similar vehicles, with no fleet parking or storage allowed.

Disposal facility means any facility or location where the final deposition of solid waste occurs, including, but is not limited to, landfills and solid waste thermal treatment technology facilities.

District, authorized zoning – a zoning district other than the base or underlying zoning district that is called out in the provisions of an overlay zoning district to described what uses are permitted or authorized to be developed within that overlay zoning district.

District, base zoning– see *Underlying District*

District, governing zoning – an underlying or authorized zoning district within an overlay zoning district by which the design and dimensional standards of any existing or proposed development must adhere to. Also used to determine site requirements on adjacent properties, such as buffers.

District, overlay zoning – a zoning district where certain additional requirements are superimposed upon an underlying or base zoning district and where the requirements of the underlying or base district may or may not be altered.

District, underlying zoning – Any zoning district that lies within or under the boundaries of an overlay zoning district, also known as base zoning district.

District, Zoning – Any district delineated on the official zoning map under the terms and provisions of this ordinance, or which may be created after the enactment of this ordinance for which regulations governing the area, height, use of buildings, or use of land, and other regulations related to development or maintenance of uses or structures are uniform. [TMOD-21-015]

Dog means a canine that has reached the age of six months.

Dog daycare means any premises containing four or more dogs, where dogs are dropped off and picked up daily between the hours of 7:00 a.m. and 7:00 p.m. for temporary care on-site and where they may be groomed, trained, exercised, and socialized, but are not kept or boarded overnight, bred, sold, or let for hire. Use as a kennel shall be limited to short-term boarding and shall be only incidental to such dog daycare. See *Kennel, commercial*.

Dog grooming means the hygienic care and cleaning of a dog, as well as enhancement of a dog's physical appearance.

Dormitory means a building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions, and located on the campus of that institution.

Dripline means a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Drive-in theater means an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis to patrons seated in automobiles.

Drive-through facility means a business establishment so developed that its retail or service character includes a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Drive-through restaurant means a retail establishment where food and/or drinks are prepared and may be consumed by customers within the principal building, or may be ordered and picked up from an exterior service window that serves customers while in their automobiles. The term "drive-through restaurant" includes restaurants that serve customers at an exterior walk-up service window.

Driveway means a private roadway providing access for vehicles to an individual lot, parking space, garage, dwelling, or other structure.

Dry cleaning agency means an establishment or agency maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Durable materials means Materials that can resist wear, tear and decay from use, time and other conditions like weather.

Dwelling, cottage home means small detached dwelling units arranged on a single site whereby the dwelling units are arranged so that each unit faces a common open space.

Dwelling, mobile home. See *Mobile home.*

Dwelling, multifamily. See *Dwelling unit, multifamily.*

Dwelling, single-family, means a building designed for and containing one dwelling unit.

Dwelling, single-family attached, means a dwelling unit located in a building in which multiple units are attached by a common party wall.

Dwelling, single-family detached,, means a dwelling unit on an individual lot unattached to another dwelling unit.

Dwelling, single-family detached condominiums in the Residential Neighborhood Conservation District, means single-family detached dwelling units which are owned under the condominium form of ownership such that there are no individual lots associated with the units and the common areas are held in common ownership by a condominium association.

Dwelling, three-family or triplex, means a building designed for and containing three dwelling units.

Dwelling, two-family or duplex, means a building designed for and containing two dwelling units.

Dwelling, urban single-family, means residential buildings that share similar configuration to townhouse developments; however, they may be attached or detached and may have lot lines that coincide with the building envelope.

Dwelling unit means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarters, with cooking, sleeping, and bathroom facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Dwelling unit, accessory, means a dwelling unit located on the same lot as a single-family dwelling, either within or attached to the single-family dwelling, or detached, and is a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities.

Dwelling unit, efficiency or studio, means a self-contained residential unit consisting of not more than one room together with a private bath and kitchen facilities.

Dwelling unit, multifamily, means one or more rooms with a private bath and kitchen facilities comprising an independent, self-contained residential unit in a building containing four or more dwelling units.

Dyeworks means a facility or workshop where the process of applying a comparatively permanent color to fiber, yarn or fabric takes place.

Eating and drinking establishments, mean those establishments whose primary purpose is to derive income from the sale of food and drink, including malt beverages, wine and/or distilled spirits consumed primarily within the principal building, and without a drive-in or drive-thru component where such establishment is open for use by patrons between 12:30 a.m. Entertainment shall be incidental thereto.

Edifice means a building or a structure, especially one of imposing appearance or size, which has a roof and walls and stands permanently in one place.

Elevation means an architectural term referring to the view of a building seen from one side; it is a flat representation of one facade. This is the most common view used to describe the external appearance of a building. Each elevation is labeled in relation to the yard it faces (front, rear or side).

Elevation height means above sea level or ground level. See *Grade, existing*.

Emergency work means any work or action necessary to deliver essential services, including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions.

Enclosed area means an area surrounded by a fence or walls, sheltered by a structure with a roof and no side walls, but not located within a building.

Encroachment means a building or some portion of it, or a wall or fence, which extends beyond the land of the owner and illegally intrudes upon land of an adjoining owner, a street or an alley.

Environmental contamination means a presence of hazardous substances in the environment. From the public health perspective, environmental contamination is addressed when it potentially affects the health and quality of people living or working nearby.

Essential services means the erection, construction, alteration, or maintenance by public utilities or City departments of overhead, surface or underground gas, electrical steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, electrical substation, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such utility or City department or for the public health, safety, or general welfare, shall be exempt from the regulations of this code. The installation shall conform to Federal Communications Commission and Federal Aviation Agency rules and regulations, and those of other authorities having jurisdiction.

Exceptional topographical restrictions means the physical condition of a lot or parcel, determined by the contours of the land itself, which may inhibit or alter the compliant status of an existing or proposed structure.

Explosive manufacture or storage means the manufacture or storage of any chemical compound mixture or device, the primary and common purpose of which is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

Exterior insulation and finishing system (EIFS) means a type of building exterior wall cladding system that provides exterior walls with an insulated finished surface and waterproofing in an integrated composite material system.

Extraneous sound means a sound of high intensity and relatively short duration which is neither part of the neighborhood residual sound, nor comes from the sound source under investigation.

Facade means One exterior side of a building, usually, but not always, the front. In this chapter and the design standards, it may be synonymous with architectural elevation. In architecture, the facade of a building is

often the most important from a design standpoint, as the facade elements of wall face, parapet, fascia, fenestration, and canopy establish the architectural aesthetic of a building creating the public realm.

Facade, primary, means refers to the exterior building wall considered the front and features the main entrance to the building. The term "facade, primary," is synonymous with front facade.

Fair market value means the price a property would likely bring if offered for sale in the marketplace.

Fairgrounds means an area of land use, including, but not limited to, agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters. The term "fairgrounds" do not include racetracks or motorized contests of speed.

Family means one or more individuals related by blood, marriage, adoption, or legal guardianship, or not more than three unrelated individuals, who live together in a single dwelling unit and who function as a single housekeeping unit, have established ties and familiarity with each other, jointly use common areas, interact with each other, and share meals, household activities, expenses and responsibilities. The term "family" shall include three or fewer mentally handicapped, developmentally disabled persons, and other handicapped persons, as defined in the Fair Housing Act, 42 USC 3601 et seq., living as a housekeeping unit and otherwise meeting the definition of "family" herein. For the purposes of calculating the number of persons who live in a dwelling, family members who are related by blood or legal status shall count as one person.

Family daycare home means a private residence in which a business, registered by the State of Georgia, is operated by any person who receives pay for supervision and care for fewer than 24 hours per day, not more than six persons who are not residents in the same private residence. For the purposes of this zoning ordinance, a family daycare home may be operated as a home occupation, subject to the requirements of this chapter.

Family-oriented entertainment venues means places of entertainment intended to serve families.

Farm equipment and supplies sales establishment means establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Farmer's market means a market, usually held out-of-doors, in public spaces, where farmers and other vendors can sell produce or value added products.

Farming, active, means the growing of crops, plants, and trees. The term "farming, active," also includes the maintaining of horses, livestock, or poultry for the residents' needs or use, and the sale of agricultural products grown on the premises.

Fascia means a type of roof trim mounted on exposed rafter ends or top of exterior walls to create a layer between the edge of the roof and the outside.

Fat rendering means any processing of animal byproducts into more useful materials, or more narrowly to the rendering of whole animal fatty tissue into purified fats like lard or tallow.

Feature, in the definition of a sexually oriented business, means to give special prominence to.

Fee simple ownership means absolute title to land, free of any other claims against the title, which one can sell or pass to another by will or inheritance. The term "fee simple ownership" includes the land immediately underneath a unit, and may or may not include land in front of and behind a building.

Fee simple condominium declaration means an official affidavit filed attesting to the fact that the owner of a condominium development that was the subject of a site development plan approved prior to August 31, 2012, no longer intends to sell units in the subject development as condominiums and will offer for sale such units as fee simple condominium units and that otherwise the development shall conform to a previously approved condominium development plan consisting of the same units along with the same related facilities on the same tract of land as the previously approved condominium development.

Fee simple condominium development means a development where the owner of a unit possesses fee simple interest to the exterior walls and roof of the unit, as well as fee simple interest to the land lying immediately beneath the unit and coincident with the external walls of such unit as depicted on a recorded final plat. A fee simple condominium unit must be a part of an approved development in which all other land consists of privately-owned common areas, utilities, streets, parking, stormwater management, landscaping and other facilities that are owned by all unit owners on a proportional, undivided basis in compliance with Georgia law and subject to a mandatory property owners association organized in accordance with Georgia law.

Fence means a structure designed to provide separation and security constructed of materials including chain link, wire, metal, artistic wrought iron, vinyl, plastic and other such materials as may be approved by the director of planning.

Fenestration means the arrangement, proportioning, and design of windows and doors in a building.

Fertilizer manufacture means the manufacture and storage of organic and chemical fertilizer, including manure and sludge processing.

Fitness center means building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee but specifically excluding sexually oriented businesses. Accessory uses which support the principal use can include therapy treatments such as massage, mediation and other healing arts. The term "fitness center" shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia.

Flea market means an occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

Floodplain means land within the special flood hazard area (SFHA) or covered by the future conditions flood, as defined in chapter 14 of the Code.

Floodway means the channel of a stream, river, or other watercourse and the adjacent areas that must be reserved in order to discharge the special flood hazard area (SFHA) flood without cumulatively increasing the water surface elevation more than a designated height.

Floor area means the gross heated horizontal areas of the floors of a building, exclusive of open porches and garages, measured from the interior face of the exterior walls of the building. For nonresidential construction, net floor area is measured as the usable, heated floor space and gross floor area is measured as the total floor space.

Floor area of accessory building means the gross horizontal areas of the floors of an accessory building, measured from the exterior faces of the exterior walls of the accessory building.

Floor area ratio (FAR) means the relationship between the amount of gross floor area permitted in a building (or buildings) and the area of the lot on which the building stands. FAR is computed by dividing the gross floor area of a building or buildings by the total area of the lot. For the purposes of this calculation, parking areas or structures shall not be included in floor area.

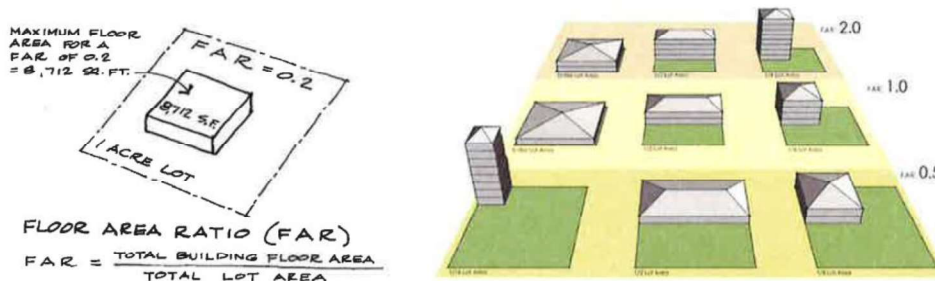


Figure 9.6 Illustration of Floor Area Ratio (FAR)

Floor space, as referenced in the definition of the terms "adult bookstore" or "adult video store," means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

Florist means an enclosed retail business whose principal activity is the selling of plants which were grown off-site.

Forestry means establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

Fortunetelling means and includes all forms of foretelling, including, but not limited to, palm reading, casting of horoscopes, and tea leaf reading.

Fraternal organization means a group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements. See also *Club*.

Fraternity house means a building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity members and their guests or visitors and affiliated with an institution of higher learning.

Freestanding wall means a wall or an upright structure of masonry, wood, plaster, or other building material standing on its own foundation and not attached to any part of a building.

Freeway means a multiple-lane roadway carrying local, regional, and interstate traffic of relatively high volumes which permits access only at designated interchanges and is so designated in the comprehensive plan.

Freight service means an establishment primarily engaged in undertaking the transportation of goods and people for the compensation, and which may, in turn, make use of other transportation establishments in effecting delivery. The term "freight service" includes parking lots for overnight truck storage, and such establishments as commercial distribution services, freight forwarding services, and freight agencies.

Frequency means the time rate of repetition of sound waves in cycles per second, reported as Hertz (Hz), also referred to as "pitch."

Frontage, lot, means the horizontal distance for which the boundary line of a lot and a street right-of-way line are coincident.

Front facade. See *Facade, primary*.

Fuel and ice dealer, manufacturer and wholesaler means an establishment primarily engaged in the sale to consumers of ice, bottled water, fuel oil, butane, propane and liquefied petroleum gas, bottled or in bulk, as a principal use.

Funeral home means a building used for the preparation of deceased humans for burial or cremation and display of the deceased and rituals connected therewith before burial or cremation, including the storage of caskets, funeral urns, funeral vehicles, and other funeral supplies, and where allowed by use standards, crematoriums. See *Crematorium*.

Furniture sales and showroom means a retail trade establishment primarily engaged in the sale and exhibition of furniture or home decoration items.

Garage means a part of a residential building or a separate structure on the same lot as the residence designed to be used for the parking and storage of vehicles that belong to the residents or visitors of the building.

Garage, parking. See *Parking garage* or *Parking structure*.

Gas regulator station means an assemblage of equipment which reduces, regulates, and meters natural gas pressure in the transmission line, holder, main, pressure vessel, or the compressor station piping. The term "gas

regulator station" may include auxiliary equipment such as valves, control instruments, or control lines as well as piping.

General business office, see Office, professional.

Gift shop means a retail store where items such as art, antiques, jewelry, books, and notions are sold.

Glue manufacture means the manufacturing of glue, epoxy, sealant or other adhesives.

Go-cart means a small low motor vehicle, with four wheels and an open framework, used for racing.

Go-cart concession means a place, usually sheltered, where patrons can purchase snacks or food accessory to go-cart racing.

Go-cart track means a track or network of tracks used for the racing of go-carts.

Golf course means a tract of land laid out with at least nine holes for playing a game of golf and improved with tees, green, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range and shelters as accessory uses.

Government facilities means buildings or office space utilized for the provision of services by the City of Stonecrest, DeKalb County, the State of Georgia, or the Federal Government including outdoor activities and parking. Such uses include, but are not limited to, the municipal building, fire stations, police stations, government offices, public parks and recreation related facilities and other similar uses

Grade, average finished, means the average level of the finished surface of the ground adjacent to the exterior walls of the building determined by dividing the sum of the elevation of the highest point and the elevation of the lowest point by two.

Grade, existing, means the elevation of the ground surface before development.

Grade, finished, means the final grade of the ground surface after development.

Grassed playing fields means reasonably flat and undeveloped recreation areas intended for a variety of informal recreational uses, including, but not limited to, walking, kite-flying, flying disc-throwing, and recreational games of soccer, softball, or cricket. In the creation of grassed playing fields, minimal grading may be used; however, specimen trees may not be damaged or removed. Grassed playing fields may not include recreation areas with amenities for a particular sport, such as baseball diamonds or golf courses.

Gravel pit means an open land area where sand, gravel, and rock fragment are mined or excavated for sale or off-site use. Gravel pit includes sifting, crushing, and washing as part of the primary operation. To excavate the rock, blasting also may be necessary.

Grazing land, pasture land means any open land area used to pasture livestock in which suitable forage is maintained over 80 percent of the area at all times of the year.

Greenhouse, commercial, means a retail or wholesale business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.

Greenspace means undeveloped land that has been designated, dedicated, reserved, or restricted in perpetuity from further development, which is not a part of an individual residential lot.

Grid pattern means a continuous web of streets in which most streets terminate at other streets to form multiple vehicular and pedestrian connections. Streets are to be laid out with primarily linear features, but the grid may be broken by circles, ovals, diagonals, and natural curves to add visual interest.

Grocery store means a store where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers other home care and personal care products, and which is substantially larger and carries a broader range of merchandise than convenience stores.

Ground cover means small plants such as salal, ivy, ferns, mosses, grasses, or other types of vegetation, that normally cover the ground and include trees of less than six-inch caliper.

Group homes. See *Child care institution, Personal care homes, Transitional housing facility.*

Growler means a professionally sanitized reusable container not exceeding 64 ounces in volume used to transport draft beer for off-premises consumption. [TMOD-21-016]

Growler Store means a retail store that sales growlers. [TMOD-21-016]

Gym. See *Fitness center.*

Hardscape means the inanimate elements of landscaping, especially any masonry work or woodwork. For instance, stone walls, concrete or brick patios, tile paths, wooden decks and wooden arbors would all be considered part of the hardscape.

Hardship means a condition of significant practical difficulty in developing a lot because of physical problems relating solely to the size, shape or topography of the lot in question, which are not economic difficulties and which are not self-imposed.

Hardware store means a facility of 30,000 or less square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery.

Health spa means a nurturing, safe, clean commercial or not-for-profit establishment, which employs professional, licensed therapists whose services include massage and body or facial treatments. Private treatment rooms are provided for each client receiving a personal service. Massage treatments may include body packs and wraps, exfoliation, cellulite and heat treatments, body toning, waxing, aromatherapy, cleansing facials, medical facials, nonsurgical face lifts, electrical toning, and electrolysis. Hydrotherapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instruction may be provided in addition to the massage and therapeutic treatment services. Full-service hair salons, make-up consultation and application and manicure and pedicure services may be provided as additional services. This specifically excludes sexually oriented businesses.

Heavy equipment repair, service or trade means a building or lot used for the repair, servicing, lease or sale of heavy equipment.

Heavy industrial. See *Industrial, heavy.*

Heavy manufacturing. See *Industrial, heavy.*

Heavy vehicle repair means major or minor repair of non-passenger vehicles that are classified by the Georgia Department of Driving Services as a Class E, F, or Commercial vehicle.

Heliport means an area, either at ground level or elevated on a structure, licensed by the federal government or an appropriate state agency and approved for the loading, landing, and takeoff of helicopters and including auxiliary facilities, such as parking, waiting room, fueling, and maintenance equipment.

High-rise building or structure means a building of any type of construction or occupancy having floors used for human occupancy located more than 55 feet above the lowest floor level having building access of three stories or greater unless otherwise defined by individual zoning or overlay district.

High-rise in the I-20 Corridor Overlay District means a building in the I-20 Corridor Overlay District that is nine or more stories in height.

High-rise in the Stonecrest Area Overlay District means a building in the Stonecrest Area Overlay District that is 11 or more stories in height.

Historic means a building, structure, site, property or district identified as historic by the Stonecrest City Historic Preservation Commission, by listing on the Georgia or National Register of Historic Places, by listing as a

National Historic Landmark, or determined potentially eligible for listing in the National Register of Historic Places as a result of review under section 106 of the National Historic Preservation Act, as amended.

Hobby, toy and game store means a retail establishment for sale and exhibition of items related to hobbies such as arts and crafts materials, toys, or items related to games.

Home improvement center means a facility greater than 30,000 square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, house wares and household appliances, garden supplies, and cutlery.

Home occupation means an occupation carried on by an occupant of a dwelling unit as a secondary use of the dwelling that is incidental to the primary use of the dwelling unit for residential purposes and is operated in accordance with the provisions of this chapter. The term "home occupation" does not include private educational use, as defined in this chapter.

Hospice means any facility that provides coordinated program of home care with provision for inpatient care for terminally ill patients and their families. This care is provided by a medically directed interdisciplinary team, directly or through an agreement under the direction of an identifiable hospice administration. A hospice program of care provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of patients and their families, which are experienced during the final stages of terminal illness and during dying and bereavement.

Hospital means an institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

Hotel/motel means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars, and recreational facilities.

Hotel/motel, extended stay, means any building containing six or more guest rooms rented or leased for sleeping purposes for periods less than one month, but in excess of one week, and that contain kitchen facilities for food preparation, including, but not limited to, refrigerators, stoves, and ovens.

Household pet means a domestic animal that is customarily kept for pleasure rather than utility or profit and that is normally kept within a residence for personal use and enjoyment, including domestic dogs, domestic cats, domestic potbellied pigs, canaries, parrots, parakeets, domestic tropical birds, hamsters, guinea pigs, lizards and turtles. Household pet does not include livestock, poultry, and snakes, nor does it include hybrids of animals normally found in the wild.

INCE means the Institute of Noise Control Engineering.

Impervious surface means a surface that either prevents or retards the entry of surface water into the soil mantle and causes surface water to run off in greater quantities or at an increased flow rate when compared to natural, undeveloped soil mantle. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, paved areas, pavement graveled areas, packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface waters. Open uncovered flow control or water quality treatment facilities shall not be considered as impervious surfaces. See *Lot coverage* for exemptions.

Impulsive sound means a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second characterized with an abrupt onset and rapid decay.

Industrial district means any parcel of land which is zoned for industrial use including property used for light and heavy distribution, warehouses, assembly, manufacturing, quarrying, and truck terminals. Such districts include M and M-2 districts.

Industrial, heavy, means the building or premises where the following or similar operations are conducted means processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise, or equipment, including the wholesale or distribution of said goods, merchandise, or equipment when not conducted wholly within a building or other enclosed structure or when such operations generate measurable dust, vibrations, odor, glare or emissions beyond the property on which said building or structure is located.

Industrial, light, means the following or similar operations means processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise, or equipment, other than light malt beverages, including the wholesale or distribution of said goods, merchandise, or equipment, when conducted wholly within a building or other enclosed structure, and when such operations generate no measurable dust, vibrations, odor, glare or emissions beyond the property on which said building or structure is located.

Industrial solid waste means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste, as defined herein. Such wastes include, but are not limited to, waste resulting from the following manufacturing processes means electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textiles; transportation equipment; and water treatment. The term "industrial solid waste" does not include mining waste or oil and gas waste.

Industrialized building means any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation-site without disassembly, damage to, or destruction thereof.

Infill building means any building built or proposed to be built on an infill lot.

Infill development means a development surrounded by or in close proximity to areas that are substantially or fully developed.

Intermediate care home means a facility which admits residents on medical referral; it maintains the services and facilities for institutional care and has an agreement with a physician or dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources or state agency as may have jurisdiction. The term "intermediate care" means the provision of food, including special diets when required, shelter, laundry and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed-ridden patients except on an emergency or temporary basis.

Intermodal freight terminal means an industrial establishment in which freight is transferred in containers from truck to railroad cars for transportation.

Interparcel access means a physical way or means to facilitate movement of pedestrians and/or vehicles between adjacent lots (that is, "lot-to-lot access") without generating additional turning movements on a public street.

Jewelry repair shop means Establishment primarily engaged in the provision of jewelry repair services to individuals.

Junk vehicle means any vehicle that is in such a state of disrepair as to be inoperable and does not bear a current license plate.

Junkyard means any lot or lot and buildings in combination which is utilized for the parking, storage or disassembling of junk vehicles; storage, bailing or otherwise dealing in bones, animal hides, scrap iron and other metals, used paper, used cloth, used plumbing fixtures, old refrigerators and other old household appliances, and used brick, wood or other building materials. These uses shall be considered junkyards whether or not all or parts of these operations are conducted inside a building or in conjunction with, in addition to or accessory to other uses of the premises.

Keeping of chickens means the breeding, boarding, and caring of chickens for personal or agriculture use, or raised for sale and profit.

Keeping of livestock means the breeding, boarding and caring of livestock for personal or agricultural use, or raised for sale and profit.

Keeping of pigeons means the breeding, boarding, and caring of pigeons for personal or agriculture use, or raised for sale and profit.

Kennel, breeding, means a kennel where no more than ten dogs, registered with a nationally recognized registration organization, over the age of six months are owned, kept or harbored for the purpose of breeding purebred or pedigreed dogs; provided, however, this definition shall not apply to zoos or to animal hospitals operated by a veterinarian, duly licensed under the law.

Kennel, commercial, means an establishment for the boarding, caring for and keeping of dogs over the age of six months other than a breeding kennel or a noncommercial kennel.

Kennel, noncommercial, means an establishment for the boarding, caring for and keeping of more than three but not more than ten dogs over the age of six months, not for commercial purposes.

Kidney dialysis center means an establishment where a process of dialysis, an artificial process of getting rid of waste and unwanted water from blood, is carried out for the patients whose kidneys have been damaged or lost kidney function.

Kindergarten means an establishment operated by any person wherein compensation is paid for providing for the care, supervision, instruction, and protection of seven or more children who are under the age of seven years for less than 24 hours per day, without transfer of legal custody. For the purpose of this zoning ordinance, a kindergarten school is considered to be a child daycare center or facility.

Kiosk means a freestanding structure upon which temporary information and/or posters, notices, and announcements are posted.

Kitchenette means a small, compact apartment kitchen, often part of another room utilized for different activities.

Kitchen facilities means a room used to prepare food containing, at a minimum, a sink and a stove or oven.

Laboratories (medical/dental) means a facility offering diagnostic or pathological testing and analysis of diagnostic tests related to medical or dental care industry.

Land use means a description of how land is occupied or utilized.

Landfill means an area of land on which or an excavation in which solid waste is placed for permanent disposal and which is not a land application unit, surface impoundment, injection well, or compost pile.

Landscape area means an area set aside from structures and parking which is developed with natural materials (i.e., lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences, and street furniture.

Landscape business means a business whose primary operation is the sale and installation of organic and inorganic material, plants, pine straw and other limited accessory products for the landscape industry and the storage and use of associated landscape vehicles and equipment.

Landscape strip means a strip intended to be planted with trees, shrubs, or other vegetation. Same as landscape zone.

Landscaped space means the areas of a parking lot which are planted with trees, shrubs and ground cover, plazas, fountains and other hardscape elements and similar features which are located within such parking lot and which are generally accessible to patrons or the general public during normal business hours.

Large-scale brewery means a building or group of buildings where beer is brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces more than 12,000 gallons in a calendar year. [TMOD-21-016]

Large-scale distillery means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in large quantity, more than 12,000 gallons per calendar year. [TMOD-21-016]

Large-scale retail means a singular retail or wholesale user who occupies no less than 60,000 square feet of gross floor area.

Late-night establishment means any establishment licensed to dispense alcoholic beverages for consumption on the premises where such establishment is open for use by patrons beyond 12:30 a.m.

Laundry means a facility used or intended to use for washing and drying of clothes and fabrics.

Laundry, coin operated, means a self-service laundry facility where clothes are washed and dried by washing and drying machines that require coins to operate.

Laundry pick-up station means a facility where clothes and linens are dropped off for laundry or dry cleaning and where clothes and linen are picked up once they are cleaned. These facilities do not perform dry cleaning on-site. See *Dry cleaning agency*.

Leachate collection system means a system at a landfill for collection of the leachate which may percolate through the waste and into the soils surrounding the landfill.

Leasing office means a facility where commercial or residential spaces available for renting are exhibited, or where documents related to the lease agreements are prepared. This facility may also be used to collect rent or used by occupants to report needs of services or other support.

Library means a public facility, a room or building, for the exhibition and use, but not sale of literary, scientific, historical, musical, artistic or reference materials.

Light industrial. See *Light manufacturing establishment*.

Light malt beverage manufacturer means a malt beverage manufacturer licensed as a brewpub per O.C.G.A. § 3-5-36 or licensed as a brewery per O.C.G.A. § 3-5-24. All state and federal licensing and regulatory requirements shall be met prior to the approval of a certificate of occupancy for this use. See also *Brewpub*.

Light manufacturing. See *Industrial, light*.

Liner building means a specialized building, parallel to the street, which is designed to conceal areas like a parking lot, parking deck or loading docks.

Liquor store. See *Alcohol outlet*.

Live-work unit means a structure or portion of a structure that combines residential living space with an integrated work space used principally by the occupant of the unit.

Livestock means domestic animals and fowl customarily kept on a farm, including horses, mules, donkeys, cows, cattle, sheep, goats, ducks, geese and turkeys.

Livestock sales pavilion means any place or establishment conducted or operated for compensation or profit consisting of pens, or other enclosures, in which house horses, cattle, mules, burros, swine, sheep, goats and

poultry are temporarily received, held, assembled and/or slaughtered for either public or private sale. *Lodge* means a membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities. The term "lodge" shall not include fraternities or sororities. (See also *Fraternal organization*.)

Lodging unit means one or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with sleeping, and bathroom facilities provided within the lodging unit for the exclusive use of a single family maintaining a household.

Lot means a portion or parcel of land intended as a unit for transfer of ownership or for development or both, intended to be devoted to a common use or occupied by a building or group of buildings devoted to a common use, and having principal frontage on a public road or an approved private road or drive.

Lot area means the total area within the lot lines of a lot, excluding any street rights-of-way.

Lot area, net means the total area of a proposed subdivision on an approved subdivision plat dedicated to individual lots, excluding any area dedicated to public or private street rights-of-way or utility easements.

Lot, buildable area of. See *Buildable area*.

Lot, conforming, means a designated parcel, tract, or area of land which meets the lot area, lot width and street frontage requirements of this chapter.

Lot, contiguous, (as used in section 8.1.4) means lots adjoining the rear or either side of the lots.

Lot, corner, means a lot abutting upon two or more streets at their intersection or upon two parts of the same street.

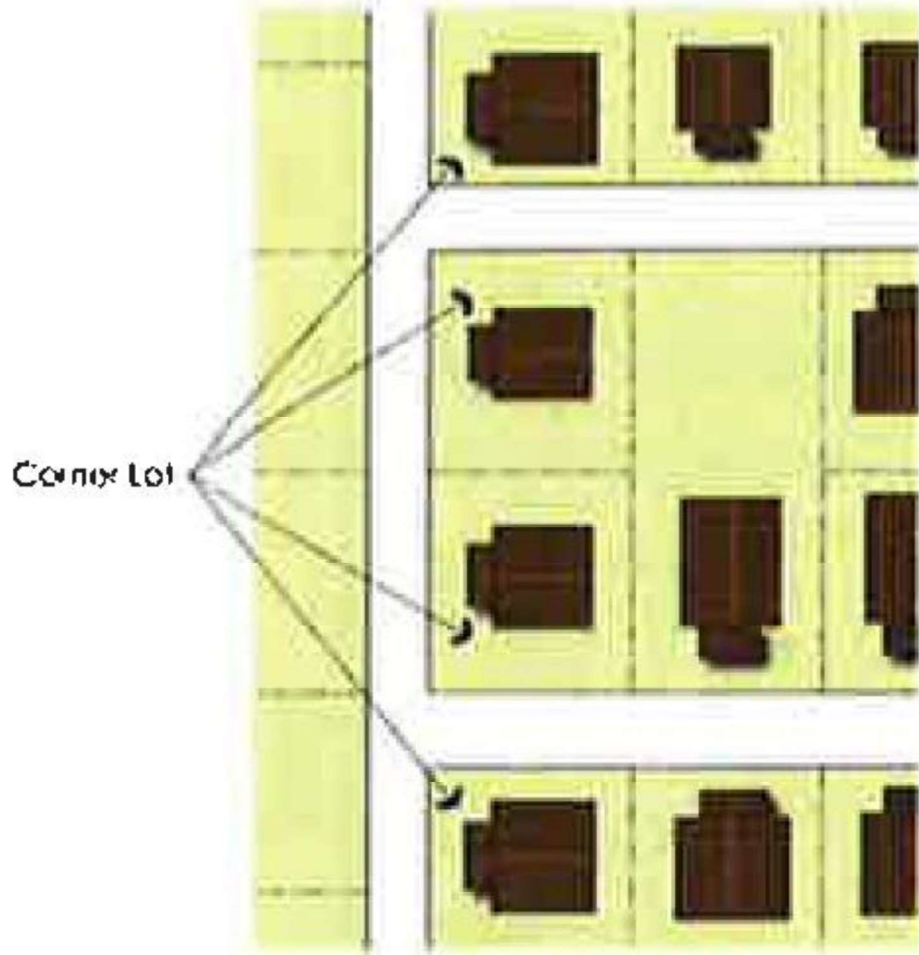


Figure 9.7 Corner Lots

Lot coverage means that portion of a lot that is covered by buildings, structures, driveways or parking areas, and any other impervious surface. For the purposes of calculating lot coverage, wooden decks, stone walkways and patios set without grout, or pervious, permeable, or porous pavements shall be considered pervious.

Lot, double-frontage, means a lot that abuts two parallel streets or that abuts two streets that do not intersect at the boundaries of the lot. A double-frontage lot may also be referred to as a through lot.

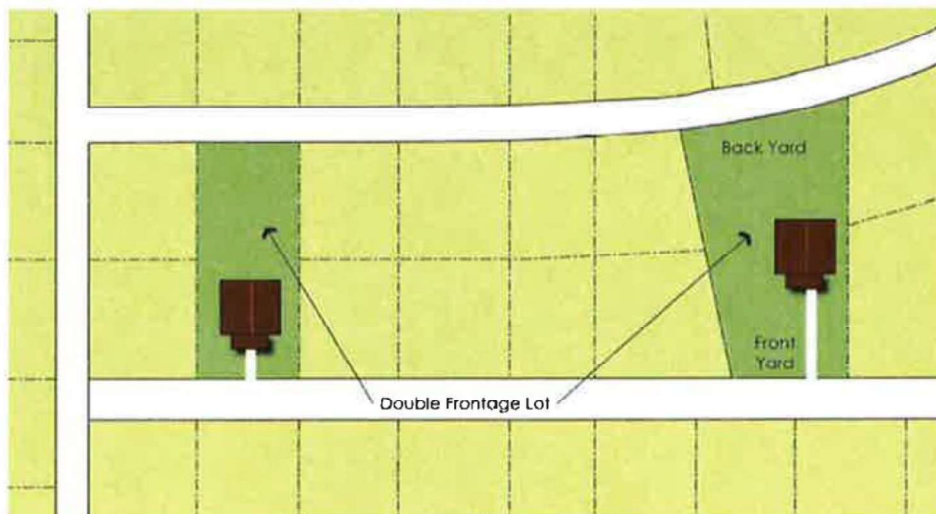


Figure 9.8 Double Frontage Lots

Lot, flag, means a tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot. A flag lot may also be referred to as a panhandle lot.

Lot, interior, means a lot, other than a corner lot, abutting only one street.

Lot, irregular, means a lot of such a shape or configuration that technically meets the area, frontage, and width to depth requirements of this article but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or other natural land features.

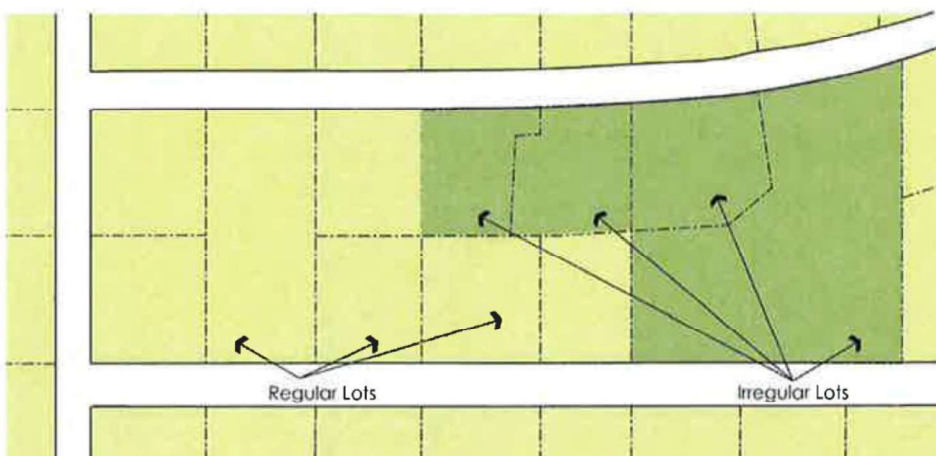


Figure 9.9 Irregular lots

Lot of record means a lot which is part of a subdivision, a plat of which has been recorded in the Office of the Clerk of Superior Court of DeKalb County, Georgia, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office.

Lot of record, nonconforming, means a designated parcel, tract, or area of land legally existing at the time of the enactment of this chapter or amendment of this chapter which does not meet the lot area, lot width, or public or private street frontage and access requirements of this chapter.

Lot remnant means any portion or portions of a lot not suitable for building because of its size and remaining after the transfer of other portions of said lot to adjoining lots.

Lot, substandard, means a designated parcel, tract, or area of land created after the time of enactment of this chapter or amendment of this chapter which does not meet the lot area, lot width, or public or private street frontage and access requirements of this chapter. Such a lot is illegal except where created by governmental action in which case such lot shall have the status of a nonconforming lot of record.

Lot width means the horizontal distance measured at the building line between the side lines of a lot, measured at right angles along a straight line parallel to the street, or in case of a curvilinear street, parallel to the chord of the arc.

Low-rise in the I-20 Corridor Overlay District means a building in the I-20 Corridor Overlay district that is one to four stories in height.

Low-rise in the Stonecrest Area Overlay District means a building in the Stonecrest Area Overlay district that is one to three stories in height.

Lumber supply establishment means a facility for manufacturing, processing, and sales uses involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes.

Mail room means a room in an office which mail and package shipments are prepared and deliveries accepted.

Major automobile repair and maintenance shop. See *Automobile repair, major*.

Major intersection means the intersection of a major arterial striate with a major or minor arterial street.

Major modification. See section 4.2.57.B.

Major modification to zoning conditions. See article 7 of this chapter.

Major thoroughfare means a street, road or highway shown as a major thoroughfare in the DeKalb County Transportation and Thoroughfare Plan.

Manufactured home, Class I, means a single-family dwelling unit that is constructed in accordance with the Federal Manufactured Home Construction and Safety Standards and bears an insignia issued by the U.S. Department of Housing and Urban Development, or a single-family dwelling unit that, if constructed prior to applicability of such standards and insignia requirements, was constructed in conformity with the Georgia State Standards in effect on the date of manufacture.

Manufactured home, Class II, means a single-family dwelling unit meeting the requirements of a Manufactured Home Class I and, in addition, bears the insignia of the Southern Standard Building Code Congress International.

Manufacturing, heavy. See *Industrial, heavy*.

Manufacturing, light. See *Industrial, light*.

Massage establishment means any business properly licensed under chapter 15, article VIII that is established for profit and employs one or more massage therapists, operates or maintains for profit one or more massage apparatus, and which, for good or valuable consideration, offers to the public facilities and personnel for the administration of massages, within the meaning of said chapter 15, article VIII. The term "massage establishment" shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia.

Materials recovery facility means a handling facility that provides for the extraction of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Mausoleum means a building containing aboveground tombs.

Meat processing means a building where live animals are killed and processed; and/or a building where meat, poultry, or eggs are cooked, smoked, or otherwise processed or packed but does not include a butcher shop or rendering plant.

Medium and high density residential zoning districts. Any of the following zoning districts means r-SM, MR-1, MR-2, HR-1, HR-2, and HR-3.

Microbrewery, see Craft Brewery. [TMOD-21-016]

Mid-rise in the I-20 Corridor Overlay District means a building in the I-20 Corridor Overlay district that is five to eight stories in height.

Mid-rise in the Stonecrest Area Overlay District means a building in the Stonecrest Area Overlay district that is four to ten stories in height.

Mine:

1. A cavity in the earth from which minerals and ores are extracted; and
2. The act of removing minerals and ores from the earth.

Mineral extraction and processing means extraction and processing of metallic and nonmetallic minerals or materials, including rock crushing, screening, and the accessory storage of explosives.

Mini-warehouse means a building or group of buildings in a controlled-access and secured compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the storage of customers' goods or wares, and may include climate control.

Miniature golf course means a novelty version of golf played with a putter and a golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels.

Mining means extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term "mining" includes quarrying; ground-water diversion; soil removal; milling, such as crushing, screening, washing, and floatation; and other preparation customarily done at the mine site as part of a mining activity.

Minor automobile repair and maintenance shop. See *Automobile repair, minor.*

Minor modification to zoning conditions. See article 7 of this chapter.

Minor thoroughfare means a street, road or highway shown as a minor thoroughfare in the DeKalb County Transportation and Thoroughfare Plan.

Mixed-use building or development means a development which incorporates a variety (two or more) of land uses, buildings or structures, that can include both primary residential uses and primary nonresidential uses which are part of the same development. Such uses may include, but not be limited to, residential, office, commercial, institutional, recreational or public open space, in a compact urban setting that encourages pedestrian oriented development that can result in measurable reductions in traffic impacts. Such a development would have interconnecting pedestrian and vehicular access and circulation.

Mixed-use zoning districts means any of the following zoning districts: MU-1, MU-2, MU-3, MU-4, and MU-5.

Mobile home means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, when erected on-site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and manufactured prior to June 15, 1976.

Mobile home lot means a parcel of land, approved pursuant to the subdivision requirements of chapter 14 of the Code, in a mobile home park which is intended and used for the placement of a single mobile home and for the exclusive use of its occupants.

Mobile home park means a parcel of land which has been planned and improved pursuant to the requirement of this chapter and chapter 14 of the Code for the placement of mobile homes for non-transient use.

Mobile home sales means Exhibition and sale of mobile homes.

Mobile home stand means that part of a mobile home lot which has been reserved for the placement of a mobile home for non-transient use.

Modular home means a factory-manufactured single-family dwelling which is constructed in one or more sections and complies with the definition of "industrialized building."

Monastery means a building or buildings used as both a place of worship and as a residence, operated as a single housekeeping unit, solely by and for a group of men who have professed vows in a religious order and who live together as a community under the direction of a local supervisor designated by the order.

Monopole. See section 4.2.57.B.

Mortuary means an establishment in which the deceased are prepared for burial or cremation. The facility may include a crematory, a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings or display of funeral equipment.

Mosque. See *Place of worship*.

Motel. See *Hotel*.

Muffler means a sound-dissipative device or system for lessening the sound of the exhaust of an internal combustion machine where such a device is part of the normal configuration of the equipment.

Multifamily dwelling. See *Dwelling unit, multifamily*.

Multifamily dwelling, supportive living, means Four or more dwelling units in a single building or group of buildings which are designed for independent living for persons with disabilities of any kind and in which are provided supportive services to the residents of the complex but which supportive services do not constitute continuous 24-hour watchful oversight, and which does not require licensure as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources.

Multi-use property means any distinct parcel of land that is being used for more than one land use purpose.

Museum means a building or structure that is primarily used as a repository for a collection of art or natural, scientific, or literary objects, and is intended and designed so that members of the public may view the collection, with or without an admission charge, and which may include as an accessory use the sale of goods to the public or educational activities.

Natural state means that condition that arises from or is found in nature and not modified by human intervention; not to include artificial or manufactured conditions.

Nature preserve means an area or a site with environmental resources intended to be preserved and remain in a predominately natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations in their natural state.

Neighborhood means an area of the city within which residents share a commonality of interests including distinct physical design and street layout patterns, a shared developmental history, distinct housing types, or boundaries defined by physical barriers such as major roads and railroads or natural features such as creeks or rivers.

Neighborhood residual sound level means that measured value that represents the summation of the sound from all of the discrete sources affecting a given site at a given time, exclusive of extraneous sounds, and those from the source under investigation. The term "neighborhood residual sound level" is synonymous with background sound level. Neighborhood residual sounds are differentiated from extraneous sounds by the fact that the former are not of a relatively short duration, although they are not necessarily continuous.

Net lot area, see Lot area, net.

New construction on an infill lot means the replacement of an existing residential building or structure with a new building, structure or an addition that increases the usable square footage in the building, structure or addition.

News dealer means a person who sells newspapers and magazines as a retailer.

News stand means a temporary structure, manned by a vendor that sells newspapers, magazines, and other periodicals.

Nightclub means a place of entertainment open at night serving food and/or liquor with all booths and tables unobstructed and open to view, dispensing alcoholic beverages and in which music, dancing or entertainment is conducted with or without a floor show. The principal business of a nightclub shall be entertaining, and the serving of alcoholic beverages shall be incidental thereto.

Node means a concentration of population, retail, and employment within a well-defined area that has a diverse mix of land uses and a pedestrian and transit orientation.

Noise control officer means a city employee or agent who has received noise enforcement training and is currently certified in noise enforcement.

Noise sensitive facility means any facility whose operations may be detrimentally impacted by excessive sound levels. Such facilities include, but are not limited to, schools, hospitals, and places of worship.

Nonconforming characteristics of building or structure means a building or structure, legally existing on the effective date of the ordinance from which this chapter is derived, but which fails to comply with one or more of the district or general non-use development regulations adopted under the terms of this chapter which are applicable to said building or structure, including, but not limited to, setbacks, lot frontage, lot area, building height limitations, off-street parking or loading, buffers, landscaping or any other applicable development regulation.

Nonconforming use of land means a use of land, legally existing on the effective date of the ordinance from which this chapter is derived, but which is not an authorized use under the terms of this chapter in the district in which such land is located.

Nonconforming use of land and buildings, or nonconforming use of land and structures means a use of land and buildings or land and structures, in combination, legally existing on the effective date of the ordinance from which this chapter is derived, but which is not an authorized use of land and buildings or land and structures, in combination, under the terms of this chapter in the district in which such use is located.

Nonconforming use requiring special exception or special land use permit means a use of land, or land and buildings or structures in combination, legally existing on the effective date of the ordinance from which this chapter is derived, but which is not an authorized use under the terms of this chapter in the district in which such use is located but is permitted only upon approval of a special exception or special land use permit by the appropriate body.

Nonresidential development means all commercial, office, institutional, industrial and similar lands and uses.

Nonresidential zoning district means any of the following zoning districts means NS, C-1, C-2, O-I-T, O-I, O-D, M and M-2.

Non-transient lodging accommodations means long-term or permanent sleeping accommodations offered to persons as a residence, domicile, or settled place of abode.

Nudity means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

Nursery, plant, means an establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

Nursing care facility means an establishment providing inpatient nursing and rehabilitative services to patients who require health care but not hospital services, where such services have been ordered by and under the direction of a physician and the staff includes a licensed nurse on duty continuously with a minimum of one full-time registered nurse on duty during each day shift. Included are establishments certified to deliver skilled nursing care under the Medicare and Medicaid programs. The term "nursing care facility" includes convalescent homes with continuous nursing care, extended care facilities, skilled nursing homes and intermediate care nursing homes.

Nursing home means a facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has an agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the patients; and complies with rules and regulations of the Georgia Department of Human Resources or state agency with jurisdiction as may be reorganized.

Office, building or construction means a temporary structure used as an office or storage for construction operations and is located at the construction site.

Office, dental, means a building used exclusively by dentists and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

Office, medical, means a building or floor used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

Office, professional, means an office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, chiropractors, psychiatrists, psychologists, and the like.

Office park means a large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

Office supply store means a facility established where office supplies, furniture and technology regularly used in offices are exhibited and sold.

Official zoning map or maps means the zoning maps of the City of Stonecrest which are adopted with and incorporated by reference as a part of this chapter and amendments to the official zoning map are synonymous with and commonly referred to as rezonings.

One-part commercial block style means a single-story building that has a flat roof, a facade that is rectangular in shape, and in which the fenestration in the facade is equal to 75 percent of the width of the front facade of the building.

Open space means a portion of a development project or lot that is intended to be free of buildings or parking lots. Open space may be in its natural state or improved with recreation amenities.

Open space, clubhouse or pool amenity area, means an open space that can be found in a neighborhood park, mini-park or alone as an amenity area for the residents of a developed community. Clubhouse/pool areas can include swimming pools, group activity rooms, outdoor eating areas, and/or exercise stations, and must meet all applicable building and health codes.

Open space, enhanced, means a planned open area suitable for relaxation, recreation or landscaping which may be held in common or private ownership, provided that all residents of the development in which the open space is located shall have a right to enter and use the open space. Such enhanced open spaces may include walkways, patios, recreational amenities, picnic pavilions, gazebos and water features. See article 5 of this chapter for types of open space functions considered enhanced.

Open space, green, means an informal area for passive use bound by streets or front facing lots, typically between 500 square feet and one acre, which is small, civic, surrounded by buildings, natural in its details, and may be used to protect specimen trees and provide for conservation functions.

Open space, greenway, means an open space that typically follows natural or constructed features such as streams or roads and is designed to incorporate natural settings such as creeks and significant stands of trees, and is used for transportation, recreation, and environmental protection. Greenways are natural (i.e., informally planted) in their details except along rights-of-way, and may contain irregular topography.

Open space, neighborhood park, means an open space designed for active or passive recreation use.

Open space, playground or tot lot, means an open space that provides play areas for toddlers and children as well as open shelter and benches, which is located in a neighborhood, or as part of a larger neighborhood or community park and urban center, including retail shopping areas.

Open space, plaza, means an open space paved in brick or another type of impervious surface that provides passive recreation use adjacent to a civic or commercial building.

Open space, pocket park, means an open space that provides active recreational facilities, most often in an urban area that is surrounded by commercial buildings or houses on small lots, and is typically less than one-quarter of an acre.

Open space, square, means an open space used to emphasize important places, intersections, or centers, bounded by streets or front-facing lots, typically between 500 square feet and one acre.

Operator means a person who conducts a home occupation, has majority ownership interest in the home occupation, lives full-time in the dwelling on the subject property, and is responsible for strategic decision and day to day operation of the home occupation.

Ordinary maintenance. See section 4.2.57.B.

Ornamental metal means any metalwork that serves as adornment and/or non-structural purposes during construction of a building.

Outdoor advertising service means a service to provide advertisements visible in the outdoors such as billboards.

Outdoor amusement enterprise means any outdoor place that is maintained or operated for provision of entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside of a building, including, but not limited to, a golf driving range, archery range, or miniature golf course. This use does not include a stadium or coliseum.

Outdoor amusement service facility, in the Stonecrest Area Overlay District, means any outdoor place that is maintained or operated for a fee to the general public where one or more of the following activities take place means miniature golf, paint ball, vehicle racing, vehicle performances, skeet range, shooting range, rides, carnival, water park, circus, rodeo, bull riding, go-carts, or zoo.

Outdoor display means an outdoor arrangement of items or products for sale, typically not in a fixed location capable of rearrangement, designed for advertising or identifying a business, product or service.

Outdoor manufacturing means a facility established for manufacturing activities that takes place outside an enclosed building.

Outdoor storage means the keeping, in an unenclosed area, of any goods, material, or merchandise associated with a land use. Storage does not include the parking of any vehicles or outdoor display of merchandise. The term "outdoor storage" includes outdoor work areas. See *Vehicle storage yard*.

Outdoor storage, commercial means the keeping, in an unenclosed area, of any goods, materials, or merchandise associated for a daily, monthly or annual fee. This term does not include the parking of any vehicles or outdoor display of merchandise.

Outdoor theater means an outdoor open space where dramatic, operatic, motion picture, or other performance, for admission to which entrance money is required takes place.

Overstory tree means any self-supporting woody plant of a species that normally achieves an overall height at maturity of 30 feet or more.

Package store means a retail establishment that sells distilled spirits for off-site consumption.

Parapet means that portion of a wall that extends above the roof line.

Parcel. See *Lot*.

Parking or *park* means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading of property or passengers.

Parking, valet, means Parking of vehicles by an attendant provided by the establishment for which the parking is provided.

Parking aisle means an area within a parking facility intended to provide ingress and egress to parking spaces.

Parking bay means the clear space containing one or two rows of parking stalls and a parking aisle.

Parking garage means a covered or sheltered structure designed, constructed and used for the parking of motor vehicles.

Parking garage/structure, commercial means a covered or sheltered structure of one or more stories designed, constructed and used for the parking of motor vehicles for profit.

Parking lot, commercial means any area designed for temporary storage of motor vehicles by the motoring public in normal operating condition, for profit.

Parking lot means any area designed for temporary storage of motor vehicles by the motoring public in normal operating condition.

Parking space means a paved area of not less than 120 square feet (small car space) or not less than 153 square feet (large car space) space with dimensions of not less than eight feet wide by 15 feet deep (small cars) or eight feet six inches wide by 18 feet deep (large cars), the exclusive purpose of which is for the parking of a vehicle.

Parking structure means a structure or portion thereof composed of one or more levels or floors used exclusively for the parking or storage of motor vehicles. A parking structure may be totally below grade (as in an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

Party House: A single-family detached dwelling unit, including all accessory structures, which is used for the purpose of hosting a commercial event. For this definition, commercial event includes parties, ceremonies, receptions or similar-scale gatherings where the attendees are charged entry to the event, either in cash money or

other remuneration, or the structure and its curtilage otherwise functions as a commercial recreation facility. An event produced by an owner-occupier of the property, or a long-term lessee residing on the property for a period not less than one year, where no remuneration is charged to guests shall not qualify under this definition.

[TMOD-19-005]

Pasture land. See *Grazing land.*

Path means a paved or structurally improved walkway that provides access to areas within a development.

Paved means a structurally improved surface supporting the intended or allowed uses of traffic. An area may be covered by asphalt, concrete, permeable pavement or permeable pavement system that is acceptable to the director of planning. For the purposes of a driveway for the parking of automobiles, two paved tire tracks with an unpaved area between them shall be considered paved.

Pavement, permeable, means pavement materials including pervious asphalt and concrete, interlocking pavers, modular pavers, and open-celled paving or similar materials that allow the infiltration of water below the pavement surface. Pavement must support the expected loading and traffic.

Pawn shop means any entity engaged in whole or in part in the business of lending money on the security of pledged goods (as that term is defined in O.C.G.A. § 44-12-130(5)), or in the business of purchasing tangible personal property on a condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers as part of or in conjunction with the business activities described in this section. The term "pawn shop" includes title pawn.

Pedestrian oriented means a density, layout and infrastructure that encourages walking and biking within a subdivision or development, including short setbacks, front porches, sidewalks, and bike paths.

Permitted use means any use which can be undertaken without approval by the designated authority of a special land use permit, special exception, or special administrative permit which is required by the terms of this chapter.

Personal assistance services means assistance to an individual with, or supervision of self-administration of, medication, ambulation, and transfer from location to location, and/or essential activities of daily living, such as eating, bathing, grooming, dressing, and toileting.

Personal care home means a building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to seven (7) or more persons are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care home" shall not include a "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases.

Personal care home, group, means a personal care home that offers care to up to six (6) persons.

Personal services establishment means an establishment primarily engaged in providing services involving the care of a person or providing personal goods where the sale at retail of such goods, merchandise, or articles is only accessory to the provision of such services, including barber shops, beauty shops, tailor shops, laundry shops, dry cleaning shops, shoe repair shops, and similar uses, but specifically excluding sexually oriented businesses.

Pervious area means an area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

Pervious pavers means a range of sustainable materials and techniques for permeable pavements with a base and sub-base that allow the movement of stormwater through the surface.

Pet. See *Household pet.*

Pet cemetery means property used for the interring of dead domestic animals.

Pet shop means a retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and livestock.

Pharmacy (retail) means a place where drugs and medicines are legally prepared and dispensed and which is licensed by the state.

Phased development means a development project that is constructed in increments, each stage being capable of meeting the regulations of this chapter independently of the other stages.

Physical therapy facility means a facility where service of developing, maintaining, and restoring maximum movement and functional ability is provided to individuals.

Pitch of roof lines means the ratio of the rise to the run of a roof.

Place of worship means a lot or building wherein persons assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. The term "place of worship" shall also include any of the following accessory uses and buildings means schools, religious education, social gathering rooms, food service facilities, indoor and outdoor recreation facilities, child daycare center, kindergarten, parsonage, rectory or convent and columbarium.

Plainly audible means any sound that can be detected by a person using his unaided hearing faculties.

Planned industrial center means an industrial development planned with multiple buildings for industrial users.

Planning director. See *Director of planning.*

Plant material means material derived from plants.

Planting strip means a strip of land intended to contain plant materials for the purpose of creating visual and physical separation between uses or activities.

Plat:

1. A map representing a tract of land, showing the boundaries and location of individual properties and streets;
2. A map of a subdivision or a site plan.

Pervious surface means an area that allows water to enter the soil mantle at a natural rate of flow. Compare with *Impervious surface.*

Porch, enclosed, means a porch attached to the main building, which is covered by a roof.

Porch, open, means a porch that is not covered by a roof.

Portable storage container means any non-motorized vehicle, trailer or fully enclosed container intended for the temporary storage of items until relocated to another location or a long-term storage facility. Storage containers include, but are not limited to, PODS, Pack-Rats and similar containers.

Porte-cochere means a porch or a structure attached to a residence and erected over a driveway, not exceeding one story in height and open on two or more sides.

Post office means a public facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Poultry means domestic fowl including chickens, duck, turkeys and geese raised for food (either meat or eggs) or profit.

Premises means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.

Primary building. See *Building, primary or principal.* Compare with *Accessory structure.*

Primary conservation area means that portion of a site in the R-NC (Neighborhood Conservation) District for which application is made for cluster housing development which consists of areas that are unbuildable due to the presence of wetlands, floodplains, steep slopes, or other similar environmental conditions.

Primary material means the building material comprising the acceptable, dominant portion of a building exterior facade, as defined by standards within this article. Compare with *Secondary material.*

Primary street means a street with access control, channelized intersections, and restricted parking that collects and distributes traffic to and from minor arterials.

Principal structure means the building in which the principal use of the lot is located.

Principal use means the primary or predominant use of any lot.

Printing and publishing establishment means an establishment providing printing, blueprinting, photocopying, engraving, binding, or related services.

Printing and publishing establishment (limited) means a printing establishment providing convenience mailing, photocopying and accessory retail-oriented services, not exceeding 5,000 square feet of floor area.

Private ambulance service means a privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles; transportation via ambulance; the provision of out-of-hospital emergency medical care to a patient from or in an ambulance; the trip to the site of a patient for the purpose of providing transport or out-of-hospital emergency medical care; the trip to or from any point in response to a medical emergency dispatch from the 9-1-1 Center.

Private club. See *Club, private.*

Private drive means a drive or road on privately-owned property, by an individual or a group of owners who share the use and maintain the road without assistance from a government agency. A private drive has not been transferred to a governing entity. An easement of use on the private drive or road shall permit use by the public. A private drive is allowed to be exempt from the public street regulations of chapter 14 of the Code, but shall meet dimensional requirements established in article 5 of this chapter.

Private educational use means the instruction, teaching or tutoring of students by an occupant of a residential dwelling as a secondary use of the dwelling that is incidental to the primary use of the dwelling unit for residential purposes. No articles or products shall be sold on the premises other than by telephone. Such instruction, teaching or tutoring shall be limited to a maximum of three students at a time, excluding children residing in the dwelling, and shall be limited to the hours of 9:00 a.m. to 9:00 p.m. Such private educational use shall be allowed as a permitted use in all districts where home occupations are allowed but private educational uses shall be subject to the supplemental regulations in article 4 of this chapter.

Private industry solid waste disposal facility means a disposal facility which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.

Private restrictive covenants means private restrictions on the use of land or structures imposed by private contract, such as subdivision covenants.

Private right-of-way means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is not owned, leased, or controlled by a governmental entity.

Private road. See *Private drive*.

Private street means an access way similar to and having the same function as a public street, providing access to more than one property but held in private ownership. Private streets, when authorized, shall be developed in accordance with the specifications for public streets established in the Code.

Produce means products from farms and gardens such as fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

Production, field crops, means establishment for commercial agricultural field and orchard uses including production of field crops; may also include associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.

Production, fruits, tree nuts, and vegetables, means establishment for commercial agricultural field and orchard uses including production of fruits, tree nuts and vegetables.

Prohibited uses means anything not expressly permitted within this zoning ordinance or by resolution. Examples may include structures, land uses, materials, or development control parameters.

Public art. See *Art, public*.

Public right-of-way means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

Public space in the I-20 Corridor Overlay District means space located on the exterior of buildings in the I-20 Corridor Overlay District that is available and accessible to the general public. Public space may include, but is not limited to, natural areas, green space, open space, riparian zones, lakes and pools, paths, multipurpose trails, outdoor recreation areas, lawns, landscape strips and other improved landscaped areas, common areas, plazas, terraces, patios, observation decks, fountains, sidewalks, transitional buffer zones and other outdoor public amenities. Space provided as result of the pedestrian circulation requirement shall be credited to the requirement for public space. Such public space is required at ground level, and buildings may not occupy such public space above a height of one story. Exterior public spaces shall not include areas used for vehicles, except for incidental service, maintenance or appropriate emergency access only.

Public space in the Stonecrest Area Overlay District means space located on the exterior of buildings in the Stonecrest Area Overlay District that is available and accessible to the general public. Public space may include, but is not limited to, natural areas, greenspace, open space, riparian zones, lakes and ponds, paths, multipurpose trails, outdoor recreation areas, lawns, landscape strips and other improved landscaped areas, common areas, plazas, terraces, patios, observation decks, fountains, sidewalks, transitional buffer zones and other outdoor public amenities. Space provided as a result of the pedestrian circulation requirement shall be credited to the requirement for public space. Such public space is required at ground level, and buildings may occupy such space above a height of one story. Exterior spaces shall not include areas used for vehicles, except for incidental service, maintenance or appropriate emergency access only.

Public uses means land or structures owned by a federal, state or local government, including, but not limited to, a board of education, and used by said government for a necessary governmental function.

Quarry means a mine where rock, ore, stone, or similar materials are excavated for sale or for off-site use. Quarry includes rock crushing, asphalt plants, the production of dimension stone, and similar activities.

Quick copy and printing store means a facility established for the reproduction and printing of written or graphic materials on a custom order basis for individuals or businesses.

Radio or television broadcasting studio means an establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic, fiber optic, satellite,

and telephonic mechanisms, including film and sound recording, a radio station, television studio or a telegraphic service office.

Radio or television broadcasting transmission facility means an installation or facility used for transmitting terrestrial radio frequency and video signals for radio, television, wireless communication, broadcasting, microwave link, mobile telephone or other similar purposes.

Railroad car classification yard or team truck yard means an area used to separate rail cars onto one of several tracks or reconfigure team trucks into different configurations.

Rainwater harvesting means gathering, or accumulating and storing, of rainwater from roof, ground or other catchments in order to reduce or avoid use of water from mains or from water sources like lakes and rivers.

Recovered materials means those materials which have a known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

Recovered materials center means a facility in which materials that would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Recovered materials processing means activity of preparing source-separated recoverable materials, such as newspapers, glassware, and metal cans, including collecting, storing, flattening, crushing, or bundling prior to shipment to others who will use those materials to manufacture new products. The materials are stored on-site in bins or trailers for shipment to market. The term "processing" shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, or cleaning.

Recreation means the refreshment of body and mind through forms of play, amusement, or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of the shoreline or its wildlife.

Recreation, active. See *Active recreation*.

Recreation, indoor, means a commercial recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court.

Recreation, outdoor, means a recreational land use conducted outside of a building, including athletic fields; miniature golf, skateboard park; swimming, bathing, wading and other therapeutic facilities; tennis, handball, basketball courts, batting cages, trampoline facilities.

Recreation, passive, means recreation that involves existing natural resources and has a minimal impact on the existing condition of the resources.

Recreation club means a not-for-profit association of people organized for the purpose of providing recreation facilities and programs and characterized by certain membership qualifications, payment of fees and dues, and a charter or bylaws. Recreation club shall also mean, where the context requires, the premises and structures owned or occupied by members of such association within which the activities of the recreation club are conducted.

Recreational vehicle means any vehicle, whether or not motorized, that is intended for personal recreational use and not intended for daily transportation. Such vehicles may include, but are not limited to, Class A and C motor homes, campervans, bus conversions, boats, military surplus vehicle, all-terrain vehicles (ATVs), and similar vehicles intended for recreational purposes. Pick-up trucks with a fully enclosed bed that are used for daily transportation do not qualify as recreational vehicles.

Recreational vehicle park means a commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included.

Recreational vehicle/boat and trailer sales and service means a facility established for the exhibition, sale, and repair of recreational vehicles/boats and personal use trailers.

Recycling collection point means a neighborhood drop-off point for the temporary storage of recyclables.

Recycling plant. See *Recovered materials center* or *Recovered materials processing*.

Regularly means the consistent and repeated doing of an act on an ongoing basis.

Rehabilitation housing facility means an establishment primarily engaged in inpatient care of a specialized nature with staff to provide diagnosis and/or treatment.

Repair, small household appliance, means a business established to provide a service of repairing small household appliances like microwaves, etc.

Replacement. See section 4.2.57.B.

Research and training facility means any facility owned by a private party, institution or government where research and training activities related to various fields like science, arts, etc. are conducted.

Residence hall. See *Dormitory*.

Residential component means the primarily residential portion of a development that may contain a mix of single-family detached, single-family attached and multifamily dwelling units and may include small scale, nonresidential uses.

Residential zoning district means any of the following zoning districts: RE, R-LG, R-100, R-85, R-75, R-60, MHP, R-NC, R-SM, MR-1, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, and MU-5.

Residential use means the occupation of a building and land for human habitation.

Restaurant means an eating and drinking establishment where food and drink are prepared, served, and consumed primarily within the principal building.

Restaurant, drive-through, means an establishment where food and drink are prepared which may be consumed within the principal building or which may be ordered and picked up from a service window for off-site consumption.

Retail means the sale of goods, wares or merchandises directly to the end-consumer.

Retail warehouse/wholesale means an establishment exceeding 70,000 square feet of gross floor area and offering a full range of general merchandise to the public, and may include gasoline.

Retaining wall means a structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

Riding academies or stable means a building where horses and ponies are sheltered, fed, or kept and where riding lessons may be provided.

Right-of-way line means the limit of publicly-owned land or easement encompassing a street or alley.

Rooming house. See *Boarding house*.

Salvage yard means land and/or buildings used for the dismantling, cutting up, compressing or other processing of waste items or materials, such as scrap, paper, metal, tires, large household appliances, such as washing machines or refrigerators, automobiles or other vehicles, or inoperable machinery. Salvaged materials may be stored outdoors or in a building and may be sold wholesale or retail. Typical uses include paper and metal

salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies. This term includes junkyards.

Sand pit means a surface mine or excavation used for the removal of sand, gravel, or fill dirt for sale or for use off-site.

Satellite television antenna means an apparatus capable of receiving but not transmitting television, radio, or cable communications from a central device transmitting said communications.

Sawmill means a facility where logs or cants are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

Sawmill, temporary or portable, means a facility where sawing related machines are installed on the site temporarily to run as sawmill, but which can be moved by removing and reinstalling the machines to some other site.

School, elementary, means public, private or parochial school offering education for first through fifth grade.

School, high, means public, private or parochial school for the ninth through 12th grades.

School, middle, means public, private or parochial school offering education for sixth through eighth grade.

School, parochial, means school run by a church or parish and engages in religious education in addition to the conventional education.

School, private, means any building or group of buildings, the use of which meets state requirements for elementary, middle, or high school education and which use does not secure the major part of its funding from any governmental agency.

School, public, means a building or group of buildings used for educational purposes, which meets state requirements for elementary, middle, or high school education, and that is funded by a government agency.

School, specialty, means a school specializing in teaching martial arts, dance, music, visual arts and similar fields.

School, vocational, means a specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills or specialized curriculum for special needs individuals or the arts. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone.

Screening fence means an opaque structure designed to provide a visual barrier constructed of materials, including wood, chain link with wood or plastic inserts, metal, vinyl, plastic and other such materials as may be approved by the director of planning.

Secondary conservation area means that portion of a site for which application is made for cluster housing development which consists of those areas of land which are outside the primary conservation area but which are environmentally sensitive, historically or culturally significant, scenic, or which possess other unusual attributes that merit conservation.

Secondary material means complimentary building material allowed by zoning standards. Compare with *Primary material*.

Secondhand store means a facility for retail or consignment sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.

Self-service car wash. See *Car wash, self-service*.

Semi-nude or semi-nudity means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female

buttocks. The term "semi-nude" or "semi-nudity" shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Semi-nude model studio means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. The term "semi-nude model studio" does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:

1. By a college, junior college, or university supported entirely or partly by taxation;
2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. In a structure:
 - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
 - b. Where, in order to participate in a class a student must enroll at least three days in advance of the class.

Senior housing means a multiple-family building or detached dwelling unit, or a combination of both housing types, which is occupied by at least one person who is 55 years of age or older per dwelling unit. Also called *Senior Living*.

Senior living. See *Senior housing*.

Service area means an outdoor work area associated with a commercial use, including work areas where goods and products are assembled, constructed, or repaired but not permanently stored.

Service organization means a voluntary non-profit service club or organization where members meet regularly to perform charitable works or raise money for charitable works.

Setback means the minimum horizontal distance required between the property line and the principal building or structure on a lot or any projection thereof except the projections allowed pursuant to article 5 of this chapter.

Sexual device means any three dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Sexual device shop means a commercial establishment that regularly features sexual devices. The term "sexual device shop" shall not be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services,

Sexually oriented business means an adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a semi-nude model studio, or a sexual device shop.

Sexually oriented business employee means only such employees, agents, independent contractors, or other persons, whatever the employment relationship to the business, whose job function includes posing in a state of nudity, or semi-nudity, or exposing to view within the business the specified anatomical areas, as defined by this section.

Shared parking means parking shared by two or more lots or uses for which the peak parking demands are not at the same time, and parking that can reasonably be shared by such lots or uses. The number of parking

spaces in a shared parking facility is less than the combined total of the required minimum number of spaces for each individual use.

Shelter for homeless persons means a building or buildings in which is provided overnight housing and sleeping accommodations for one or more persons who have no permanent residence and are in need of temporary, short-term housing assistance, and in which may also be provided meals and social services including counseling services. Compare with *Transitional housing facility*.

Shoe repair means an establishment where shoes and boots are repaired remodeled or rebuilt by skilled shoe repairers. The establishment may also mend items like handbags and luggage.

Shopping center means a group of at least two commercial establishments typically planned, constructed, and managed as a single entity, with on-site parking for customers and employees, and with delivery of goods separate from customer access.

Short-term vacation rental means any dwelling unit, single-family dwelling, multifamily dwelling unit, two-family dwelling, three-family dwelling, duplex, triplex, urban single-family dwelling, condominium, townhouse, cottage development, dwelling unit, and structure used for residential dwelling that permits any portion of the premises or dwelling unit to be used for the accommodation of transient guests, for a fee, for less than 30 consecutive days. This is also identified as "STVR."

Shrub means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. It may be deciduous or evergreen.

Sidewalk means a hard surface, ADA compliant, clear pathway that does not include any street furniture.

Sight triangle means a triangular area of visibility required on a corner of a roadway intersection to allow for the safe operation of vehicles, trains, pedestrians, and cyclists in the proximity of intersecting streets, rail lines, sidewalks, and bicycle paths.

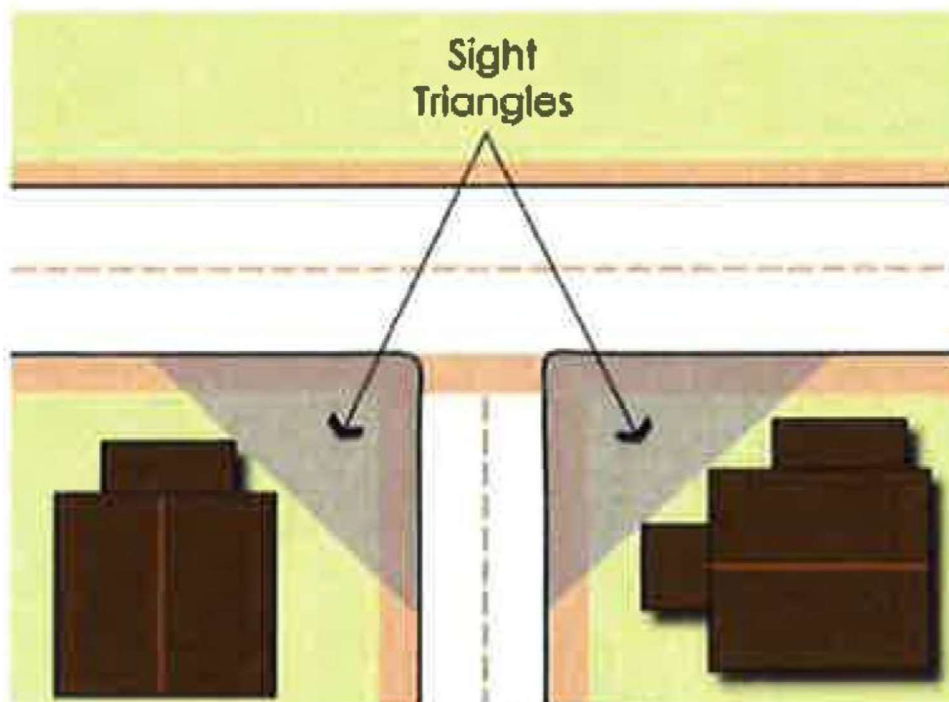


Figure 9.10 Sight Triangles

Single-family attached. See Dwelling unit, single-family attached.

Single-family zoning district means any of the following zoning districts means RE, R-LG, R-100, R-85, R-75, R-60, MHP, and R-N(c).

Site means the lot, area of a lot, or assemblage of lots subject to development.

Site plan means that plan required to acquire a development, construction or building permit which shows the means by which the developer will conform to applicable provisions of this chapter and other applicable ordinances.

Small Box Discount Store: A retail establishment with a floor area less than 12,000 square feet that offers for sale a combination and variety of convenience shopping goods and consumer shopping goods, and continuously offers a majority of the items in their inventory for sale at a price per item of \$5.00 or less. This definition shall control any use that fits into same despite otherwise being termed "Grocery Store," "Retail, 5000 sf or less," "Retail, over 5000 sf," or "Variety Store" under the provisions of the City of Stonecrest Zoning Ordinance and Use Table. *Small Box Discount Stores shall be a prohibited use in every zoning district of the City of Stonecrest. [TMOD-19-006]*

Smoking Lounge means an establishment which sells tobacco and/or promotes the smoking of tobacco products or any other substance on its premises. The term "smoking lounge" includes but, is not limited to cigar lounges, hookah cafes, tobacco lounges, tobacco clubs, or tobacco bars.

Soldier course means a course of upright bricks with their narrow faces showing on the wall surface.

Solid waste means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 USC 1342; or source, special nuclear, or byproduct material, as defined by the Federal Atomic Energy Act of 1954, as amended (68 State 923).

Solid waste handling means the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste or any combination of such activities.

Solid waste handling facility means a facility primarily used for the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

Solid waste thermal treatment technology facility means any solid waste handling facility, the purpose of which is to reduce the amount of solid waste to be disposed of through a process of combustion, with or without the process of waste to energy.

Solid waste transfer facility means a facility or site at which temporary storage and transfer of solid waste from one vehicle or container to another, generally of larger capacity, occurs prior to transportation to a point of processing or disposal. A solid waste transfer facility is an intermediary point between the locations of waste generation (e.g., households, businesses, industries) and the sites of ultimate processing or disposal.

Sorority house means a building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for sorority members and their guests or visitors and affiliated with an institution of higher learning.

Sound level meter means an instrument that conforms to ANSI S1.4-1983 or its successors.

Special administrative permit means a written authorization granted by the director of planning for a use of land pursuant to an application which that official is authorized to decide, in cases where a permit is required, pursuant to the procedures and criteria contained in article 7 of this chapter.

Special events facility means a building and/or premises used as a customary meeting or gathering place for personal social engagements or activities, where people assemble for parties, weddings, wedding receptions,

reunions, birthday celebrations, other business purposes, or similar such uses for profit, in which food and beverages may be served to guests.

1. The term "special events facility" shall not include places of worship.
2. Small Special Event Facility shall mean assembly and entertainment uses with a seating or occupant capacity of no more than 100 persons.
3. Large Special Event Facility shall mean assembly and entertainment uses with a seating or occupant capacity of more than 100 persons

Special exception means the approval by the zoning board of appeals of an application which that board is authorized to decide as specified within a zoning district pursuant to the procedures and criteria contained in article 7 of this chapter.

Special land use permit means the approval of a use of land that the city council is authorized to decide as specified within a zoning district pursuant to the procedures and criteria contained in article 7 of this chapter.

Special permit means a special administrative permit, special exception, or special land use permit.

Specialty store means a store, usually retail, that exhibits and sells specific or specialized types of items or brand. For example, a specialty store may sell cellular phones or organic food, or video games exclusively.

Specified anatomical areas means and includes:

1. Less than completely and opaquely covered means human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Sporting goods store means a store that exclusively exhibits and sells items related to sports, including, but not limited to, instruments, gears, shoes, and clothes.

Stadium means a structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events. The structure may also be used for entertainment and other public gathering purposes, such as conventions, circuses, or concerts.

State means the State of Georgia.

Steady tonal quality means sound emissions comprised of a single frequency or a narrow cluster of frequencies, which may be referred to as a whine, hum or buzz, with measured sound levels not fluctuating by more than plus or minus three dBA.

Stealth telecommunications facility. See section 4.2.57.B.

Stepback means a step-like recession in the profile of a building, whereby the exterior wall surface of each successive story is located farther towards the interior of the building than the exterior wall of the story below it. Stepbacks may result from the transitional height plane requirement. See *Transitional height plane*.

Stoop means a small porch, platform, or staircase leading to the entrance of a house or building.

Storage building means any structure that is used for storage and does not have a door or other entranceway into a dwelling unit and that does not have water fixtures within its confines, the use of which is limited solely to storage of inanimate objects.

Stormwater management facility means those structures and facilities that are designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system.

Story means that portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above or, if there is no floor above, the space between the floor and the ceiling next

above. Each floor or level in a multistory building used for parking, excluding a basement, shall be classified as a story.

Street, public, means any right-of-way set aside for public travel deeded to the county or city and any right-of-way which has been accepted for maintenance as a street by the county or city.

Street right-of-way line means the dividing line between a lot, tract or parcel of land and a street right-of-way.

Structure means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on or in the ground. This does not include telephone poles and utility boxes.

Structure, accessory. See *Accessory structure*.

Subdivision means as defined in chapter 14 of the Code.

Subdivision, major, means all subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street, public or private.

Subdivision, minor, means a division of land into not more than four lots, provided:

1. A minor subdivision does not require the construction of any public improvements including street, sidewalks, sewer or water lines and street trees.
2. All lots and any remaining tract shall be consistent with all applicable requirements of this zoning ordinance, including lot size, setbacks, frontage on a public road, width to depth ratio, and lot width.
3. At the time of filing of a subdivision plat, the property owner shall be required to show all possible lots which are permitted to be created through minor subdivision provisions of this zoning ordinance.

Supplemental zone means the additional sidewalk area other than the required sidewalk used to support outdoor dining or other amenities.

Support structures. See section 4.2.57.B.

Supportive living means a non-institutional, independent group living environment that integrates shelter and service needs of functionally impaired and/or socially isolated elders who do not need institutional supervision and/or intensive health care.

Sustainable development means a development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

Swimming pools, commercial means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used for such purposes and is operated for profit through a membership or daily fee.

Synagogue. See *Place of worship*.

Tandem parking means a parking space within a group of two or more parking spaces arranged one behind the other such that the space nearest the street serves as the only means of access to the other spaces.

Tattoo parlors and piercing studios means an establishment whose principal business activity, is the practice of one or more of the following:

- (1) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin;
- (2) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.