

ZONING SUMMIT SUMMARY – Virtual Meeting
Thursday, January 13, 2022, at 6:00 P.M.
Citizen Access: [Stonecrest YouTube Live Channel](#)



I. CALL TO ORDER AND INTRODUCTIONS

Jim Summerbell, AICP, Planning & Zoning Director opened the Zoning Summit at 6:01 PM.

Mr. Summerbell stressed that the Zoning Summit is an open meeting with the intent to inform the community. Speakers were told to be respected during the brief overview of particular topics and text amendments that have been recommended by Staff and the Planning Commission. The audience was told to raise hand or use **Chat**** to offer comments for those text amendments as they are being heard.

Mr. Summerbell stated that traditionally, the Community Planning Information Meeting is held on this day of the month but, there were no zoning cases coming up in February. Instead, the Zoning Summit is meeting to discuss the large text amendments coming up and using the opportunity and time slot to give some input of what is going on in the City of Stonecrest.

II. REVIEW OF THE PURPOSE AND INTENT OF THE ZONING SUMMIT AND RULES OF CONDUCT

Mr. Summerbell gave an overview of the Zoning Summit Agenda.

SLIDE 2

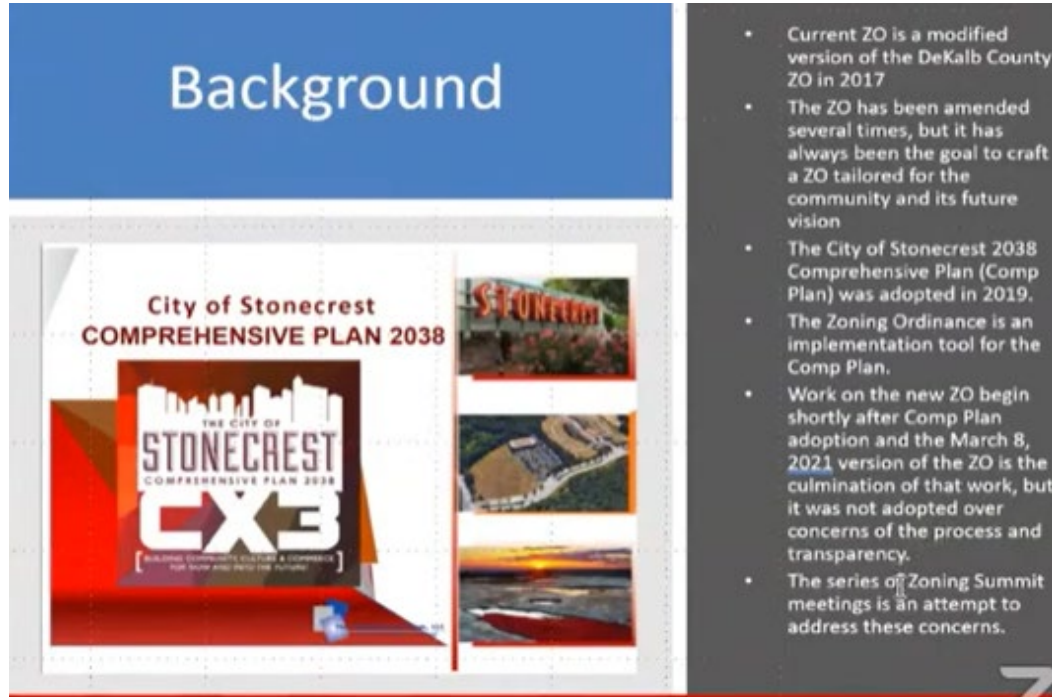
A slide titled "Zoning Summit Agenda" with a blue header. The content includes:

- Purpose:** To provide a forum for open discussion and information sharing on revisions to the Stonecrest Zoning Ordinance.
- Format:** Structured discussion under the limitations of online video conferencing, Zoom ID 850 7982 9050
- Staff will first present a brief overview of a particular topic.
- If you want to comment Raise your hand in the zoom control panel and the meeting facilitator will give you the opportunity to speak.
- You may also post items in the Chat box.
- Topics of Discussion:**
 - 1. Status of the overall Zoning Ordinance update process and schedule**
 - 2. Discussion of upcoming amendments:**
 - TMODs already heard by the Planning Commission and to be presented to City Council on January 24
 - Last TMOD to be heard by Planning Commission and City Council in February
- Any questions before we proceed?**

The zoning process and a couple of text amendments that will be heard by the City Council this month and next month. Mr. Summerbell asked if there were any questions from any of the participants.

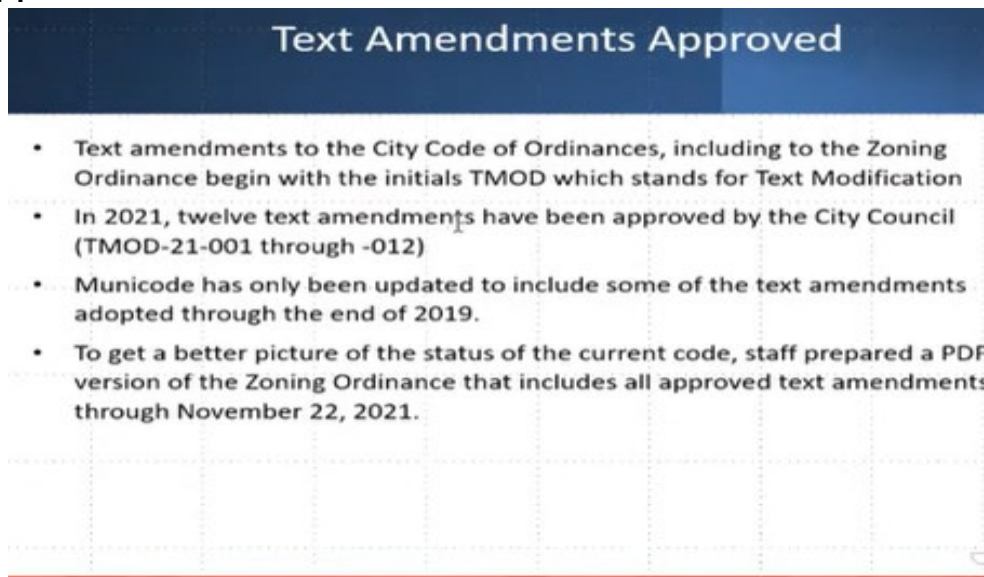
Mr. Summerbell stated that there is a SPLOST Meeting on January 14th and spoke on the background of the Comprehensive Plan done for the city of Stonecrest in 2019. Since then, Staff have been updating it zoning ordinance, an implementation tool. The series of Zoning Summits is to allow open comments from the public and to understand what is going on with the rewrite and offer any insights or ask questions.

SLIDE 3



- Current ZO is a modified version of the DeKalb County ZO in 2017
- The ZO has been amended several times, but it has always been the goal to craft a ZO tailored for the community and its future vision
- The City of Stonecrest 2038 Comprehensive Plan (Comp Plan) was adopted in 2019.
- The Zoning Ordinance is an implementation tool for the Comp Plan.
- Work on the new ZO begin shortly after Comp Plan adoption and the March 8, 2021 version of the ZO is the culmination of that work, but it was not adopted over concerns of the process and transparency.
- The series of Zoning Summit meetings is an attempt to address these concerns.

SLIDE 4



- Text amendments to the City Code of Ordinances, including to the Zoning Ordinance begin with the initials TMOD which stands for Text Modification
- In 2021, twelve text amendments have been approved by the City Council (TMOD-21-001 through -012)
- Municode has only been updated to include some of the text amendments adopted through the end of 2019.
- To get a better picture of the status of the current code, staff prepared a PDF version of the Zoning Ordinance that includes all approved text amendments through November 22, 2021.

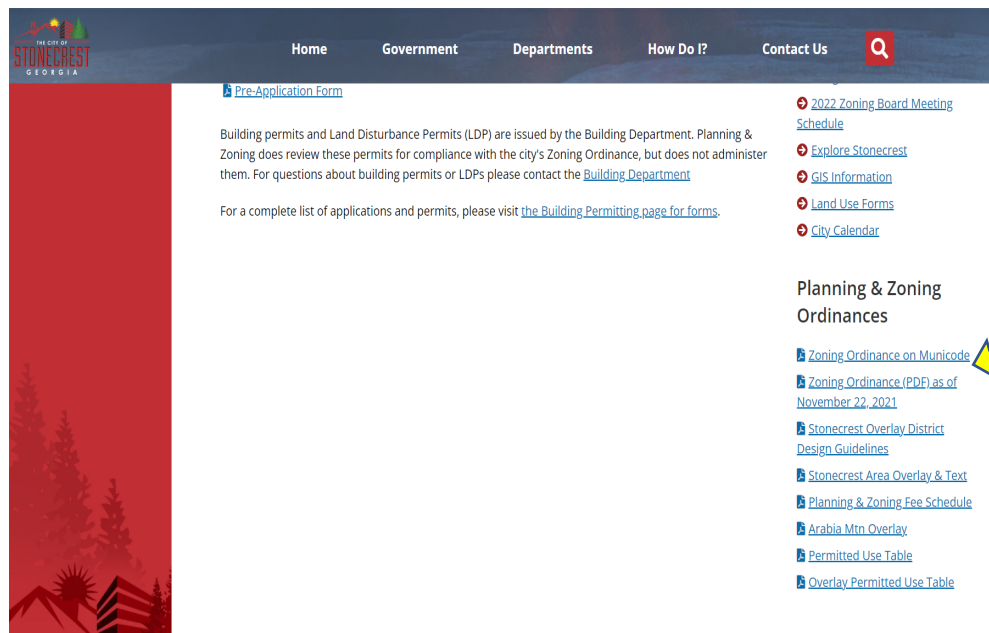
The entire effort in 2021, were the twelve text amendments that were approved by the City Council; the four remaining text amendments; and the Staff prepared a pdf version of the zoning ordinance with all the text amendments that have been approved through November 22, 2021. View the Planning and Zoning Department’s webpage ([Stonecrest, GA - Planning & Zoning \(stonecrestga.gov\)](https://www.stonecrestga.gov/planning-zoning)). The zoning ordinance was uploaded today, January 13, 2022.

Go to the city website page, there you will see Zoning Ordinance in the right-hand column: Mr. Summerbell shared his screen and spoke from a PowerPoint that displayed the Zoning Ordinance with the **Text Approved Amendments, as Adopted November 22, 2021**.

SLIDE 5



In the latest version, you will see all of the text amendments that are not in the Municode right now. What is listed here, on the cover of the document, are a few TMODs from 2019 (**TMOD-19-004, TMOD-19-005, and TMOD-19-006**), they are not meaningful right now.



For example, click the **Use Table**, it takes you right to it.

The audience was told to contact the Planning and Zoning Department if there was any trouble finding the page. The latest version is where you will see all of the text amendments.

Mr. Summerbell went through the 2019 documents and briefly discussed the items below:

- Telecommunications Ordinance
- Party House Ordinance
- Small Box Retail Ordinance
- Store Ordinance, and
- Twelve Text Amendments that were adopted this year.

Four text amendments were heard by the Planning Commission in December 2021, and Staff welcome formal input on each, TMOD -21-013; TMOD -21-014; TMOD -21-015; and TMOD -21-016 :

LAND USE PETITION: TMOD-21-013
PETITIONER: Planning & Zoning Department
LOCATION: Citywide
PROPOSED AMENDMENT: Amendments to the Stonecrest Zoning Ordinance, Chapter 27, to mitigate the potential conflicts between residential and industrial land uses.

LAND USE PETITION: TMOD-21-014
PETITIONER: Planning & Zoning Department
LOCATION: Citywide
PROPOSED AMENDMENT: Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 7 – Administration concerning the actions by the Planning Commission.

LAND USE PETITION: TMOD-21-015
PETITIONER: Planning & Zoning Department
LOCATION: Citywide – Overlay Districts
PROPOSED AMENDMENT: Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 3, Overlay Districts to address the rezoning and recording of property developed as permitted by an overlay district which is inconsistent with the uses permitted by the underlying zoning.

LAND USE PETITION: TMOD-21-016
PETITIONER: Planning & Zoning Department
LOCATION: Citywide
PROPOSED AMENDMENT: Amendment to Stonecrest Zoning Ordinance, Chapter 27, Article 4, revisions to supplemental use provisions, including the provisions for Solar Energy, Distilleries, and Breweries, and Towing and Wreckage Services.

SLIDE 6

Remaining Text Amendments

- Four text amendments were heard by the Planning Commission in December, and will be heard by the City Council on January 24
 - TMOD-21-013 – Mitigation between residential and industrial uses
 - TMOD-21-014 – PC Administration
 - TMOD-21-015 – Overlay and Base Zoning Conflict Mitigation
 - TMOD-21-016 – Supplemental Uses
- One final text amendment will be heard by the Planning Commission and City Council in February, TMOD-22-001 – Standardization of Definition and Terms
- Another full version of the Zoning Ordinance with track changes was prepared to help understand these five proposed text amendments dated today, January 13, 2022
- A summary table of the changes in TMOD-22-001 was also prepared to guide the reader through all the changes
- The Zoning Ordinance will be continuously changing, and some items identified through this update process will require further study and dedicated stakeholder involvement


Mr. Summerbell stated the need for more stakeholders involvement to deal with the Arabia Mountain Overlay District. The efforts to produce some supplemental uses is on the to do list.

III. ZONING ORDINANCE REVISIONS - STATUS UPDATE

Mr. Summerbell spoke on the *Code of Ordinances, Chapter 27 – Zoning Ordinance dated January 13, 2022 -DRAFT.*

SLIDE 7

Zoning Ordinance with Proposed Text Amendments is posted under meeting resources on City Calendar page for this Zoning Summit



City of Stonecrest, Georgia
Code of Ordinances
Chapter 27 - Zoning Ordinance

January 13, 2022 DRAFT

As codified in Municode (September 13, 2021) with the addition of the following approved amendments

- TMOD-19-004 - Telecommunications
- TMOD-19-005 - Party House Ordinance
- TMOD-19-006 - Small Box Retail Store Ordinance
- TMOD-21-001 - Outdated references to the Comprehensive Plan
- TMOD-21-002 - Personal Care Holmes Ordinance
- TMOD-21-003 - Gas Service Stations Ordinance
- TMOD-21-004 - Removal of Special Land Use Plans Exemptions in Overlay
- TMOD-21-005 - Allowance for Car Dealerships in the Stonecrest Area Overlay
- TMOD-21-006 - Replacement of outdated references to zoning districts in Stonecrest Area Overlay
- TMOD-21-007 - Private Permitting
- TMOD-21-008 - Administrations
- TMOD-21-009 - Special Events
- TMOD-21-010 - Prohibited Uses
- TMOD-21-011 - Restrictions on Residential Conversion of Industrial Buildings
- TMOD-21-012 - Gravel Parking

And proposed amendments as recommended for approval by Staff or the Planning Commission (Highlighted)

- TMOD-21-013 - Mitigation between residential and industrial uses
- TMOD-21-014 - PC Administration
- TMOD-21-015 - Overlay and Base Zoning Conflict Mitigation
- TMOD-21-016 - Supplemental Uses
- TMOD-22-001 - Standardization of Definitions and Terms

The *Code of Ordinances, Chapter 27 27 – Zoning Ordinance dated January 13, 2022 -DRAFT* can be found on the city’s website: [Stonecrest, GA - Planning & Zoning \(stonecrestga.gov\)](http://Stonecrest, GA - Planning & Zoning (stonecrestga.gov)).

The screenshot shows the City of Stonecrest website's "City Calendar" page. The header includes the city logo and navigation links: Home, Government, Departments, and How Do I?. A red sidebar on the left contains a menu with items like "Adopted Ordinances", "City Boundaries", "City Calendar", "FAQs", "Forms Library", "City Meetings", and "Latest News". The main content area features the "City Calendar" title and an event for "Zoning Summit (6 PM)" on 1/13/2022 from 06:00 PM to 08:00 PM. Below this, it says "Join us online for the Zoning Summit on Thursday, January 13, 2022 at 6:00 PM. See details below:". A "Meeting Resources" section lists links for "Agenda", "Chapter 27 Zoning Ordinance (Draft)", "TMOD-22-001 Proposed Amendments to the Zoning Ordinance", "View all meetings on the City Meetings' page", and "Watch livestream on the city's Youtube channel". A link at the bottom says "Click here to import this event into your Calendar".

This screenshot shows the "Planning & Zoning Ordinances" page on the City of Stonecrest website. The header includes the city logo and navigation links: Home, Government, Departments, How Do I?, Contact Us, and a search icon. A message states: "For a complete list of applications and permits, please visit [the Building Permitting page for forms.](#)". Below this, there are links for "Land Use Forms" and "City Calendar". The "Planning & Zoning Ordinances" section lists several links: "Zoning Ordinance on Municode" (highlighted with a yellow arrow), "Zoning Ordinance (PDF) as of November 22, 2021", "Stonecrest Overlay District Design Guidelines", "Stonecrest Area Overlay & Text", "Planning & Zoning Fee Schedule", "Arabia Mtn Overlay", "Permitted Use Table", and "Overlay Permitted Use Table". The footer contains "Stonecrest City Hall", "Helpful Links", and "We're Social".

IV. PRESENTATION AND DISCUSSION OF UPCOMING AMENDMENTS

- a. **Discussion** – TMODs already reviewed by the Planning Commission that will be presented to the City Council on January 24 for action, TMOD-21-013 through TMOD-21-016.

TMOD-21-013 – Amendments to Mitigate the potential conflicts between residential and industrial uses:

SLIDE 8

TMOD-21-013
Residential-Industrial Potential Conflict Mitigation

Proposed amendment:
Amendment to the Stonecrest Zoning Ordinance, Chapter 27 to mitigate the potential conflicts between residential and industrial land uses.

Issues being addressed:

1. Authorization of light industrial uses in Tier 3 of the Stonecrest Area Overlay
2. Isolated residentially zoned land rezoned by DeKalb County from industrial that is not used for residential purposes
3. Lack of adequate buffers for newly developed or rezoned residential tracts next to industrial uses

Mr. Summerbell stated that Staff is dealing with:

- Removing **M** from the list of authorized uses from Tier 3 and Stonecrest Overlay.
- The reversion of parcels which was reserved for industrial residential way back to the 70s.
- The SLUP requirement and it sounds like there is even more things that many people like to do to help mitigate this.

SLIDE 10

TMOD-21-013, Part 1
Tier 3 of the Stonecrest Area Overlay

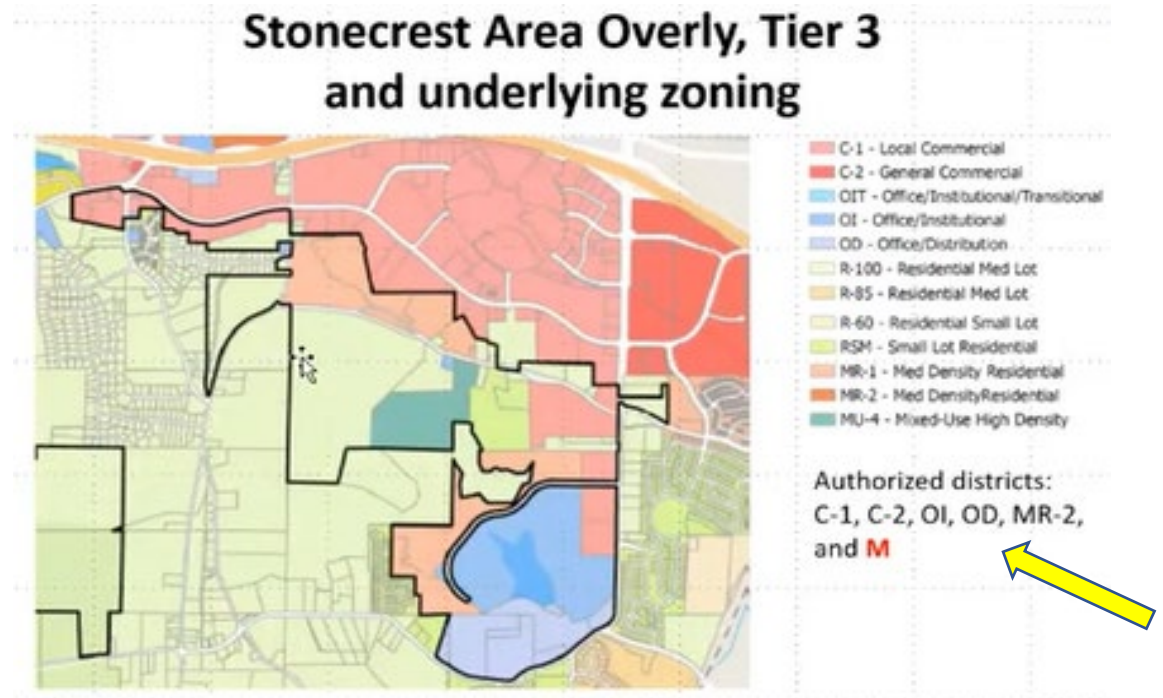
Proposal: Remove light industrial zoning (M) from the list of authorized uses in Tier 3 of the Stonecrest Area Overlay

Reason for the proposal:

- **Tier 3** is the Low-Rise Mixed-Use Zone for which Sub-section 3.5.15.A. authorizes all uses allowed in the **M –light industrial district to be developed by right**, along with all uses allowed in C-1, C-2, O-I, OD, and MR-2
- **MR-2, Medium Density Residential District, in particular, allows a variety of residential uses**, including single family homes, multi-family homes, and townhouses. And several such residential development have been built or proposed under this authorization.
- **No industrial uses have yet to be built in Tier 3**, despite the allowance to do so, but certainly could, which could cause potential land use conflict due to noise, truck traffic, and emissions.

Planning Commission recommended DEFERRAL to the City Council.

SLIDE 11 – The Zoning Map



The above figure should read, “Stonecrest Area Overlay, Tier 3 and Underlying Zoning.”

Commissioner Mathis asked Mr. Summerbell, “What streets would be impacted by this?”

Mr. Summerbell stated that Turner Hill Road; Hayden Quarry Road that cut through the middle; Plunkett Road; Klondike; and Evans Mill. **Tier 3** goes from Evans Mill just past Turner Hill Road. A weird shape. Can build **C-1, C-2, OI, OD, MR-2**, and take out **M**. Any properties outlined in the black is **Tier 3**. Planning Commission had concerns with, other districts can be built there, on the Southwest side.

Mr. Summerbell understands the concerns and have several planning commissioners on the Zoom Call. Commissioners present at tonight’s meeting included Ms. Joyce walker, Ms. Pearl Hollis, and Ms. Cheryl Mathis.

There was one of the top parts, that the Planning Commission recommended deferral of this item for another month. They felt like this issue in particular, required a little more study. What this is dealing with is a **Tier 3**, the low-rise mix in the Stonecrest Area Overlay.

Ms. Walker, District 2 asked, “If anything been said to the Council?”

“No,” Mr. Summerbell replied.

Ms. Mathis, District 5, interjected and asked Mr. Summerbell, “Can we take out **C-1** and **C-2** along Hayden Quarry and Klondike. Is it possible to not take out and divide up?”

Mr. Knight spoke on the map. The pink area. Mr. Knight continued speaking, “The pink area there is the Evanswood Center. As we all know, means that they can be commercially developed within limits. So, I just wanted to point out that at various points along the periphery of **Tier 4**, does allow

some commercial development. Not completely informative to look at, for instance, those parcels that wrap around Evanswood Center, belongs to the Kelly's. **Tier 4** allows the mixed use. Could have a mix medium density residential, as well as some commercial mixed in with it. In fact, in some areas, along this boundary, there is transitional Stonecrest overlay zoning which is stepping down from **Tier 3**...

Question, "Is that still **Tier 3**...Stonecrest Overlay, which is not part of District 5?"

There was much discussion on the parcels that wraps around the Evanswood Center. Those parcels are in **Tier 4**. **Tier 3** in the orange the area (the lighter apricot area) and the green area is the Arabia Mountain Overlay, **Tier 5** are the remnants, on the edge. Since you have unintended consequences, you always got to make sure you think about, if I make a change, how does it impact everything here.

SLIDE 13

TMOD-21-013, Part 2
Reversion of previously zoned industrial property

Proposal: Add new section providing that residential parcels which have not been used as residences for twelve months, or which have been used for industrial purposes for twelve months, are deemed to have reverted to industrial zoning if they formerly were rezoned to residential from industrial.

Reason for the proposal:

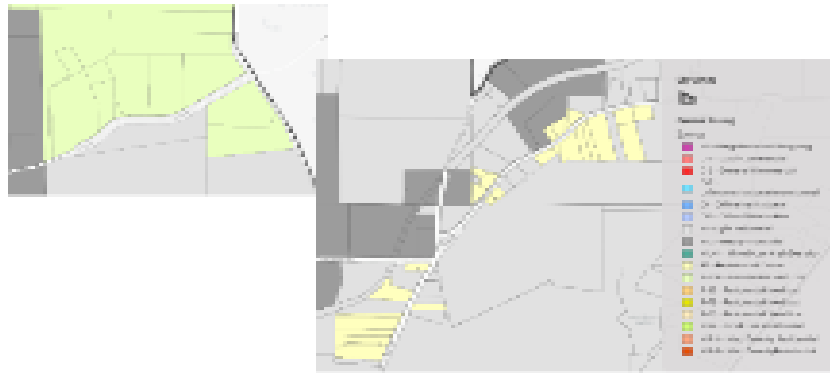
- Several parcels along Maddox Road, Rogers Lake Road and Coffee Road were spot-zoned from the M (Light Industrial) District to residential in 1979
- The properties remain surrounded by or near Light Industrially zoned properties.
- The rezoning to residential for many of this parcels has failed, either because houses on them are now derelict and abandoned or because the properties are being illegally used for industrial purposes.

Mr. Summerbell speaking, "TMOD-21-013 - Part 2 is dealing with the areas that is along Maddox Road, Rogers Lake Road, and Coffee Road . Since then, have evolved more into or retained the sort of their industrial character. Lots of these parcels there, are used for industrial purposes.

The point was to bring up some kind of mechanism to allow these parcels, ones that are derelict or in abandoned conditions. On the map that is shown for the areas, there is a proposed annexation on Rogers Lake Road that came up recently, and it was noted that Rogers Lake is sometimes spelled with a "D" and sometimes it is not spelled without a "D." I am curious if anyone run into that. I notice on the application for the annexation of Rogers Lake Road, they actually spelled it both ways, in different places. I am curious of what history and the proper way of spelling it is without a 'D'."

SLIDE 14

Zoning Map of the Maddox Road – Rogers Lake Area and Coffee Road Areas



The yellow areas are the residential parcels...that were originally zoned Industrial. They were rezoned by the county to residential but, about half these are being use for industrial purposes are the huge lines, the very-big lines but, were originally industrial as well. Those are the properties in question. Basically, opening up a mechanism to revert these back in cases where it is needed. I do not think the Planning Commission had too many to concerns about that.

Ms. Mathis is speaking, “I cannot speak for everybody. If you do not mind, I had some concerns about residences over there. There are some apartments over there as well as some homes, I think the homes are in the city of Lithonia, but I am not sure. Wanted to ask if we could look into that as well.”

Mr. Summerbell speaking: The concern was what residents were remaining in the area? What impacts it may have? Especially with that being proposed to be industrialized and you know we had concerns about residents abutting the industrial properties.

Mr. Knight speaking: If recalled correctly, there was also some concern about notifying the owners of those properties that this is under creation. It is my understanding that some efforts have been made or will be made to do that.”

SLIDE 15

**TMOD-21-013, Part 2
Reversion of previously zoned industrial property**

Recommended Text Change, TMOD-21-013, Part 2

[NEW]

Sec. 1.1.17. – Reversion of parcels which were rezoned from industrial to residential.
Any parcel which was rezoned by DeKalb County prior to incorporation from industrial to residential at the request of the owner, and is subsequently vacant for twelve months or is partly or entirely used for industrial purposes for twelve months shall be deemed to have reverted to the prior industrial zoning. Upon determining that a reversion has taken place, the planning director shall notify the property owner and shall begin a city-initiated rezoning of the property back to industrial for Planning Commission recommendation and City Council action.

Mr. Summerbell replied, “Yes, we will be sending out notices to the property owners to let them be aware of this, ahead of the City Council meeting. Again, we are all about being transparent. We want to make sure that people have an opportunity to understand what is going on.”

Mr. Summerbell presented **TMOD-21-013, Part 3**, and this is dealing with adding a **Special Land Use Permit (SLUP) requirement**.

Ms. Mathis interjected and asked Mr. Summerbell, “Yes, I’m sorry...Can anyone ask questions? Mr. Summerbell replied, Yes...This is not a standard Commission meeting...do you have a question?” “No, Ms. Sonja Hicks raised her hand,” replied Ms. Mathis.

Zoning Board member Ms. Hicks asked, “The area that you were just talking about in **Part 2**, why is the city trying to...revert back to light industrial from residents?”

Mr. Summerbell replied, “Yes well, mainly...over half of the parcels are being used for industrial purposes or abandoned. We are not making any attempt to refer parcels that are still being used for residential purposes...Honestly, it is an effort to clean up the area as well as to deal with situations like buffer requirements adjacent to residential and industrial uses. It is an attempt to help mitigate this potential impact between residential uses and industrial uses. I mean, we know that a lot of these parcels are used for industrial purposes...”

Mr. Summerbell continued answering Ms. Hicks’ questions, “We would not revert properties that are still used for residential purposes. And, if someone is living there, we are not going to revert it back. However, if that parcel is using the industrial purposes, we would offer the option to revert it back...we are not forcing this on anyone. We are just trying to rectify a strange situation. I hope that makes sense, but again, we are not forcing any residents to convert if they do not want to...”

Ms. Hicks asked, “And, I have a question. The rest that lives there, how would this affect them in the future...if they stay there and if more industrial does come into that community...? If you convert it back to light industrial.”

Mr. Summerbell replied, “It is a spotted fashion. Not a consist community. The devil will be in the details. That is something we can clarify on the map is to kind of pinpoint which of these parcels are in question. Might be the best way to do it. Then, I would have a better picture of what would be reverted back to.”

Mr. Knight put a hand up, “Yes, if I could, I think the focus of this reversion ordinance would be on the area road rather than further down Rogers Lake Road. Parcels are actually adjacent to a backup to the Hanson Aggregates Quarry. They already have heavy industrial use right there in their neighborhood right next door. But the ones that are there are either abandoned or residential or actually actively being used as industrial for about half of those parcels. There are about eighteen of them along that line of Maddox Road, I think, about half or more, a little bit more. Maybe or either abandoned or whenever built as residences or being used as residential. The goal is to not force anybody who is living there as a resident and wants to continue there to be forced to leave.

It is just to acknowledge that there are parcels out there where the owners have made a choice that they want the parcels to be industrial. I would say that the people who are still there as residents already have those industrial uses right next to them. There is not going to be anything new that is added there at all. Other than legitimate, the current uses that have been there for a long time in some cases. The residentially zoned parcels, which look like residential, but when you actually go out there and see what is on the ground, you say my God, look at all these dump trucks. Look at everything that is happening here. That is an industrial.”

Mr. Summerbell stated, “We have a new hand up, Ms. Malaika Wells.” **Mr. Andrew Wells** spoke on behalf of the Ms. Wells. Mr. Wells stated being a member of the Stonecrest Citizens

Coalition and asked, “Are the slides prepared by Jim or by his office? Are they prepared by GIS? How are these slides prepared? In particular, the ones that show the zoning map”

Mr. Summerbell replied, “I prepared them. Amusing to see the GIS the CGI yes or other resources are out there. **Mr. Wells continued**, “My apologies if they seem a little crude.”

Mr. Wells speaking, “It is what I am accustomed to seeing, but just as a U.S. citizen...one of the things that I think would be helpful on this map in particular, is some type of superimposing of a landmark or keywords or streets.”

Mr. Summerbell replied, “Okay, key streets.”

Mr. Wells continued, “The other thing that I think would be important...I understand that these light-yellow parcels are residential, but I think it would add even more context to the discussion if we could tag the ones where people are still living in homes. Now, we can talk about buffers, and we can talk about the intensity that we use and how that will impact if we revert some of these other parcels back...Just looking at these parcels...something I would love to see going forward, street names, major intersections, or thoroughfare markers. Any kind of landmark that could kind of help anybody diving into this meeting who lives in Stonecrest get an idea of what is going on. If we are talking about cleaning up zonings like we are, it would be helpful. I do not know a red dot, black dot, or something that says “**R**” or “**I**” where we still or inhabited or whatever so that we can gain the skill that would be helpful.”

Mr. Summerbell stated that this was a very good input and appreciate that. Often as staff, we prepare the text, so we get into that. It is kind of an afterthought, we think. Oh yes, we need. Map together, but no very good input, and we will certainly see if we can prove these maps before it goes to City Council. It is a great.

Ms. Mathis appreciated what Mr. Wells said, it was certainly helpful and asked another question regarding the actual location. “I thought I heard Mr. Knight indicate that there may not be any potential or proposed development going up in that area. Am I correct to assume that or is that the case? Or do we have any potential development or proposed development coming forth, that we do not know about it?”

Mr. Summerbell answered Ms. Mathis, “That is an interesting point. There is something indicating that there are potential permits or things are under review. This immediate area. I am trying to think. I know Hanson Aggregates talked about doing some improvements in the area but, I do not know anything solid yet.”

Mr. Knight answered Ms. Mathis, “Hanson Aggregates has no current plans and not heard of anybody with plans...”

Ms. Mathis replied, “I know you represent them in some cases, right?”

Mr. Knight answered, “Yeah, Hanson Aggregates has no current plans to do anything on its property, and I will go beyond that. I am not aware of anybody...That is not necessarily comprehensive plans to apply for any sort of permits on any of these parcels along Maddox Road, right?”

Mr. Summerbell is speaking, “Yes, the largest developments that have occurred in this area that we have heard about is dealing with a Home Depot distribution center, which is coming out of ground recently...today there was discussions about another distribution center potentially going to the west of it...which actually may be even bigger...Further to the west of here, nothing comes to

mind right now, but that is what we can certainly look into that map. That might help you to get a better picture of what is going on there as well. A good point!”

Mr. Summerbell continued speaking on **TMOD-21-013, Part 3**, working to improve these maps,

SLIDE 17

TMOD-21-013, Part 3
SLUP Requirement for residential development adjacent to industrial

Recommended Text Change, TMOD-21-013, Part 3
[NEW]

Sec. 4.2.70. – Special land use permit required for residential development adjoining to industrial.

A special land use permit shall be required for any proposed residential development or construction which is adjoining to industrially zoned parcel(s), unless one or more of the following criteria are met:

- A. A one hundred fifty (150) foot undisturbed transitional buffer zone exists or will be observed along the adjoining property line. The buffer zone may be within the residential parcel, the industrial parcel, or both.
- B. The industrial parcel is separated from the residentially zoned parcel by a stream buffer.
- C. The residential parcel is protected by conditions of zoning which were previously imposed on the industrial parcel for the purpose of protecting residential parcels.
- D. The residential parcel was rezoned from industrial to residential at the request of a present or former property owner and conditions of rezoning were imposed on the residential parcel for the purpose of protecting the residential parcel.

Ms. Mathis asked for a copy the PowerPoint.

Mr. Summerbell discussed the **TMOD-21-013 – Part 3** is the SLUP requirement for residential development adjacent to industrial. New residential development joining industrial land raises a number of potential conflicts. There is no public hearing process right now for the residential side, but there is one for industrial. What we are supposed to do is impose a SLUP requirement on residential development that will require a full public staff analysis and full public hearing before the Planning Commission and City Council.

Mr. Summerbell continued, “You know what the potential impacts are? The whole point is the more eyes on what is happening in the community the better. So, the recommendation is to add in this new text modification or our text requiring a SLUP. The SLUP would not be required if certain buffer requirement conditions are already in place. For example, if 150-foot undisturbed transition buffer existed already, or if the buffer zone is separated by a stream buffer from the industrial areas, or if all these conditions are met, SLUP would not be required. However, if you feel that adequate buffers are not already in place, the slot would be required at the time rezoning. It is just adding a whole other layer of review to that whole situation. So, before I go to the summary of the whole, there any questions about that SLUP requirements?”

Mr. Summerbell recognized the hands that went up and called on Ms. Cail.

Ms. Rane Cail spoke, “I just had a question? Even with a 150-foot buffer, even with a Special Land use permit. Who wants to live next door to industrial and industrial facility? Buffers do not protect streams. They do not protect our waterways. How will residents live in a decent manner next to something zoned industrial? I do not know why it keeps being a debate about it. People don’t want to live next door to residential developments.”

Mr. Summerbell replied, “I know what you mean. What this is addressing are situations where the residential zoning may already be in place, next to the industrial. It is adding another layer of requirement for a buffer to be inserted, or at least for a public process to be in place. I agree with you, and I personally would not want to live next to an industrial area, short of just making sure that you never have two zones touching. You know it is hard, this is really another step to protect public interest in the area. So, I understand your point. Hopefully allowing a public hearing process would get more eyes on it and bring more community awareness to the issue of what is happening.”

Ms. Cail spoke, “Can you speak a little bit more about **By-Right**? I keep hearing about **By-Right**?”

Mr. Summerbell replied, Yes, the term **By-Right** is really a term that applies more in overlay districts, for example. Certain Tiers of the Stonecrest Area Overlay. You recently joined us, and you missed that conversation. Actually, in some upcoming text amendments, we are going to talk more about this, but you know your base zoning, whatever your zoning is, you are allowed to build. For example, in a residential zone, you are allowed to build certain uses **By-Right**. Withdrawal spelled out in the **Permitted Use Table** of the Zoning Ordinance. Now, typically that is like a single-family home depending upon the density of the residential, that also includes townhomes. Certain overlay districts allow multiple zoning districts. It uses a lot of multiple zoning districts to be built **By-Right** in there.

The most obvious example of that is the Stonecrest Area Overlay, where some of the Tiers that are close to the Mall area, for example, you can build uses are allowed **By-Right**. Several of the commercial district, **C-1**, and **C-2**. You can also do what is allowed in the **HR-2** District, which is High-Rise residential, which allows a variety of residential uses. In some of the Tiers, like **Tier 3**, which is one of the text amendments, we talked about earlier. You can even build industrial now. I am recommending to the Planning Commission that the Stonecrest Area Overlay ought to be taken away **By-Right**. We should not allow situations where more industrial and residential can be built side-by-side in the same Tier. Just because the way the overlay is written. So, **By-Right** basically means you have whatever uses that are allowed in the permitted **Use Table** for that district. That is, you know, typically for residential. It is single-family homes, though it seemed like recently, a lot of them are also dealing with more density townhomes.

Mr. Summerbell stated that a lot of times, it just does not fit. There are consequences and it makes sense on paper but, when you see it on the ground, it does not make sense.

Ms. Cail said there is one more question, “Have you discussed the issue of overburdened communities? That are inundated with industrial facilities that are making and have been making people sick. Due to the air and water pollution, soil pollution, all of that is important and it needs to be addressed?”

Mr. Summerbell asked, “Has Stonecrest been identified as an overburdened community? I mean, have there been studies done or anything of which you are aware...?”

Ms. Cail stated she is not aware of any studies, and is particularly concerned about communities of color...”

SPECIAL NOTE: At approximately 48 minutes into the Zoning Summit, Mr. Summerbell’s audio delivery became distorted.

Mr. Summerbell said he was sorry the audio is breaking up and continue speaking and turned the floor over to Mr. Wells.

Mr. Wells spoke on **Bullet B - Stream Buffer** and asked for clarification. So, the industrial are all conditions under this extra layer. You can come across a crick, right? If I could use an old term there, you might come across as a crick because you walk the property recently and then if it is a creek then it would be state waters. I just wanted to be clear that it might be helpful if we go out and survey again and make sure that all these little lines on the property are known.

Per Mr. Summerbell, that whole issue came up recently in a site plan, the city engineer looked at the outdated survey. It actually survey showed a stream or a spring in the middle of the property and yet it did not show up in the state waters. A Hydro study was requested to be done on the site.

Mr. Knight speaking, “Yes Sir! Mr. Wells is certainly correct. It is very important to identify the streams and make sure that it is all accurately identified. I would point out, that if there is a required stream buffer, it is always at least 150-foot wide. Because I think 75-feet, which is measured not from the center line of the water, but from the top of the bank. For instance, if you had creek that was 10-foot wide you would have total buffer of $10 + 75 + 75$. Jim, correct me if I am wrong on that, it would actually have a 60-foot buffer because of the screen.

You would never have just 150 feet because that would mean you really do not have any water there at all. The Industrial stakeholders and the Stonecrest Industrial Council are interested in you trying to establish a dialogue with the resident stakeholders. Ms. Cail’s previous question about whether we have any seriously substantially polluting industries in our industrial park. We actually have two industrial areas in Stonecrest. One is located by Snapfinger Woods, and Miller Road is really not one of concern to the Industrial Council. Then we have the much bigger one, which is wrapped around Lithonia just north of I-20. If there are seriously polluting industries in the air, water, or contaminating the ground, we certainly want to know that. If we can get help on that, I would appreciate that.

A number of years ago, I took a look at the Georgia EPD website to see if there were any brownfields and identified brownfields in the industrial area. The only brownfield that was in the city of Stonecrest was actually an old dry-cleaning plant that was over by the Panola Road/Miller Road area, but not in the cluster. That is not to say that they are not there, but if they are there, we would like to get them identified and get them remedied.”

Mr. Wells is speaking, “We always get the green thumbs up, but the closest actual monitor I think is in McDonough. There are three that cluster around Atlanta, I do not know that there is a monitor that we could consider Stonecrest proper. Getting a monitor here would be something I would be interested in working with you on.”

Mr. Knight is speaking, “There are many aspects of monitoring that are not being done, which we really do want to see, air quality is absolutely one of them. Another is traffic counts, like on Lithonia Industrial Blvd., to see how many cars and trucks will pass each day...get an idea of what sort of pollutants they might be putting in the air and where it is going...that sort of thing that Hopefully, now that the Atlanta Regional Commission has granted the freight cluster plan application. Which will cover all I-20 corridor in Stonecrest and more... We can get some really firm statistics and then see what we can do about curing them; and make sure that everybody is protected.”

Mr. Summerbell stated that there is a freight cluster study that the city is about to undertake. These are all good items that should identify recommendations out of that study. It might get state or regional funding to help setup a monitoring station or look at this in great detail. It is a good thing definitely.

In summary, Mr. Summerbell stated that all these are three different parts to deal with the same issue. We presented in three parts so, the Planning Commission actually recommended referral(s) to allow more study. It is possible that the Council could approve just one, two, or all three of these items. In retrospect, I wish I made these three different TMODs because, they really are three different actions.

Ms. Cail asked, “On C...the Slide before...on residential parcels being protected with the zoning conditions? Can you give us an example of a condition that would protect the residents or residential?”

Mr. Summerbell replied, “Typically, that is a buffer requirement, that may have been placed on the industrial side. An industrial parcel that is rezoned, or went through a public hearing, may require an improved buffer, may be with a fence or significant plantings. There are a variety of conditions that either the county or city council have imposed upon that industrial use, to help mitigate any potential impacts.”

Mr. Summerbell presented **TMOD-21-014 Administration – Planning Commission (PC)**.

SLIDE 20

TMOD-21-014
Administration – Planning Commission Actions

Proposed amendment:
Amendment to the Stonecrest Zoning Ordinance, Chapter 27, Article 7 – Administration concerning actions by the Planning Commission

Issues being addressed:

- At a recent work session, the City Council has requested that the provisions of the Article 7 of the Stonecrest Zoning Ordinance be revised to clarify the role and intent of all motions made by the Planning Commission.
- In particular, they want to limit all motions made by the Planning Commission to recommendations only to the City Council in keeping with their role as a recommending body.
- This would remove the ability of the Planning Commission to defer action on case before transmittal of the case to City Council.

Proposal: Clarify the list of motions that the Planning Commission can make at a public hearing.
Reasons for proposal: To simplify the and shorten the rezoning process.

Mr. Summerbell speaking, “Any questions or comments about that? I know we have several Commissioners here.”

Commissioner Walker stated, “I would like to say, that really concerned me. At every meeting that I have attended, and I have attended all of them. Since I have been on the board, it is plainly stated that the Planning Commission, we make recommendations. The chairperson says that at every meeting. I am not really sure what else from the Planning Commission’s point that we could say for them to understand. Like Zoning, they act as the judge, but the Planning Commission, we make recommendations to the Council.”

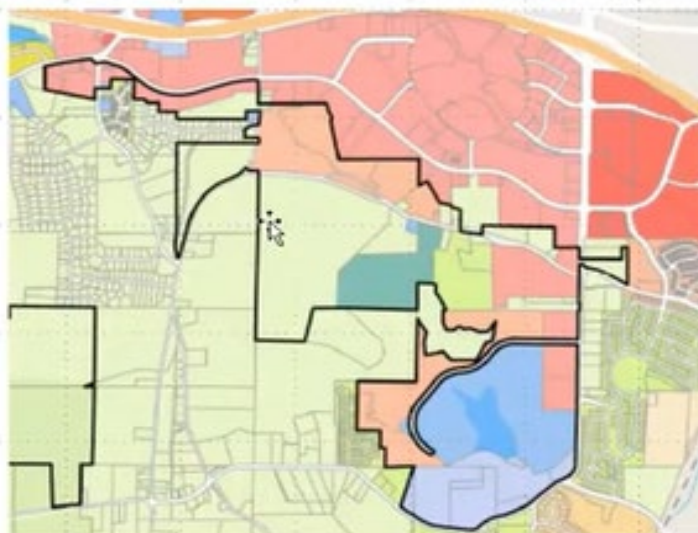
Mr. Summerbell stated, “Right? So, we all agree on what the role of the Planning Commission is. My understanding is that the Planning Commission felt that the current language is adequate to represent what you are doing.”

TMOD-21-014 Recommended Changes

Sec. 7.3.7. Action by the planning commission.

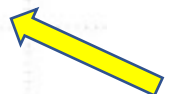
The secretary of the planning commission shall provide the members of the planning commission complete information on each proposed application requiring a public hearing by the planning commission, including a copy of the application and all supporting materials. The planning commission, after conducting 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 of deferral of an application 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.

Stonecrest Area Overly, Tier 3 and underlying zoning



- C-1 - Local Commercial
- C-2 - General Commercial
- OIT - Office/Institutional/Transitional
- OI - Office/Institutional
- OD - Office/Distribution
- R-100 - Residential Med Lot
- R-85 - Residential Med Lot
- R-60 - Residential Small Lot
- RSM - Small Lot Residential
- MR-1 - Med Density Residential
- MR-2 - Med Density Residential
- MU-4 - Mixed-Use High Density

Authorized districts:
C-1, C-2, OI, OD, MR-2,
and **M**





Search

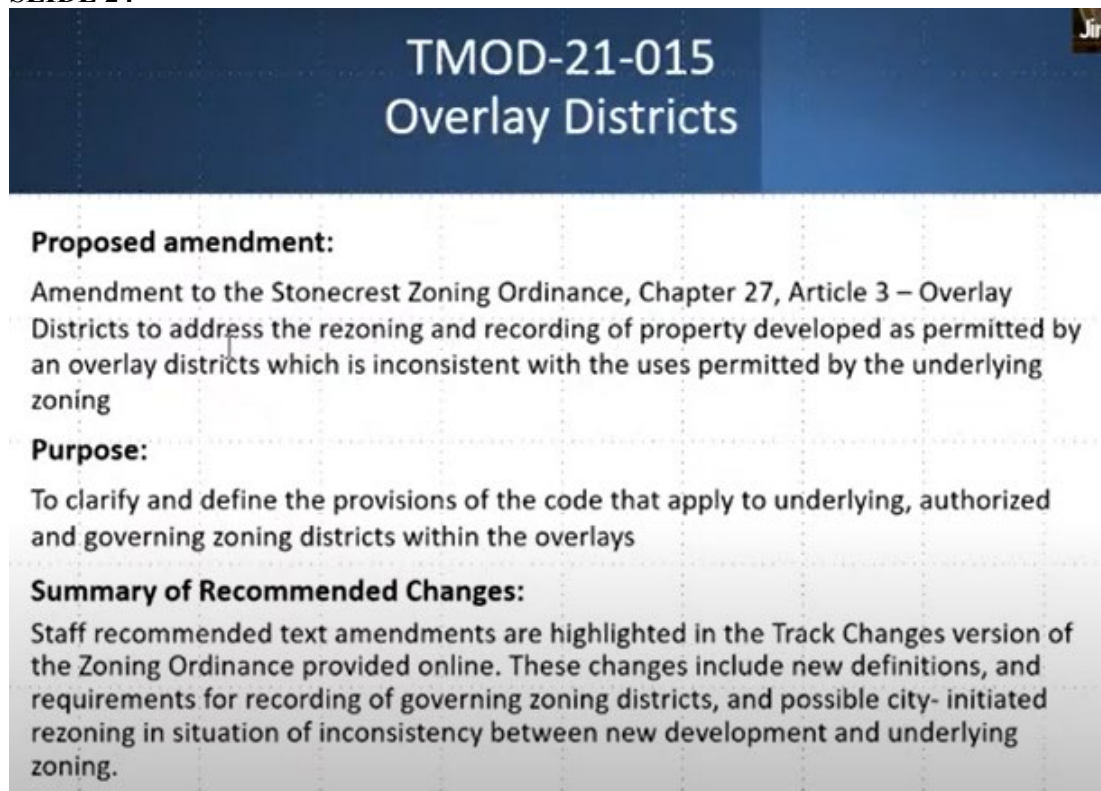
2	2.22.2 – MU-4 District	Inserted lists of permitted and special uses
2	2.23.2 – MU-5 District	Inserted lists of permitted and special uses
2	2.25.3 – NS District	Inserted lists of permitted and special uses
2	2.26.2 – C-1 District	Inserted lists of permitted and special uses
2	2.27.2 – C-2 District	Inserted lists of permitted and special uses
2	2.28.2 – OD District	Inserted lists of permitted and special uses
2	2.29.2 – OI District	Inserted lists of permitted and special uses
2	2.30.2 – OIT District	Inserted lists of permitted and special uses
2	2.31.2 – M District	Inserted lists of permitted and special uses
2	2.32.2 – M-2 District	Inserted lists of permitted and special uses
2	2.32.5 – M-2 Solid waste facility/landfill provisions	Deleted outdated section. Landfills are a prohibited use, per TMOD-21-010.
3	3.1.6 – Overlay Use Table	Updated table with new land use terms
3	3.33.5 – Principal uses and structures	Removed Utility structure necessary for the transmission or distribution of services. This was replace Telecommunications text amendment in 2019, TMOD-19-004.
3	3.4.5 – Arabia Mtn	Updated land use terms in the list of prohibited



Search

2	2.29.2 – OI District	Inserted lists of permitted and special uses
2	2.30.2 – OIT District	Inserted lists of permitted and special uses
2	2.31.2 – M District	Inserted lists of permitted and special uses
2	2.32.2 – M-2 District	Inserted lists of permitted and special uses
2	2.32.5 – M-2 Solid waste facility/landfill provisions	Deleted outdated section. Landfills are a prohibited use, per TMOD-21-010.
3	3.1.6 – Overlay Use Table	Updated table with new land use terms
3	3.33.5 – Principal uses and structures	Removed Utility structure necessary for the transmission or distribution of services. This was replace Telecommunications text amendment in 2019, TMOD-19-004.
3	3.4.5 – Arabia Mtn Conservation Overlay	Updated land use terms in the list of prohibited uses, and added clarification of the term net lot area and lot coverage (Sections 3.4.7, 3.4.8, and 3.4.9).
3	3.5.15.2 Stonecrest Area Overlay	Updated land use terms.
3	3.33.5 and 3.33.6 - I-20 Overlay	Updated land use terms.

SLIDE 24



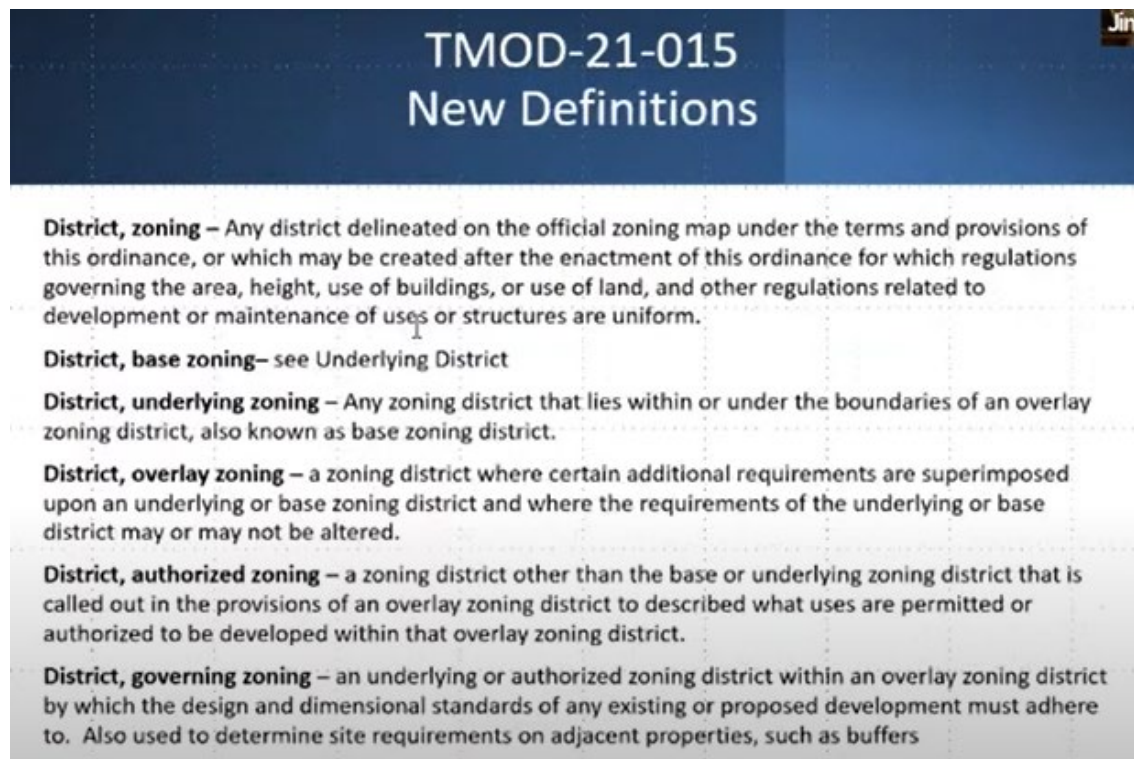
TMOD-21-015 Overlay Districts

Proposed amendment:
Amendment to the Stonecrest Zoning Ordinance, Chapter 27, Article 3 – Overlay Districts to address the rezoning and recording of property developed as permitted by an overlay districts which is inconsistent with the uses permitted by the underlying zoning

Purpose:
To clarify and define the provisions of the code that apply to underlying, authorized and governing zoning districts within the overlays

Summary of Recommended Changes:
Staff recommended text amendments are highlighted in the Track Changes version of the Zoning Ordinance provided online. These changes include new definitions, and requirements for recording of governing zoning districts, and possible city- initiated rezoning in situation of inconsistency between new development and underlying zoning.

SLIDE 25



TMOD-21-015 New Definitions

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.

District, base zoning– see Underlying District

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, 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, 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, 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

Mr. Summerbell addressed some confusing parts in the language of the Overlay Districts:

- In summary, we highlighted in the track changes version, which you can find on resources of this meeting. We have added new definitions, and we have imposed some requirements that will make everything a lot clearer. These new definitions are the new definitions we are recommending, to be added to the code. Surprisingly, zoning district was not a term that was used in the current code. So, a definition has added. We also added one for based zoning district which is the same as the underlying zoning district.
- If you recall, an Overlay district can be both protective or permissive, and can also be promotional. The Stonecrest Area Overlay, for example, is promotional. It is trying to promote economic development and new business coming in, whereas the Arabia Mountain Conservation District is prohibitive. It is much more conservation oriented. It is, trying to protect trees, land cover, and natural resources. All are very valuable to the community. Those are the additional kind of requirements that are opposed on top and base zone. It gets complicated when it comes to authorizing zoning.
- This goes back to the Tier 3 discussion. For example, if you have a base of **R-100**, but an authorizing zone in **Tier 3**, it would include **C-1**, **C-2**, and **OI**. Those are the authorizing districts in **RZ**. You are allowed **By-Right** to build what is permitted in those authorized districts. The last term is governing zoning district. In other words, either the base zone or the authorized zone is what property is actually being built to. We need to clarify this. We have several situations right now where they allow users to be constructed that will be inconsistent with underlying zone.
- Each of these districts do have prohibited uses, but it is a carte blanche because there are all kinds of uses that can be allowed to be built there. The complication comes in when you get to **Section 3.1.1**. This means that beside the uses permitted in the authorized districts you also can build in the underlining district.
- The problem that you run into, for example, there are situations like we described off of Hayden Quarry Road where the underlining zoning **C-1**, but the authorized uses include **HR-2**, so we townhomes being built on a **C-1** district in **Tier 3**. The problem comes into conformity with the zoning. How you are supposed to apply them if they are not really reflecting what is happening on the ground? It is a little bit confusing, but we have offered a text amendment. Right now, it has not been a requirement. What this will do is say, I am either going to build by the underlying district or authorized district.
- It is clearly stated on the plat, and everybody understands the rules are going by it now. On the other hand, the governing district is done after the fact. After the building has come out of the ground, we can correct the zoning map to accurately reflect what is on the ground. If you look at the Stonecrest Area Overlay, the base zoning, does not reflect what is actually coming out of the ground. There are a lot of residential developments that are currently being built that are not reflected on the zoning map. We have also inserted statements and added several parts of the code. I am hoping this will clarify and help make it clear as to what requirements are applied when development takes place in an overlay district. You think this would be fairly obvious, but the way the cut is now, it is a nightmare to administer in some situations. I am hoping this will help reflect that now.

TMOD-21-015
Overlay Districts

Recommended text changes

Sec 3.1.1. Overlay districts generally
[New subsections]

H. When a plan package for a proposed development is submitted for conceptual plan review or a final design package approval for a land disturbance or building permit application, **the governing district related to design or dimensional standards by which the development will be reviewed under must be clearly stated.** That governing district standards must be associated with either the underlying zoning district, or an authorized district as permitted by the applicable Overlay Tier at the time of application submittal.

I. **If the governing district does not match the existing underlying district, the city may initiate a rezoning of the underlying property to the governing district, with property owner approval,** at any point after final plat approval or the issuance of a Certification of Occupancy.

Sections 3.1.3, 3.1.4 and 3.1.5 – insertion of statements requiring a statement of which governing district standards will be applied in conceptual plan review or final design package approval, including final plat. **See track changes in draft zoning ordinance, January 13, 2022 version.**

The Planning Commission did recommend approval of this with staff recommendations. I know it is very technical, but I think it would help clarify a lot of problems we have right now in administration of those districts. Any questions about that?

Mr. Knight spoke, “Yes sir, I mentioned this before. I think everything you got there is great. What I would suggest is that there should also be something thrown in there. Some sort of notification process to let the surrounding landowners at least, and the community in general, know that the city is considering/initiating that rezoning on behalf of the underlying property owner. At that point, there could be some sort of dialogue about that with staff. The only real point of possible discomfort I have with this, is that we have the city becoming sort of an advocate for the underlying property owner. That might not be a bad thing...I think transparency and trying to make sure that nobody is surprised by the appearance of the rezoning filed by the city...it might be a good idea to get a notice out to everybody before then.”

Mr. Summerbell stated that it is always the intent of the city. We have actually had several city-initiated re-zonings, in the last six months. One being with the Arabia Mountain Overlay. We have another one coming up January 21st dealing with property owned by Ms. Marie Colson. To revert that, we have upheld the same notifications requirements as we do any other rezone. The intent would be that we would indeed send out public notices to surrounding property owners, and make sure you know that proper notifications are put in the paper. We have these means, the Community Planning Information Meetings that come up, certainly would be mentioned. We would certainly try to be as transparent as possible, to make sure that all parties surrounding the potential rezoning would be notified.”

SLIDE 30

TMOD-21-016
Supplemental Uses

Proposed amendment:
Amendment to the Stonecrest Zoning Ordinance, Chapter 27, Article 4 – Supplemental Use Provisions, including provisions for Solar Energy, Distilleries and Breweries, and Towing and Wreckage Services.

Issues being addressed:

- The Zoning Ordinance permits several uses that need further definition and supplemental use criteria for proper administration.
- Distillery and brewery related uses should be defined by scale of operation and type of customer interaction, making distinction between commercial use and industrial use.
- Towing and Wreckage Services sites should be screened from view similar to how gravel parking lots are to improve community aesthetics
- Solar energy generation as an accessory use does exist in community but there is no definition or regulations regarding their use.

Mr. Summerbell spoke on the **Supplemental Uses**, “This is the last one, to be presented to the City Council on the January 24, 2022. It is dealing with supplemental uses. We have amended supplemental use requirements in the code to deal with several different situations. Distillery and brewery related uses such as the operation of micro distilleries, towing and wrecking service site, which should be screened from use, similar to how gravel parking lots are done right now, and solar energy generation as an accessory use.

That service currently, exists in the community, but surprisingly, we did not really have any regulations in place to really talk about, so we have added regulations to each of these. For example, we have divided the breweries and distilleries into several different categories. You have brew pubs, craft breweries, and craft distilleries, which are all your smaller ones. Then you have your large-scale breweries, and distilleries. We have added to the **Use Table** exactly where these are permitted or where a Special land Use permit is required for each of those. It added some additional a layer of understanding of these uses.

SLIDE 32

TMOD-21-016
Distillery and brewery related uses

New supplemental use regulations, Sec. 4.2.59 Craft breweries and Craft Distilleries

- (1) Shall be subject to all regulations of Chapter 4 of the Stonecrest Code of Ordinances concerning alcoholic beverages:
- (2) Shall be a maximum of 20,000 square feet.
- (3) No outdoor public address system shall be permitted
- (4) Production space shall be in a wholly enclosed building.

We are also requiring micro distilleries and craft breweries and distilleries should not be more than 20,000 square feet. If they are, they would be considered a large scale of brewery or distillery.

SLIDE 33

TMOD-21-016
Towing and Wreckage Services

Jim

Sec. 4.2.60 Towing Wreckage Service

- A. Vehicles shall not be stored at tow service properties or automobile recovery and storage facilities for a period longer than fourteen (14) days. [This provision does not apply to vehicle storage yards, used motor vehicle dealerships, used motor vehicle parts dealerships, or automobile salvage yards. Records showing the arrival of each vehicle at a tow service property or an automobile recovery and storage facility must be kept by the owner/operator of a business.]
- B. All wrecked or inoperable vehicles shall be drained of all liquids, including but not limited to gasoline, diesel, transmission fluid, brake fluid, and engine oil, within forty-eight (48) hours of delivery to tow service properties or automobile recovery and storage facilities.
- C. Any area of the site used for the short-term storage of car 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.
- D. The parking area shall be at least 25 feet from the street right-of-way.
- E. 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 caliber, and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched
- F. The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met.
- G. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality.

Mr. Summerbell stated, "...that Towing and wrecking service was discussion that came up. These are the visional Section of Towing Record Service that were recommended in that meeting. The Planning Commission recommended deleting **Section A**. Since then, received comments from some properties concerning that...we should not have deleted been the entire **Section A**. This was kind of my understanding; it will be hard to enforce. It is something that is self-regulated. anyway...I would suggest it would be best to have two separate height standards, depending upon what is happening in the yard..."

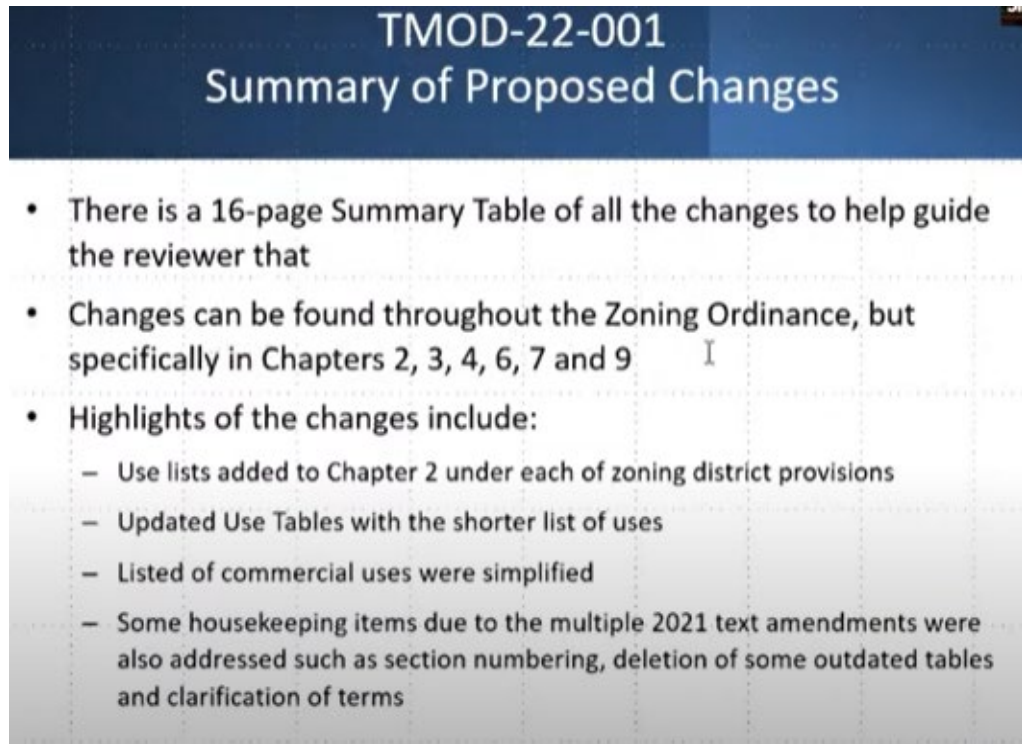
Mr. Summerbell speaking on the Solar Energy Systems, "We added a whole new section on solar energy system and added this to the permit **Use Table** and...the smaller rooftop solar energy generation is premature...allowed, almost anywhere with this sort of administrative permit...but the larger scale solar engine generating plans would only be for the most part restricted to industrial and so the rural areas and of course that would require a SLUP because, there are concerns about the passive solar energy systems...we are just really kind of bringing parts of the code to deal with these uses that we see rallying the community mixture. We have added enforcement in place...the Planning Commission had recommended approval of these, along with staff recommendation, I do not anticipate much debate other than maybe towing and wrecking services..."

b. Discussion – TMOD-22-001, Standardization of Terms and Definitions

Please note that bullet one, Slide 3 shown in Mr. Summerbell's PowerPoint presentation, used the term *Standardization of Definition and Terms*, the correct term is *Standardization of Terms and Definitions*.

Mr. Summerbell said this one is the final one, **TMOD-22-001**, Standardization of Terms and Definitions that will be presented to the Planning Commission in February. The intention is to bring it to the City Council immediately following that unless there are real concerns about it. Of course, we are addressing a number of issues, and in many ways, this is a housekeeping amendment. We are trying to get rid of situations. There are multiple terms for the same use, and just trying to simplify the many definitions that are missing. We simplified that with two detailed lists of allowed commercial uses.

SLIDE 37



TMOD-22-001
Summary of Proposed Changes

- There is a 16-page Summary Table of all the changes to help guide the reviewer that
- Changes can be found throughout the Zoning Ordinance, but specifically in Chapters 2, 3, 4, 6, 7 and 9
- Highlights of the changes include:
 - Use lists added to Chapter 2 under each of zoning district provisions
 - Updated Use Tables with the shorter list of uses
 - Listed of commercial uses were simplified
 - Some housekeeping items due to the multiple 2021 text amendments were also addressed such as section numbering, deletion of some outdated tables and clarification of terms

There is some difficulty in reading the permit **Use Table**. Staff tried to correct general consistency with cross references in multiple amendments (these came out in the past). The deal with this is, as you saw in the resources for this meeting, we actually have a **16-page Summary Table** of all the changes to help guide the reviewer. We created a new version that shows all track changes, and it specified specifically the chapters involved in Chapters 2,3,4,6,7, and 9. The highlights of the changes really come down to the biggest difference we have added to the **Use lists**.

Mr. Summerbell discussed housekeeping items and shared his screen. The items (the 16-page list) discussed will be included in the February 1, 2022, Planning Commission Packet.

Mr. Summerbell did not go through everything, it is quite frankly fairly extensive, and he did not want to waste time. The 16-page list with article sections and changes involves the first changes, all deals with inserting lists regarding permitted and special uses. Mr. Summerbell demonstrated the steps required to locate information as seen depicted in the Slides.

For example, go to the District listed uses, then go to the updated version of the code, and go to the January 13th version. You could actually go to that section. It is all hyperlinked to make it a lot simpler. Here is the **RE (Residential Estate) District**. Go to **Section 2.3.2, Permitted and Special Uses**, and click it there. It takes you right to it and show you exactly what is changed.

Track Changes Summary of Proposed Amendments to the Zoning Ordinance related to TMOD-22-001 - Standardization of Definitions and Terms

Article	Section	Change
2	2.3.2- RE District	Inserted lists of permitted and special uses
2	2.4.2 – RLG District	Inserted lists of permitted and special uses
2	2.5.2 – R-100 District	Inserted lists of permitted and special uses
2	2.6.2 – R-85 District	Inserted lists of permitted and special uses
2	2.7.2 – R-75 District	Inserted lists of permitted and special uses
2	2.8.2 – R-60 District	Inserted lists of permitted and special uses
2	2.9.2 – MHP District	Inserted lists of permitted and special uses
2	2.10.2 – RNC District	Inserted lists of permitted and special uses
2	2.10.7 – RNC Minimum	Removed redundancy between subsections –



Search

2	2.32.2 – M-2 District	Inserted lists of permitted and special uses
2	2.32.5 – M-2 Solid waste facility/landfill provisions	Deleted outdated section. Landfills are a prohibited use, per TMOD-21-010.
3	3.1.6 – Overlay Use Table	Updated table with new land use terms
3	3.33.5 – Principal uses and structures	Removed Utility structure necessary for the transmission or distribution of services. This was replaced Telecommunications text amendment in 2019, TMOD-19-004.
3	3.4.5 – Arabia Mtn Conservation Overlay	Updated land use terms in the list of prohibited uses, and added clarification of the term net lot area and lot coverage (Sections 3.4.7, 3.4.8, and 3.4.9).
3	3.5.15.2 Stonecrest Area Overlay	Updated land use terms.
3	3.33.5 and 3.33.6 - I-20 Overlay	Updated land use terms.
4	4.1.3.D. Prohibited Uses	Clarified language regarding the disposal or storage of hazardous/toxic solid waste approved as part of TMOD-21-010.

Agricultural

2	2.10.11 RND Off Street Parking Requirements	Updated land use terms for Child Care Institution, group
2	2.12.2 – RSM District	Inserted lists of permitted and special uses
2	2.12.5 – RSM, density bonus example	Deleted outdated graphic of density bonus example
2	2.13.2 – MR-1 District	Inserted lists of permitted and special uses
2	2.14.2 – MR-2 District	Inserted lists of permitted and special uses
2	2.15.2 – HR-1 District	Inserted lists of permitted and special uses
2	2.16.2 – HR-2 District	Inserted lists of permitted and special uses
2	2.17.2 – HR-3 District	Inserted lists of permitted and special uses
2	2.19.3 – MU-1 District	Inserted lists of permitted and special uses
2	2.19.6 – MU-1, density bonus example	Deleted outdated graphic of density bonus example
2	2.20.2 – MU-2 District	Inserted new section that lists permitted and special uses
2	2.21.2 – MU-3 District	Inserted new section that lists permitted and special uses


We have actually added here lists of what is permitted. In the **RE District**, we have it broken out by style, just like it is in the table. This should make it fairly easy for everyone to follow.

Mr. Summerbell stated, “I hope you all have a chance to look at each of the districts. Like you say, if you go back to that list. We did this for all the districts. Every single district now has a list of permitted uses, which is what all these beginning portions of the list show. So, we also deleted some graphics and stuff that, for example this **MU-1**. There was some graphics related to density bonuses or allowed by comprehensive plan designations recall. We had a TMOD earlier this summer. They got rid of those designations. This is just really a housekeeping matter. Yes, this is all these permitted uses.” What was done includes:


- We had a whole section of solid waste landfills in the **M-2** district. We realized we needed to delete this, **TMOD-21-010**, was approved back in November. There is really no reason to have that section and got rid of that.
- We updated the **Overlay Use Table** to have the new terms as something that was done. We removed utility structure necessary for transmission distribution services.
- We inserted the whole new telecommunications, I should not say new, it was actually adopted in 2019 into the code. We found a number of places where there were some concerns and the way that was displayed. We cleaned that matter up as well.
- We updated some of the terms and uses that are used in the Arabia Mountain Conservation Overlay. There is the term net lot area, it kept coming up my meetings with developers in the area, and always wondered what that was.
- We have added a definition for net lot area and clarified the terminology. The Arabia Mountain Conservation Overlay to make sure it is clear about what that means. It is a term used for the original parcel before it is subdivided. The net lot area takes out areas used for

roadway and utility easements in a development. What is left, is considered the net lot area, the areas left forward to be subdivided by lots. I hope that will clarify the meanings.

- We clarified some of the language and the prohibited use. There were some concerns that we recently updated the term, hazardous/toxic solid waste approval.
- We have changed slightly the terminology because we have some concerns about what that meant. Let us see **Sec.4.1.3** again:
 - Go to the Table of Contents.
 - Find the code question or the section in the Table.
 - Click it.

 Search

Sec. 3.33.18. Final approval of plans.....	184
Sec. 3.33.19. Sign regulations.....	185
Sec. 3.33.20. Shared parking.....	185
Sec. 3.33.21. Design guidelines.....	186
Sec. 3.33.22. Plans required; certificates of compliance.....	186
Sec. 3.33.23. Conceptual plan package review.....	186
Sec. 3.33.24. Final design package review and approval process.....	188
Sec. 3.33.25. Final approval of plans.....	188
ARTICLE 4. USE REGULATIONS.....	189
DIVISION 1. OVERVIEW OF USE CATEGORIES AND USE TABLE.....	189
Sec. 4.1.1. Overview.....	189
Sec. 4.1.2. Interpretation of unlisted uses.....	189
Sec. 4.1.3. Use table.....	189
DIVISION 2. SUPPLEMENTAL USE REGULATIONS.....	202
Sec. 4.2.1. Accessory buildings, structures, and uses.....	202
Sec. 4.2.2. Accessory buildings, structures and uses; location, yard and building restrictions.....	202
Sec. 4.2.3. Accessory dwelling unit, guesthouse, in-law suite.....	203
Sec. 4.2.4. Adult daycare center (seven or more clients).....	204
Sec. 4.2.5. Adult daycare facility (up to six clients).....	204
Sec. 4.2.6. Sexually oriented businesses.....	205
Sec. 4.2.7. Agriculture and forestry.....	207

 Search

1. Distillation of bones or glue manufacture
2. Dry Cleaning Plant
3. Dye Works
4. Explosive Manufacture or storage
5. Fat rendering or fertilizer manufacture
6. Fuel Manufacture
7. Incineration of garbage or refuse
8. Landfills
9. Paper or Pulp Manufacture
10. Petroleum or inflammable liquids production/refining
11. Radioactive materials storage and processing
12. Rubber or plastics manufacture
13. Disposal or storage of solid waste disposal of hazardous/toxic materials/solid waste, including the application of thermal treatment technology
14. Smelting copper, iron, zinc or ore
15. Sugar refineries
16. Tire retreading or recapping



Search

		area and lot coverage (Sections 3.4.7, 3.4.8, and 3.4.9).
3	3.5.15.2 Stonecrest Area Overlay	Updated land use terms.
3	3.33.5 and 3.33.6 - I-20 Overlay	Updated land use terms.
4	4.1.3.D. Prohibited Uses	Clarified language regarding the disposal or storage of hazardous/toxic solid waste approved as part of TMOD-21-010.
Agricultural		
Agriculture and Forestry		
4	Table 4.1 Use Table	Change "Agricultural" to "Agricultural activities".
4	Table 4.1 Use Table	Remove "Commercial greenhouse or plant nursery" as it is identified in the Commercial Use list.



Search

Sec. 4.1.3. Use table.

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

- A. The uses listed in Table 4.1 shall be permitted only within the zoning districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:
 1. A permitted use (P);
 2. A special use (SP) subject to the special land use permit application procedures specified in article 7 of this chapter;



Staff have added Use lists in Chapter 2, under each of the districts. What is shown in the list will take requisite over what is shown in the table, and we have updated the Use Tables to take away some of the terms.

There is this one, solid waste disposal, hazard/toxic waste, and toxic solid waste. It is rearranged to make a clear disposal of our storage of hazardous toxic solid waste. I think it does make it a little clearer and easier to understand. To make that clearer, we are offering substitute language.

Go through the code, you will see everything highlighted in yellow is a change. For example, in

the **Use Table** we just talked about. All the changes that were offered in terms of terminology are all here in the left-hand column.

If there is a change in any permitted uses, you actually see it highlighted. And, particularly in commercial areas, you see that we got rid of a lot of terms to simplify it. Which really has shortened the **Use Table** once you take out the strikethroughs.

		skating rinks, etc. This definition does not include night clubs, party houses or brewpubs."
Office		
9	9.1.3 Defined Terms	Add the following definition: "Office, building or construction – a temporary structure used as an office or storage for construction operations and is located at the construction site."
9	9.1.3 Defined Terms	Change the following definition: " General business office means any building or part of a building in which one or more persons are employed in the management or direction of an agency, business or organization, but excludes such uses as retail sales, manufacturing, assembly or storage of goods, or assembly and amusement. See Office, professional. "
Retail		
9	9.1.3 Defined Terms	Add the following definition: "Trade shops - a building designed and equipped for carrying on the trades of metal working, woodworking, welding, plumbing, HVAC, machine work, electrical work, roofing or siding and glasswork

The other big change after the **Use Table**, is the definition section. We have actually laid out all the new terms put in place to standardize how things are referred to. This is what has been done for the most part. This is a major housekeeping item that goes through the track changes version. The **Use Table** will walk you through it. The **Use Table** is large. We will get it out to you all early. I hope that the Planning Commission, Council members, and any members of the public that want to review it ahead of that, have a chance to look at it and provide any feedback.

Mr. Summerbell asked if there were any questions about the last text amendment.

Mr. Summerbell is interested in improving the graphics to make sure that what is going on is seen.

Mr. Knight speaking, "Yes, Sir, little bit off topic but, in the interest of making sure everybody knows about anything as soon as possible. Is there anything that you can tell anybody about the pending of inquiries by IDI, for the new warehouses on Lithonia Industrial Blvd.?"

Mr. Summerbell replied, "And that is what it is talking about. That is a new major development right next to the Home Depot site. It is talking about:

- Three large warehouses just to the west of the Home Depot site. I guess, west and north of it. They have preliminary discussions today with the Staff for the first time, and we are trying to open up a dialogue with the city manager's office and some of Council members next week. So, they are aware of the situation.
- Being large enough that it would be a development of regional impact, and it would help you through all that kind of review, and that is their intentions to try to initiate it by February or come up here...they just started this...I have always seen, as big I could see on the zoom call, kind of a plat but, I have not actually seen a full version of it yet.
- The biggest concern, like we talked about earlier, is some residents, or county residents, just to the west of this site, I want to make sure there is adequate buffers for this use and the houses there.

- There is a stream buffer there, that will be interesting. The city engineer is concerned to make sure we had adequate transportation access, or any truck traffic that may come in around that side, which is a clearly obvious concern.

Mr. Knight speaking, “Sean Estates and Castle Downs subdivisions are to the west and Rogers Crossing is off to the north. It is ringed or surrounded by subdivisions, but it is a big area. It would be interesting lake land to see what sort of buffers they build.”

Mr. Summerbell replied, “I want to make sure anyone that wants to see a copy of it. We will make it available. I do not personally have a copy yet, if I get one, I will certainly let you know.”

c. Discussion - Other items?

Commissioner Mathis gave a thank you to the Planning and Zoning Department staff and stated, “I thank you not only to you but your team as well. Specifically, Ms. Lowe and Ms. Jackson because, I know a lot of time and effort went into preparing this and certainly getting us prepared as well. So, thank you so much.”

Mr. Summerbell stated that a big text amendment is coming up and want to make sure there is plenty of time to see how to navigate through it. If you have any questions, let us know. It is such a big document, I do not doubt there will be some changes or things will be missed, so please bring it to our attention. We want to make sure we catch everything.

Commissioner Mathis asked when to expect to receive the PowerPoint presentation.

Mr. Summerbell replied, “Well, like I say, you can already download this off of the meeting resources for this meeting. It is actually on the city website; the packet will be sent out pretty soon. Monday, January 17th is a holiday so, early next week. But you can download it now and I will be glad to send it to you. Mr. Summerbell asked, “Want me to send you a copy by email?”

Commissioner Mathis replied, “Please, if you would. Do that too.”

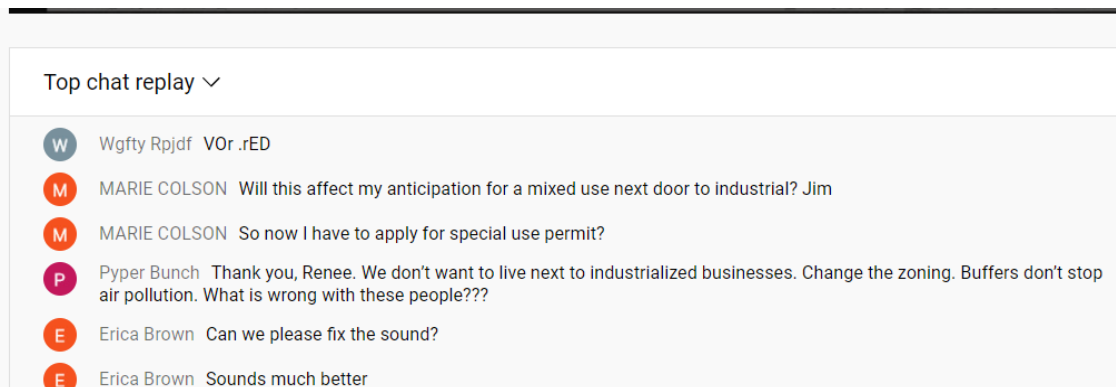
There were no additional questions.

The City Council and Planning and Zoning Department held the Zoning Summit to:

- 1) Educate members of the community about proposed text amendments to the City Zoning Ordinance
- 2) Answer any questions regarding the amendments process
- 3) Gather input on any other recommended changes to the Zoning Ordinance

*Beware, the sound delivery was distorted when Mr. Summerbell spoke on several occasions. Please view the video of the meeting online.

**Chat Comments Received:



V. ADJOURNMENT

The Zoning Summit was ended at 7:35 PM.

Mr. Summerbell thanked everyone for taking time to attend tonight's meeting and really appreciate the input and everything. Some good discussion and all helpful. Again, feel free to reach out to us if you have any questions in the future.

Recorded by:

Lillian Lowe

01-13-2022

Secretary

Date



ATTACHMENT I

POWERPOINT PRESENTATION

by

Mr. Jim Summerbell, AICP
Planning and Zoning Director



Zoning Summit

January 13, 2022

Join Zoom Meeting

Meeting ID: 850 7982 9050

Zoning Summit Agenda

Purpose: To provide a forum for open discussion and information sharing on revisions to the Stonecrest Zoning Ordinance.

Format: Structured discussion under the limitations of online video conferencing, [Zoom ID 850 7982 9050](#)

- Staff will first present a brief overview of a particular topic.
- If you want to comment Raise your hand in the zoom control panel and the meeting facilitator will give you the opportunity to speak.
- You may also post items in the Chat box.

Topics of Discussion:

1. Status of the overall Zoning Ordinance update process and schedule

2. Discussion of upcoming amendments:

- TMODs already heard by the Planning Commission and to be presented to City Council on January 24
- Last TMOD to be heard by Planning Commission and City Council in February

Any questions before we proceed?

Background

City of Stonecrest COMPREHENSIVE PLAN 2038



- Current ZO is a modified version of the DeKalb County ZO in 2017
- The ZO has been amended several times, but it has always been the goal to craft a ZO tailored for the community and its future vision
- The City of Stonecrest 2038 Comprehensive Plan (Comp Plan) was adopted in 2019.
- The Zoning Ordinance is an implementation tool for the Comp Plan.
- Work on the new ZO begin shortly after Comp Plan adoption and the March 8, 2021 version of the ZO is the culmination of that work, but it was not adopted over concerns of the process and transparency.
- The series of Zoning Summit meetings is an attempt to address these concerns.

Text Amendments Approved

- Text amendments to the City Code of Ordinances, including to the Zoning Ordinance begin with the initials TMOD which stands for Text Modification
- In 2021, twelve text amendments have been approved by the City Council (TMOD-21-001 through -012)
- Municode has only been updated to include some of the text amendments adopted through the end of 2019.
- To get a better picture of the status of the current code, staff prepared a PDF version of the Zoning Ordinance that includes all approved text amendments through November 22, 2021.

Zoning
Ordinance with
Text Approved
Amendments is
available on
City Website,
Planning and
Zoning
Department
Page



City of Stonecrest, Georgia
Code of Ordinances
Chapter 27 - Zoning Ordinance

As Adopted November 22, 2021,
Revised January 11, 2022

As codified in Municode (September 13, 2021) with the addition of the following approved amendments:

- TMOD-19-004 - Telecommunications
- TMOD-19-005 - Party House Ordinance
- TMOD-19-006 - Small Box Retail Store Ordinance
- TMDD-21-001 - Outdated references to the Comprehensive Plan
- TMDD-21-002 - Personal Care Homes Ordinance
- TMDD-21-003 - Gas Service Stations Ordinance
- TMDD-21-004 - Removal of Special Land Use Plan Exemptions in Overlays
- TMDD-21-005 - Allowance for Car Dealerships in the Stonecrest Area Overlay
- TMDD-21-006 - Replacement of outdated references to zoning districts in Stonecrest Area Overlay
- TMDD-21-007 - Private Permitting
- TMDD-21-008 - Administration
- TMDD-21-009 - Special Events
- TMDD-21-010 - Prohibited Uses
- TMDD-21-011 - Restrictions on Residential Conversion of Industrial Buildings
- TMDD-21-012 - Gravel Parking

Remaining Text Amendments

- Four text amendments were heard by the Planning Commission in December, and will be heard by the City Council on January 24
 - TMOD-21-013 – Mitigation between residential and industrial uses
 - TMOD-21-014 – PC Administration
 - TMOD-21-015 – Overlay and Base Zoning Conflict Mitigation
 - TMOD-21-016 – Supplemental Uses
- One final text amendment will be heard by the Planning Commission and City Council in February, TMOD-22-001 – Standardization of Definition and Terms
- Another full version of the Zoning Ordinance with track changes was prepared to help understand these five proposed text amendments dated today, January 13, 2022
- A summary table of the changes in TMOD-22-001 was also prepared to guide the reader through all the changes
- The Zoning Ordinance will be continuously changing, and some items identified through this update process will require further study and dedicated stakeholder involvement

Zoning Ordinance with Proposed Text Amendments is posted under meeting resources on City Calendar page for this Zoning Summit



City of Stonecrest, Georgia
Code of Ordinances
Chapter 27 - Zoning Ordinance

January 13, 2022 DRAFT

As codified in MuniCode (September 13, 2021) with the addition of the following approved amendments:

- TMOD-19-004 - Telecommunications
- TMOD-19-005 - Party House Ordinance
- TMOD-19-006 - Small Box Retail Store Ordinance
- TMOD-21-001 - Outdated references to the Comprehensive Plan
- TMOD-21-002 - Personal Care Homes Ordinance
- TMOD-21-003 - Gas Service Stations Ordinance
- TMOD-21-004 - Removal of Special Land Use Plan Exemptions in Overlays
- TMOD-21-005 - Allowance for Car Dealerships in the Stonecrest Area Overlay
- TMOD-21-006 - Replacement of outdated references to zoning districts in Stonecrest Area Overlay
- TMOD-21-007 - Private Permitting
- TMOD-21-008 - Administration
- TMOD-21-009 - Special Events
- TMOD-21-010 - Prohibited Uses
- TMOD-21-011 - Restrictions on Residential Conversion of Industrial Buildings
- TMOD-21-012 - Gravel Parking

And proposed amendments as recommended for approval by Staff or the Planning Commission (Highlighted):

- TMOD-21-013 - Mitigation between residential and industrial uses
- TMOD-21-014 - PC Administration
- TMOD-21-015 - Overlay and Base Zoning Conflict Mitigation
- TMOD-21-016 - Supplemental Uses
- TMOD-22-001 - Standardization of Definitions and Terms



TMOD-21-013

**Amendments to Mitigate the potential
conflicts between residential and
industrial uses**

TMOD-21-013

Residential-Industrial Potential Conflict Mitigation

Proposed amendment:

Amendment to the Stonecrest Zoning Ordinance, Chapter 27 to mitigate the potential conflicts between residential and industrial land uses.

Issues being addressed:

1. Authorization of light industrial uses in Tier 3 of the Stonecrest Area Overlay
2. Isolated residentially zoned land rezoned by DeKalb County from industrial that is not used for residential purposes
3. Lack of adequate buffers for newly developed or rezoned residential tracts next to industrial uses

TMOD-21-013, Part 1

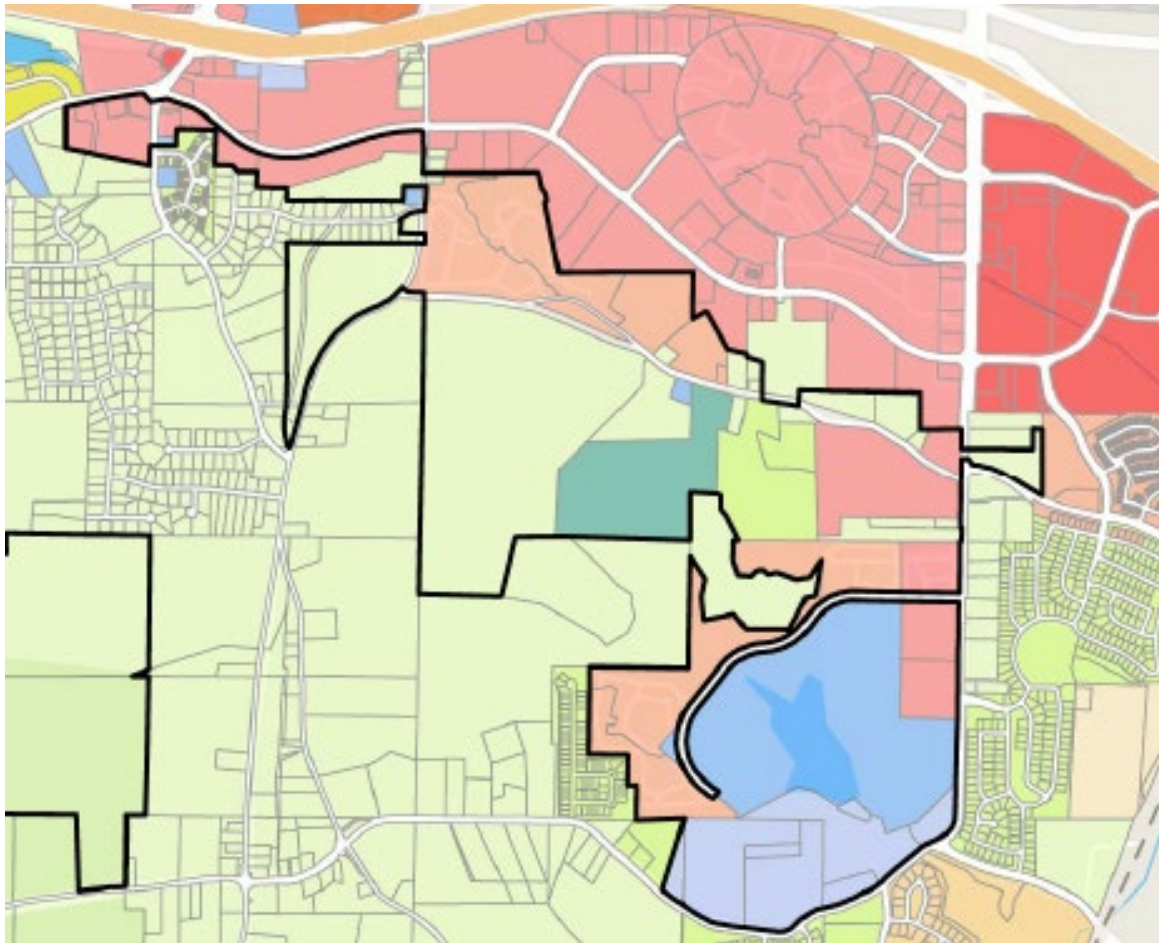
Tier 3 of the Stonecrest Area Overlay

Proposal: Remove light industrial zoning (M) from the list of authorized uses in Tier 3 of the Stonecrest Area Overlay

Reason for the proposal:

- **Tier 3** is the Low-Rise Mixed-Use Zone for which Sub-section 3.5.15.A. **authorizes all uses allowed in the M –light industrial district to be developed by right**, along with all uses allowed in C-1, C-2, O-I, OD, and MR-2
- **MR-2, Medium Density Residential District, in particular, allows a variety of residential uses**, including single family homes, multi-family homes, and townhouses. And several such residential development have been built or proposed under this authorization.
- **No industrial uses have yet to be built in Tier 3**, despite the allowance to do so, but certainly could, which could cause potential land use conflict due to noise, truck traffic, and emissions.

Stonecrest Area Overly, Tier 3 and underlying zoning



- C-1 - Local Commercial
- C-2 - General Commercial
- OIT - Office/Institutional/Transitional
- OI - Office/Institutional
- OD - Office/Distribution
- R-100 - Residential Med Lot
- R-85 - Residential Med Lot
- R-60 - Residential Small Lot
- RSM - Small Lot Residential
- MR-1 - Med Density Residential
- MR-2 - Med Density Residential
- MU-4 - Mixed-Use High Density

Authorized districts:
C-1, C-2, OI, OD, MR-2,
and **M**

TMOD-21-013, Part 1

Tier 3 of the Stonecrest Area Overlay

Recommended Text Change, TMOD-21-013, Part 1

Sec. 3.5.15. - Low-rise mixed-use zone (Tier III).

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

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office Distribution) District, ~~M(Light Industrial) District~~, and MR-2 (Medium Density Residential) District except those listed in B., [Prohibited Uses in Tier 3].

TMOD-21-013, Part 2

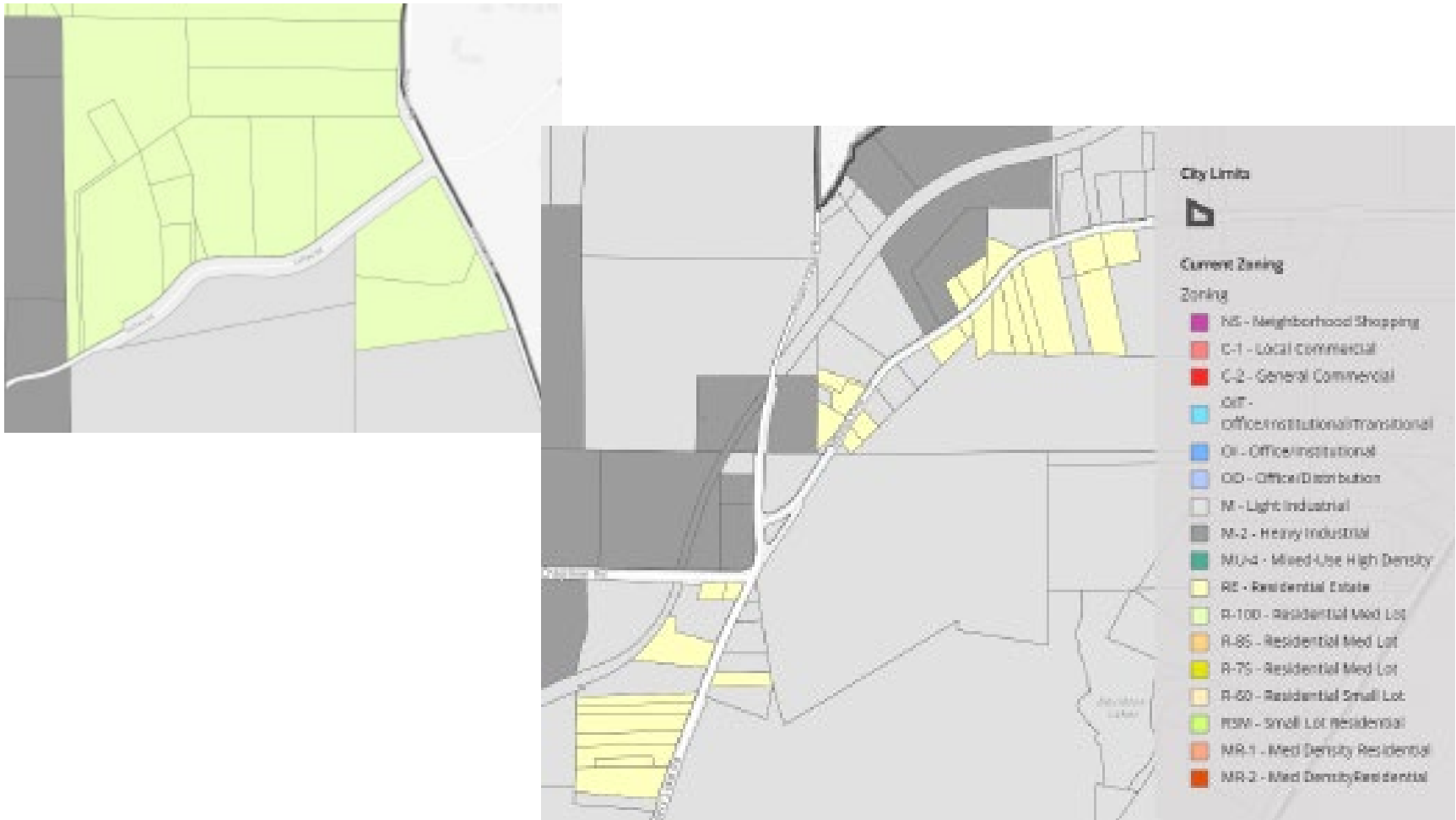
Reversion of previously zoned industrial property

Proposal: Add new section providing that residential parcels which have not been used as residences for twelve months, or which have been used for industrial purposes for twelve months, are deemed to have reverted to industrial zoning if they formerly were rezoned to residential from industrial.

Reason for the proposal:

- Several parcels along Maddox Road, Rogers Lake Road and Coffee Road were spot-zoned from the M (Light Industrial) District to residential in 1979
- The properties remain surrounded by or near Light Industrially zoned properties.
- The rezoning to residential for many of this parcels has failed, either because houses on them are now derelict and abandoned or because the properties are being illegally used for industrial purposes.

Zoning Map of the Maddox Road – Rogers Lake Area and Coffee Road Areas



TMOD-21-013, Part 2

Reversion of previously zoned industrial property

Recommended Text Change, TMOD-21-013, Part 2

[NEW]

Sec. 1.1.17. – Reversion of parcels which were rezoned from industrial to residential.

Any parcel which was rezoned by DeKalb County prior to incorporation from industrial to residential at the request of the owner, and is subsequently vacant for twelve months or is partly or entirely used for industrial purposes for twelve months shall be deemed to have reverted to the prior industrial zoning. Upon determining that a reversion has taken place, the planning director shall notify the property owner and shall begin a city-initiated rezoning of the property back to industrial for Planning Commission recommendation and City Council action.

TMOD-21-013, Part 3

SLUP Requirement for residential development adjacent to industrial

Proposal: Add new section requiring a Special Land Use Permit for new residential development adjoining to industrial.

Reason for the proposal:

- Locating new residential development adjoining industrially zoned land creates potential conflicts.
- There currently is no public hearing process for the adjoining industrial owner to be notified of the proposed residential development; to be apprised of the plans for the development; and to obtain a public hearing on the merits of the residential development and the potential negative impacts
- Imposing a SLUP requirement on residential development will require a full, public staff analysis and a full public hearing before the Planning Commission and City Council, with an opportunity for members of the Stonecrest Community and the adjoining industrial owners to be heard.

TMOD-21-013, Part 3

SLUP Requirement for residential development adjacent to industrial

Recommended Text Change, TMOD-21-013, Part 3

[NEW]

Sec. 4.2.70. – Special land use permit required for residential development adjoining to industrial.

A special land use permit shall be required for any proposed residential development or construction which is adjoining to industrially zoned parcel(s), unless one or more of the following criteria are met:

- A. A one hundred fifty (150) foot undisturbed transitional buffer zone exists or will be observed along the adjoining property line. The buffer zone may be within the residential parcel, the industrial parcel, or both.
- B. The industrial parcel is separated from the residentially zoned parcel by a stream buffer.
- C. The residential parcel is protected by conditions of zoning which were previously imposed on the industrial parcel for the purpose of protecting residential parcels.
- D. The residential parcel was rezoned from industrial to residential at the request of a present or former property owner and conditions of rezoning were imposed on the residential parcel for the purpose of protecting the residential parcel.

TMOD-21-013 Recommendation

Staff Recommended Approval of all three parts of TMOD-21-013:

1. Removal of M from the list of authorized uses in Tier 3 of the Stonecrest Area Overlay
2. Reversion of parcels which were rezoned from industrial to residential
3. Requirement for a SLUP for residential development adjacent to industrial zoning if adequate buffers are not in place

Planning Commission Recommended Deferral to allow time for more study.



TMOD-21-014

**Administration concerning the
actions by the Planning Commission**

TMOD-21-014

Administration – Planning Commission Actions

Proposed amendment:

Amendment to the Stonecrest Zoning Ordinance, Chapter 27, Article 7 – Administration concerning actions by the Planning Commission

Issues being addressed:

- At a recent work session, the City Council has requested that the provisions of the Article 7 of the Stonecrest Zoning Ordinance be revised to clarify the role and intent of all motions made by the Planning Commission.
- In particular, they want to limit all motions made by the Planning Commission to recommendations only to the City Council in keeping with their role as a recommending body.
- This would remove the ability of the Planning Commission to defer action on case before transmittal of the case to City Council.

Proposal: Clarify the list of motions that the Planning Commission can make at a public hearing.

Reasons for proposal: To simplify the and shorten the rezoning process.

TMOD-21-014

Recommended Changes

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 of deferral of an application 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.

TMOD-21-014 Recommendation

Staff recommended Approval

Planning Commission recommended Denial



TMOD-21-015
Overlay Districts

TMOD-21-015

Overlay Districts

Proposed amendment:

Amendment to the Stonecrest Zoning Ordinance, Chapter 27, Article 3 – Overlay Districts to address the rezoning and recording of property developed as permitted by an overlay districts which is inconsistent with the uses permitted by the underlying zoning

Purpose:

To clarify and define the provisions of the code that apply to underlying, authorized and governing zoning districts within the overlays

Summary of Recommended Changes:

Staff recommended text amendments are highlighted in the Track Changes version of the Zoning Ordinance provided online. These changes include new definitions, and requirements for recording of governing zoning districts, and possible city- initiated rezoning in situation of inconsistency between new development and underlying zoning.

TMOD-21-015

New Definitions

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.

District, base zoning– see Underlying District

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, 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, 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 describe what uses are permitted or authorized to be developed within that overlay zoning 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

TMOD-21-015

Overlay Districts, Issues being addressed

1. The Overlay Zones allow uses to be constructed that are inconsistent with the underlying zoning district.
 - For example, Tier 1 of the Stonecrest Area Overlay allows the construction of uses permitted in C1, C2, OI, OD, and HR-2, regardless of the underlying zoning.
 - C1, C2, OI, OD and HR-2 would be considered authorizing districts, since all land uses authorized in these districts are permitted within the Tier unless they are strictly prohibited by the Tier.
2. Sec. 3.1.1 states “All development and building permits for lots located, in whole or in part, within any overlay district shall meet all of the regulations of the underlying zoning district in which they are located as well as all of the regulations of the applicable overlay district.” This means that besides the uses permitted by the authorizing district, the uses allowed by the underlying district are permitted as well.

TMOD-21-015

Overlay Districts, Issues being addressed

3. Sometimes development is requested that is authorized but neither the underlying zoning nor the regulations of the overlay district offer guidance as to how they should be designed.
 - For example, there have been situations where the underlying zoning is C-1, but the authorized use is townhomes or single-family homes, which are permitted under HR-2. One would assume the development standards of HR-2 would be controlling, but it is not stated in the code.
4. Another issue is that there have been legal authorized uses built that do not conform to the underlying zoning, so the base zoning does not reflect the existing use on the property.
 - This creates an issue when a provision of the zoning ordinance is triggered by the presence of a neighboring district, the best example of which is a buffer requirement.

TMOD-21-015

Overlay Districts

Recommended text changes

Sec 3.1.1. Overlay districts generally

[New subsections]

- H. When a plan package for a proposed development is submitted for conceptual plan review or a final design package approval for a land disturbance or building permit application, **the governing district related to design or dimensional standards by which the development will be reviewed under must be clearly stated.** That governing district standards must be associated with either the underlying zoning district, or an authorized district as permitted by the applicable Overlay Tier at the time of application submittal.
- I. **If the governing district does not match the existing underlying district, the city may initiate a rezoning of the underlying property to the governing district, with property owner approval,** at any point after final plat approval or the issuance of a Certification of Occupancy.

Sections 3.1.3, 3.1.4 and 3.1.5 – insertion of statements requiring a statement of which governing district standards will be applied in conceptual plan review or final design package approval, including final plat. **See track changes in draft zoning ordinance, January 13, 2022 version.**



TMOD-21-016
Supplemental Uses

TMOD-21-016

Supplemental Uses

Proposed amendment:

Amendment to the Stonecrest Zoning Ordinance, Chapter 27, Article 4 – Supplemental Use Provisions, including provisions for Solar Energy, Distilleries and Breweries, and Towing and Wreckage Services.

Issues being addressed:

- The Zoning Ordinance permits several uses that need further definition and supplemental use criteria for proper administration.
- Distillery and brewery related uses should be defined by scale of operation and type of customer interaction, making distinction between commercial use and industrial use.
- Towing and Wreckage Services sites should be screened from view similar to how gravel parking lots are to improve community aesthetics
- Solar energy generation as an accessory use does exist in community but there is no definition or regulations regarding their use.

TMOD-21-016

Distillery and brewery related uses

Proposed amendment with regard to brewery and distillery related uses:

- Add definitions for brewpub, craft brewery, craft distillery, growler, growler store, large-scale brewery, and large-scale distillery
- Revise permitted use table, Section 4.3.1

	NS	C-1	C-2	M	M-2	MU Districts	See Section 4.2
Brewpub/ Beer Growler, accessory	P	P	P	P		P	
Craft Brewery		P	P	P		SP	✓
Craft Distillery		P	P	P		SP	✓
Large scale brewery					P		
Large scale Distillery					P		

TMOD-21-016

Distillery and brewery related uses

New supplemental use regulations, Sec. 4.2.59 Craft breweries and Craft Distilleries

- (1) Shall be subject to all regulations of Chapter 4 of the Stonecrest Code of Ordinances concerning alcoholic beverages:
- (2) Shall be a maximum of 20,000 square feet.
- (3) No outdoor public address system shall be permitted
- (4) Production space shall be in a wholly enclosed building.

TMOD-21-016

Towing and Wreckage Services

Sec. 4.2.60 Towing Wreckage Service

- A. ~~Vehicles shall not be stored at tow service properties or automobile recovery and storage facilities for a period longer than fourteen (14) days. This provision does not apply to vehicle storage yards, used motor vehicle dealerships, used motor vehicle parts dealerships, or automobile salvage yards. Records showing the arrival of each vehicle at a tow service property or an automobile recovery and storage facility must be kept by the owner/operator of a business.~~
- B. All wrecked or inoperable vehicles shall be drained of all liquids, including but not limited to gasoline, diesel, transmission fluid, brake fluid, and engine oil, within forty-eight (48) hours of delivery to tow service properties or automobile recovery and storage facilities.
- C. Any area of the site used for the short-term storage of car 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.
- D. The parking area shall be at least 25 feet from the street right-of-way.
- E. 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 caliber, and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched
- F. The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met.
- G. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality.

TMOD-21-016

Solar Energy Systems

- Added new definition, Sec 9.1.3, for Solar Energy System (SES) and associated types of SESs including Integrated Solar Energy System, Rooftop Solar Energy System, and Ground Mounted Solar Energy System
- Added new supplemental use criteria for SES, principal use and SES, accessory use, Sections 4.2.60 and 4.2.61, (See Agenda Packet)
- Added new section to the permitted use table allowing SES in all districts either as permitted (P) accessory uses (Pa), special administrative approval (SA) or special uses subject to SLUP (SP).

SOLAR ENERGY SYSTEMS (SES)																										
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR 1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2	
Integrated SES	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	✓
Rooftop SES	Pa	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	Pa	SA	SA	SA	SA	SA	SA	Pa	Pa	SA	SA	SA	SA	SA	✓
Ground Mounted SES, Small Scale	Pa	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Pa	Pa	Pa	Pa	Pa	Pa	P	P	SP	SP	SP	SP	SP	✓
Ground Mounted SES, Intermediate Scale	SP	SP	SP									SP							P	P						✓
Ground Mounted SES, Large Scale	SP	SP										SP							SP	SP						✓



TMOD-22-001
Standardization of Terms and
Definitions

TMOD-22-001

Standardization of Terms and Definitions

Proposed amendment:

Amendment to the Stonecrest Zoning Ordinance, Chapter 27 to standardize terms and definitions used throughout the Chapter and to clarify uses allowed in the districts.

Issues being addressed:

- Multiple terms used for the same use
- Missing definitions
- Too fine a detail in lists of allowed commercial uses
- Difficulty in reading the permitted use table
- General inconsistencies in cross references caused by multiple text amendments and changing section numbers

TMOD-22-001

Summary of Proposed Changes

- There is a 16-page Summary Table of all the changes to help guide the reviewer that
- Changes can be found throughout the Zoning Ordinance, but specifically in Chapters 2, 3, 4, 6, 7 and 9
- Highlights of the changes include:
 - Use lists added to Chapter 2 under each of zoning district provisions
 - Updated Use Tables with the shorter list of uses
 - Listed of commercial uses were simplified
 - Some housekeeping items due to the multiple 2021 text amendments were also addressed such as section numbering, deletion of some outdated tables and clarification of terms

Other Items, Questions, or
Comments?