

The following uses are permitted as accessory only to a principal use:

1. Residential
  - a. Accessory uses and structures
  - b. Dwelling, single-family , accessory (guesthouse, in-law suite); see section 4.2
2. Institutional/Public
  - a. Educational use, private; see section 4.2
  - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2
3. Commercial
  - a. Fitness center

[TMOD-22-001]

### Sec. 2.3.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.3.3))

### Sec. 2.3.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.3.4))

## *DIVISION 4. RLG (RESIDENTIAL LARGE LOT) DISTRICT*

### Sec. 2.4.1. Statement of purpose and intent.

The purpose and intent of the City Council in establishing the RLG (Residential Large Lot) District is as follows:

- A. To provide for the protection of neighborhoods within City of Stonecrest where lots have a minimum area of 20,000 square feet, but may have narrow lot widths;
- B. To provide for compatible infill development in neighborhoods;
- C. To provide protections for existing development as new subdivisions are created;
- D. To respond to existing site development conditions and patterns;
- E. To ensure that the uses and structures authorized in the RLG (Residential Large Lot) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents;

G. To implement the future development map of the city's comprehensive plan.  
(Ord. of 8-2-2017, § 1(2.4.1))

**Sec. 2.4.2. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.4.2)) [TMOD-22-001]

**A. Permitted Uses**

The following uses are permitted as of right under this code:

1. Agricultural Activities
  - a. Keeping of livestock; see section 4.2
  - b. Keeping of poultry/pigeons; see section 4.2
  - c. Riding academies or stables; see section 4.2
  - d. Urban Community Garden, up to 5 acres; see section 4.2
2. Residential
  - a. Dwelling, single-family (detached)
3. Institutional/Public
  - a. Golf course or clubhouse, public or private; see section 4.2
  - b. Government facilities
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
  - d. School, public kindergarten, elementary, middle or high schools
4. Communications – Utility
  - a. Essential services
  - b. Satellite television antenna; see section 4.2
5. Wireless Telecommunications
  - a. Carrier on Wheels (declared emergency); see section 4.2

**B. Special Administrative Uses**

The following uses are permitted only with administrative approval:

1. Agricultural
  - a. Urban, community garden, over 5 acres
2. Residential
  - a. Home occupation, no customer contact; see section 4.2
  - b. Party house
3. Commercial
  - a. Farmer's market, temporary/seasonal; see section 4.2
  - b. Temporary outdoor retail sales; see section 4.2
  - c. Temporary outdoor sales or events, seasonal; see section 4.2
  - d. Temporary produce stand; see section 4.2
  - e. Temporary trailer, as home sales office or construction trailer; see section 4.2
4. Wireless Telecommunications
  - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
  - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

**C. Special Land Use Permit**

The following uses are permitted only with a special land use permit:

1. Residential
  - a. Bed and breakfast establishment; see section 4.2
  - b. Home occupation, with customer contact; see section 4.2
  - c. Child care home, 5 or less; see section 4.2
  - d. Convents or monasteries; see section 4.2
  - e. Personal care home, 6 or less; see section 4.2
  - f. Senior housing; see section 4.2
  - g. Short-term vacation rental
2. Institutional/Public
  - a. Cemetery, columbarium, mausoleum; see section 4.2
  - b. Places of worship; see section 4.2
  - c. Recreation club; see section 4.2
  - d. School, private kindergarten, elementary, middle or high schools; see section 4.2
  - e. Swimming pools, commercial; see section 4.2
3. Commercial
  - a. Adult daycare facility, up to 6; see section 4.2
  - b. Child day care facility, up to 6; see section 4.2
  - c. Kennel, noncommercial
4. Communication – Utility
  - a. Amateur radio service or antenna; see section 4.2
5. Wireless Telecommunication
  - a. New support structure from 51 feet to 150 feet; see section 4.2

**D. Permitted Accessory**

The following uses are permitted as accessory only to a principal use:

1. Residential
  - a. Accessory uses and structures
  - b. Dwelling, single-family , accessory (guesthouse, in-law suite); see section 4.2
2. Institutional/Public
  - a. Educational use, private; see section 4.2
  - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2
3. Commercial
  - a. Fitness center

[TMOD-22-001]

**Sec. 2.4.3. Dimensional requirements.**

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

(Ord. of 8-2-2017, § 1(2.4.3))

**Sec. 2.4.4. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.4.4))

### *DIVISION 5. R-100 (RESIDENTIAL MEDIUM LOT-100) DISTRICT*

#### **Sec. 2.5.1. Statement of purpose and intent.**

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

- A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 15,000 square feet;
- B. To provide for compatible infill development in neighborhoods;
- C. To provide protections for existing development as new subdivisions are created;
- D. To provide flexibility in design on the interior of new development while protecting surrounding development;
- E. To ensure that the uses and structures authorized in the R-100 (Residential Medium Lot-100) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents; and
- G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.5.1))

#### **Sec. 2.5.2. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.5.2)) [TMOD-22-001]

##### **A. Permitted Uses**

The following uses are permitted as of right under this code:

- 1. Agricultural Activities
  - a. Keeping of livestock; see section 4.2
  - b. Keeping of poultry/pigeons; see section 4.2
  - c. Riding academies or stables; see section 4.2
  - d. Urban Community Garden, up to 5 acres; see section 4.2
- 2. Residential
  - a. Dwelling, single-family (detached)
- 3. Institutional/Public
  - a. Golf course or clubhouse, public or private; see section 4.2
  - b. Government facilities
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2

- d. School, public kindergarten, elementary, middle or high schools
- 4. Communications – Utility
  - a. Essential services
  - b. Satellite television antenna; see section 4.2
- 5. Wireless Telecommunications
  - a. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
  - The following uses are permitted only with administrative approval:
    - 1. Agricultural
      - a. Urban, community garden, over 5 acres
    - 2. Residential
      - a. Home occupation, no customer contact; see section 4.2
    - 3. Commercial
      - a. Farmer’s market, temporary/seasonal; see section 4.2
      - b. Temporary outdoor retail sales; see section 4.2
      - c. Temporary outdoor sales or events, seasonal; see section 4.2
      - d. Temporary produce stand; see section 4.2
      - e. Temporary trailer, as home sales office or construction trailer; see section 4.2
    - 4. Wireless Telecommunications
      - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
      - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
      - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit
  - The following uses are permitted only with a special land use permit:
    - 1. Residential
      - a. Bed and breakfast establishment; see section 4.2
      - b. Home occupation, with customer contact; see section 4.2
      - c. Child care home, 5 or less; see section 4.2
      - d. Convents or monasteries; see section 4.2
      - e. Personal care home, 6 or less; see section 4.2
      - f. Senior housing; see section 4.2
      - g. Short-term vacation rental
    - 2. Institutional/Public
      - a. Cemetery, columbarium, mausoleum; see section 4.2
      - b. Places of worship; see section 4.2
      - c. Recreation club; see section 4.2
      - d. School, private kindergarten, elementary, middle or high schools; see section 4.2
      - e. Swimming pools, commercial; see section 4.2
    - 3. Commercial
      - a. Adult daycare facility, up to 6; see section 4.2
      - b. Child day care facility, up to 6; see section 4.2

- c. Kennel, noncommercial
- 4. Communication – Utility
  - a. Amateur radio service or antenna; see section 4.2
- 5. Wireless Telecommunication
  - a. New support structure from 51 feet to 150 feet; see section 4.2
- D. Permitted Accessory
  - The following uses are permitted as accessory only to a principal use:
    - 1. Residential
      - a. Accessory uses or structures
      - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2
    - 2. Institutional/Public
      - a. Educational use, private; see section 4.2
      - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2
    - 3. Commercial
      - a. Fitness center

[TMOD-22-001]

**Sec. 2.5.3. Dimensional requirements.**

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

(Ord. of 8-2-2017, § 1(2.5.3))

**Sec. 2.5.4. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.5.4))

*DIVISION 6. R-85 (RESIDENTIAL MEDIUM LOT-85) DISTRICT*

**Sec. 2.6.1. Statement of purpose and intent.**

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

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

(Ord. of 8-2-2017, § 1(2.6.1))

**Sec. 2.6.2. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.6.2)) [TMOD-22-001]

**A. Permitted Uses**

The following uses are permitted as of right under this code:

**1. Agricultural Activities**

- a. Keeping of livestock; see section 4.2
- b. Keeping of poultry/pigeons; see section 4.2
- c. Riding academies or stables; see section 4.2
- d. Urban Community Garden, up to 5 acres; see section 4.2

**2. Residential**

- a. Dwelling, single-family (detached)

**3. Institutional/Public**

- a. Golf course or clubhouse, public or private; see section 4.2
- b. Government facilities
- c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
- d. School, public kindergarten, elementary, middle or high schools

**4. Communications – Utility**

- a. Essential services
  - b. Satellite television antenna; see section 4.2
5. Wireless Telecommunications
- a. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
- The following uses are permitted only with administrative approval:
- 1. Agricultural
    - a. Urban, community garden, over 5 acres
  - 2. Residential
    - a. Home occupation, no customer contact; see section 4.2
  - 3. Commercial
    - f. Farmer's market, temporary/seasonal; see section 4.2
    - g. Temporary outdoor retail sales; see section 4.2
    - h. Temporary outdoor sales or events, seasonal; see section 4.2
    - i. Temporary produce stand; see section 4.2
    - j. Temporary trailer, as home sales office or construction trailer; see section 4.2
  - 4. Wireless Telecommunications
    - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
    - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit
- The following uses are permitted only with a special land use permit:
- 1. Residential
    - a. Home occupation, with customer contact; see section 4.2
    - b. Child care home, 5 or less; see section 4.2
    - c. Convents or monasteries; see section 4.2
    - d. Personal care home, 6 or less; see section 4.2
    - e. Senior housing; see section 4.2
  - 2. Institutional/Public
    - a. Cemetery, columbarium, mausoleum; see section 4.2
    - b. Places of worship; see section 4.2
    - c. Recreation club; see section 4.2
    - d. School, private kindergarten, elementary, middle or high schools; see section 4.2
    - e. Swimming pools, commercial; see section 4.2
  - 3. Commercial
    - a. Adult daycare facility, up to 6; see section 4.2
    - b. Child day care facility, up to 6; see section 4.2
    - c. Kennel, noncommercial
  - 4. Communication – Utility
    - b. Amateur radio service or antenna; see section 4.2



5. Wireless Telecommunication
  - a. New support structure from 51 feet to 150 feet; see section 4.2

**D. Permitted Accessory**

The following uses are permitted as accessory only to a principal use:

1. Residential
  - a. Accessory uses or structures
  - b. Dwelling, single-family , accessory (guesthouse, in-law suite); see section 4.2
2. Institutional/Public
  - a. Educational use, private; see section 4.2
  - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2
3. Commercial
  - a. Fitness center

[TMOD-22-001]

**Sec. 2.6.3. Dimensional requirements.**

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

(Ord. of 8-2-2017, § 1(2.6.3))

**Sec. 2.6.4. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.6.4))

*DIVISION 7. R-75 (RESIDENTIAL MEDIUM LOT-75) DISTRICT*

**Sec. 2.7.1. Statement of purpose and intent.**

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

- A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 10,000 square feet;
- B. To provide for compatible infill development in neighborhoods;
- C. To provide protections for existing development as new subdivisions are created;
- D. To provide flexibility in design on the interior of new development while protecting surrounding development;

- E. To ensure that the uses and structures authorized in the R-75 (Residential Medium Lot-75) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents;
- G. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.7.1))

### Sec. 2.7.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.7.2)) [TMOD-22-001]

#### A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
  - a. Keeping of livestock; see section 4.2
  - b. Keeping of poultry/pigeons; see section 4.2
  - c. Riding academies or stables; see section 4.2
  - d. Urban Community Garden, up to 5 acres; see section 4.2
2. Residential
  - a. Dwelling, single-family (detached)
3. Institutional/Public
  - a. Golf course or clubhouse, public or private; see section 4.2
  - b. Government facilities
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
  - d. School, public kindergarten, elementary, middle or high schools
4. Communications – Utility
  - a. Essential services
  - b. Satellite television antenna; see section 4.2
5. Wireless Telecommunications
  - b. Carrier on Wheels (declared emergency); see section 4.2

#### B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural
  - a. Urban, community garden, over 5 acres
2. Residential
  - a. Home occupation, no customer contact; see section 4.2

3. Commercial

- a. Farmer's market, temporary/seasonal; see section 4.2
- b. Temporary outdoor retail sales; see section 4.2
- c. Temporary outdoor sales or events, seasonal; see section 4.2
- d. Temporary produce stand; see section 4.2
- e. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications

- a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
- b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
- c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential

- a. Home occupation, with customer contact; see section 4.2
- b. Child care home, 5 or less; see section 4.2
- c. Convents or monasteries; see section 4.2
- d. Personal care home, 6 or less; see section 4.2
- e. Senior housing; see section 4.2

2. Institutional/Public

- a. Cemetery, columbarium, mausoleum; see section 4.2
- b. Places of worship; see section 4.2
- c. Recreation club; see section 4.2
- d. School, private kindergarten, elementary, middle or high schools; see section 4.2
- e. Swimming pools, commercial; see section 4.2

3. Commercial

- a. Adult daycare facility, up to 6; see section 4.2
- b. Child day care facility, up to 6; see section 4.2
- c. Kennel, noncommercial

4. Communication – Utility

- a. Amateur radio service or antenna; see section 4.2

5. Wireless Telecommunication

- a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential

- a. Accessory uses or structures
- b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public

- a. Educational use, private; see section 4.2
- b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

- 3. Commercial
- a. Fitness center

[TMOD-22-001]

**Sec. 2.7.3. Dimensional requirements.**

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

(Ord. of 8-2-2017, § 1(2.7.3))

**Sec. 2.7.4. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.7.4))

*DIVISION 8. R-60 (RESIDENTIAL SMALL LOT-60) DISTRICT*

**Sec. 2.8.1. Statement of purpose and intent.**

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

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

(Ord. of 8-2-2017, § 1(2.8.1))

**Sec. 2.8.2. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.8.2)) [TMOD-22-001]

**A. Permitted Uses**

The following uses are permitted as of right under this code:

1. Agricultural Activities
  - a. Keeping of livestock; see section 4.2
  - b. Keeping of poultry/pigeons; see section 4.2
  - c. Riding academies or stables; see section 4.2
  - d. Urban Community Garden, up to 5 acres; see section 4.2
2. Residential
  - a. Dwelling, cottage home
  - b. Dwelling, single-family (detached)
3. Institutional/Public
  - a. Golf course or clubhouse, public or private; see section 4.2
  - b. Government facilities
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
  - d. School, public kindergarten, elementary, middle or high schools
4. Communications – Utility
  - a. Essential services
  - b. Satellite television antenna; see section 4.2
5. Wireless Telecommunications
  - a. Carrier on Wheels (declared emergency); see section 4.2

**B. Special Administrative Uses**

The following uses are permitted only with administrative approval:

1. Agricultural
  - a. Urban, community garden, over 5 acres
2. Residential
  - a. Home occupation, no customer contact; see section 4.2
3. Commercial
  - a. Farmer’s market, temporary/seasonal; see section 4.2
  - b. Temporary outdoor retail sales; see section 4.2
  - c. Temporary outdoor sales or events, seasonal; see section 4.2
  - d. Temporary produce stand; see section 4.2
  - e. Temporary trailer, as home sales office or construction trailer; see section 4.2
4. Wireless Telecommunications
  - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)

- b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
- c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

**C. Special Land Use Permit**

The following uses are permitted only with a special land use permit:

**1. Residential**

- a. Home occupation, with customer contact; see section 4.2
- b. Child care home, 5 or less; see section 4.2
- c. Convents or monasteries; see section 4.2
- d. Personal care home, 6 or less; see section 4.2
- e. Senior housing; see section 4.2

**2. Institutional/Public**

- a. Cemetery, columbarium, mausoleum; see section 4.2
- b. Places of worship; see section 4.2
- c. Recreation club; see section 4.2
- d. School, private kindergarten, elementary, middle or high schools; see section 4.2
- e. Swimming pools, commercial; see section 4.2

**3. Commercial**

- a. Adult daycare facility, up to 6; see section 4.2
- b. Child day care facility, up to 6; see section 4.2

**4. Communication – Utility**

- a. Amateur radio service or antenna; see section 4.2

**5. Wireless Telecommunication**

- a. New support structure from 51 feet to 150 feet; see section 4.2

**D. Permitted Accessory**

The following uses are permitted as accessory only to a principal use:

**1. Residential**

- a. Accessory uses or structures
- b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2

**2. Institutional/Public**

- a. Educational use, private; see section 4.2
- b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

**3. Commercial**

- a. Fitness center

[TMOD-22-001]

**Sec. 2.8.3. Dimensional requirements.**

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

(Ord. of 8-2-2017, § 1(2.8.3))

#### **Sec. 2.8.4. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.8.4))

### *DIVISION 9. MHP (MOBILE HOME PARK) DISTRICT*

#### **Sec. 2.9.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the MHP (Mobile Home Park) District is as follows:

- A. To provide locations within the city for the location of mobile home parks.
- B. To provide for the development of accessory uses that are necessary in order to provide appropriate recreational and educational opportunities to residents.

(Ord. of 8-2-2017, § 1(2.9.1))

#### **Sec. 2.9.2. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.9.2)) [TMOD-22-001]

##### **A. Permitted Uses**

The following uses are permitted as of right under this code:

1. Agricultural Activities
  - a. Keeping of livestock; see section 4.2
  - b. Keeping of poultry/pigeons; see section 4.2
  - c. Riding academies or stables; see section 4.2
  - d. Urban Community Garden, up to 5 acres; see section 4.2
2. Residential
  - a. Dwelling, mobile home; see section 4.2
  - b. Dwelling, single-family (detached)
  - c. Mobile home park
3. Institutional/Public
  - a. Golf course or clubhouse, public or private; see section 4.2
  - b. Government facilities
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
  - d. School, public kindergarten, elementary, middle or high schools
4. Commercial
  - a. Adult daycare center, 7 or more; see section 4.2
  - b. Child day care center (kindergarten), 7 or more

5. Communications – Utility

- a. Essential services
- b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications

- a. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural

- a. Urban, community garden, over 5 acres

2. Residential

- a. Home occupation, no customer contact; see section 4.2

3. Commercial

- a. Farmer's market, temporary/seasonal; see section 4.2
- b. Temporary outdoor retail sales; see section 4.2
- c. Temporary produce stand; see section 4.2
- d. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications

- a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
- b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential

- a. Home occupation, with customer contact; see section 4.2
- b. Senior housing; see section 4.2

2. Institutional/Public

- a. School, private kindergarten, elementary, middle or high schools; see section 4.2
- b. Swimming pools, commercial; see section 4.2

3. Communication – Utility

- b. Amateur radio service or antenna; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential

- a. Accessory uses or structures

2. Institutional/Public

- a. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial

- a. Fitness center

[TMOD-22-001]



**Sec. 2.9.3. Dimensional requirements.**

Dimensional requirements for the MHP (Mobile Home Park) District shall be as provided in Table 2.2, Residential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.9.3))

**Sec. 2.9.4. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.9.4))

**Sec. 2.9.5. Transitional buffer zone requirement.**

Where a lot in the MHP (Mobile Home Park) District is used for attached single-family dwellings and adjoins the boundary of any property in a Residential Single-Family District, except property on which is located a single-family attached development, a transitional buffer zone not less than 50 feet in width shall be provided and maintained in a natural state. In addition, a screening fence not less than six feet in height shall be erected and maintained either along the property line or within the transitional buffer zone separating the use from the adjoining single-family residential property.

(Ord. of 8-2-2017, § 1(2.9.5))

***DIVISION 10. RNC (RESIDENTIAL NEIGHBORHOOD CONSERVATION) DISTRICT***

**Sec. 2.10.1. Scope of provisions.**

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

(Ord. of 8-2-2017, § 1(2.10.1))

**Sec. 2.10.2. Statement of purpose and intent.**

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

- A. To encourage creative residential planning and development within the city that will preserve unique environmental features and be consistent with the comprehensive land use plan and preserves existing natural trees and vegetation;

- B. To conserve significant areas of useable greenspace within single-family neighborhoods in the Rural and Suburban character areas of the comprehensive plan;
- C. To provide a residential development that permits flexibility of design in order to promote environmentally sensitive and efficient use of land in compliance with the Code;
- D. To promote construction of accessible landscaped walking trails and bike paths both within subdivisions and, where possible, connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles;
- E. To preserve natural features, specimen trees, historic buildings, archaeological sites and establish a sense of community;
- F. To improve water quality and reduce runoff and soil erosion by reducing the total amount of clearing, grading, and paving, within the total area of a development;
- G. To encourage efficient community design that reduces infrastructure maintenance and public service costs borne by the city; and
- H. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.10.2))

### Sec. 2.10.3. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.10.3)) [TMOD-22-001]

#### A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
  - a. Keeping of livestock; see section 4.2
  - b. Keeping of poultry/pigeons; see section 4.2
  - c. Riding academies or stables; see section 4.2
  - d. Urban Community Garden, up to 5 acres; see section 4.2
2. Residential
  - a. Dwelling, cottage home
  - b. Dwelling, single-family (detached)
  - c. Dwelling; three family; see section 4.2
  - d. Dwelling, townhouse; see section 4.2
  - e. Dwelling, two-family; see section 4.2
3. Institutional/Public
  - a. Golf course or clubhouse, public or private; see section 4.2
  - b. Government facilities
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
  - d. School, public kindergarten, elementary, middle or high schools
4. Communications – Utility
  - a. Essential services

- b. Satellite television antenna; see section 4.2
- 5. Wireless Telecommunications
  - a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
  - The following uses are permitted only with administrative approval:
  - 1. Agricultural
    - a. Urban, community garden, over 5 acres
  - 2. Residential
    - a. Home occupation, no customer contact; see section 4.2
  - 3. Commercial
    - a. Farmer's market, temporary/seasonal; see section 4.2
    - b. Temporary outdoor retail sales; see section 4.2
    - c. Temporary outdoor sales or events, seasonal; see section 4.2
    - d. Temporary produce stand; see section 4.2
    - e. Temporary trailer, as home sales office or construction trailer; see section 4.2
  - 4. Wireless Telecommunications
    - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
    - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit
  - The following uses are permitted only with a special land use permit:
  - 1. Residential
    - a. Home occupation, with customer contact; see section 4.2
    - b. Child care home, 5 or less; see section 4.2
    - c. Convents or monasteries; see section 4.2
    - d. Personal care home, 6 or less; see section 4.2
    - e. Senior housing; see section 4.2
  - 2. Institutional/Public
    - a. Places of worship; see section 4.2
    - b. Recreation club; see section 4.2
    - c. School, private kindergarten, elementary, middle or high schools; see section 4.2
    - d. Swimming pools, commercial; see section 4.2
  - 3. Commercial
    - a. Adult daycare facility, up to 6; see section 4.2
    - b. Child day care facility, up to 6; see section 4.2
- D. Permitted Accessory
  - The following uses are permitted as accessory only to a principal use:
  - 1. Residential
    - a. Accessory uses or structures

b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public

a. Educational use, private; see section 4.2

b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial

a. Fitness center

[TMOD-22-001]

**Sec. 2.10.4. Scaled site plan.**

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

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

(Ord. of 8-2-2017, § 1(2.10.4))

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**Sec. 2.10.5. Calculation and design of greenspace.**

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

- A. The allotted greenspace shall comprise at least 30 percent of the total land area excluding the undevelopable areas as identified in subsection B of this section. No part of any single-family detached residential lot, private street, private drive, or street right-of-way, front yard setback, nor any area utilized for side-to-side building separation except when used for a path or sidewalk connection to greenspace, shall count towards greenspace.
- B. Land containing any of the following features shall not be included for the purposes of calculating whether a site plan and any subsequent development meets the greenspace requirement:
  - 1. Streams and stream buffers;
  - 2. Wetlands;
  - 3. Rock outcroppings;
  - 4. Slopes steeper than 1:2 slope;
  - 5. Sites of archaeological significance;
  - 6. Floodplains; or
  - 7. Areas intended to be dedicated for right-of-way as shown on the scaled site plan submitted in compliance with section 2.10.4.
- C. For properties ten acres or less, at least 50 percent of the allotted greenspace shall be in an area or areas that each measure a minimum 200 square feet. For properties greater than ten acres, at least 50 percent of the allotted greenspace shall be contiguous and shall be a minimum width of 50 feet. Paths, bike paths and trails do not have to comply with the minimum width requirements set forth in this subsection.
- D. Greenspace may consist of and be designed for the following uses only:
  - 1. Natural undisturbed areas;
  - 2. Active recreation areas;
  - 3. Community gathering places;
  - 4. Trails and greenways;
  - 5. Bikeways and paths;
  - 6. Asphalt or concrete bikeways and paths with a maximum width of eight feet;
  - 7. Landscaped stormwater management facilities, which are constructed as part of an on-site stormwater mitigation site design feature and which are graded such that no safety fencing is required;
  - 8. Mature wooded areas; or
  - 9. Specimen trees, as defined in chapter 14 of this Code.
- E. No impervious surface, except:
  - (1) Areas used for active recreation;
  - (2) Historic buildings or historic sites; and

- (3) Asphalt or concrete bike paths and paths with a maximum width of eight feet, may be considered in the greenspace calculation.

Paths that require grading must not damage critical root zones of specimen trees.

- F. Preserved historic buildings or sites may be included in greenspace if intended to be for the common use and benefit of all residents of the subdivision.
- G. All dwelling units shall be provided with safe, convenient access to all greenspaces throughout the development in the form of a pedestrian circulation system consisting of structurally improved pedestrian paths and/or sidewalks, which shall be a minimum width of five feet and shall be connected so that there are no breaks in the walkable surface of the pedestrian circulation system, except where the path or sidewalk connects to a greenspace. All greenspaces shall have a minimum of two points of pedestrian access.
- H. Greenspace shall connect with other greenspace areas and trails on adjacent property where possible.
- I. Active recreation areas may be included in greenspace and shall be required in any RNC (Residential Neighborhood Conservation) District that contains 100 or more units. A conservation subdivision located in an RNC (Residential Neighborhood Conservation) District that contains between 100 and 200 units, inclusive, shall include an active recreation area of at least one acre in size. A conservation subdivision located in an RNC (Residential Neighborhood Conservation) District that contains more than 200 units, shall include a minimum of either a single active recreation area of at least two acres in size or two active recreation areas that are each at least one acre in size. No active recreation area may be located within any wetland, stream buffer, or rock outcropping.

(Ord. of 8-2-2017, § 1(2.10.5))

**Sec. 2.10.6. Development standards and permitted uses.**

- A. Property within an RNC (Residential Neighborhood Conservation) District shall have a minimum of seven acres.
- B. Specimen trees located outside of the buildable area of a lot shall be preserved subject to the review of the city arborist.
- C. Active recreation areas, greenspace, stormwater management facilities, trails, bikeways, and paths, as approved, shall be installed prior to the recording of the conservation subdivision final plat.
- D. There shall be no impervious surfaces within the 75-foot stream buffer, except as provided for above in sections 2.10.5.D.4 through 6. Such encroachments into the stream buffer shall only be permissible in accordance with variances as allowed by chapter 14 of this Code.

(Ord. of 8-2-2017, § 1(2.10.6))

**Sec. 2.10.7. Minimum lot width; minimum lot size; building setback; street width; and private drive width requirements.**

- A. The following standards shall apply to all single-family detached dwellings, other than condominiums and fee simple condominiums, located in RNC (Residential Neighborhood Conservation) District:
  - 1. Maximum density: Eight dwelling units per acre of total land area, excluding undevelopable areas as identified in section 2.10.5.B.
  - 2. Minimum lot width: At least 60 feet as measured at the required front building setback line; except for a lot on a cul-de-sac, which lot shall have a minimum width of 35 feet.

3. Minimum lot area: 6,000 square feet, except that each lot on the periphery of a development within property zoned RNC (Residential Neighborhood Conservation) District that abuts adjacent property zoned and used for single-family residential purposes shall contain a lot area that is at least 80 percent of the minimum lot area required by the adjoining residential zoning.
  4. Minimum building setback adjacent to public or private streets:
    - a. From thoroughfares: 30 feet.
    - b. From arterials: 30 feet.
    - c. From collector streets: 30 feet.
    - d. From local streets: 20 feet.
  5. Minimum interior lot side building setback: 7½ (7.5) feet.
  6. Minimum periphery lot side building setback: Lots on the periphery of any RNC (Residential Neighborhood Conservation) District development shall maintain a minimum 20-foot side yard setback from any adjacent parcel located outside of the boundary of such development.
  7. Minimum rear building setback: 20 feet.
- B. The following standards shall apply to single-family detached condominiums and fee simple condominiums located in RNC (Residential Neighborhood Conservation) District:
1. Maximum density: Eight dwelling units per acre on total land area, excluding undevelopable areas as identified in section 2.10.5.B.
  2. Minimum building setback from all peripheral property lines: 20 feet, except that when a peripheral property line adjoins a public or private street, the building setback shall be as required in section 2.10.7.A.4.
  3. Minimum distance between building structures: 15 feet.
  4. Minimum building setback from a private drive or private street: Ten feet, except that where a garage door or carport entrance faces the street, in which case the minimum setback shall be 20 feet. The building setback shall be measured from back of curb, or, where a sidewalk is provided, from back of sidewalk.
  5. Minimum travel lane width, private drive or private streets internal to the development: 24 feet. Where on-street parking is provided, it shall be provided in the form of a parking lane located between the travel lane and the curb, which lane shall be no less than ten feet wide, measured from the edge of the travel lane to front of curb.
  6. Sidewalks shall be provided on both sides of private drives or private streets that are internal to the development, as provided for in chapter 14 of this Code.
  7. Street tree species shall cause minimal interference with underground utilities, subject to approval by the city arborist.
  8. Driveways shall be a minimum of 20 feet long, measured from back of curb or, where sidewalks are provided, from the back of sidewalk, in order to prevent vehicular encroachment on areas intended for vehicular or pedestrian circulation.
  9. A public access and utility easement for electric, gas, telephone, and cable television utilities, in the form of a joint utility trench, shall be located on each side of the internal private streets or internal private drives, and shall be a minimum width of six feet, five inches.

(Ord. of 8-2-2017, § 1(2.10.7)) [TMOD-22-001]

**Sec. 2.10.8. Maximum height of buildings.**

No building in the RNC (Residential Neighborhood Conservation) District shall exceed a height of 35 feet.  
(Ord. of 8-2-2017, § 1(2.10.8))

**Sec. 2.10.9. Maximum lot coverage.**

The lot coverage of each lot used for a single-family detached dwelling shall not exceed 50 percent.  
(Ord. of 8-2-2017, § 1(2.10.9))

**Sec. 2.10.10. Ownership, control, and maintenance of required greenspace.**

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



- C. *Homeowner associations.* When a homeowner association is used as the legal mechanism to comply with the requirements of this section, the applicant for any land disturbance permit, in addition to meeting all of said requirements, shall provide for all of the following:
1. Equal access and right of use to all greenspace by all homeowners;
  2. Mandatory and automatic membership in the homeowner association for all homeowners and their successors;
  3. A fair and uniform method of assessment and collection/payment for dues, maintenance and related costs;
  4. Homeowner association lien authority to ensure the collection of dues from all members;
  5. Perpetual and continued maintenance and liability by the homeowner association of land held as greenspace; and
  6. Filing of all required covenants, declarations, and restrictions with the Clerk of the Superior Court of DeKalb County.

(Ord. of 8-2-2017, § 1(2.10.10))

**Sec. 2.10.11. Off-street parking requirements.**

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

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

(Ord. of 8-2-2017, § 1(2.10.11))

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**Sec. 2.10.12. Relation of RNC (Residential Neighborhood Conservation) District regulations to subdivision or other regulations.**

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

(Ord. of 8-2-2017, § 1(2.10.12))

**DIVISION 11. MEDIUM AND HIGH DENSITY RESIDENTIAL ZONING DISTRICTS:  
 DIMENSIONAL REQUIREMENTS**

**Sec. 2.11.1. Medium and high density ranges.**

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

**Table 2.3. Summary of Density Ranges for Medium and High Density Residential Zoning Districts**

Zoning District Name		Density (units/acre)
Small Lot Residential Mix	RSM	4—8
Medium Density Residential-1	MR-1	8—12
Medium Density Residential-2	MR-2	12—24
High Density Residential-1	HR-1	24—40
High Density Residential-2	HR-2	40—60
High Density Residential-3	HR-3	60—120

(Ord. of 8-2-2017, § 1(2.11.1))

**Sec. 2.11.2. Dimensional requirements.**

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

**Table 2.4. Medium and High Density Residential Zoning Districts Dimensional Requirements**

*Medium and High Density Residential*  
 KEY: Housing Types: SFD: Single-Family Detached, SFA: Single-Family Attached, TTF: Two- or Three-Family, MF: Multifamily, MU: Mixed-Use, U-SF: Urban Single-Family, CA: Character Areas as identified in the Comprehensive Plan

Elements	RSM	MR-1	MR-2	HR-1	HR-2 and HR-3
<i>Overall Site Requirements (minimum, unless otherwise specified)</i>					
Dwelling units per acre (maximum base density and maximum possible with bonuses)	4—8	8—12	12—24	24—40	HR-2: 40—60 HR-3: 60—120
Open space required (minimum percent)*	20 percent	20 percent	15 percent	15 percent	15 percent
Transitional buffers (feet)	See article 5 of this chapter				
<i>Lot Requirements (minimum, unless otherwise specified)</i>					
Single-Family Detached Conventional (SFD)**					

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Item VIII. e.

Lot area (square feet)	5,000/2,000 cottage	5,000/2,000 cottage	5,000/2,000 cottage	Not permitted	Not permitted
Lot width, street frontage (feet)	50/20 cottage and detached townhome	45/20 cottage and detached townhome	40/20 cottage and detached townhome	Not permitted	Not permitted
Lot coverage (maximum percent per lot or total parcel acreage)	50	60	65	Not permitted	Not permitted
<i>Single-Family Attached (SFA)</i>					
Lot area (square feet)	1,000	1,000	1,000	1,000	1,000
Lot width (feet)	25	25	20	20	20
Lot coverage (maximum percent per lot or total parcel acreage)	70	80	85	85	85
<i>Urban Single-Family (detached)</i>					
Lot area (square feet)	1,350	1,350	1,000	1,000	1,000
Lot width (feet)	25	25	20	20	20
Lot coverage (maximum percent per lot or total parcel acreage)	70	80	85	85	85
<i>Two- or Three-Family (TTF)</i>					
Lot area (square feet)	4,000	4,000	4,000	Not permitted	Not permitted
Lot width (feet)	60	55	50	Not permitted	Not permitted
Lot coverage (maximum percent per lot or total parcel acreage)	50 percent	55 percent	55 percent	Not permitted	Not permitted
<i>Multifamily (MF) and Mixed-Use (MU)</i>					
Lot width, street frontage (feet)	Not permitted	100	100	100	100
Lot coverage (maximum percent of total parcel acreage)	Not permitted	65 percent	75 percent	85 percent	85 percent
<i>Building Setbacks: SF and SFA for Individual Internal Lots; MF, SFA, MU for Overall Site****</i>					
From thoroughfares and arterials (min. and max. feet)	All: min. 20, max. 30	SFD: min. 15, max. 25 Other: 10—20	All: min. 10, max. 20	All: min. 10, max. 20	All: min. 10, max. 20
Front - all other streets by character area (min. feet)	RC/NC/TC: 15 SUB: 20	0 - Determined only by utility placement, ROW, and streetscape (article 5 of this chapter)			
Front with alley access (min. feet)	10	SFD and TTF: 10 SFA and MF: 5	SFD and TTF: 10 SFA and MF: 5	5	5
Side - interior lot (feet)****	SFD and TTF: 3 ft. with minimum 10 ft. separation between buildings; SFA; N/A; MF and MU; N/A; U-SF; 0 ft. side setback with minimum 3 ft. separation between building				

Side - corner lot on public street (feet)	Same as front setback (see also article 5 of this chapter, corner lot)				
Rear without alley (feet)	SFD: 20; SFA: 15; TTF: 15; All others: 20	SFD: 20; SFA: 15; MF and MU: 20; MF: 20; CM/OF/MU: 15 (see also transitional buffers, article 5 of this chapter)			
Rear with alley (feet)	10	10	10	10	10
<i>Unit Size, heated living area (square feet, minimum)</i>					
Single-Family Detached (SFD)- Conventional	1,200	1,200	1,000	Not permitted	Not permitted
Single-Family Detached (SFD)- Cottage	800	800	800	Not permitted	Not permitted
Single-Family Attached (SFA)***	1,200	1,200	1,000	1,000	Not permitted
Urban Single-Family (U-SF) Detached	1,100	1,100	1,100	1,100	Not permitted
Two- or Three-Family (TTF)	1,000	1,000	1,000	1,000	Not permitted
Multifamily (MF)***	Not permitted for new developments	650	650	650	650
<i>Height (maximum and whichever is less when indicated as stories or feet)</i>					
Single-Family Detached (SFD)	35 feet	35 feet	35 feet	Not permitted	Not permitted
Except Res Infill Overlays = 28 feet					
Single-Family Attached (SFA) and Urban Single-Family (U-SF)	3 stories or 45 feet	3 stories or 45 feet	3 stories or 45 feet	Not permitted	Tables 2.13 and 2.15
Two- or Three-Family (TTF)	35 feet	35 feet	3 stories or 45 feet	Not permitted	Not permitted
Multifamily (MF)***	N/A	4 stories or 60 feet	Table 2.9	Tables 2.13 and 2.15	Tables 2.13 and 2.15
Mixed-Use (MU)	N/A	4 stories or 60 feet	Table 2.9	Table 2.11	Tables 2.13 and 2.15

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

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

\*\*\* See article 5 of this chapter for building separation and minimum multifamily unit size details; Urban-SF with zero-foot side setback must meet fire walls, sprinklers and any other fire code applicable to attached townhouse dwellings.

(Ord. of 8-2-2017, § 1(2.11.2))

## *DIVISION 12. RSM (SMALL LOT RESIDENTIAL MIX) DISTRICT*

### **Sec. 2.12.1. Statement of purpose and intent.**

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

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

(Ord. of 8-2-2017, § 1(2.12.1))

### **Sec. 2.12.2. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.12.2)) [TMOD-22-001]

#### **A. Permitted Uses**

The following uses are permitted as of right under this code:

1. Agricultural Activities
  - a. Urban Community Garden, up to 5 acres; see section 4.2
2. Residential
  - a. Dwelling, cottage home; see section 4.2
  - b. Dwelling, single-family (attached)
  - c. Dwelling, single-family (detached)
  - d. Dwelling, three-family
  - e. Dwelling, townhouse; see section 4.2
  - f. Dwelling, two family
  - g. Dwelling, urban single-family; see section 4.2
3. Institutional/Public
  - a. Golf course or clubhouse, public or private; see section 4.2
  - b. Government facilities
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
  - d. School, public kindergarten, elementary, middle or high schools
4. Communications – Utility
  - a. Essential services
  - b. Satellite television antenna; see section 4.2
5. Wireless Telecommunications
  - a. Carrier on Wheels (declared emergency); see section 4.2

**B. Special Administrative Uses**

The following uses are permitted only with administrative approval:

1. Agricultural
  - a. Urban, community garden, over 5 acres
2. Residential
  - a. Home occupation, no customer contact; see section 4.2
3. Commercial
  - a. Farmer's market, temporary/seasonal; see section 4.2
  - b. Temporary outdoor retail sales; see section 4.2
  - c. Temporary outdoor sales or events, seasonal; see section 4.2
  - d. Temporary produce stand; see section 4.2
  - e. Temporary trailer, as home sales office or construction trailer; see section 4.2
4. Wireless Telecommunications
  - a. Attached wireless telecommunication facility used for non-residential purposes (prohibited if used as residential)
  - b. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

**C. Special Land Use Permit**

The following uses are permitted only with a special land use permit:

1. Residential
  - a. Bed and breakfast establishment; see section 4.2
  - b. Home occupation, with customer contact; see section 4.2
  - c. Child care home, 5 or less; see section 4.2
  - d. Convents or monasteries; see section 4.2
  - e. Personal care home, 6 or less; see section 4.2
  - f. Personal care home, 7 or more; see section 4.2
  - g. Senior housing; see section 4.2
2. Institutional/Public
  - a. Cemetery, columbarium, mausoleum; see section 4.2
  - b. Places of worship; see section 4.2
  - c. Recreation club; see section 4.2
  - d. School, private kindergarten, elementary, middle or high schools; see section 4.2
  - e. Swimming pools, commercial; see section 4.2
3. Commercial
  - a. Adult daycare facility, up to 6; see section 4.2
  - b. Child day care facility, up to 6; see section 4.2
4. Communication – Utility
  - a. Amateur radio service or antenna; see section 4.2
5. Wireless Telecommunication
  - a. New support structure from 51 feet to 150 feet; see section 4.2

**D. Permitted Accessory**

The following uses are permitted as accessory only to a principal use:

1. Residential
  - a. Accessory uses or structures
  - b. Dwelling, single-family , accessory (guesthouse, in-law suite); see section 4.2
2. Institutional/Public
  - a. Educational use, private; see section 4.2
  - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2
3. Commercial
  - a. Fitness center

[TMOD-22-001]

### Sec. 2.12.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.12.3))

### Sec. 2.12.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.12.4))

### Sec. 2.12.5. Density and location criteria.

- A. The maximum allowed dwelling unit density in the RSM District before application of any bonus is 4 dwelling units per acre, and after application of any bonuses is 8 dwelling units per acre. B. Density determination of each RSM (Small Lot Residential Mix) property:
  1. Existing RSM properties: For existing properties converted to RSM (Small Lot Residential Mix) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established in such conditions.
    - b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.5 unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. of this section.
  2. New RSM properties: For property rezoned to the RSM (Small Lot Residential Mix) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are allowed only for subdivisions, as defined in this chapter, and are expressly not allowed for individual infill lots. The maximum allowed density on RSM (Small Lot Residential Mix) District zoned property may be increased above the Base Max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable



density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.5.

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

Density bonus percent increase by amenity, location, or other provision	
<i>20 percent greater than base</i>	
Public Improvements	Applicant provides any of the following improvements: Transit facilities (bus shelter, ride-share), public art, structured parking, trail with public access, sidewalks and/or road improvements beyond project.
Transit Proximity	Existing park-n-ride or ride-share facility is located within one-quarter mile of the property boundary.
Amenity Proximity	Existing amenities, such as healthcare facilities, senior and/or civic centers, public schools, public libraries, recreational facilities, personal service establishments, grocery stores, or shopping centers. (See section 2.12.7.)
<i>50 percent greater than base</i>	
Sustainability Elements	Certification that proposed buildings, if built as designed, would be accredited by LEED and reg, EarthCraft, or other similar national accreditation organization, for energy- and water-efficient site and building design.
Mixed Income or Mixed Age	30-year enforceable commitment approved by the city attorney and recorded on the deed records that total number of units will be reserved to be occupied as follows: 10 percent by very low income households, or 20 percent by low income households, or 25 percent for senior citizens. Household income level shall be as established by the Atlanta Regional Commission.
Additional Enhanced Open Space	Additional enhanced open space (with standards established by article 5 of this chapter) comprise 20 percent of the overall development site.
<i>100 percent greater than base</i>	
Additional Enhanced Open Space	Enhanced open space comprises 35 percent or more of the overall development site.
MARTA Rapid Transit Station	Existing MARTA rapid transit station is located within one-quarter mile of the property boundary.
Reinvestment Areas	Property is located within an Enterprise Zone or Opportunity Zone.

(Ord. of 8-2-2017, § 1(2.12.5))

**Sec. 2.12.6. Amenity proximity requirements.**

For proposed development within one-quarter mile of an existing public school, park, library, trail or greenway network, a pedestrian facility linking to the amenity shall be provided, or a stub-out for linking to a future amenity shall be provided. Measurement of distance to a qualifying amenity shall be taken from center

point of the proposed drive of the principal entrance and follow the shortest street route to the center point of the closest existing drive to access the existing amenity.

(Ord. of 8-2-2017, § 1(2.12.6))

### **Sec. 2.12.7. Bonus density qualifying standards.**

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

#### **A. Qualifying public improvements.**

1. *Bus shelter.* To qualify as eligible for bonus density, proposed bus shelter facilities shall include at a minimum a shelter structure, bench and paved access and be designed according to MARTA or GRTA standards, based upon ridership thresholds and as documented as acceptable by either agency.
2. *Park-n-ride and/or ride-share.* To qualify as eligible for bonus density, proposed ride-share facilities shall provide for a minimum of 100 parking spaces, and park-n-ride amenities shall provide a minimum of 300 parking spaces, unless the station warrants fewer, as documented by MARTA or other transit service provider.
3. *Public art.* To qualify for bonus density, a proposed work of art shall be subject to approval by the planning commission, be located on the development site or in a public place off-site, and have a value of at least one-half of one percent of the total construction valuation of the building permit. The maximum required value shall not exceed \$250,000.00.
  - a. Options for providing public art are: Purchase an existing piece of art work or have a specific piece of art work commissioned.
  - b. For commissioned work, a deposit with the planning department of 115 percent of the value of the public art is required prior to the issuance of a building permit.
  - c. Public art or public works of art is defined as the creative application of skill and taste by artists to production of permanent tangible objects according to the aesthetic principles, including, but not limited to, the following:
    - Paintings;
    - Sculptures;
    - Site specific installations;
    - Engravings;
    - Carvings;
    - Frescos;
    - Mobiles;
    - Murals;
    - Collages;
    - Mosaics;
    - Statutes; and
    - Bas-reliefs.
  - d. Public art or public works of art shall also include the creative application of skill and taste by artists according to the aesthetic principals to the architectural embellishment of a

building or structure. Architects and landscape architects are not considered artists under this definition.

- e. The following shall not be considered public art or public works of art:
  - Reproductions or unlimited copies of original art work;
  - Art objects which are mass produced;
  - Works that are decorative, ornamental or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site; and
  - Architectural rehabilitation or historical preservation.
- 4. *Structured parking.* Developments that provide vertical, structured parking shall be eligible for the residential density bonus, provided:
  - a. Parking decks not integrated into other buildings shall be located internal to the site.
  - b. Structures are either:
    - (i) At least two stories above ground or greater; and/or
    - (ii) Alternatively, at least one story is underground.
  - c. Parking decks visible from a public right-of-way shall incorporate similar architectural materials as the primary buildings.
- 5. *Trail with public access.* Minimum length of new trail or multi-use path shall be one-quarter mile and shall connect to a greenway/trail or sidewalk network external to the site.
- B. *Qualifying amenity clarifications.*
  - 1. Health or medical services: include clinics and offices for health, dental and/or medical services, as defined in article 9 of this chapter, including pharmacies with diagnostic services.
  - 2. Recreational facilities: include private or public exercise gymnasiums, fitness centers, sports fields, parks, and swim centers.

(Ord. of 8-2-2017, § 1(2.12.7))

### ***DIVISION 13. MR-1 (MEDIUM DENSITY RESIDENTIAL-1) DISTRICT***

#### **Sec. 2.13.1. Statement of purpose and intent.**

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

- A. To encourage primarily residential, planned developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of and opportunity for alternative modes of travel;
- D. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.13.1))

**Sec. 2.13.2. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.13.2)) [TMOD-22-001]

**A. Permitted Uses**

The following uses are permitted as of right under this code:

1. Agricultural Activities
  - a. Urban Community Garden, up to 5 acres; see section 4.2
  
2. Residential
  - a. Dwelling, cottage home; see section 4.2
  - b. Dwelling, multifamily
  - c. Dwelling, single-family (attached)
  - d. Dwelling, single-family (detached)
  - e. Dwelling, three-family
  - f. Dwelling, townhouse; see section 4.2
  - g. Dwelling, two family
  - h. Dwelling, urban single-family; see section 4.2
  - i. Live/work unit; see section 4.2
  - j. Nursing care facility or hospice
  
3. Institutional/Public
  - a. Government facilities
  - b. Library or museum
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
  - d. School, public kindergarten, elementary, middle or high schools
  
4. Commercial
  - a. Adult daycare center, 7 or more; see section 4.2
  - b. Child day care center, up to 6; see section 4.2
  - c. Child day care facility, 7 or more; see section 4.2
  
5. Communications – Utility
  - a. Essential services
  - b. Satellite television antenna; see section 4.2
  
6. Wireless Telecommunications
  - a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2

**B. Special Administrative Uses**

The following uses are permitted only with administrative approval:

1. Agricultural
  - a. Urban, community garden, over 5 acres

- 2. Residential
  - a. Home occupation, no customer contact; see section 4.2
- 3. Commercial
  - a. Farmer's market, temporary/seasonal; see section 4.2
  - b. Temporary outdoor retail sales; see section 4.2
  - c. Temporary produce stand; see section 4.2
  - d. Temporary trailer, as home sales office or construction trailer; see section 4.2
- 4. Wireless Telecommunications
  - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
  - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

- 1. Residential
  - a. Bed and breakfast establishment; see section 4.2
  - b. Boarding/rooming house
  - c. Fraternity house or sorority house
  - d. Home occupation, with customer contact; see section 4.2
  - e. Convents or monasteries; see section 4.2
  - f. Personal care home, 6 or less; see section 4.2
  - g. Personal care home, 7 or more; see section 4.2
  - h. Senior housing; see section 4.2
  - i. Shelter for homeless persons for no more than 6 persons; see section 4.2
  - j. Short term vacation rental
  - k. Traditional housing facilities, 7-20; see section 4.2
- 2. Institutional/Public
  - a. Cemetery, columbarium, mausoleum; see section 4.2
  - b. Cultural facilities
  - c. Places of worship; see section 4.2
  - d. Recreation club; see section 4.2
  - e. School, private kindergarten, elementary, middle or high schools; see section 4.2
  - f. School, vocational; see section 4.2
  - g. Swimming pools, commercial; see section 4.2
- 3. Commercial
  - a. Adult daycare facility, up to 6; see section 4.2
  - b. Dog day care; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

- 1. Residential
  - a. Accessory uses or structures
  - b. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2
- 2. Institutional/Public
  - a. Educational use, private; see section 4.2
  - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial
  - a. Art gallery
  - b. Banks, credit unions or other similar financial institutions
  - c. Barber shop/beauty salon or similar establishments
  - d. Building or construction office
  - e. Coin laundry
  - f. Dog grooming; see section 4.2
  - g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
  - h. Fitness center
  - i. Office, medical
  - j. Office, professional
  - k. Personal services establishment
  - l. Restaurants (non drive-thru)
  - m. Retail, 5,000 sf or less (with the exception of small box discount stores)

[TMOD-22-001]

### **Sec. 2.13.3. Dimensional requirements.**

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

(Ord. of 8-2-2017, § 1(2.13.3))

### **Sec. 2.13.4. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.13.4))

### **Sec. 2.13.5. Density and location criteria.**

- A. The maximum allowed dwelling unit density in the MR-1 District before application of any bonus is 8 dwelling units per acre, and after application of any bonuses is 12 dwelling units per acre.
- B. Density determination of each MR-1 (Medium Density Residential-1) property:
  1. Existing MR-1 properties: For existing properties converted to MR-1 (Medium Density Residential-1) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
    - b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.7, unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. of this section.

2. New MR-1 properties: For property rezoned to the MR-1 (Medium Density Residential-1) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on MR-1 (Medium Density Residential-1) District zoned property may be increased above the base max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.7.
- (Ord. of 8-2-2017, § 1(2.13.5))

## *DIVISION 14. MR-2 (MEDIUM DENSITY RESIDENTIAL-2) DISTRICT*

### **Sec. 2.14.1. Statement of purpose and intent.**

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

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

(Ord. of 8-2-2017, § 1(2.14.1))

### **Sec. 2.14.2. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.14.2)) [TMOD-22-001]

#### **A. Permitted Uses**

The following uses are permitted as of right under this code:

1. Agricultural Activities
  - a. Urban Community Garden, up to 5 acres; see section 4.2
2. Residential
  - a. Boarding/rooming house
  - b. Dwelling, cottage home; see section 4.2
  - c. Dwelling, multifamily
  - d. Dwelling, single-family (attached)
  - e. Dwelling, single-family (detached)

- f. Dwelling, three-family
  - g. Dwelling, townhouse; see section 4.2
  - h. Dwelling, two family
  - i. Dwelling, urban single-family; see section 4.2
  - j. Fraternity house or sorority house
  - k. Live/work unit; see section 4.2
  - l. Nursing care facility or hospice
3. Institutional/Public
- a. Government facilities
  - b. Library or museum
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
  - d. School, public kindergarten, elementary, middle or high schools
4. Commercial
- a. Adult daycare center, 7 or more; see section 4.2
  - b. Child day care center, up to 6; see section 4.2
  - c. Child day care facility, 7 or more; see section 4.2
5. Communications – Utility
- a. Essential services
  - b. Satellite television antenna; see section 4.2
6. Wireless Telecommunications
- a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
- The following uses are permitted only with administrative approval:
- 1. Agricultural
    - a. Urban, community garden, over 5 acres
  - 2. Residential
    - a. Home occupation, no customer contact; see section 4.2
  - 3. Commercial
    - a. Farmer’s market, temporary/seasonal; see section 4.2
    - b. Temporary outdoor retail sales; see section 4.2
    - c. Temporary produce stand; see section 4.2
    - d. Temporary trailer, as home sales office or construction trailer; see section 4.2
  - 4. Wireless Telecommunications
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit
- The following uses are permitted only with a special land use permit:
- 1. Residential
    - a. Bed and breakfast establishment; see section 4.2
    - b. Home occupation, with customer contact; see section 4.2



- c. Convents or monasteries; see section 4.2
- d. Personal care home, 6 or less; see section 4.2
- e. Personal care home, 7 or more; see section 4.2
- f. Senior housing; see section 4.2
- g. Shelter for homeless persons for no more than 6 persons; see section 4.2
- h. Shelter for homeless persons 7-20; see section 4.2
- i. Traditional housing facilities, 7-20; see section 4.2

2. Institutional/Public

- a. Cemetery, columbarium, mausoleum; see section 4.2
- b. Cultural facilities
- c. Places of worship; see section 4.2
- d. Recreation club; see section 4.2
- e. School, private kindergarten, elementary, middle or high schools; see section 4.2
- f. School, vocational; see section 4.2
- g. Swimming pools, commercial; see section 4.2

3. Commercial

- a. Adult daycare facility, up to 6; see section 4.2
- b. Dog day care; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential

- a. Accessory uses or structures
- b. Dwelling, single-family , accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public

- a. Educational use, private; see section 4.2
- b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial

- a. Art gallery
- b. Banks, credit unions or other similar financial institutions
- c. Barber shop/beauty salon or similar establishments
- d. Building or construction office
- e. Coin laundry
- f. Dog grooming; see section 4.2
- g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
- h. Fitness center
- i. Office, medical
- j. Office, professional
- k. Personal services establishment
- l. Restaurants (non drive-thru)
- m. Retail, 5,000 sf or less (with the exception of small box discount stores)

[TMOD-22-001]

### **Sec. 2.14.3. Dimensional requirements.**

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

(Ord. of 8-2-2017, § 1(2.14.3))

### **Sec. 2.14.4. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.14.4))

### **Sec. 2.14.5. Density and location criteria.**

- A. The maximum allowed dwelling unit density in the MR-2 District before application of any bonus is 12 dwelling units per acre, and after application of any bonuses is 24 dwelling units per acre
- B. Density determination of each MR-2 (Medium Density Residential-2) property:
  1. Existing MR-2 properties: For existing properties converted to MR-2 (Medium Density Residential-2) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
    - b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.8, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. of this section.
  2. New MR-2 properties: For property rezoned to the MR-2 (Medium Density Residential-2) District classification after the effective date of the ordinance from which this chapter is derived density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on MR-2 (Medium Density Residential-2) District zoned property may be increased above the Base Max by application of density bonuses, as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density of MR-2 (Medium Density Residential-2) zoned property exceed the bonus maximum established by Table 2.8.

(Ord. of 8-2-2017, § 1(2.14.5))

### **Sec. 2.14.6. Building heights.**

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

**Table 2.9. MR-2 Building Height**

Density above 18 and up to 24 dwelling units per gross acre		
Building Use	Base Max Height	Height if Density Achieved by Bonus
Single-Family Attached	3 stories or 45 feet*	3 stories or 45 feet*
Multifamily	3 stories or 45 feet*	4 stories or 60 feet*
With Accessory Non-Res	4 stories or 60 feet*	5 stories or 70 feet*
<i>Density up to 18 dwelling units per gross acre</i>		
Building Use	Base Max Height	Height if Density Achieved by Bonus
Single-Family Attached	3 stories or 45 feet*	3 stories or 45 feet*
Multifamily	2 stories or 35 feet*	3 stories or 45 feet*
With Accessory Non-Res	3 stories or 45 feet*	4 stories or 60 feet*
* Whichever is less		

**DIVISION 15. HR-1 (HIGH DENSITY RESIDENTIAL-1) DISTRICT**

**Sec. 2.15.1. Statement of purpose and intent.**

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

- A. To encourage primarily residential, urban-scaled developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for high density, low-rise residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel;
- D. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.15.1))

**Sec. 2.15.2. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.15.2)) [TMOD-22-001]

**A. Permitted Uses**

The following uses are permitted as of right under this code:

- 1. Agricultural Activities
  - a. Urban Community Garden, up to 5 acres; see section 4.2
- 2. Residential
  - a. Boarding/rooming house
  - b. Dwelling, apartment
  - c. Dwelling, cottage home; see section 4.2
  - d. Dwelling, multifamily
  - e. Dwelling, single-family (attached)
  - f. Dwelling, single-family (detached)
  - g. Dwelling, three-family
  - h. Dwelling, townhouse; see section 4.2
  - i. Dwelling, two family
  - j. Dwelling, urban single-family; see section 4.2
  - k. Fraternity house or sorority house
  - l. Live/work unit; see section 4.2
- 3. Institutional/Public
  - a. Government facilities
  - b. Library or museum
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
  - d. School, public kindergarten, elementary, middle or high schools

- 4. Commercial
  - a. Adult daycare center, 7 or more; see section 4.2
  - b. Child day care center, up to 6; see section 4.2
  - c. Child day care facility, 7 or more; see section 4.2
  - d. Personal services establishment
- 5. Communications – Utility
  - a. Essential services
  - b. Satellite television antenna; see section 4.2
- 6. Wireless Telecommunications
  - a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

- 1. Agricultural
  - a. Urban, community garden, over 5 acres
- 2. Residential
  - a. Home occupation, no customer contact; see section 4.2
- 3. Commercial
  - a. Farmer’s market, temporary/seasonal; see section 4.2
  - b. Temporary outdoor retail sales; see section 4.2
  - c. Temporary produce stand; see section 4.2
  - d. Temporary trailer, as home sales office or construction trailer; see section 4.2
- 4. Wireless Telecommunications
  - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
  - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

- 1. Residential
  - a. Bed and breakfast establishment; see section 4.2
  - b. Home occupation, with customer contact; see section 4.2
  - c. Personal care home, 6 or less; see section 4.2
  - d. Personal care home, 7 or more; see section 4.2
  - e. Senior housing; see section 4.2
  - f. Shelter for homeless persons for no more than 6 persons; see section 4.2
  - g. Shelter for homeless persons 7-20; see section 4.2
  - h. Traditional housing facilities, 7-20; see section 4.2
- 2. Institutional/Public
  - a. Cemetery, columbarium, mausoleum; see section 4.2
  - b. Cultural facilities
  - c. Places of worship; see section 4.2
  - d. Recreation club; see section 4.2

- e. School, private kindergarten, elementary, middle or high schools; see section 4.2
- f. School, vocational; see section 4.2
- g. Swimming pools, commercial; see section 4.2

3. Commercial

- a. Adult daycare facility, up to 6; see section 4.2
- b. Dog day care; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential

- a. Accessory uses or structures

2. Institutional/Public

- a. Educational use, private; see section 4.2
- b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial

- a. Art gallery
- b. Banks, credit unions or other similar financial institutions
- c. Barber shop/beauty salon or similar establishments
- d. Building or construction office
- e. Coin laundry
- f. Dog grooming; see section 4.2
- g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
- h. Fitness center
- i. Office, medical
- j. Office, professional
- k. Restaurants (non drive-thru)
- l. Retail, 5,000 sf or less (with the exception of small box discount stores)

[TMDO-21-017]

**Sec. 2.15.3. Dimensional requirements.**

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

(Ord. of 8-2-2017, § 1(2.15.3))

**Sec. 2.15.4. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.15.4))

**Sec. 2.15.5. Density and location criteria.**

- A. The maximum allowed dwelling unit density in the HR-1 District before application of any bonus is 24 dwelling units per acre, and after application of any bonuses is 40 dwelling units per acre.
- B. Density determination of each HR-1 (High Density Residential-1) property:
  - 1. Existing HR-1 properties: For existing properties converted to the HR-1 (High Density Residential-1) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
    - b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the base max described in Table 2.10, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. of this section.
  - 2. New HR-1 properties: For property rezoned to the HR-1 (High Density Residential-1) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on HR-1 (High Density Residential-1) District zoned property may be increased above the base max by application of density bonuses, as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.10.

(Ord. of 8-2-2017, § 1(2.15.5))

**Sec. 2.15.6. Building heights.**

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

**Table 2.11. HR-1 Building Height**

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

With Accessory Non-Res	4 stories or 60 feet*	5 stories or 70 feet*
* Whichever is less.		

## *DIVISION 16. HR-2 (HIGH DENSITY RESIDENTIAL-2) DISTRICT*

### **Sec. 2.16.1. Statement of purpose and intent.**

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

- A. To encourage primarily residential, urban-scaled developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for high density, mid-rise residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel;
- D. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.16.1))

### **Sec. 2.16.2. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.16.2)) [TMOD-22-001]

#### **A. Permitted Uses**

The following uses are permitted as of right under this code:

- 1. Agricultural Activities
  - a. Urban Community Garden, up to 5 acres; see section 4.2
- 2. Residential
  - a. Boarding/rooming house
  - b. Dwelling, apartment
  - c. Dwelling, cottage home; see section 4.2
  - d. Dwelling, multifamily
  - e. Dwelling, single-family (attached)
  - f. Dwelling, single-family (detached)
  - g. Dwelling, three-family
  - h. Dwelling, townhouse; see section 4.2
  - i. Dwelling, two family
  - j. Dwelling, urban single-family; see section 4.2
  - k. Fraternity house or sorority house
  - l. Live/work unit; see section 4.2
- 3. Institutional/Public



- a. Government facilities
  - b. Library or museum
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2
  - d. School, public kindergarten, elementary, middle or high schools
4. Commercial
- a. Adult daycare center, 7 or more; see section 4.2
  - b. Child day care center, up to 6; see section 4.2
  - c. Child day care facility, 7 or more; see section 4.2
  - d. Personal services establishment
5. Communications – Utility
- a. Essential services
  - b. Satellite television antenna; see section 4.2
6. Wireless Telecommunications
- a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
- The following uses are permitted only with administrative approval:
- 1. Agricultural
    - a. Urban, community garden, over 5 acres
  - 2. Residential
    - a. Home occupation, no customer contact; see section 4.2
  - 3. Commercial
    - a. Farmer’s market, temporary/seasonal; see section 4.2
    - b. Temporary outdoor retail sales; see section 4.2
    - c. Temporary produce stand; see section 4.2
    - d. Temporary trailer, as home sales office or construction trailer; see section 4.2
  - 4. Wireless Telecommunications
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit
- The following uses are permitted only with a special land use permit:
- 1. Residential
    - a. Bed and breakfast establishment; see section 4.2
    - b. Home occupation, with customer contact; see section 4.2
    - c. Personal care home, 6 or less; see section 4.2
    - d. Personal care home, 7 or more; see section 4.2
    - e. Senior housing; see section 4.2
    - f. Shelter for homeless persons for no more than 6 persons; see section 4.2
    - g. Shelter for homeless persons 7-20; see section 4.2
    - h. Traditional housing facilities, 7-20; see section 4.2
  - 2. Institutional/Public
    - a. Cemetery, columbarium, mausoleum; see section 4.2

- b. Cultural facilities
  - c. Places of worship; see section 4.2
  - d. Recreation club; see section 4.2
  - e. School, private kindergarten, elementary, middle or high schools; see section 4.2
  - f. School, vocational; see section 4.2
  - g. Swimming pools, commercial; see section 4.2
3. Commercial
- a. Adult daycare facility, up to 6; see section 4.2
  - b. Dog day care; see section 4.2
- D. Permitted Accessory
- The following uses are permitted as accessory only to a principal use:
- 1. Residential
    - a. Accessory uses or structures
  - 2. Institutional/Public
    - a. Educational use, private; see section 4.2
    - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2
  - 3. Commercial
    - a. Art gallery
    - b. Banks, credit unions or other similar financial institutions
    - c. Barber shop/beauty salon or similar establishments
    - d. Building or construction office
    - e. Coin laundry
    - f. Dog grooming; see section 4.2
    - g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
    - h. Fitness center
    - i. Office, medical
    - j. Office, professional
    - k. Restaurants (non drive-thru)
    - l. Retail, 5,000 sf or less (with the exception of small box discount stores)

[TMOD-22-001]

**Sec. 2.16.3. Dimensional requirements.**

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

(Ord. of 8-2-2017, § 1(2.16.3))

**Sec. 2.16.4. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.16.4))

**Sec. 2.16.5. Density and location criteria.**

- A. The maximum allowed dwelling unit density in the HR-2 District before application of any bonus is 40 dwelling units per acre, and after application of any bonuses is 60 dwelling units per acre.
- B. Density determination of each HR-2 (High Density Residential-2) property:
  - 1. Existing HR-2 properties: For properties converted to the HR-2 (High Density Residential-2) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
    - b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the base max described in Table 2.12, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. of this section.
  - 2. New HR-2 properties: For property rezoned to the HR-2 (High Density Residential-2) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on HR-2 (High Density Residential-2) District zoned property may be increased above the base max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.12.

(Ord. of 8-2-2017, § 1(2.16.5))

**Sec. 2.16.6. Building heights.**

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

**Table 2.13. HR-2 Building Height**

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

***DIVISION 17. HR-3 (HIGH DENSITY RESIDENTIAL-3) DISTRICT***

**Sec. 2.17.1. Statement of purpose and intent.**

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

- A. To encourage primarily residential, urban-scaled developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for high density, high-rise residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel;
- D. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.17.1))

**Sec. 2.17.2. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.17.2)) [TMOD-22-001]

**A. Permitted Uses**

The following uses are permitted as of right under this code:

- 1. Agricultural Activities
  - a. Urban Community Garden, up to 5 acres; see section 4.2
- 2. Residential
  - a. Boarding/rooming house
  - b. Dwelling, apartment
  - c. Dwelling, cottage home; see section 4.2
  - d. Dwelling, multifamily
  - e. Dwelling, single-family (attached)
  - f. Dwelling, single-family (detached)
  - g. Dwelling, three-family
  - h. Dwelling, townhouse; see section 4.2
  - i. Dwelling, two family
  - j. Dwelling, urban single-family; see section 4.2
  - k. Fraternity house or sorority house
  - l. Live/work unit; see section 4.2
- 3. Institutional/Public
  - a. Government facilities
  - b. Library or museum
  - c. Neighborhood or subdivision clubhouse or amenities; see section 4.2

d. School, public kindergarten, elementary, middle or high schools

4. Commercial

- a. Adult daycare center, 7 or more; see section 4.2
- b. Child day care center, up to 6; see section 4.2
- c. Child day care facility, 7 or more; see section 4.2
- d. Personal services establishment

5. Communications – Utility

- a. Essential services
- b. Satellite television antenna; see section 4.2

6. Wireless Telecommunications

- a. Attached wireless telecommunication facility; see section 4.2
- b. Carrier on Wheels (declared emergency); see section 4.2

B. Special Administrative Uses

The following uses are permitted only with administrative approval:

1. Agricultural

- a. Urban, community garden, over 5 acres

2. Residential

- a. Home occupation, no customer contact; see section 4.2

3. Commercial

- a. Farmer’s market, temporary/seasonal; see section 4.2
- b. Temporary outdoor retail sales; see section 4.2
- c. Temporary produce stand; see section 4.2
- d. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications

- a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
- b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential

- a. Bed and breakfast establishment; see section 4.2
- b. Home occupation, with customer contact; see section 4.2
- c. Personal care home, 6 or less; see section 4.2
- d. Personal care home, 7 or more; see section 4.2
- e. Senior housing; see section 4.2
- f. Shelter for homeless persons for no more than 6 persons; see section 4.2
- g. Shelter for homeless persons 7-20; see section 4.2
- h. Traditional housing facilities, 7-20; see section 4.2

2. Institutional/Public

- a. Cemetery, columbarium, mausoleum; see section 4.2
- b. Cultural facilities
- c. Places of worship; see section 4.2
- d. Recreation club; see section 4.2

- e. School, private kindergarten, elementary, middle or high schools; see section 4.2
- f. School, vocational; see section 4.2
- g. Swimming pools, commercial; see section 4.2

3. Commercial

- a. Adult daycare facility, up to 6; see section 4.2
- b. Dog day care; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential

- a. Accessory uses or structures

2. Institutional/Public

- a. Educational use, private; see section 4.2
- b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial

- a. Art gallery
- b. Banks, credit unions or other similar financial institutions
- c. Barber shop/beauty salon or similar establishments
- d. Building or construction office
- e. Coin laundry
- f. Dog grooming; see section 4.2
- g. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
- h. Fitness center
- i. Office, medical
- j. Office, professional
- k. Restaurants (non drive-thru)
- l. Retail, 5,000 sf or less (with the exception of small box discount stores)

[TMOD-22-001]

**Sec. 2.17.3. Dimensional requirements.**

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

(Ord. of 8-2-2017, § 1(2.17.3))

**Sec. 2.17.4. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.17.4))

**Sec. 2.17.5. Density and location criteria.**

- A. The maximum allowed dwelling unit density in the HR-2 District before application of any bonus is 60 dwelling units per acre, and after application of any bonuses is 120 dwelling units per acre.
- B. Density determination of each HR-3 (High Density Residential-3) property:
  - 1. Existing HR-3 properties: For existing properties converted to HR-3 (High Density Residential-3) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulating density have been attached to the property, maximum density shall remain as established.
    - b. Where no conditions of zoning regulating density have been attached to the property, maximum density shall be the Base Max described in Table 2.14, unless administratively reviewed and approved for bonus increases according to the criteria set forth in subsection C. of this section.
  - 2. New HR-3 properties: For property rezoned to the HR-3 (High Density Residential-3) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on HR-3 (High Density Residential-3) District zoned property may be increased above the base max by application of density bonuses as indicated by Table 2.6, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.6. In no case shall density exceed the bonus maximum established by Table 2.14.

(Ord. of 8-2-2017, § 1(2.17.5))

**Sec. 2.17.6. Building heights.**

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

**Table 2.15. HR-3 Building Height for Density**

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

**DIVISION 18. MIXED-USE ZONING DISTRICTS**

**Sec. 2.18.1. Statement of purpose and intent.**

- A. The purpose and intent of the City Council in establishing all districts designated as Mixed-Use (MU-1, MU-2, MU-3, MU-4 and MU-5) Zoning Districts are as follows:
  1. To encourage the development of master or comprehensively planned, mixed-use developments;
  2. To permit flexible and compatible arrangements of residential, commercial, office, institutional, and civic uses;
  3. To offer a variety of housing options, including multifamily residential and single-family attached housing of various densities, upper-floor residential units over nonresidential space, or active adult and/or senior housing;
  4. To implement the future development map of the city's most current comprehensive plan;
  5. To maintain harmony of scale, intensity, and design of character areas with varying housing options;
  6. To accommodate and promote mixed-use buildings with amenities and services provided by a variety of nonresidential uses, as appropriate in the activity centers established by the comprehensive plan;
  7. To promote the health and well-being of residents through the development of living environments that accommodate pedestrians and bicyclists;
  8. To encourage a sense of community through design that promotes social interaction; and
  9. To reduce automobile traffic and congestion and promote the use of transit by encouraging appropriate development densities.

(Ord. of 8-2-2017, § 1(2.18.1))

**Sec. 2.18.2. Mixed-use district densities.**

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

**Table 2.16. Summary of Mixed-Use Zoning District Densities**

Zoning District Name		Density (units/acre)
Mixed-Use Low Density	MU-1	4—8
Mixed-Use Low-Medium Density	MU-2	8—12
Mixed-Use Medium Density	MU-3	12—24
Mixed-Use High Density	MU-4	24—40
Mixed-Use Very High Density	MU-5	40—60

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

(Ord. of 8-2-2017, § 1(2.18.2))



**Sec. 2.18.3. Mixed-use dimensional requirements.**

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

**Table 2.17. Mixed-Use Zoning Districts Dimensional Requirements**

Mixed-Use Districts				
KEY: Development Types: SFD: Single-Family Detached, SFA: Single-Family Attached, TTF: Two- or Three-Family, MF: Multifamily, U-SF: Urban Single-Family, MU: Mixed-Use, CM: Commercial, OF: Office				
Element	MU-1	MU-2	MU-3	MU-4 and MU-5
<i>Overall Site Requirements (minimum, unless otherwise specified)</i>				
Dwelling units per acre (with bonus)	4–8	8–12	12–24	MU-4=24–40; MU-5=40–60
Minimum street frontage for site (feet)	75	75	50	50
Minimum site size	0	0	0	0
Overall site setback rear (feet)	20	20	20	10
Overall site setback side (feet)	15	15	15	N/A (Art. V buffers apply)
Open space required (minimum percent)*	10 percent of total parcel acreage	10 percent of total parcel acreage	10 percent of total parcel acreage	10 percent of total parcel acreage
Transitional buffers (feet)	See article 5 of this chapter			
<i>Required minimum mix of uses</i>				
Nonresidential (percentage square footage of building)	10 percent	15 percent	20 percent	20 percent
Residential (percentage square footage of building)	15 percent	10 percent	0	0
<i>Individual Lot Dimensions by Residential Type (minimum, unless specified)</i>				
<i>Single-Family Detached (SFD)**</i>				
Lot area (square feet)	3,500	3,500/2,000 cottage	3,500	Not permitted
Lot width (feet)	35	35/20	35	Not permitted
Lot coverage (maximum percentage)	55	55	55	Not permitted
<i>Single-Family Attached (SFA) and Urban Single-Family</i>				
Lot area (square feet)	1,000	1,000	1,000	1,000
Lot width (feet)	20	16	16	20

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Lot coverage (maximum percent per lot or total parcel acreage)	50 percent	75 percent	80 percent	90 percent
<i>Two- or Three-Family (TTF)</i>				
Lot area (square feet)	4,000	4,000	4,000	4,000
Lot width (feet)	55	55	55	55
Lot coverage (maximum percent per lot or total parcel acreage)	55	55	75	75
<i>Multifamily (MF) - See Building Type Standards in article 5 of this chapter</i>				
Lot area (square feet)	12,500	12,500	12,500	12,500
Lot width (feet)	1 bldg.: 50 2 or more bldgs.: 100	1 bldg.: 50 2 or more bldgs.: 100	1 bldg.: 50 2 or more bldgs.: 100	1 bldg.: 50 2 or more bldgs.: 100
Lot coverage (maximum percentage)	N/A	N/A	N/A	N/A
<i>Building Setbacks (minimum, unless specified)</i>				
<i>Single-Family Detached and Two-Family</i>				
Front (feet)	Min. 10/Max. 25	Min. 5/Max. 20	Min. 5/Max. 20	Not permitted
Side - interior lot (feet)	7.5	7.5	7.5	Not permitted
Side - corner lot on public street (feet)	15	15	15	Not permitted
Rear (feet)	10	10	10	Not permitted
Rear - w/alley (feet)	15	10	10	Not permitted
<i>Single-Family Attached and Urban Single-Family</i>				
Front (feet)	Min. 10/Max. 20, Min. 5/Max. 10 with alley garage	Min. 10/Max. 20, Min. 5 with alley garage	No Min./Max	No Min./Max.
Side - interior lot (feet)	N/A	N/A	No Min./Max.	No Min./Max.
Side - corner lot on public street (feet)	Min. 10/Max. 20	Min. 10/Max. 20	10	5
Rear (feet)	20	15	10	10
Rear - w/alley (feet)	15	10	5	5
<i>Mixed-Use/Commercial/Multifamily***</i>				
Front (feet)	Min. 10/Max. 50	Min. 10/Max. 50	No Min./Max.	No Min./Max.
Side - interior lot (feet)	Min. 10./Max. 20	Min. 10./Max. 20	No Min./Max.	No Min./Max.
Side - corner lot on public street (feet)	20	15	No Min./Max.	No Min./Max.
Rear (feet)	15, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present	10, 0 if parking deck, liner building or party wall present

Rear - w/alley (feet)	10	10	5	5
<i>Unit Size, heated living area (minimum, unless specified)</i>				
Single-Family Detached (square feet)	1,200	1,200/800 cottage	1,200/800 cottage	Not permitted
Single-Family Detached, Urban (square feet)	1,000	1,000	1,000	1,000
Two- and Three-Family (square feet)	1,000	1,000	1,000	Not permitted
Single-Family Attached (square feet)	850	850	850	850
Multifamily - one bedroom (square feet)	550	500	500	500
Multifamily - two bedroom (square feet)	700	650	650	650
Multifamily - three bedroom (square feet)	850	800	800	800
Accessory Unit (square feet)	650	650	Not permitted	Not permitted
Live/Work (residential portion square feet)	400	400	400	400

\* See article 5 of this chapter for enhanced open space requirements.

\*\* SFD Cottage type exempt; see article 5 of this chapter for standards.

\*\*\* See article 5 of this chapter for building separation and minimum multifamily unit size details.

(Ord. of 8-2-2017, § 1(2.18.3))

***DIVISION 19. MU-1 (MIXED-USE LOW DENSITY) DISTRICT***

**Sec. 2.19.1. Dimensional requirements.**

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

(Ord. of 8-2-2017, § 1(2.19.1))

### Sec. 2.19.2. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.19.2))

### Sec. 2.19.3. Permitted and special land uses.

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

#### A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
  - a. Urban Community Garden, up to 5 acres; see section 4.2
2. Residential
  - a. Child day care center
  - b. Dwelling, multifamily
  - c. Dwelling, single-family (attached)
  - d. Dwelling, single-family (detached)
  - e. Dwelling, three-family
  - f. Dwelling, townhouse; see section 4.2
  - g. Dwelling, two family
  - h. Dwelling, urban single-family; see section 4.2
  - i. Live/work unit; see section 4.2
  - j. Nursing care facility or hospice
3. Institutional/Public
  - a. Club, order or lodge, fraternal, non-commercial
  - b. Colleges, universities, research and training facilities
  - c. Funeral home, mortuary
  - d. Government facilities
  - e. Library or museum
  - f. Neighborhood or subdivision clubhouse or amenities; see section 4.2
  - g. Places of worship; see section 4.2
  - h. School, public kindergarten, elementary, middle or high schools
  - i. School, specialty; see section 4.2
  - j. School, vocational; see section 4.2
4. Commercial
  - a. Adult daycare facility, up to 6; see section 4.2
  - b. Animal hospitals, veterinary clinic; see section 4.2
  - c. Art gallery
  - d. Banks, credit unions or other similar financial institutions
  - e. Barber shop/beauty salon or similar establishments
  - f. Brewpub/beer growler
  - g. Catering establishment
  - h. Check cashing establishment, accessory; see section 4.2
  - i. Child day care center (kindergarten), 7 or more

- j. Child day care facility, 7 or more; see section 4.2
  - k. Clinic, health services
  - l. Commercial greenhouse or plant nursery; see section 4.2
  - m. Dog day care
  - n. Dog grooming
  - o. Dry cleaning agencies, pressing establishments or laundry pick-up stations
  - p. Farmer's market, permanent; see section 4.2
  - q. Fitness center
  - r. Kidney dialysis center
  - s. Office, medical
  - t. Office, professional
  - u. Parking, commercial lot; see section 4.2
  - v. Parking, commercial garage
  - w. Personal services establishment
  - x. Recreation, indoor
  - y. Restaurants (non drive-thru)
  - z. Retail, 5,000 sf or less (with the exception of small box discount stores)
  - aa. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
  - bb. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage
  - cc. Shopping center
  - dd. Special events facility
  - ee. Taxi stand
5. Communications – Utility
- a. Essential services
  - b. Radio or television broadcasting studio
  - c. Satellite television antenna; see section 4.2
6. Wireless Telecommunications
- a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
- The following uses are permitted only with administrative approval:
- 1. Agricultural
    - a. Urban, community garden, over 5 acres
  - 2. Residential
    - a. Home occupation, no customer contact; see section 4.2
  - 3. Commercial
    - a. Farmer's market, temporary/seasonal; see section 4.2
    - b. Temporary outdoor retail sales; see section 4.2
    - c. Temporary outdoor sales; seasonal; see section 4.2
    - d. Temporary outdoor sales or events, seasonal; see section 4.2
    - e. Temporary produce stand; see section 4.2
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2
  - 4. Wireless Telecommunications
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2

- b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential

- a. Child care home, 5 or less; see section 4.2
- b. Child care facility, 6 or more; see section 4.2
- c. Home occupation, with customer contact; see section 4.2
- d. Personal care home, 7 or more; see section 4.2
- e. Senior housing; see section 4.2
- f. Short Term vacation rental

2. Institutional/Public

- a. Cultural facilities

3. Commercial

- a. Alcohol outlet-package store, primary; see section 4.2
- b. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
- c. Bus or rail stations or terminals for passengers
- d. Drive-through facilities; see section 4.2
- e. Nightclub or late-night establishment; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential

- a. Accessory uses or structures
- b. Dormitory
- c. Dwelling, single-family, accessory (guesthouse, in-law suite); see section 4.2

2. Institutional/Public

- a. Educational use, private; see section 4.2

[TMOD-22-001]

**Sec. 2.19.4. MU-1 (Mixed-Use Low Density) District rezoning submittal requirements.**

The following standards only apply to rezoning applications initiated by the owners of the subject property or the authorized agent of the owners. In the interest of economic development and to spur redevelopment, applications initiated by the city are not required to comply with the standards in this section.

Prior to the submittal of an application for a land disturbance permit or building permit, an applicant for development of a city-initiated MU-zoned property, shall comply with the following standards. The application will be reviewed administratively by the director.

- A. *Pre-application meeting.* Before submitting an application for rezoning to the MU-1 (Mixed-Use Low Density) District, the applicant shall confer with the director of planning to discuss the feasibility of the proposed plan and its relationship to the comprehensive plan and city ordinances.
- B. *Submittal of master development plan.* The submittal package for rezoning to the MU-1 (Mixed-Use Low Density) District shall include all items indicated by the application and instruction form established by the planning department. The master development plan shall include:

1. *Pre-application meeting minutes.* Applicants shall provide documentation showing that the required pre-application meeting occurred.
2. *Master development plan.* A master development plan shall illustrate the project showing the location of proposed uses identified by type, site functions, and internal vehicular and pedestrian circulation, along with proposed access points (note: prefer multi-modal access plan as specified in the overlays).
3. *Master development standards.* An applicant for rezoning to the MU-1 (Mixed-Use Low Density) District shall submit the following with the rezoning application:
  - a. A set of tables, matrices, and/or diagrams shall document the proposed standards that will regulate the permitted use, density, lot dimensions, setbacks, site and building form for each area identified in the master concept plan, and indicate all instances where proposed standards vary from this division.
  - b. Documentation regarding eligibility for density bonuses sought by the applicant (see section 2.19.6).
  - c. A summary of the anticipated maintenance and ownership of streets and open spaces.
  - d. Proposed gross and net nonresidential floor area, maximum number of residential dwelling units by type and minimum lot size, and amount of enhanced open space.
4. *Master development plan architectural standards.* An applicant for rezoning to the MU-1 (Mixed-Use Low Density) District shall include with the master development plan a set of binding and enforceable architectural standards that will be utilized by the developer to ensure aesthetic continuity throughout the life of the project.
  - a. At a minimum, the architectural standards shall address lighting, signage, fences, landscaping, building materials, and other architectural features proposed to be included by the applicant.
  - b. A master sign plan may be proposed for approval at the time of rezoning with dimensions that vary from the sign ordinance, provided that the proposed plan demonstrates pedestrian-oriented scale.

(Ord. of 8-2-2017, § 1(2.19.4))

### **Sec. 2.19.5. Mixed-use building restrictions.**

The following restrictions shall also apply to mixed-use buildings:

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

(Ord. of 8-2-2017, § 1(2.19.5))

### **Sec. 2.19.6. Density and location criteria (MU-1 District)**

- A. The maximum allowed dwelling unit density before application of any bonus is 4 dwelling units per acre, and after application of any bonuses is 8 dwelling units per acre.

- B. Density determination of each MU-1 (Mixed-Use Low Density) property:
1. Existing MU-1 properties: For properties converted to the MU-1 (Mixed-Use Low Density) District classification at the effective date of the ordinance from which this chapter is derived:
    - a. Where conditions of zoning regulate density on the property, the maximum density shall remain as established in any conditions of zoning attached to the property.
    - b. Where no conditions of zoning regulating density have been attached to the property, the maximum density shall be the Base Max described in Table 2.18 unless administratively reviewed and approved for bonus increases, according to the criteria set forth in subsection C. of this section.
  2. New MU-1 districts: For property rezoned to the MU-1 (Mixed-Use Low Density) District classification after the effective date of the ordinance from which this chapter is derived, density shall be established by the City Council at the time of approval of the MU-1 District, based upon the criteria set forth in subsection C. of this section.
- C. Density bonus eligibility and calculations. Density bonuses are intended for subdivisions, as defined in this chapter, not for individual infill lots. The maximum allowed density on MU-1 (Mixed-Use Low Density) zoned property may be increased above the base max by application of density bonuses as indicated by Table 2.19, and may be accumulated if eligible. An example of how allowable density bonuses are calculated is shown in the example at the end of Table 2.19. In no case shall density exceed the bonus maximum established by Table 2.18.

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

Density bonus percent increase by amenity, location, or other provision	
20 percent greater than base	
Public Improvements	Applicant provides any of the following improvements: Transit facilities (bus shelter, ride-share), public art, structured parking, trail with public access, sidewalks and/or road improvements beyond project.
Transit Proximity	Existing park-n-ride or ride-share facility is located within one-quarter mile of property boundary.
Nonresidential and Residential Mix of Uses	Total gross square footage of all buildings occupied by nonresidential uses is between 10 and 25 percent.
Amenity Proximity	Existing amenities such as health care facilities, senior and/or civic centers, public schools, public libraries, recreational facilities, personal service establishments, grocery stores, or shopping centers.
50 percent greater than base	
Sustainability Elements	Certification that proposed buildings, if built as designed, would be accredited by LEED®, EarthCraft, or other similar national accreditation organization, for energy- and water-efficient site and building design.
Mixed Income or Mixed Age	30-year enforceable commitment approved by the city attorney and recorded on the deed records that total number of units will be reserved to be occupied as follows: 10 percent by very low income households, or 20 percent by low-income households, or 25 percent by senior citizens. Household income level shall be as established by the Atlanta Regional Commission.
Nonresidential and Residential Mix of Uses	Nonresidential uses occupy more than 25 percent of total gross square footage of all buildings.
Additional Enhanced Open Space	Additional enhanced open space (with standards established by article 5 of this chapter) comprise 20 percent of the overall development site.
100 percent greater than base	



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Additional Enhanced Open Space	Additional enhanced open space comprises 35 percent or more of the overall site development.
MARTA Rapid Transit Station	Existing MARTA rapid transit station is located within one-quarter mile of property boundary.
Reinvestment Areas	Property is located within an Enterprise Zone or Opportunity Zone.

(Ord. of 8-2-2017, § 1(2.19.6)) [TMOD-22-001]

**Sec. 2.19.7. Reserved.**

(Ord. of 8-2-2017, § 1(2.19.7))

**Sec. 2.19.8. MU-1 retail size restrictions.**

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

(Ord. of 8-2-2017, § 1(2.19.8))

## *DIVISION 20. MU-2 (MIXED-USE LOW-MEDIUM DENSITY) DISTRICT*

### **Sec. 2.20.1. District requirements, standards and criteria.**

With the exception of the use list below, all provisions found in the MU-1 (Mixed Use Low Density) District shall apply to the MU-2 (Mixed-Use Low-Medium Density) District, except that the maximum allowed dwelling unit density before application of any bonus is 6 dwelling units per acre, and after application of any bonuses is 12 dwelling units per acre.

(Ord. of 8-2-2017, § 1(2.20.1)) [TMOD-22-001]

### **Sec. 2.20.2. Permitted and special land uses.**

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

#### **A. Permitted Uses**

The following uses are permitted as of right under this code:

1. Agricultural Activities
  - a. Urban Community Garden, up to 5 acres; see section 4.2
  
2. Residential
  - a. Bed and breakfast establishment; see section 4.2
  - b. Child day care center
  - c. Convents or monasteries; see section 4.2
  - d. Dwelling, multifamily
  - e. Dwelling, single-family (attached)
  - f. Dwelling, single-family (detached)
  - g. Dwelling, three-family
  - h. Dwelling, townhouse; see section 4.2
  - i. Dwelling, two family
  - j. Dwelling, urban single-family; see section 4.2
  - k. Fraternity house or sorority house
  - l. Live/work unit; see section 4.2
  - m. Nursing care facility or hospice
  
3. Institutional/Public
  - a. Club, order or lodge, fraternal, non-commercial
  - b. Colleges, universities, research and training facilities
  - c. Funeral home, mortuary
  - d. Government facilities
  - e. Library or museum
  - f. Neighborhood or subdivision clubhouse or amenities; see section 4.2
  - g. Places of worship; see section 4.2
  - h. School, public kindergarten, elementary, middle or high schools
  - i. School, specialty; see section 4.2
  - j. School, vocational; see section 4.2
  
4. Commercial
  - a. Adult daycare center, 7 or more; see section 4.2
  - b. Adult daycare facility, up to 6; see section 4.2

- c. Animal hospitals, veterinary clinic; see section 4.2
  - d. Art gallery
  - e. Automobile or truck rental or leasing facilities; see section 4.2
  - f. Banks, credit unions or other similar financial institutions
  - g. Barber shop/beauty salon or similar establishments
  - h. Brewpub/beer growler
  - i. Catering establishment
  - j. Check cashing establishment, accessory; see section 4.2
  - k. Child day care facility, up to 6; see section 4.2
  - l. Child day care center (kindergarten), 7 or more
  - m. Child day care facility, 7 or more; see section 4.2
  - n. Clinic, health services
  - o. Coin laundry
  - p. Dog day care
  - q. Dog grooming
  - r. Dry cleaning agencies, pressing establishments or laundry pick-up stations
  - s. Farmer's market, permanent; see section 4.2
  - t. Fitness center
  - u. Kidney dialysis center
  - v. Office, medical
  - w. Office, professional
  - x. Parking, commercial lot; see section 4.2
  - y. Parking, commercial garage
  - z. Personal services establishment
  - aa. Recreation, indoor
  - bb. Restaurants (accessory to hotel/motel)
  - cc. Restaurants (non drive-thru)
  - dd. Retail, 5,000 sf or less (with the exception of small box discount stores)
  - ee. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
  - ff. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage
  - gg. Shopping center
  - hh. Special events facility
  - ii. Taxi stand
5. Industrial
- a. Contractor, general (see also building or construction office)
6. Communications – Utility
- a. Essential services
  - b. Radio or television broadcasting studio
  - c. Satellite television antenna; see section 4.2
7. Wireless Telecommunications
- a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
- The following uses are permitted only with administrative approval:
- 1. Agricultural
    - a. Urban, community garden, over 5 acres

2. Residential

- a. Home occupation, no customer contact; see section 4.2
- b. Hotel/motel

3. Commercial

- a. Farmer's market, temporary/seasonal; see section 4.2
- b. Temporary outdoor retail sales; see section 4.2
- c. Temporary outdoor sales; seasonal; see section 4.2
- d. Temporary outdoor sales or events, seasonal; see section 4.2
- e. Temporary produce stand; see section 4.2
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications

- a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
- b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential

- a. Child care home, 5 or less; see section 4.2
- b. Child care facility, 6 or more; see section 4.2
- c. Home occupation, with customer contact; see section 4.2
- d. Personal care home, 7 or more; see section 4.2
- e. Senior housing; see section 4.2
- f. Short Term vacation rental

2. Institutional/Public

- a. Cultural facilities
- b. School, private kindergarten, elementary, middle or high schools; see section 4.2

3. Commercial

- a. Alcohol outlet-package store, primary; see section 4.2
- b. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
- c. Bus or rail stations or terminals for passengers
- d. Drive-through facilities; see section 4.2
- e. Nightclub or late night establishment; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential

- a. Accessory uses or structures
- b. Dormitory
- c. Dwelling, single-family, accessory (guesthouse, in-law suite) ; see section 4.2

2. Institutional/Public

- a. Educational use, private; see section 4.2
- b. Swimming pools, commercial; see section 4.2
- c. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

[TMOD-22-001]

### *DIVISION 21. MU-3 (MIXED-USE MEDIUM DENSITY) DISTRICT*

#### **Sec. 2.21.1. District requirements, standards and criteria.**

With the exception of the use list below, all provisions found in the MU-2 (Mixed-Use Medium Density) District shall apply to the MU-3 (Mixed-Use Medium Density) District, except that:

- A. The maximum allowed dwelling unit density before application of any bonus is 12 dwelling units per acre, and after application of any bonuses is 24 dwelling units per acre.
- B. Section 2.19.8 regarding retail size restrictions shall not apply.
- C. Height restrictions apply to the MU-3 (Mixed-Use Low-Medium Density) District based on a relationship of density, as achieved through bonuses, in accordance with Table 2.9 or 2.11, as applicable.

(Ord. of 8-2-2017, § 1(2.21.1)) [TMOD-22-001]

#### **Sec. 2.21.2. Permitted and special land uses.**

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

##### **A. Permitted Uses**

The following uses are permitted as of right under this code:

- 1. Agricultural Activities
  - a. Urban Community Garden, up to 5 acres; see section 4.2
- 2. Residential
  - a. Bed and breakfast establishment; see section 4.2
  - b. Child day care center
  - c. Convents or monasteries; see section 4.2
  - d. Dwelling, multifamily
  - e. Dwelling, single-family (attached)
  - f. Dwelling, single-family (detached)
  - g. Dwelling, three-family
  - h. Dwelling, townhouse; see section 4.2
  - i. Dwelling, two family
  - j. Dwelling, urban single-family; see section 4.2
  - k. Fraternity house or sorority house
  - l. Live/work unit; see section 4.2
  - m. Nursing care facility or hospice
- 3. Institutional/Public
  - a. Club, order or lodge, fraternal, non-commercial
  - b. Colleges, universities, research and training facilities
  - c. Funeral home, mortuary
  - d. Government facilities

- e. Hospital or accessory ambulance service
  - f. Library or museum
  - g. Neighborhood or subdivision clubhouse or amenities; see section 4.2
  - h. Places of worship; see section 4.2
  - i. School, public kindergarten, elementary, middle or high schools
  - j. School, specialty; see section 4.2
  - k. School, vocational; see section 4.2
4. Commercial
- a. Adult daycare center, 7 or more; see section 4.2
  - b. Adult daycare facility, up to 6; see section 4.2
  - c. Art gallery
  - d. Automobile or truck rental or leasing facilities; see section 4.2
  - e. Banks, credit unions or other similar financial institutions
  - f. Barber shop/beauty salon or similar establishments
  - g. Brewpub/beer growler
  - h. Catering establishment
  - i. Check cashing establishment, accessory; see section 4.2
  - j. Child day care facility, up to 6; see section 4.2
  - k. Child day care center (kindergarten), 7 or more
  - l. Child day care facility, 7 or more; see section 4.2
  - m. Clinic, health services
  - n. Coin laundry
  - o. Dog day care
  - p. Dog grooming
  - q. Dry cleaning agencies, pressing establishments or laundry pick-up stations
  - r. Farmer's market, permanent; see section 4.2
  - s. Fitness center
  - t. Kidney dialysis center
  - u. Office, medical
  - v. Office, professional
  - w. Parking, commercial lot; see section 4.2
  - x. Parking, commercial garage
  - y. Personal services establishment
  - z. Recreation, indoor
  - aa. Restaurants (accessory to hotel/motel)
  - bb. Restaurants (non drive-thru)
  - cc. Retail, 5,000 sf or less (with the exception of small box discount stores)
  - dd. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
  - ee. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage
  - ff. Shopping center
  - gg. Special events facility
  - hh. Taxi stand
  - ii. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building
5. Industrial
- a. Contractor, general (see also building or construction office)
6. Communications – Utility
- a. Essential services

- b. Radio or television broadcasting studio
  - c. Satellite television antenna; see section 4.2
7. Wireless Telecommunications
- a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
- The following uses are permitted only with administrative approval:
1. Agricultural
- a. Urban, community garden, over 5 acres
2. Residential
- a. Home occupation, no customer contact; see section 4.2
  - b. Hotel/motel
3. Commercial
- a. Farmer's market, temporary/seasonal; see section 4.2
  - b. Medical or dental laboratories
  - c. Temporary outdoor retail sales; see section 4.2
  - d. Temporary outdoor sales; seasonal; see section 4.2
  - e. Temporary outdoor sales or events, seasonal; see section 4.2
  - f. Temporary produce stand; see section 4.2
  - g. Temporary trailer, as home sales office or construction trailer; see section 4.2
4. Wireless Telecommunications
- a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
  - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit
- The following uses are permitted only with a special land use permit:
1. Residential
- a. Child care home, 5 or less; see section 4.2
  - b. Child care facility, 6 or more; see section 4.2
  - c. Home occupation, with customer contact; see section 4.2
  - d. Personal care home, 7 or more; see section 4.2
  - e. Senior housing; see section 4.2
2. Institutional/Public
- a. Coliseum or stadium, not associated with a church or school; see section 4.2
  - b. Cultural facilities
  - c. School, private kindergarten, elementary, middle or high schools; see section 4.2
3. Commercial
- a. Alcohol outlet-package store, primary; see section 4.2
  - b. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
  - c. Bus or rail stations or terminals for passengers
  - d. Drive-through facilities; see section 4.2
  - e. Heliport; see section 4.2
  - f. Nightclub or late night establishment; see section 4.2

**D. Permitted Accessory**

The following uses are permitted as accessory only to a principal use:

1. Residential
  - a. Accessory uses or structures
  - b. Dormitory
  - c. Dwelling, single-family, accessory (guesthouse, in-law suite) ; see section 4.2
2. Institutional/Public
  - a. Swimming pools, commercial; see section 4.2
  - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

[TMOD-22-001]

***DIVISION 22. MU-4 (MIXED-USE HIGH DENSITY) DISTRICT***

**Sec. 2.22.1. District requirements, standards and criteria.**

With the exception of the use list below, all provisions found in the MU-3 (Mixed-Use Medium Density) District shall also apply to the MU-4 (Mixed-Use High Density) District, except that:

- A. The maximum allowed dwelling unit density before application of any bonus is 24 dwelling units per acre, and after application of any bonuses is 40 dwelling units per acre.
- B. Height restrictions apply to the MU-4 (Mixed-Use High Density) District in accordance with Table 2.9, 2.11, or 2.13, as applicable.

(Ord. of 8-2-2017, § 1(2.22.1)) [TMOD-22-001]

**Sec. 2.22.2. Permitted and special land uses.**

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

**A. Permitted Uses**

The following uses are permitted as of right under this code:

1. Agricultural Activities
  - a. Urban Community Garden, up to 5 acres; see section 4.2
2. Residential
  - a. Bed and breakfast establishment; see section 4.2
  - b. Child day care center
  - c. Convents or monasteries; see section 4.2
  - d. Dwelling, multifamily
  - e. Dwelling, single-family (attached)
  - f. Dwelling, three-family
  - g. Dwelling, townhouse; see section 4.2
  - h. Dwelling, two family
  - i. Dwelling, urban single-family; see section 4.2



- j. Live/work unit; see section 4.2
  - k. Nursing care facility or hospice
3. Institutional/Public
- a. Club, order or lodge, fraternal, non-commercial
  - b. Colleges, universities, research and training facilities
  - c. Coliseum or stadium, not associated with a church or school; see section 4.2
  - d. Funeral home, mortuary
  - e. Government facilities
  - f. Hospital or accessory ambulance service
  - g. Library or museum
  - h. Neighborhood or subdivision clubhouse or amenities; see section 4.2
  - i. Places of worship; see section 4.2
  - j. School, public kindergarten, elementary, middle or high schools
  - k. School, specialty; see section 4.2
  - l. School, vocational; see section 4.2
4. Commercial
- a. Adult daycare center, 7 or more; see section 4.2
  - b. Adult daycare facility, up to 6; see section 4.2
  - c. Art gallery
  - d. Automobile or truck rental or leasing facilities; see section 4.2
  - e. Banks, credit unions or other similar financial institutions
  - f. Barber shop/beauty salon or similar establishments
  - g. Brewpub/beer growler
  - h. Catering establishment
  - i. Check cashing establishment, accessory; see section 4.2
  - j. Child day care facility, up to 6; see section 4.2
  - k. Child day care center (kindergarten), 7 or more
  - l. Child day care facility, 7 or more; see section 4.2
  - m. Clinic, health services
  - n. Coin laundry
  - o. Dog day care
  - p. Dog grooming
  - q. Dry cleaning agencies, pressing establishments or laundry pick-up stations
  - r. Farmer's market, permanent; see section 4.2
  - s. Fitness center
  - t. Kidney dialysis center
  - u. Office, medical
  - v. Office, professional
  - w. Parking, commercial lot; see section 4.2
  - x. Parking, commercial garage
  - y. Personal services establishment
  - z. Recreation, indoor
  - aa. Restaurants (accessory to hotel/motel)
  - bb. Restaurants (non drive-thru)
  - cc. Retail, 5,000 sf or less (with the exception of small box discount stores)
  - dd. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
  - ee. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage
  - ff. Shopping center
  - gg. Special events facility

- hh. Taxi stand
  - ii. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building
5. Communications – Utility
- a. Essential services
  - b. Radio or television broadcasting studio
  - c. Satellite television antenna; see section 4.2
6. Wireless Telecommunications
- a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
- The following uses are permitted only with administrative approval:
- 1. Agricultural
    - a. Urban, community garden, over 5 acres
  - 2. Residential
    - a. Home occupation, no customer contact; see section 4.2
    - b. Hotel/motel
  - 3. Commercial
    - a. Farmer’s market, temporary/seasonal; see section 4.2
    - b. Medical or dental laboratories
    - c. Temporary outdoor retail sales; see section 4.2
    - d. Temporary outdoor sales; seasonal; see section 4.2
    - e. Temporary outdoor sales or events, seasonal; see section 4.2
    - f. Temporary produce stand; see section 4.2
    - g. Temporary trailer, as home sales office or construction trailer; see section 4.2
  - 4. Wireless Telecommunications
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit
- The following uses are permitted only with a special land use permit:
- 1. Residential
    - a. Child care home, 5 or less; see section 4.2
    - b. Child care facility, 6 or more; see section 4.2
    - c. Home occupation, with customer contact; see section 4.2
    - d. Personal care home, 7 or more; see section 4.2
    - e. Senior housing; see section 4.2
  - 2. Institutional/Public
    - a. Cultural facilities
    - b. Recreation club; see section 4.2
    - c. School, private kindergarten, elementary, middle or high schools; see section 4.2
  - 3. Commercial

- a. Alcohol outlet-package store, primary; see section 4.2
- b. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
- c. Bus or rail stations or terminals for passengers
- d. Drive-through facilities; see section 4.2
- e. Heliport; see section 4.2
- f. Nightclub or late night establishment; see section 4.2

**D. Permitted Accessory**

The following uses are permitted as accessory only to a principal use:

**1. Residential**

- a. Accessory uses or structures
- b. Dormitory
- c. Dwelling, single-family, accessory (guesthouse, in-law suite) ; see section 4.2

**2. Institutional/Public**

- a. Swimming pools, commercial; see section 4.2
- b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

[TMOD-22-001]

*DIVISION 23. MU-5 (MIXED-USE VERY HIGH DENSITY) DISTRICT*

**Sec. 2.23.1. District requirements, standards and criteria.**

With the exceptions of the use list below, all provisions found in the MU-3 (Mixed-Use Medium Density) District shall also apply to the MU-5 (Mixed-Use Very High Density) District, except as identified below:

- A. The maximum allowed dwelling unit density before application of any bonus is 40 dwelling units per acre, and after application of any bonuses is 120 dwelling units per acre.
- B. Height restrictions apply to MU-5 in accordance with Tables 2.13 and 2.15, as applicable.

(Ord. of 8-2-2017, § 1(2.23.1)) [TMOD-22-001]

**Sec. 2.23.2. Permitted and special land uses.**

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

**A. Permitted Uses**

The following uses are permitted as of right under this code:

**1. Agricultural Activities**

- a. Urban Community Garden, up to 5 acres; see section 4.2

**2. Residential**

- a. Bed and breakfast establishment; see section 4.2
- b. Child day care center
- c. Convents or monasteries; see section 4.2

- d. Dwelling, multifamily
  - e. Dwelling, single-family (attached)
  - f. Dwelling, three-family
  - g. Dwelling, townhouse; see section 4.2
  - h. Dwelling, two family
  - i. Dwelling, urban single-family; see section 4.2
  - j. Live/work unit; see section 4.2
  - k. Nursing care facility or hospice
3. Institutional/Public
- a. Club, order or lodge, fraternal, non-commercial
  - b. Colleges, universities, research and training facilities
  - c. Coliseum or stadium, not associated with a church or school; see section 4.2
  - d. Funeral home, mortuary
  - e. Government facilities
  - f. Hospital or accessory ambulance service
  - g. Library or museum
  - h. Neighborhood or subdivision clubhouse or amenities; see section 4.2
  - i. Places of worship; see section 4.2
  - j. School, public kindergarten, elementary, middle or high schools
  - k. School, specialty; see section 4.2
  - l. School, vocational; see section 4.2
4. Commercial
- a. Adult daycare center, 7 or more; see section 4.2
  - b. Adult daycare facility, up to 6; see section 4.2
  - c. Art gallery
  - d. Automobile or truck rental or leasing facilities; see section 4.2
  - e. Banks, credit unions or other similar financial institutions
  - f. Barber shop/beauty salon or similar establishments
  - g. Brewpub/beer growler
  - h. Catering establishment
  - i. Check cashing establishment, accessory; see section 4.2
  - j. Child day care facility, up to 6; see section 4.2
  - k. Child day care center (kindergarten), 7 or more
  - l. Child day care facility, 7 or more; see section 4.2
  - m. Clinic, health services
  - n. Coin laundry
  - o. Dog day care
  - p. Dog grooming
  - q. Dry cleaning agencies, pressing establishments or laundry pick-up stations
  - r. Farmer's market, permanent; see section 4.2
  - s. Fitness center
  - t. Kidney dialysis center
  - u. Office, medical
  - v. Office, professional
  - w. Parking, commercial lot; see section 4.2
  - x. Parking, commercial garage
  - y. Personal services establishment
  - z. Recreation, indoor
  - aa. Restaurants (accessory to hotel/motel)

- bb. Restaurants (non drive-thru)
  - cc. Retail, 5,000 sf or less (with the exception of small box discount stores)
  - dd. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
  - ee. Retail warehouses/wholesalers providing sales of merchandise with no outdoor storage
  - ff. Shopping center
  - gg. Special events facility
  - hh. Taxi stand
  - ii. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building
5. Communications – Utility
- a. Essential services
  - b. Radio or television broadcasting studio
  - c. Satellite television antenna; see section 4.2
6. Wireless Telecommunications
- a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
- The following uses are permitted only with administrative approval:
1. Agricultural
- a. Urban, community garden, over 5 acres
2. Residential
- a. Home occupation, no customer contact; see section 4.2
  - b. Hotel/motel
3. Commercial
- a. Farmer’s market, temporary/seasonal; see section 4.2
  - b. Medical or dental laboratories
  - c. Temporary outdoor retail sales; see section 4.2
  - d. Temporary outdoor sales; seasonal; see section 4.2
  - e. Temporary outdoor sales or events, seasonal; see section 4.2
  - f. Temporary produce stand; see section 4.2
  - g. Temporary trailer, as home sales office or construction trailer; see section 4.2
4. Wireless Telecommunications
- a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
  - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit
- The following uses are permitted only with a special land use permit:
1. Residential
- a. Child care home, 5 or less; see section 4.2
  - b. Child care facility, 6 or more; see section 4.2
  - c. Home occupation, with customer contact; see section 4.2
  - d. Personal care home, 7 or more; see section 4.2
  - e. Senior housing; see section 4.2

- 2. Institutional/Public
  - a. Cultural facilities
  - b. Recreation club; see section 4.2
  - c. School, private kindergarten, elementary, middle or high schools; see section 4.2

- 3. Commercial
  - a. Alcohol outlet-package store, primary; see section 4.2
  - b. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
  - c. Bus or rail stations or terminals for passengers
  - d. Drive-through facilities; see section 4.2
  - e. Heliport; see section 4.2
  - f. Nightclub or late night establishment; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

- 1. Residential
  - a. Accessory uses or structures
  - b. Dormitory
  - c. Dwelling, single-family, accessory (guesthouse, in-law suite) ; see section 4.2
- 2. Institutional/Public
  - a. Swimming pools, commercial; see section 4.2
  - b. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

[TMOD-22-001]

**DIVISION 24. NONRESIDENTIAL ZONING DISTRICTS: DIMENSIONAL REQUIREMENTS**

**Sec. 2.24.1. Dimensional requirements.**

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

**Table 2.24. Nonresidential Zoning Districts Dimensional Requirements**

Nonresidential Districts								
Element	OIT	OI	NS	C-1	C-2	OD	M	M2
<i>Overall Site Requirements (minimum, unless otherwise specified)</i>								
<i>Dimensional Requirements</i>								
Lot area (min. square feet)	7,500	20,000	20,000	20,000	30,000	30,000	30,000	2 acres for heavy ind. and uses req'g SLUP, 1 acre for all other uses

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Single-Family Attached Lot Area (Avg. per dwelling unit sq. ft.)	4,000	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
Lot width, street frontage (feet)	75	100	100	100	100	100	100	150
Lot coverage (maximum percentage)	80	80	80	90	90	80	80	80
<i>Open Space Requirements</i>								
Sites with 5,000—39,999 sq. ft. gross floor area (minimum percent)	15	15	15	10	10	15	15	15
Sites with 40,000 sq. ft. gross floor area (minimum percent)	20	20	20	20	20	20	20	20
Transitional buffer (feet)	Article 5, division 4 of this chapter							
<i>Building Setback Requirements (minimum, unless otherwise specified)</i>								
Front thoroughfares and arterials (feet)	40	60*	30	60	60	75	60	60
Front - all other streets (feet)	30	50*	20	50	50	75	60	60
Side - interior lot (feet)	20	20*	20	20	20	20	20	20
Side - corner lot on public streets (feet)	40	50*	15	50	50	50	60	60
Rear (feet)	30	30*	20	30	30	30	30	30
<i>Unit Size (residential: heated living area)</i>								
Floor area of attached dwelling unit	1,000	1,000	Not permitted	Not permitted	Not permitted	Not permitted	1,000	Not permitted

of Multifamily (min. sq. ft.)								
Floor area of live/work dwelling unit (residential portion only - min. sq. ft.)	650	650	650	650	Not permitted	Not permitted	650	Not permitted
Floor area per individual building (maximum sq. ft.)(non-res)	N/A	N/A	50,000	No maximum	No maximum	No maximum	No maximum	No maximum
<i>Height (maximum without a special land use permit (SLUP))**</i>								
Height (feet)	2 story/35 feet	5 story/70 feet	2 story/35 feet	2 story/35 feet	2 story/35 feet	2 story/35 feet	**	**
Transitional height plane (see article 5 of this chapter)	No	Yes	No	No	No	Yes	Yes	Yes

\* If located next to single-family residential and the building will exceed 35 feet, the building setback from SF residential shall be increased 50 percent.

\*\* Fire department and rescue services must approve over three stories to ensure adequacy of fire protection facilities.

\*\*\* Five-story/70 feet if in an activity node, two-story/35 feet outside an activity node, unless obtaining a SLUP for up to five-story/70 feet.

(Ord. of 8-2-2017, § 1(2.24.1))

***DIVISION 25. NS (NEIGHBORHOOD SHOPPING) DISTRICT***

**Sec. 2.25.1. Statement of purpose and intent.**

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

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

(Ord. of 8-2-2017, § 1(2.25.1))



**Sec. 2.25.2. Intensity limitations.**

In a building that contains more than one business establishment, no single business establishment shall occupy more than 15,000 square feet, whether owned or leased. No building occupied by a single business establishment shall exceed 50,000 square feet.

(Ord. of 8-2-2017, § 1(2.25.2))

**Sec. 2.25.3. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.25.3)) [TMOD-22-001]

**A. Permitted Uses**

The following uses are permitted as of right under this code:

1. Agricultural Activities
  - a. Urban Community Garden, up to 5 acres; see section 4.2
  
2. Residential
  - a. Child care home, 5 or less; see section 4.2
  - b. Child day care center
  
3. Institutional/Public
  - a. Government facilities
  - b. Library or museum
  - c. Places of worship; see section 4.2
  - d. School, vocational; see section 4.2
  
4. Commercial
  - a. Adult daycare center, 7 or more; see section 4.2
  - b. Adult daycare facility, up to 6; see section 4.2
  - c. Animal hospital, veterinary clinic; see section 4.2
  - d. Art gallery
  - e. Banks, credit unions or other similar financial institutions
  - f. Barber shop/beauty salon or similar establishments
  - g. Brewpub/beer growler
  - h. Child day care facility, up to 6; see section 4.2
  - i. Child day care center (kindergarten), 7 or more
  - j. Clinic, health services
  - k. Coin laundry
  - l. Commercial greenhouse or plant nursery; see section 4.2
  - m. Drive-through facilities; see section 4.2
  - n. Dry cleaning agencies, pressing establishments or laundry pick-up stations
  - o. Farmer's market, permanent; see section 4.2
  - p. Fitness center
  - q. Office, medical
  - r. Office, professional
  - s. Personal services establishment

- t. Recreation, indoor
  - u. Restaurants (non drive-thru)
  - v. Retail, 5,000 sf or less (with the exception of small box discount stores)
  - w. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
  - x. Shopping center
  - y. Taxi stand
5. Communications – Utility
- a. Essential services
  - b. Satellite television antenna; see section 4.2
6. Wireless Telecommunications
- a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
- The following uses are permitted only with administrative approval:
- 1. Agricultural
    - a. Urban, community garden, over 5 acres
  - 2. Institutional/Public
    - a. School, vocational; see section 4.2
  - 3. Commercial
    - a. Farmer’s market, temporary/seasonal; see section 4.2
    - b. Temporary outdoor retail sales; see section 4.2
    - c. Temporary outdoor sales; seasonal; see section 4.2
    - d. Temporary outdoor sales or events, seasonal; see section 4.2
    - e. Temporary produce stand; see section 4.2
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2
  - 4. Wireless Telecommunications
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
    - b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit
- The following uses are permitted only with a special land use permit:
- 1. Residential
    - a. Child care facility, 6 or more; see section 4.2
    - b. Personal care home, 6 or less; see section 4.2
    - c. Personal care home, 7 or more; see section 4.2
  - 2. Commercial
    - a. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
    - b. Alcohol outlet-beer and wine, accessory to retail less than 12,000sf; see section 4.2
    - c. Automobile service stations; see section 4.2
    - d. Fuel pumps; see section 4.2
    - e. Liquor store (see alcohol outlet) ; see section 4.2
    - f. Nightclub or late night establishment; see section 4.2

- 3. Wireless Telecommunications
  - a. New support structure from 51 feet to 150 feet; see section 4.2

**D. Permitted Accessory**  
The following uses are permitted as accessory only to a principal use:

- 1. Residential
  - a. Accessory uses or structures
- 2. Commercial
  - a. Kennel, breeding
- 3. Industrial
  - a. Recycling collection

[TMOD-22-001]

**Sec. 2.25.4. Dimensional requirements.**

Dimensional requirements for the NS (Neighborhood Shopping) District shall be as provided in Table 2.24, Nonresidential Zoning Districts Dimensional Requirements.

(Ord. of 8-2-2017, § 1(2.25.4))

**Sec. 2.25.5. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.25.5))

*DIVISION 26. C-1 (LOCAL COMMERCIAL) DISTRICT*

**Sec. 2.26.1. Statement of purpose and intent.**

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

- A. To provide convenient local retail shopping and service areas within the city for all residents;
- B. To provide for quality control in development through materials and building placement;
- C. To ensure that the uses authorized within the C-1 (Local Commercial) District are those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods;
- D. To implement the future development map of the city's comprehensive plan.

(Ord. of 8-2-2017, § 1(2.26.1))

**Sec. 2.26.2. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.26.2)) [TMOD-21-17]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities

- a. Urban Community Garden, up to 5 acres; see section 4.2

2. Residential

- a. Bed and breakfast establishment; see section 4.2
- b. Child care facility, 6 or more
- c. Child care home, 5 or less; see section 4.2
- d. Child day care center
- e. Hotel/motel
- f. Live/work unit; see section 4.2
- g. Nursing care facility or hospice
- h. Personal care home, 6 or less; see section 4.2
- i. Personal care home, 7 or more; see section 4.2
- j. Shelter for homeless persons, 7-20; see section 4.2
- k. Transitional housing facilities, 7-20 persons; see section 4.2

3. Institutional/Public

- a. Club, order or lodge, fraternal, non-commercial
- b. Coliseum or stadium/not associated with church or school; see section 4.2
- c. Colleges, universities, research and training facilities
- d. Funeral home, mortuary
- e. Government facilities
- f. Library or museum
- g. Places of worship; see section 4.2
- h. School, private kindergarten, elementary, middle or high schools; see section 4.2
- i. School, public kindergarten, elementary, middle or high schools
- j. School, specialty; see section 4.2
- k. School, vocational; see section 4.2
- l. Swimming pools, commercial; see section 4.2
- m. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

4. Commercial

- a. Adult daycare center, 7 or more; see section 4.2
- b. Adult daycare facility, up to 6; see section 4.2
- c. Ambulance service or emergency medical services, private
- d. Animal hospital, veterinary clinic; see section 4.2
- e. Art gallery
- f. Automobile brokerage; see section 4.2
- g. Automobile or truck rental or leasing facilities; see section 4.2
- h. Automobile or truck sales; see section 4.2
- i. Automobile wash/was service; see section 4.2
- j. Automobile repair, minor; see section 4.2
- k. Banks, credit unions or other similar financial institutions
- l. Barber shop/beauty salon or similar establishments
- m. Brewpub/beer growler
- n. Building or construction office; see section 4.2
- o. Catering establishments

- p. Check cashing establishment, accessory; see section 4.2
  - q. Child day care facility, up to 6; see section 4.2
  - r. Child day care center (kindergarten), 7 or more
  - s. Clinic, health services
  - t. Coin laundry
  - u. Commercial greenhouse or plant nursery; see section 4.2
  - v. Dog day care; see section 4.2
  - w. Dog grooming; see section 4.2
  - x. Drive-through facilities; see section 4.2
  - y. Dry cleaning agencies, pressing establishments or laundry pick-up stations
  - z. Farmer's market, permanent; see section 4.2
  - aa. Fitness center
  - bb. Kennel, commercial
  - cc. Kidney dialysis center
  - dd. Medical or dental laboratories
  - ee. Landscape business
  - ff. Mini-warehouse; see section 4.2
  - gg. Office, medical
  - hh. Office, professional
  - ii. Parking, commercial lot; see section 4.2
  - jj. Parking, commercial garage
  - kk. Personal services establishment
  - ll. Recreation, indoor
  - mm. Recreational vehicle, boat and trailer sales and service
  - nn. Restaurants (accessory to hotel/motel)
  - oo. Restaurants (non drive-thru)
  - pp. Retail, 5,000 sf or less (with the exception of small box discount stores)
  - qq. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
  - rr. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage
  - ss. Shopping center
  - tt. Special events facility
  - uu. Taxi stand
  - vv. Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building
  - ww. Trade shops
5. Communications – Utility
- a. Essential services
  - b. Satellite television antenna; see section 4.2
6. Wireless Telecommunications
- a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
- The following uses are permitted only with administrative approval:
- 1. Agricultural
    - a. Urban, community garden, over 5 acres
  - 2. Institutional/Public
    - a. School, vocational; see section 4.2

3. Commercial

- a. Farmer's market, temporary/seasonal; see section 4.2
- b. Temporary outdoor retail sales; see section 4.2
- c. Temporary outdoor sales; seasonal; see section 4.2
- d. Temporary outdoor sales or events, seasonal; see section 4.2
- e. Temporary produce stand; see section 4.2
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2

4. Wireless Telecommunications

- a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
- b. New support structure from 50 feet up to 199 feet; see section 4.2
- c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential

- a. Hotel/motel, extended stay; see section 4.2
- b. Shelter for homeless persons for no more than 6 persons; see section 4.2

2. Institutional/Public

- a. Cultural facilities

3. Commercial

- a. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
- b. Alcohol outlet-beer and wine, accessory to retail less than 12,000sf; see section 4.2
- c. Alcohol outlet-package store, primary; see section 4.2
- d. Automobile service stations; see section 4.2
- e. Bus or rail stations or terminals for passengers
- f. Crematoriums; see section 4.2
- g. Fuel pumps; see section 4.2
- h. Heliport; see section 4.2
- i. Liquor store (see alcohol outlet) ; see section 4.2
- j. Nightclub or late night establishment; see section 4.2
- k. Restaurants with a drive-thru configuration; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential

- a. Accessory uses or structures
- b. Dormitory

2. Commercial

- a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2
- b. Kennel, breeding

3. Industrial

- a. Recycling collection

[TMOD-22-001]

**Sec. 2.26.3. Dimensional requirements.**

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

(Ord. of 8-2-2017, § 1(2.26.3))

**Sec. 2.26.4. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.26.4))

**DIVISION 27. C-2 (GENERAL COMMERCIAL) DISTRICT**

**Sec. 2.27.1. Statement of purpose and intent.**

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

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

(Ord. of 8-2-2017, § 1(2.27.1))

**Sec. 2.27.2. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.27.2)) [TMOD-22-001]

**A. Permitted Uses**

The following uses are permitted as of right under this code:

- 1. Agricultural Activities
  - a. Urban Community Garden, up to 5 acres; see section 4.2
- 2. Residential
  - a. Bed and breakfast establishment; see section 4.2
  - b. Child care facility, 6 or more
  - c. Child care home, 5 or less; see section 4.2
  - d. Child day care center
  - e. Hotel/motel
  - f. Live/work unit; see section 4.2
  - g. Nursing care facility or hospice
  - h. Personal care home, 6 or less; see section 4.2
  - i. Personal care home, 7 or more; see section 4.2
  - j. Shelter for homeless persons, no more than 6 persons; see section 4.2
  - k. Transitional housing facilities, 7-20 persons; see section 4.2
- 3. Institutional/Public
  - a. Club, order or lodge, fraternal, non-commercial
  - b. Coliseum or stadium/not associated with church or school; see section 4.2
  - c. Colleges, universities, research and training facilities



- d. Funeral home, mortuary
  - e. Golf course or clubhouse, public or private; see section 4.2
  - f. Government facilities
  - g. Library or museum
  - h. Places of worship; see section 4.2
  - i. Recreation, outdoor; see section 4.2
  - j. School, private kindergarten, elementary, middle or high schools; see section 4.2
  - k. School, public kindergarten, elementary, middle or high schools
  - l. School, specialty; see section 4.2
  - m. School, vocational; see section 4.2
  - n. Swimming pools, commercial; see section 4.2
  - o. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2
4. Commercial
- a. Adult daycare center, 7 or more; see section 4.2
  - b. Adult daycare facility, up to 6; see section 4.2
  - c. Ambulance service or emergency medical services, private
  - d. Animal hospital, veterinary clinic; see section 4.2
  - e. Animal shelter/rescue center; see section 4.2
  - f. Art gallery
  - g. Automobile brokerage; see section 4.2
  - h. Automobile or truck rental or leasing facilities; see section 4.2
  - i. Automobile or truck sales; see section 4.2
  - j. Automobile upholstery shop
  - k. Automobile wash/wax service; see section 4.2
  - l. Automobile repair, major; see section 4.2
  - m. Automobile repair, minor; see section 4.2
  - n. Banks, credit unions or other similar financial institutions
  - o. Barber shop/beauty salon or similar establishments
  - p. Brewpub/beer growler
  - q. Building or construction office; see section 4.2
  - r. Catering establishments
  - s. Check cashing establishment, accessory; see section 4.2
  - t. Check cashing establishment, primary; see section 4.2
  - u. Child day care facility, up to 6; see section 4.2
  - v. Child day care center (kindergarten), 7 or more
  - w. Clinic, health services
  - x. Coin laundry
  - y. Commercial greenhouse or plant nursery; see section 4.2
  - z. Contractor office, heavy construction; see section 4.2
  - aa. Contractor office, landscape; see section 4.2
  - bb. Dog day care; see section 4.2
  - cc. Dog grooming; see section 4.2
  - dd. Drive-in theater; see section 4.2
  - ee. Drive-through facilities; see section 4.2
  - ff. Dry cleaning agencies, pressing establishments or laundry pick-up stations
  - gg. Fairground or amusement park; see section 4.2
  - hh. Farmer's market, permanent; see section 4.2
  - ii. Fitness center
  - jj. Fuel dealers or wholesalers
  - kk. Kennel, breeding

- ll. Kennel, commercial
  - mm. Kidney dialysis center
  - nn. Medical or dental laboratories
  - oo. Landscape business
  - pp. Mini-warehouse; see section 4.2
  - qq. Office, medical
  - rr. Office, professional
  - ss. Outdoor storage, commercial; see section 4.2
  - tt. Parking, commercial lot; see section 4.2
  - uu. Parking, commercial garage
  - vv. Pawn shop, title loan; see section 4.2
  - ww. Personal services establishment
  - xx. Printing or publishing establishments
  - yy. Recreation, indoor
  - zz. Recreation, outdoor; see section 4.2
  - aaa. Recreational vehicle, boat and trailer sales and service
  - bbb. Restaurants (accessory to hotel/motel)
  - ccc. Restaurants (non drive-thru)
  - ddd. Retail, 5,000 sf or less (with the exception of small box discount stores)
  - eee. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
  - fff. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage
  - ggg. Shopping center
  - hhh. Special events facility
  - iii. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2
  - jjj. Taxi stand
  - kkk. Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building
  - lll. Trade shops
5. Industrial
- a. Building materials or lumber supply establishment
  - b. Contractor, general
  - c. Contractor heavy construction, outside storage
  - d. Contractor, special trade
  - e. Heavy equipment repair service or trade
6. Communications – Utility
- a. Essential services
  - b. Radio or television broadcasting studio
  - c. Radio or television or broadcasting transmission facility
  - d. Satellite television antenna; see section 4.2
7. Wireless Telecommunications
- a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
- The following uses are permitted only with administrative approval:
- 1. Agricultural
    - a. Urban, community garden, over 5 acres
  - 2. Institutional/Public

- a. School, vocational; see section 4.2
- 3. Commercial
  - a. Farmer's market, temporary/seasonal; see section 4.2
  - b. Temporary outdoor retail sales; see section 4.2
  - c. Temporary outdoor sales; seasonal; see section 4.2
  - d. Temporary outdoor sales or events, seasonal; see section 4.2
  - e. Temporary produce stand; see section 4.2
  - f. Temporary trailer, as home sales office or construction trailer; see section 4.2
- 4. Wireless Telecommunications
  - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
  - b. New support structure from 50 feet up to 199 feet; see section 4.2
  - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit  
The following uses are permitted only with a special land use permit:
  - 1. Residential
    - a. Hotel/motel, extended stay; see section 4.2
  - 2. Institutional/Public
    - a. Cultural facilities
  - 3. Commercial
    - a. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
    - b. Alcohol outlet-beer and wine, accessory to retail less than 12,000sf; see section 4.2
    - c. Alcohol outlet-package store, primary; see section 4.2
    - d. Automobile service stations; see section 4.2
    - e. Bus or rail stations or terminals for passengers
    - f. Crematoriums; see section 4.2
    - g. Fuel pumps; see section 4.2
    - h. Heliport; see section 4.2
    - i. Liquor store (see alcohol outlet) ; see section 4.2
    - j. Nightclub or late night establishment; see section 4.2
    - k. Restaurants with a drive-thru configuration; see section 4.2
- D. Permitted Accessory  
The following uses are permitted as accessory only to a principal use:
  - 1. Residential
    - a. Accessory uses or structures
    - b. Dormitory
  - 2. Commercial
    - a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2
    - b. Service area, outdoor; see section 4.2
  - 3. Industrial
    - a. Recycling collection

[TMOD-22-001]

**Sec. 2.27.3. Dimensional requirements.**

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

(Ord. of 8-2-2017, § 1(2.27.3))

**Sec. 2.27.4. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.27.4))

*DIVISION 28. OD (OFFICE-DISTRIBUTION) DISTRICT*

**Sec. 2.28.1. Statement of purpose and intent.**

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

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

(Ord. of 8-2-2017, § 1(2.28.1))

**Sec. 2.28.2. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.28.2)) [TMOD-22-001]

**A. Permitted Uses**

The following uses are permitted as of right under this code:

- 1. Agricultural Activities
  - a. Urban Community Garden, up to 5 acres; see section 4.2
- 2. Residential
  - a. Hotel/motel
- 3. Institutional/Public
  - a. Cemetery, columbarium, mausoleum; see section 4.2
  - b. Club, order or lodge, fraternal, non-commercial
  - c. Coliseum or stadium/not associated with church or school; see section 4.2
  - d. Colleges, universities, research and training facilities
  - e. Educational use, private; see section 4.2

- f. Golf course or clubhouse, public or private; see section 4.2
  - g. Government facilities
  - h. Library or museum
  - i. Places of worship; see section 4.2
  - j. Recreation club; see section 4.2
  - k. Recreation, outdoor; see section 4.2
  - l. School, private kindergarten, elementary, middle or high schools; see section 4.2
  - m. School, public kindergarten, elementary, middle or high schools
  - n. School, specialty; see section 4.2
  - o. School, vocational; see section 4.2
  - p. Swimming pools, commercial; see section 4.2
  - q. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2
4. Commercial
- a. Adult daycare center, 7 or more; see section 4.2
  - b. Adult daycare facility, up to 6; see section 4.2
  - c. Alcohol outlet -beer and/or wine store, beer growler, primary; see section 4.2
  - d. Alcohol outlet-beer and wine, accessory to retail less than 12,000sf; see section 4.2
  - e. Alcohol outlet-package store, primary; see section 4.2
  - f. Animal hospital, veterinary clinic; see section 4.2
  - g. Animal shelter/rescue center; see section 4.2
  - h. Art gallery
  - i. Barber shop/beauty salon or similar establishments
  - j. Building or construction office; see section 4.2
  - k. Child day care facility, up to 6; see section 4.2
  - l. Child day care center (kindergarten), 7 or more
  - m. Clinic, health services
  - n. Contractor office, heavy construction; see section 4.2
  - o. Contractor office, landscape; see section 4.2
  - p. Drive-through facilities; see section 4.2
  - q. Farmer's market, permanent; see section 4.2
  - r. Liquor store (see alcohol outlet); see section 4.2
  - s. Mini-warehouse; see section 4.2
  - t. Office, medical
  - u. Office, professional
  - v. Parking, commercial lot; see section 4.2
  - w. Parking, commercial garage
  - x. Pawn shop, title loan; see section 4.2
  - y. Recreation, indoor
  - z. Recreation, outdoor; see section 4.2
  - aa. Restaurants (accessory to hotel/motel)
  - bb. Retail, 5,000 sf or less (with the exception of small box discount stores)
  - cc. Retail, over 5,000 sf (with the exception of small box discount stores, see also shopping center)
  - dd. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage
  - ee. Shopping center
  - ff. Special events facility
  - gg. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2
  - hh. Taxi stand
  - ii. Trade shops
5. Industrial

- a. Warehousing or storage
- 6. Communications – Utility
  - a. Essential services
- 7. Wireless Telecommunications
  - a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
  - The following uses are permitted only with administrative approval:
  - 1. Agricultural
    - a. Urban, community garden, over 5 acres
  - 2. Institutional/Public
    - a. School, vocational; see section 4.2
  - 3. Commercial
    - a. Farmer’s market, temporary/seasonal; see section 4.2
    - b. Temporary outdoor retail sales; see section 4.2
    - c. Temporary outdoor sales; seasonal; see section 4.2
    - d. Temporary outdoor sales or events, seasonal; see section 4.2
    - e. Temporary produce stand; see section 4.2
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2
  - 4. Wireless Telecommunications
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
    - b. New support structure from 50 feet up to 199 feet; see section 4.2
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit
  - The following uses are permitted only with a special land use permit:
  - 1. Institutional/Public
    - a. Cultural facilities
  - 2. Commercial
    - a. Alternative energy production
    - b. Fuel pumps; see section 4.2
    - c. Heliport; see section 4.2
    - d. Nightclub or late night establishment; see section 4.2
- D. Permitted Accessory
  - The following uses are permitted as accessory only to a principal use:
  - 1. Residential
    - a. Accessory uses or structures
    - b. Dormitory
  - 2. Commercial

- a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2

[TMOD-22-001]

**Sec. 2.28.3. Dimensional requirements.**

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

(Ord. of 8-2-2017, § 1(2.28.3))

**Sec. 2.28.4. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.28.4))

*DIVISION 29. OI (OFFICE-INSTITUTIONAL) DISTRICT*

**Sec. 2.29.1. Statement of purpose and intent.**

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

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

(Ord. of 8-2-2017, § 1(2.29.1))

**Sec. 2.29.2. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.29.2)) [TMOD-22-001]

**A. Permitted Uses**

The following uses are permitted as of right under this code:

1. Agricultural Activities
  - a. Urban Community Garden, up to 5 acres; see section 4.2
  
2. Residential
  - a. Bed and breakfast establishment
  - b. Child care home, 5 or less; see section 4.2
  - c. Child care facility, 6 or more; see section 4.2
  - d. Child day care center
  - e. Convents or monasteries; see section 4.2
  - f. Dwelling, multifamily
  - g. Hotel/motel
  - h. Live/work unit
  - i. Nursing care facility or hospice
  - j. Personal care home, 6 or less; see section 4.2
  - k. Personal care home, 7 or more; see section 4.2
  
3. Institutional/Public
  - a. Cemetery, columbarium, mausoleum; see section 4.2
  - b. Club, order or lodge, fraternal, non-commercial
  - c. Colleges, universities, research and training facilities
  - d. Funeral home, mortuary
  - e. Golf course or clubhouse, public or private; see section 4.2
  - f. Government facilities
  - g. Hospital or accessory ambulance service
  - h. Library or museum
  - i. Neighborhood or subdivision clubhouse or amenities; see section 4.2
  - j. Places of worship; see section 4.2
  - k. School, private kindergarten, elementary, middle or high schools; see section 4.2
  - l. School, public kindergarten, elementary, middle or high schools
  - m. School, specialty; see section 4.2
  - n. School, vocational; see section 4.2
  - o. Swimming pools, commercial; see section 4.2
  - p. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2
  
4. Commercial
  - a. Adult daycare center, 7 or more; see section 4.2
  - b. Automobile or truck rental or leasing facilities; see section 4.2
  - c. Banks, credit unions or other similar financial institutions
  - d. Building or construction office; see section 4.2
  - e. Catering establishments
  - f. Child day care facility, up to 6; see section 4.2
  - g. Child day care center (kindergarten), 7 or more
  - h. Clinic, health services
  - i. Drive-through facilities; see section 4.2
  - j. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
  - k. Farmer's market, permanent; see section 4.2
  - l. Fitness center
  - m. Kidney dialysis center
  - n. Medical or dental laboratories
  - o. Office, medical



- p. Office, professional
  - q. Printing or publishing establishments
  - r. Restaurants (accessory to hotel/motel)
  - s. Restaurant with a drive-thru configuration
  - t. Special events facility
  - u. Taxi stand
  - v. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building
  - w. Trade shops
5. Communications – Utility
- a. Essential services
  - b. Radio or television broadcasting studio
  - c. Satellite television antenna; see section 4.2
6. Wireless Telecommunications
- a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
- The following uses are permitted only with administrative approval:
- 1. Agricultural
    - a. Urban, community garden, over 5 acres
  - 2. Commercial
    - a. Farmer’s market, temporary/seasonal; see section 4.2
    - b. Temporary outdoor retail sales; see section 4.2
    - c. Temporary outdoor sales; seasonal; see section 4.2
    - d. Temporary outdoor sales or events, seasonal; see section 4.2
    - e. Temporary produce stand; see section 4.2
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2
  - 3. Wireless Telecommunications
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
    - b. New support structure from 50 feet up to 199 feet; see section 4.2
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit
- The following uses are permitted only with a special land use permit:
- 1. Residential
    - a. Dwelling, apartment
    - b. Fraternity or sorority house
    - c. Hotel/motel, extended stay
    - d. Senior housing; see section 4.2
    - e. Shelter for homeless persons, 7–20; see section 4.2
    - f. Shelter for homeless persons for no more than 6 persons; see section 4.2
    - g. Transitional housing facilities, 7-20 persons; see section 4.2
  - 2. Institutional/Public

- a. Cultural facilities
- 3. Commercial
  - a. Barber shop/beauty salon or similar establishment
  - b. Fuel pumps; see section 4.2
  - c. Heliport; see section 4.2
- 4. Industrial
  - a. Crematoriums; see section 4.2
- D. Permitted Accessory
  - The following uses are permitted as accessory only to a principal use:
    - 1. Residential
      - a. Accessory uses or structures
      - b. Dormitory
    - 2. Commercial
      - a. Barber shop/beauty salon or similar establishments
      - b. Liquor store (see alcohol outlet); see section 4.2
      - c. Nightclub or late night establishments; see section 4.2
      - d. Parking, commercial garage
      - e. Parking, commercial lot; see section 4.2
      - f. Personal services establishment
      - g. Restaurants (non drive-thru)
      - h. Retail 5,000 sf or less (with the exception of small box discount stores)
    - 3. Industrial
      - a. Recycling collection
    - 4. Communication-Utility
      - a. Radio or television broadcasting transmission facility

[TMOD-22-001]

### Sec. 2.29.3. Dimensional requirements.

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

(Ord. of 8-2-2017, § 1(2.29.3))

### Sec. 2.29.4. Site and building design standards.

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

(Ord. of 8-2-2017, § 1(2.29.4))

## DIVISION 30. OIT (OFFICE-INSTITUTIONAL-TRANSITIONAL) DISTRICT

### Sec. 2.30.1. Statement of purpose and intent.

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

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

(Ord. of 8-2-2017, § 1(2.30.1))

### Sec. 2.30.2. Permitted and special land uses.

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

(Ord. of 8-2-2017, § 1(2.30.2)) [TMOD-22-001]

#### A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities
  - a. Urban Community Garden, up to 5 acres; see section 4.2
2. Residential
  - a. Bed and breakfast establishment
  - b. Child care home, 5 or less; see section 4.2
  - c. Child day care center
  - d. Convents or monasteries; see section 4.2
  - e. Dwelling, single-family attached; see section 4.2
  - f. Dwelling, townhouse; see section 4.2
  - g. Dwelling, urban single-family; see section 4.2
  - h. Live/work unit
  - i. Nursing care facility or hospice
  - j. Personal care home, 6 or less; see section 4.2
  - k. Personal care home, 7 or more; see section 4.2
3. Institutional/Public
  - a. Cemetery, columbarium, mausoleum; see section 4.2
  - b. Club, order or lodge, fraternal, non-commercial
  - c. Colleges, universities, research and training facilities
  - d. Funeral home, mortuary
  - e. Golf course or clubhouse, public or private; see section 4.2

- f. Government facilities
  - g. Hospital or accessory ambulance service
  - h. Library or museum
  - i. Neighborhood or subdivision clubhouse or amenities; see section 4.2
  - j. Places of worship; see section 4.2
  - k. School, private kindergarten, elementary, middle or high schools; see section 4.2
  - l. School, public kindergarten, elementary, middle or high schools
  - m. School, specialty; see section 4.2
  - n. School, vocational; see section 4.2
  - o. Swimming pools, commercial; see section 4.2
  - p. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2
4. Commercial
- a. Adult daycare center, 7 or more; see section 4.2
  - b. Automobile or truck rental or leasing facilities; see section 4.2
  - c. Banks, credit unions or other similar financial institutions
  - d. Barber shop/beauty salon or similar establishments
  - e. Building or construction office; see section 4.2
  - f. Catering establishments
  - g. Child day care facility, up to 6; see section 4.2
  - h. Child day care center (kindergarten), 7 or more
  - i. Clinic, health services
  - j. Dry cleaning agencies, pressing establishments, or laundry pick-up stations
  - k. Farmer's market, permanent; see section 4.2
  - l. Fitness center
  - m. Kidney dialysis center
  - n. Medical or dental laboratories
  - o. Office, medical
  - p. Office, professional
  - q. Printing or publishing establishments
  - r. Restaurant with a drive-thru configuration
  - s. Special events facility
  - t. Taxi stand
  - u. Theaters with live performance, assembly or concert halls, or similar entertainment within an enclosed building
  - v. Trade shops
5. Communications – Utility
- a. Essential services
  - b. Satellite television antenna; see section 4.2
6. Wireless Telecommunications
- a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
- The following uses are permitted only with administrative approval:
- 1. Agricultural
    - a. Urban, community garden, over 5 acres
  - 2. Commercial

- a. Farmer’s market, temporary/seasonal; see section 4.2
- b. Temporary outdoor retail sales; see section 4.2
- c. Temporary outdoor sales; seasonal; see section 4.2
- d. Temporary outdoor sales or events, seasonal; see section 4.2
- e. Temporary produce stand; see section 4.2
- f. Temporary trailer, as home sales office or construction trailer; see section 4.2

3. Wireless Telecommunications

- a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
- b. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2

C. Special Land Use Permit

The following uses are permitted only with a special land use permit:

1. Residential

- a. Child care facility, 6 or more; see section 4.2
- b. Dwelling, apartment
- c. Senior housing; see section 4.2
- d. Shelter for homeless persons, 7—20; see section 4.2
- e. Shelter for homeless persons for no more than 6 persons; see section 4.2
- f. Transitional housing facilities, 7-20 persons; see section 4.2

2. Institutional/Public

- a. Cultural facilities

3. Commercial

- a. Barber shop/beauty salon or similar establishment
- b. Fuel pumps; see section 4.2
- c. Mini-warehouse; see section 4.2

4. Wireless Telecommunications

- a. New support structure from 51 feet to 150 feet; see section 4.2

D. Permitted Accessory

The following uses are permitted as accessory only to a principal use:

1. Residential

- a. Accessory uses or structures
- b. Dormitory

2. Commercial

- a. Personal services establishment
- b. Restaurants (non drive-thru)
- c. Retail 5,000 sf or less (with the exception of small box discount stores)

[TMOD-22-001]

**Sec. 2.30.3. Dimensional requirements.**

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

(Ord. of 8-2-2017, § 1(2.30.3))

**Sec. 2.30.4. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.30.4))

*DIVISION 31. M (LIGHT INDUSTRIAL) DISTRICT*

**Sec. 2.31.1. Statement of purpose and intent.**

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

- A. To provide areas for the establishment of businesses engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment and the sale and distribution of such goods, merchandise or equipment in locations so designated in the comprehensive plan;
- B. To provide an environment for light industrial uses that produces no appreciable impact on adjacent properties and preserve the appeal and appearance of residential and commercial areas;
- C. To ensure that all establishments located within the M (Light Industrial) District operate in compliance with the noise standards contained in this chapter and that any negative noise impact resulting from the use of land within the M (Light Industrial) District is contained within the boundaries of said district and does not create noise problems for adjoining residential, office or commercial districts;
- D. To provide an area within City of Stonecrest for recycling and green businesses to locate;
- E. To generate employment opportunities and economic development;
- F. To ensure that M (Light Industrial) Districts are so located that transportation access to thoroughfares and freeways is available;
- G. To implement the future development map of the city's most current comprehensive plan

(Ord. of 8-2-2017, § 1(2.31.1))

**Sec. 2.31.2. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.31.2)) [TMOD-22-001]

A. Permitted Uses

The following uses are permitted as of right under this code:

1. Agricultural Activities

- a. Dairy
- b. Keeping of livestock
- c. Keeping of poultry/pigeons
- d. Sawmill; temporary or portable
- e. Urban Community Garden, up to 5 acres; see section 4.2

2. Institutional/Public

- a. Colleges, universities, research and training facilities
- b. Golf course or clubhouse, public or private; see section 4.2
- c. Government facilities
- d. Hospital or accessory ambulance service
- e. Places of worship; see section 4.2
- f. Swimming pools, commercial; see section 4.2
- g. Tennis courts, swimming pools, play or recreation areas, community; see section 4.2

3. Commercial

- a. Adult daycare center, 7 or more; see section 4.2
- b. Alcohol outlet-package store, primary; see section 4.2
- c. Alcohol outlet- beer and/or wine store, beer growler, primary; see section 4.2
- d. Alcohol outlet-beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F)) ; see section 4.2
- e. Ambulance service or emergency medical services, private
- f. Animal hospital, veterinary clinic; see section 4.2
- g. Animal shelter/rescue center; see section 4.2
- h. Automobile brokerage; see section 4.2
- i. Automobile recovery and storage
- j. Automobile service station; see section 4.2
- k. Automobile or truck rental or leasing facilities; see section 4.2
- l. Automobile or truck sales; see section 4.2
- m. Automobile upholstery shop
- n. Automobile wash/was service; see section 4.2
- o. Automobile repair, major; see section 4.2
- p. Automobile repair, minor; see section 4.2
- q. Banks, credit unions or other similar financial institutions
- r. Barber shop/beauty salon or similar establishments
- s. Brewery, craft (micro-brewery)
- t. Brewpub/beer growler
- u. Building or construction office; see section 4.2
- v. Catering establishments
- w. Check cashing establishment, accessory; see section 4.2
- x. Check cashing establishment, primary; see section 4.2
- y. Child day care center (kindergarten), 7 or more
- z. Clinic, health services
- aa. Club, order or lodge, fraternal, non-commercial
- bb. Commercial greenhouse or plant nursery; see section 4.2
- cc. Contractor office, landscape; see section 4.2
- dd. Distillery (micro-distillery)
- ee. Dog day care; see section 4.2

- ff. Dog grooming; see section 4.2
  - gg. Drive-in theater; see section 4.2
  - hh. Drive-through facilities; see section 4.2
  - ii. Dry cleaning agencies, pressing establishments or laundry pick-up stations
  - jj. Fairground or amusement park; see section 4.2
  - kk. Farmer's market, permanent; see section 4.2
  - ll. Fitness center
  - mm. Fuel dealers or wholesalers
  - nn. Heliport; see section 4.2
  - oo. Kennel, breeding
  - pp. Kennel, commercial
  - qq. Kidney dialysis center
  - rr. Medical or dental laboratories
  - ss. Landscape business
  - tt. Liquor store (see alcohol outlet) ; see section 4.2
  - uu. Mini-warehouse; see section 4.2
  - vv. Outdoor storage, commercial; see section 4.2
  - ww. Parking, commercial lot; see section 4.2
  - xx. Parking, commercial garage
  - yy. Pawn shop, title loan; see section 4.2
  - zz. Personal services establishment
  - aaa. Printing or publishing establishments
  - bbb. Recreational vehicle, boat and trailers sales and service
  - ccc. Restaurants (non drive-thru)
  - ddd. Retail, 5,000 sf or less (with the exception of small box discount stores)
  - eee. Retail warehouses/wholesales providing sales of merchandise with no outdoor storage
  - fff. Special events facility
  - ggg. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2
  - hhh. Taxi stand
  - iii. Trade shops
4. Industrial
- a. Alternative energy production
  - b. Building materials or lumber supply establishment
  - c. Contractor, general
  - d. Contractor heavy construction, outside storage
  - e. Contractor, special trade
  - f. Crematorium; see section 4.2
  - g. Fabricated metal manufacture without EPD permit required (Light manufacturing)
  - h. General aviation airport; see section 4.2
  - i. Heavy equipment repair service or trade
  - j. Industrial, light
  - k. Manufacturing, light
  - l. Outdoor storage, industrial; see section 4.2
  - m. Railroad car classification yards or team truck yards; see section 4.2
  - n. Recovered materials facility wholly within a building; see section 4.2
  - o. Recovered materials processing wholly within a building
  - p. Recycling collection
  - q. Recycling plant
  - r. Research and testing facilities
  - s. Towing or wreckage service



- t. Transportation equipment storage or maintenance (vehicle) ; see section 4.2
  - u. Truck stop
  - v. Truck terminal
  - w. Vehicle storage yard
  - x. Warehousing or storage
5. Communications – Utility
- a. Essential services
  - b. Radio or television broadcasting studio
  - c. Radio or television or broadcasting transmission facility
  - d. Satellite television antenna; see section 4.2
6. Wireless Telecommunications
- a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
- The following uses are permitted only with administrative approval:
- 1. Agricultural
    - a. Urban, community garden, over 5 acres
  - 2. Commercial
    - a. Farmer’s market, temporary/seasonal; see section 4.2
    - b. Temporary outdoor retail sales; see section 4.2
    - c. Temporary outdoor sales; seasonal; see section 4.2
    - d. Temporary outdoor sales or events, seasonal; see section 4.2
    - e. Temporary produce stand; see section 4.2
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2
  - 3. Wireless Telecommunications
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
    - b. New support structure from 50 feet up to 199 feet; see section 4.2
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit
- The following uses are permitted only with a special land use permit:
- 1. Institutional/Public
    - a. Cultural facilities
    - b. School, specialty; see section 4.2
    - c. School, vocational; see section 4.2
  - 2. Commercial
    - a. Bus or rail stations or terminals for passengers
    - b. Fuel pumps; see section 4.2
    - c. Nightclub or late night establishment; see section 4.2
    - d. Recreation, outdoor; see section 4.2
    - e. Restaurants with a drive-thru configuration; see section 4.2
- D. Permitted Accessory
- The following uses are permitted as accessory only to a principal use:

1. Commercial
  - a. Fuel pumps, accessory to large scale retail within 1,000 feet of interstate highway interchange measured from ROW to property line; see section 4.2
  - b. Service area, outdoor; see section 4.2
2. Industrial
  - a. Incidental retail sales of goods produced or processed on the premises

[TMOD-22-001]

### **Sec. 2.31.3. Dimensional requirements.**

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

(Ord. of 8-2-2017, § 1(2.31.3))

### **Sec. 2.31.4. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.31.4))

### **Sec. 2.31.5 Conversion of buildings to residential prohibited.**

The conversion of buildings in the M (Light Industrial) District to residential use is prohibited.

(Ord. of 8-2-2017, § 1(2.31.5))

## *DIVISION 32. M-2 (HEAVY INDUSTRIAL) DISTRICT*

### **Sec. 2.32.1. Statement of purpose and intent.**

The purpose and intent of the City Council in establishing the M-2 (Heavy Industrial) District is as follows:

- A. To provide areas for manufacturing, warehousing and distribution facilities at locations so designated in the comprehensive plan;
- B. To provide for a location for intense industrial uses that do not require and may not be appropriate for a nuisance free environment;
- C. To provide for a location that allows nuisances such as noise, vibration and other impacts which cannot be contained on-site;

- D. To ensure that all businesses located within the M-2 (Heavy Industrial) District operate in compliance with the noise standards contained in this chapter;
- E. To ensure that industrial districts are so located that transportation access to thoroughfares and freeways is available;
- F. To implement the future development map of the city's most current comprehensive plan.

(Ord. of 8-2-2017, § 1(2.32.1))

**Sec. 2.32.2. Permitted and special land uses.**

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

(Ord. of 8-2-2017, § 1(2.32.2)) [TMOD-22-001]

**A. Permitted Uses**

The following uses are permitted as of right under this code:

- 1. Agricultural Activities
  - a. Dairy
  - b. Livestock sales pavilion; see section 4.2
  - c. Sawmill; temporary or portable
  - d. Urban Community Garden, up to 5 acres; see section 4.2
- 2. Institutional/Public
  - a. Government facilities
  - b. Places of worship; see section 4.2

3. Commercial

- a. Animal hospital, veterinary clinic; see section 4.2
- b. Animal shelter/rescue center; see section 4.2
- c. Automobile brokerage; see section 4.2
- d. Automobile recovery and storage
- e. Automobile service station; see section 4.2
- f. Automobile or truck sales; see section 4.2
- g. Automobile upholstery shop
- h. Automobile repair, major; see section 4.2
- i. Automobile repair, minor; see section 4.2
- j. Building or construction office; see section 4.2
- k. Check cashing establishment, accessory; see section 4.2
- l. Contractor office, landscape; see section 4.2
- m. Dog day care; see section 4.2
- n. Dog grooming; see section 4.2
- o. Drive-in theater; see section 4.2
- p. Dry cleaning agencies, pressing establishments or laundry pick-up stations
- q. Fairground or amusement park; see section 4.2
- r. Farmer's market, permanent; see section 4.2
- s. Fitness center
- t. Fuel dealers or wholesalers
- u. Heliport; see section 4.2
- v. Kennel, breeding
- w. Kennel, commercial
- x. Medical or dental laboratories
- y. Landscape business
- z. Mini-warehouse; see section 4.2
- aa. Outdoor storage, commercial; see section 4.2
- bb. Printing or publishing establishments
- cc. Retail, 5,000 sf or less (with the exception of small box discount stores)
- dd. Service area, outdoor; see section 4.2
- ee. Sexually oriented businesses; see section 4.2
- ff. Taxi, ambulance or limousine service, dispatching or storage; see section 4.2
- gg. Taxi stand
- hh. Trade shops

4. Industrial

- a. Alternative energy production
- b. Brewery, Large scale
- c. Contractor, general
- d. Contractor heavy construction, outside storage
- e. Contractor, special trade
- f. Crematorium; see section 4.2
- g. Distillery, Large scale
- h. Fabricated metal manufacturing without EPD Permit Required (Light Manufacturing)
- i. General aviation airport; see section 4.2
- j. Heavy equipment repair service or trade
- k. Industrial, heavy
- l. Industrial, light
- m. Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal
- n. Manufacturing, heavy; see section 4.2

- o. Manufacturing, light
  - p. Manufacturing operations not housed within a building; see section 4.2
  - q. Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits; see section 4.2
  - r. Outdoor storage, industrial; see section 4.2
  - s. Railroad car classification yards or team truck yards; see section 4.2
  - t. Recovered materials facility wholly within a building; see section 4.2
  - u. Recovered materials processing wholly within a building
  - v. Recycling collection
  - w. Recycling plant
  - x. Research and testing facilities
  - y. Salvage yard (junkyard); see section 4.2
  - z. Storage yard, except vehicle; see section 4.2
  - aa. Storage yard for vehicles; see section 4.2
  - bb. Towing or wreckage service; see section 4.2
  - cc. Transportation equipment storage or maintenance (vehicle) ; see section 4.2
  - dd. Truck stop
  - ee. Truck terminal
  - ff. Vehicle storage yard
  - gg. Warehousing or storage
5. Communications – Utility
- a. Essential services
  - b. Radio or television broadcasting studio
  - c. Radio or television or broadcasting transmission facility
  - d. Satellite television antenna; see section 4.2
6. Wireless Telecommunications
- a. Attached wireless telecommunication facility; see section 4.2
  - b. Carrier on Wheels (declared emergency); see section 4.2
- B. Special Administrative Uses
- The following uses are permitted only with administrative approval:
- 1. Agricultural
    - a. Urban, community garden, over 5 acres
  - 2. Commercial
    - a. Farmer’s market, temporary/seasonal; see section 4.2
    - b. Temporary outdoor retail sales; see section 4.2
    - c. Temporary outdoor sales; seasonal; see section 4.2
    - d. Temporary outdoor sales or events, seasonal; see section 4.2
    - e. Temporary produce stand; see section 4.2
    - f. Temporary trailer, as home sales office or construction trailer; see section 4.2
  - 3. Wireless Telecommunications
    - a. Carrier on wheels (non-emergency or event, no more than 120 days); see section 4.2
    - b. New support structure from 50 feet up to 199 feet; see section 4.2
    - c. Small cell installations (new support structures or collocation) on private property or ROW; see section 4.2
- C. Special Land Use Permit
- The following uses are permitted only with a special land use permit:

1. Institutional/Public
    - a. School, specialty; see section 4.2
    - b. School, vocational; see section 4.2
  
  2. Commercial
    - a. Bus or rail stations or terminals for passengers
    - b. Fuel pumps; see section 4.2
    - c. Nightclub or late night establishment; see section 4.2
  
  3. Industrial
    - a. Fabricated metal manufacturing with EPD Permit Required (Heavy Manufacturing)
- D. Permitted Accessory  
The following uses are permitted as accessory only to a principal use:
1. Industrial
    - a. Incidental retail sales of goods produced or processed on the premises

[TMOD-22-001]

**Sec. 2.32.3. Dimensional requirements.**

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

(Ord. of 8-2-2017, § 1(2.32.3))

**Sec. 2.32.4. Site and building design standards.**

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

(Ord. of 8-2-2017, § 1(2.32.4))

Sec. 2.32.5. [RESERVED] [TMOD-22-001]

**Sec. 2.32.6. – Conversion of buildings to residential use prohibited.**

The conversion of buildings in the M-2 (Heavy Industrial) District to residential use is prohibited.

(Ord. of 8-2-2017, § 1(2.32.5))

**ARTICLE 3. OVERLAY DISTRICT REGULATIONS**

**DIVISION 1. OVERLAY DISTRICTS**

**Sec. 3.1.1. Overlay districts generally.**

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

- A. All development and building permits for lots located, in whole or in part, within any overlay district shall meet all of the regulations of the underlying zoning district in which they are located as well as all of the regulations of the applicable overlay district.
- B. For new development after the effective date of the ordinance from which this chapter is derived, when no complete application for a land disturbance or building permit has been filed with respect to a property located within an overlay district and the property has conditions of zoning that were approved prior to, and in conflict with the overlay district regulations contained in this article, the overlay district regulations shall prevail. If a condition of zoning does not conflict with the overlay district regulations, the condition of zoning shall remain applicable to the property.
- C. For existing development, if overlay district regulations conflict with the conditions of zoning applicable to property within in an overlay district, the existing zoning conditions remain applicable to the property.
- D. If overlay district regulations conflict with other regulations contained in this chapter, the overlay district regulations shall prevail.
- E. The use of property may be permitted without rezoning if listed as allowed by the overlay. Uses allowed by the underlying zoning in article 4 of this chapter, shall also be permitted in the overlay district, unless they are listed as prohibited within the overlay district.
- F. Each application for a business license, land disturbance permit, building permit or sign permit, which involves the development, use, exterior alteration, exterior modification or addition of any structure, must demonstrate compliance with all overlay district regulations, subject to article 8 of this chapter, nonconforming uses, structures and buildings.
- G. The zoning district designations contained in article 3 of this chapter, titled Overlay District Regulations, were not revised to reflect the new zoning district designations utilized in the updated zoning ordinance. Any discontinued zoning district references contained in this article 3 of this chapter shall therefore be construed using the conversion chart contained in Table 1.1 of article 1 of the zoning ordinance, and applied as appropriate to the updated provision of the zoning ordinance.
- 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 by 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 underlying 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 plan approval or the issuance of a Certification of Occupancy.

(Ord. of 8-2-2017, § 1(3.1.1)) [TMOD-21-015]

**Sec. 3.1.2. Purpose and intent.**

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

(Ord. of 8-2-2017, § 1(3.1.2))

**Sec. 3.1.3. Plan submittal, review and approval.**

- A. *Pre-submittal conference.* Prior to the submittal for review of a land disturbance or building permit application for property located within an overlay district, the applicant and the staff shall have a preliminary meeting to discuss the submittal requirements.
- B. *Conceptual plan submittal requirements.* As part of any land-disturbance permit, building permit, or sign permit application, the applicant shall submit to the director of planning a conceptual plan package and a final design package. Each package must include full architectural and landscape plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of the applicable overlay district and the underlying zoning classification. **The plans must clearly state the governing district requirements by which the plans will be reviewed.** If the proposed development is also located in an historic district as designated in the Code, the development shall also comply with the regulations established for the historic district in chapter 13.5 of the DeKalb County Code.
- C. *Review by staff.* Staff will review the conceptual plans for compliance with specifications and design guidelines contained in this zoning ordinance **for the governing district requested by the applicant.** If the application fails to comply with any section in this zoning ordinance, the application shall be marked "failed compliance," shall be returned to the applicant with any comments and/or redlines for revisions, and may be re-submitted with corrections addressing the staffs comments and/or redlines for further consideration. Once the application is found to be in compliance, the final design shall be forwarded to the director of planning for approval.
  - 1. Where the director of planning determines that said plans comply with the requirements of the overlay district, the director of planning shall approve the plans for compliance as part of the application for land disturbance, building or signs permits.
  - 2. Where the director of planning determines that submitted conceptual plans do not comply with the requirements of this chapter, then the director of planning shall notify the applicant in writing of the manner in which the conceptual plans fail to comply with such requirements. All applications shall be considered and decided by the director of planning within 30 days of receipt of a complete application.
  - 3. Any appeal to vary overlay district development standards shall be to the zoning board of appeals pursuant to article 7 of this chapter.
- D. *Fees.* Plans shall be accompanied by an application and payment of a fee in an amount determined by the city council.

(Ord. of 8-2-2017, § 1(3.1.3)) **[TMOD-21-015]**

**Sec. 3.1.4. Conceptual plan package review.**

- A. The conceptual plan package shall include the following:
  - 1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this article. **The narrative shall include a statement of what governing district review standards will be applied.** The narrative shall include a tabulation of the approximate number of acres for each different land use type within the project, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density as well as square feet,



- the common open space acreage, the approximate open space acreage, the anticipated number, type and size of recreational facilities and other public amenities, and the legal mechanism for protecting and maintaining common/public open, as required in article 5 of this chapter; [TMOD-21-015]
2. A site location map showing the proposed development, abutting properties, the access connections of the proposed development to surrounding and existing development, and transitional buffer zones, if required;
  3. A multi-modal access plan, prepared at a scale not greater than one inch equals 100 feet, to demonstrate a unified plan of continuous access to and between all structures in the proposed development and adjacent properties where connections are appropriate. The multi-modal access plan shall cover the entire proposed development along with public right-of-way of adjoining streets and any other property lying between the subject property and any primary or secondary streets. Safe and convenient pathways shall be provided from sidewalks along streets to each structure entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Connections to available transportation nodes, such as driveways, sidewalks, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Where an existing or planned public transportation station or stop is within 1,250 feet from the nearest boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property. Where an existing or planned bike path is located within 1,500 feet from the nearest boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.
  4. Two copies of a plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of 24 inches by 36 inches, and one 8½ inches by 11 inches reduction of the plan. A .jpg copy of the plan shall be e-mailed to the director of planning. If presented on more than one sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:
    - a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines;
    - b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics;
    - c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any;
    - d. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is an air survey or field run;
    - e. Delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or City of Stonecrest;
    - f. Delineation of any jurisdictional wetlands, as defined by section 404 of the Federal Clean Water Act;
    - g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it;
    - h. Delineation of all existing structures and whether they will be retained or demolished;
    - i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances;
    - j. Height and setback of all existing and proposed buildings and structures;

- k. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed;
  - l. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;
  - m. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed;
  - n. Development density and lot sizes for each type of use;
  - o. Areas to be held in joint ownership, common ownership or control;
  - p. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;
  - q. Location of proposed sidewalks and bicycle facilities, trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site;
  - r. Conceptual layout of utilities and location of all existing and proposed utility easements having a width of ten feet or more;
  - s. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the overlay district; and
  - t. Seal and signature of the professional preparing the plan.
5. Two copies of the conceptual building designs including elevation drawings drawn to a scale of not less than one-sixteenth-inch equals one foot showing architectural details of proposed building, exterior materials, all of which demonstrate that the proposed design is in compliance with the Subarea Overlay District in which it is located. Drawings shall be presented on a sheet having a maximum size of 24 inches by 36 inches, along with one 8½ inches by 11 inches reduction of each sheet. A .pdf copy of the drawings shall be e-mailed to the director of planning. If the drawings are presented on more than one sheet, match lines shall clearly indicate where the several sheets join.
6. Lighting plan. See article 5 of this chapter.
7. Traffic study. See article 5 of this chapter.

(Ord. of 8-2-2017, § 1(3.1.4))

### Sec. 3.1.5. Final design package.

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

(Ord. of 8-2-2017, § 1(3.1.5)) [TMOD-21-015]

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**Sec. 3.1.6. – Overlay Use table.**

Table 3.1 indicates the permitted uses within the overlay 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 this article.

- A. The uses listed in Table 3.1 shall be permitted only within the zoning overlay 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;
  - 3. An administratively approved use (SA) subject to the special administrative permit procedures specified in article 7 of this chapter;
  - 4. An accessory use (PA) as regulated by article 4 of this chapter. Table 3.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
  - 5. Uses lawfully established prior to the effective date of this zoning ordinance.
- B. Any use not listed in Table 3.1, below, or interpreted to be allowed by the director of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article 7 of this chapter.
- C. If there is a conflict between Table 3.1 and the text of this chapter, the text shall prevail.

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*										
	T1	T2	T3	T4	T5*	T6*	T1	T2	T3											
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.																				
<b>AGRICULTURAL ACTIVITIES</b>																				
<b>Agriculture and Forestry</b>																				
Commercial greenhouse or plant nursery							P	P	P	P										
Sawmill, Temporary or portable																				
Urban, community garden, up to 5 ac.							P													P
Urban, community garden, over 5 ac.							P	P	P	P										P
<b>Animal Oriented Agriculture</b>																				
Dairy																				
Keeping of livestock																				
Keeping of poultry/pigeons																				
Livestock sales pavilion																				
Riding academies or stables																				
<b>RESIDENTIAL</b>																				
<b>Dwellings</b>																				
Dwelling, apartment							SP	SP	SP	SP										
Dwelling, cottage home							P	P	P											
Dwelling, mobile home									Pa											
Dwelling, multi-family							P	P	P		X		P	P						
Dwelling, multi-family (supportive living)							P	P	P		X									
Dwelling, townhouse							P	P	P											
Dwelling, urban single-family							P	P	Pa											
Dwelling, single-family (attached)																				
Dwelling, single-family (detached)							P	P	P		P		P	P						
Dwelling, three-family							P	P	P											
Dwelling, two-family							P	P	P											
Dwelling, single-family, accessory (guesthouse, in-law suite)							Pa	Pa	Pa											
Home occupation, no customer contact							P	P												
Home occupation, with customer contact							P	P												

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Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*
	T1	T2	T3	T4	T5*	T6*	T1	T2	T3	
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use										
* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.										
Live/work unit	P	P	P	P						✓
Mobile home park										
Accessory uses or structures	Pa	Pa	Pa	Pa						✓
<b>Housing and Lodging</b>										
Bed and breakfast establishments	P	P	SP	P	P				P	✓
Boarding/Rooming house	P	P	P							
Child care home, up to 5	P	P	P	P						✓
Child care facility, 6 or more	P	P	P	P						✓
Child day care center	P	P	P	P	P					✓
Convents or monasteries	P	P	SP							✓
Dormitory	Pa	Pa	Pa	Pa						
Hotel, Motel, Extended Stay	SP	SP	SP	SP			X	X	X	✓
Fraternity house or sorority house	P	P	P	SP						
Hotel/Motel	X	X	X	X	X		P	P	P	
Nursing care facility or hospice	P	P	P	P						
Party House	X	X	X	X	X					✓
Personal care facility, 7 or more	P	P	P	P	P					✓
Personal care home, up to 6	P	P	P	P	P					✓
Senior housing	P	P	P	P						✓
Shelter for homeless persons, 7-20	SP	SP	SP	P					X	✓
Shelter for homeless persons for no more than six (6) persons	SP	SP	SP	SP					X	✓
Short Term Vacation Rental										
Transitional housing facility, 7-20	SP	SP	SP	P					X	✓

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
							T1	T2	T3		
	T1	T2	T3	T4	T5*	T6*	In Mixed Use	In Mixed Use	In Mixed Use		
<p><b>"Key: P - Permitted use</b>  <b>Pa - Permitted as an accessory Use</b>  <b>SA - Special administrative permit required</b>  <b>SP - Special Land Use Permit (SLUP) required</b>  <b>X - Prohibited Use</b></p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.</p>											
<b>INSTITUTIONAL/PUBLIC</b>											
<b>Community Facilities</b>											
Cemetery, columbarium, mausoleum	P	P	P	P							✓
Club, order or lodge, fraternal, non-commercial	P	P	P	P			P	P			
Coliseum or stadium/not associated with church or school	P	P	P	P						X	✓
Dog Park										P	
Funeral home, mortuary	P	P	X	X	X		P	P	P	P	
Golf course or clubhouse, public or private	P	P	P	P							✓
Government facilities	P	P	P	P							
Hospital or accessory ambulance service	P	P	P	P							
Library or museum	P	P	P	P							
Cultural Facilities	SP	SP	SP	SP	P		P	P	P		
Recreation Club	P	P	P								
Neighborhood or subdivision clubhouse or amenities	P	P	P	P							
Places of Worship	P	P	P	P	P		P	P	P		
Recreation, outdoor	P	P	P	P							
Swimming pools, commercial	P	P	P	P						X	✓
Tennis center, club and facilities							P	P	P		
Tennis courts, swimming pools, play or recreation areas, community	P	P	P	P			Pa	Pa	Pa		✓
<b>Education</b>											
Colleges, universities, research and training facilities	P	P	P	P							✓
Educational use, private	P	P									✓
School, Private kindergarten, elementary, middle or high	P	P	P	P			P	P	P		✓
School, Public kindergarten, elementary, middle or high	P	P	P	P			P	P	P		✓
School, Vocational	P	P	P	P			P	P	P		✓
Scholl, Specialized	P	P	P	P			P	P	P		✓



Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5	T6*	In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
Office, Heavy Construction contractor											✓
Office, Landscape Contractor											✓
Office, Professional											
<b>"Key: P - Permitted use</b>											
<b>Pa - Permitted as an accessory Use</b>											
<b>SA - Special administrative permit required</b>											
<b>SP - Special Land Use Permit (SLUP) required</b>											
<b>X - Prohibited Use</b>											
<b>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.</b>											
<b>Recreation and Entertainment</b>											
Sexually Oriented Business	X		X	X		X		X		X	✓
Drive-in theater	P	P	P	P							✓
Fairground or amusement park											✓
Recreation, indoor	P	P	P	P				P	P	P	
Nightclub or late-night establishment (maximum 10,000 square feet)	SP	X	X	X	X			X	X	X	✓
Recreation Outdoor	P	P	P	P	X			X	X	X	✓
Special events facility											
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building	P	P	P	P	P						
Outdoor concert hall										P	
Recreation, passive										P	
<b>Retail</b>											
Alcohol outlet- package store, primary	P	P		SP		X				X	✓
Alcohol outlet- beer and/or wine store, beer growler, primary	P	P	P	SP						X	✓
Alcohol outlet- beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F))	P	P	P	SP						X	✓
Art gallery	P	P	P	P	P			P	P		



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	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use											
* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.											
Commercial greenhouse or plant nursery	P	P	P	P	P						✓
Convenience store (see alcohol outlet or fuel pumps accessory)	P	P	P	P			P	P	P		✓
Drive-through facilities (other than restaurants)			P								✓
Farmer's market, permanent	P	P	P	P	P						✓
Farmer's market, temporary/seasonal	P	P	P	P	P						✓
Fuel pumps	X	X	X	X	X					X	✓
Liquor store (see alcohol outlet)	P	P	X	X	X		X	X	X		✓
Pawn shop, title loan	X	X	X	X	X		X	X	X	X	



Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
							T1	T2	T3		
	T1	T2	T3	T4	T5*	T6*					
<p>"Key: P - Permitted use                      Pa - Permitted as an accessory Use                      SA - Special administrative permit required                      SP - Special Land Use Permit (SLUP) required                      X - Prohibited Use</p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.</p>											
Parking, commercial garage	P	P	P	P	P	P	Pa	Pa	Pa	X	
Taxi, ambulance or limousine service, dispatching or storage.	P	P	P	P	P	P				X	✓
Taxi, ambulance, limousine dispatch office only (no vehicle parking)	P	P	P	P	P	P	P	P	P	P	
Taxi stand	P	P	P	P	P	P	P	P	P	P	
<b>Services</b>											
Adult day care center - 7 or more	P	P	P	P	P	P					✓
Adult day care facility - up to 6	P	P	P	P	P	P					✓
Animal hospitals, veterinary clinic	P	P	P	P	P	P	P	P	P	P	✓
Animal shelter/rescue center	P	P	P	P	P	P	P	P	P	P	✓
Banks, credit unions or other similar financial institutions	P	P	P	P	P	P	P	P	P	P	
Barber shop/ beauty salon or similar establishments	P	P	P	P	P	P	P	P	P	P	
Check cashing establishment, primary	X	X	X	X	X	X					✓
Check cashing establishment, accessory	X	X	X	X	X	X					✓
Child day care center (Kindergarten) - 7 or more	P	P	P	P	P	P	P	P	P	P	✓
Child day care facility - up to 6	P	P	P	P	P	P	P	P	P	P	✓
Coin laundry	P	P	P	P	P	P					
Dog day care	P	P	P	P	P	P					
Dog grooming	P	P	P	P	P	P					
Dry cleaning agencies, pressing establishments, or laundry pick up stations	P	P	P	P	P	P	P	P	P	P	
Fitness center	P	P	P	P	P	P	P	P	P	P	
Kennel, breeding	X	X	X	X	X	X	X	X	X	X	
Kennel, commercial	X	X	X	X	X	X	X	X	X	X	
Kennel, noncommercial	X	X	X	X	X	X	X	X	X	X	
Landscape business	P	P	P	P	P	P					
Mini-warehouse	P	P	P	P	P	P					✓
Outdoor storage, commercial	X	X	X	X	X	X	X	X	X	X	✓

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
							T1	T2	T3		
	T1	T2	T3	T4	T5*	T6*	In Mixed Use	In Mixed Use	In Mixed Use		
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.											
Personal services establishment	P	P	P	P	P	P				X	
<b>Services, Medical and Health</b>											
Ambulance service or emergency medical services, private	P	P	P	P	P	P	P	P	P	X	
Kidney dialysis center	P	P	P	P							
<b>Services, Repair</b>											
Service area, outdoor	Pa	Pa	Pa	Pa	Pa	Pa					✓
<b>INDUSTRIAL</b>											
Alternative energy production	SP	SP	SP	SP							
Building materials or lumber supply establishment	P	P	P	P							

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	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use											
* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence											
Contractor, general (See also Building or Construction Office)	P	P	P	P							
Contractor, heavy construction, outside storage	P	P	P	P						X	
Contractor, special trade	P	P	P	P							
Crematoriums	SP	SP	X	X	X					X	
Dry cleaning plant											
General aviation airport											✓
Heavy equipment repair service or trade	P	P	P	P				X	X	X	
Incidental retail sales of goods produced or processed on the premises											
Industrial, heavy											
Industrial, light											
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal											
Manufacturing, light											
Manufacturing, heavy											✓
Manufacturing operations not housed within a building											✓
Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits											✓

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	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
"Key: P - Permitted use Pa - Permitted as an accessory Use SA - Special administrative permit required SP - Special Land Use Permit (SLUP) required X - Prohibited Use  * Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.											
Outdoor storage, industrial	X	X	X	X	X	X	X	X	X		✓
											✓
											✓
Railroad car classification yards or team truck yards											✓
Recovered materials facility wholly within a building											✓
Recovered materials processing wholly within a building											✓
Recycling collection	Pa	Pa	Pa	Pa							
Recycling plant											
Research, and training facilities											
Salvage yard (Junkyard)	X	X	X	X	X	X	X	X	X	X	✓
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials										X	✓
Storage yard, except vehicle											
Storage yard for vehicles	X						X	X	X		
Sugar refineries	X										
Tire retreading and recapping	X	X	X	X	X	X	X	X	X	X	
Towing or wreckage service											
Transportation equipment storage or maintenance (vehicle)										X	✓
Truck stop										X	
Truck Terminal										X	
Vehicle storage yard										X	
Warehousing or Storage	P	P								X	

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*				
							T1	T2	T3					
	T1	T2	T3	T4	T5*	T6*	In Mixed Use Development	In Mixed Use Development	In Mixed Use Development					
<p>"Key: P - Permitted use                      Pa - Permitted as an accessory Use                      SA - Special administrative permit required                      SP - Special Land Use Permit (SLUP) required                      X - Prohibited Use</p> <p>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.</p>	<b>COMMUNICATION – UTILITY</b>													
	Amateur radio service or antenna													✓
	Radio or television broadcasting studio	P	P	P	P			P	P					
	Radio or television broadcasting transmission facility	P	P	P	P									
	Satellite television antenna	P	P	P	P									✓
	<b>WIRELESS TELECOMMUNICATION (cell tower)</b>													
	New support structure from 51 feet to 150 feet													✓
	New support structure from 50 feet up to 199 feet	P	P	P	P									✓
	COW's (non-emergency or event, no more than 120 days)	P	P	P	P									✓
	COW's (declared emergency)	P	P	P	P									✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)														
Attached wireless telecommunication facility	P	P	P	P									✓	
Small cell installations (new support structures or collocation) on private property or ROW	P	P	P	P									✓	

[TMOD21-017]

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## *DIVISION 4. ARABIA MOUNTAIN CONSERVATION OVERLAY DISTRICT*

### **Sec. 3.4.1. Title.**

The provisions contained within this division are the regulations of the Arabia Mountain Conservation Overlay District.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

### **Sec. 3.4.2. Purpose and intent.**

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

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

### **Sec. 3.4.3. District boundaries.**

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



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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

**Sec. 3.4.4. Applicability of regulations.**

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

**Sec. 3.4.5. Principal uses and principal structures.**

- A. The principal uses of land and structures which are allowed in the AMCOD are as is provided by the applicable underlying zoning district, except for those listed in B below, subject to the limitations and standards contained within this district. Additional permitted uses are as follows:
  - 1. Recreation, passive and Nature preserve.
  - 2. Dog Parks.
  - 3. Bed and Breakfast homes.
  - 4. Outdoor Concert halls.
  - 5. Urban Gardens.
- B. Prohibited uses. The following principal uses of land and structures shall be prohibited within the AMCOD:
  - 1. Sexually-oriented businesses.
  - 2. Drive-in Theater.
  - 3. Fairground or Amusement Park.
  - 4. Swimming pools as part of a commercial Recreation, Outdoor use or Recreation club; but not including swimming pools incidental to Open space, clubhouse or pool amenity.
  - 5. Coliseum or stadium, except for outdoor Concert Halls.
  - 6. Nightclub or late night establishment.
  - 7. Outdoor storage, mini-warehouses, and storage buildings.
  - 8. Pawn shops.
  - 9. Mortuary or Crematorium.
  - 10. Alcohol Outlets.
  - 11. Salvage yards and junk yards.
  - 12. Motel or Extended Stay Motel.
  - 13. Shelter for homeless persons.
  - 14. Transitional housing facility.

15. Fuel Dealers, Fuel Pumps and Accessory Fuel Pumps.
16. Automobile and truck rental and leasing, Automobile brokerage, Automobile mall, Automobile recovery and storage, Automobile rental and leasing, Automobile repair and maintenance, major, Automobile repair and maintenance, minor, Automobile sales, Automobile service station, Automobile upholstery shop, Automobile wash/wax service, Recreational vehicle, boat and trailer sales and service, Freight service, Transportation equipment and storage or maintenance (vehicle), and Vehicle storage yard. [TMOD-22-001]
17. Commercial parking garage/structure; Commercial parking lots.
18. Convenience store.
19. Drive-through facilities.
20. Personal service establishments.
21. Check cashing facility.
22. Heavy equipment storage.
23. Truck stops.
24. Warehouses.
25. Solid waste disposal, Private industry solid waste disposal facility.
26. Bus station or terminal.
27. Ambulance service facility, Private ambulance service, Dispatch office.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### **Sec. 3.4.6. Accessory uses and accessory structures.**

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

#### **Sec. 3.4.7. Lot coverage.**

Except as provided in Sub-Section 3.4.9.A., Conservation communities, lot coverage within the AMCOD shall not exceed 25 percent of net lot area. Net lot area refers to the total area intended to be subdivided as shown on a city approved site plan submitted for a land disturbance permit or preliminary plat, exclusive of the area intended to be dedicated for street or utility rights of way or easements, see definition of net lot area (lot area, net) in Article 9, Definitions.

(Ord. No. 2019-02-001, § 1, 2-11-2019) [TMOD-22-001]

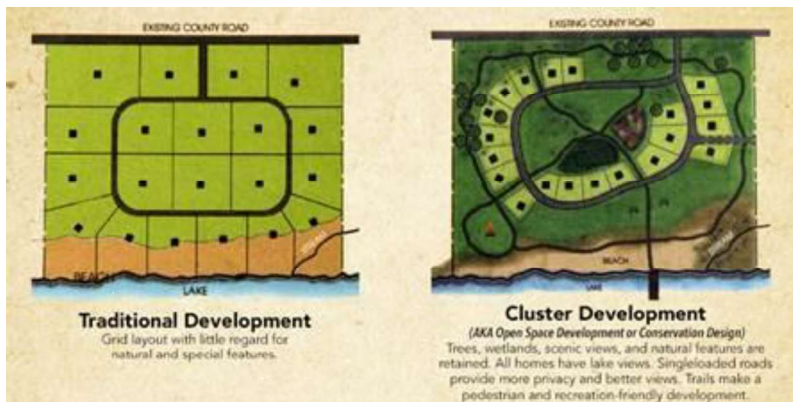
#### **Sec. 3.4.8. Clearing and grading of lots.**

No lot as shown on a city approved site plan submitted for a land disturbance permit or preliminary subdivision plat shall be cleared and graded to an extent exceeding 35 percent of the net lot area before subdivision. This does not apply to individual single-family lots as shown on a city approved final subdivision plat, see Sub-Section. 3.4.9.A, Conservation communities.

(Ord. No. 2019-02-001, § 1, 2-11-2019) [TMOD-22-001]

### Sec. 3.4.9. Development standards.

There shall be no impervious surfaces within the 75 foot stream buffer. All dwelling units shall be provided convenient access to all green space throughout the development via pedestrian paths or trails.



A. *Conservation Communities (residential subdivisions).*

*Maximum density:* Eight dwelling units to the acre of total land area excluding undevelopable areas listed below:

1. Streams and stream buffers.
2. Wetlands.
3. Rock outcroppings.
4. Slopes steeper than 1:2 slope.
5. Sites of archaeological significance.
6. Floodplains.
7. Areas intended to be dedication for right of way.

*Minimum lot width:* 70 feet as measured from the front building setback line; except for a lot on a cul-de-sac, which shall have a measurement of 35 feet

*Minimum lot area:* 7,500 square feet, except that each lot on the periphery of the development is at least 10,000 square feet.

*Minimum side-yard setback:* Ten feet.

*Maximum single-family dwelling lot coverage:* 50 percent of each individual single family residential lot in a conservation community as shown on an approved subdivision plat.

*Greenspace:* A minimum of 30 percent of the total land area shown on an approved preliminary subdivision plat must be designated greenspace. A minimum of 65 percent of the greenspace should be in a contiguous tract.

Green space may consist of:

1. Natural undisturbed areas.
2. Passive recreational areas.

3. Trails and Green ways.
4. Bikeways and paths.
5. Mature wooded areas.

Greenspaces shall be preserve and maintained by one of the following:

1. Establishment of a mandatory home owner's association (HOA) to own and maintain the common green space.
2. Dedication of legally described and platted "greenspace" to a land trust.

Minimum building setback adjacent to public or private street(s):

- From thoroughfares, arterials and collectors: 30 feet.
- Local streets: 20 feet.

**[TMOD-22-001]**

B. *Road Specifications.* All roads shall be built in accordance with Chapter 14. In the event of a conflict, the provisions of this section shall control. The design of the streets must be designed as noted below with the approval of the City Engineer:

1. Minimal amount of cul-de-sac streets by providing more than one entrance to the to the development and interconnect streets as much as possible.
2. Cul-de-sac streets must minimize the amount of impervious surface by limiting the internal radius to 35 feet and the width of the paved lane to 16 feet. Use grass and vegetation for the inner circle of turn-arounds, rather than paving the whole area. Declare the HOA responsible for the maintenance of the grassy area in the neighborhood bylaws.
3. Omit curbs where possible.
4. As an alternative to curbs and gutters, allow run off from roofs and pavements to pass immediately through grass swales or infiltration basins. Use plant materials that will absorb rainwater and act as a natural filter to oil and pollution.
5. Provide marked, paved paths for non-vehicular traffic within the development and connecting neighboring residential and commercial areas.

C. *Buffer Requirements.* An exterior boundary buffer is required (per community/subdivision). The land area designated to the exterior buffer may be used as part of the required greenspace. The buffer area shall not be included as part of any platted residential lot within the community/subdivision.

Lots less than 10,000 sq. ft.	25 ft.
Lots between 10,000—15,000 sq. ft.	30 ft.
Lots greater than 15,000 sq. ft.	50 ft.

D. *Trails.* Trails maybe constructed with in the buffer. The maximum width is eight feet and must be located within the first 25 percent of the buffer furthest from the exterior boundary line.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

**Sec. 3.4.9.1. Non-residential zoning district dimensional requirements.**

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

(Ord. No. 2019-02-001, § 1, 2-11-2019)

**Sec. 3.4.9.1.a. Design standards.**

Buildings. New commercial buildings and renovations shall conform to the guidelines noted below.

1. *Pedestrian Amenities.* All buildings shall be configured to allow safe, convenient, direct and continuous access for pedestrians to all primary building entrances. Principle building entry shall open directly on to the public right-of-way.
2. *"Build-to" line (i.e. "Building façade line").* The building shall be setback five feet from the buildable areas as indicated with in their approved site plan. Awnings and canopies are not counted in building façade line determination. Permanent structures other than buildings, such as ATMs and similar elements, shall not be located closer to the street than the building façade lines.
3. *Building height.* All new buildings shall be no more than two stories, maximum height 35 feet.
4. *Façade articulation.* Street-facing building façades shall be horizontally divided by floors using architectural means such as string courses, recesses, reveals or the like. They shall also be vertically divided utilizing Major and Minor Articulations to create visual interest and avoid monotony.
  - a. Major Articulations shall occur at least every 60 feet of horizontal façade length and may be accomplished through: a change of façade materials extending from grade through the cornice; change in storefront systems; physical off-sets; and/or similar means intended to convey the impression of separate buildings.
  - b. Minor Articulations shall occur approximately every 30 feet of horizontal façade length and may be accomplished by: the use of pilasters; the use of off-sets; or similar means intended to create the appearance of structural bays.
5. *Entrances.* All first story uses adjacent to a sidewalk shall have a primary pedestrian entrance, which faces, is visible from, and is directly accessible from said sidewalk. All first story businesses with more than 60 feet of frontage along sidewalks shall provide one pedestrian entrance for every 60 linear feet of frontage or fraction thereof.
6. *Parking:* Parking areas should be located to the side or rear of the building. When parking areas are located in front of the building, a buffer of 10 feet of shrubbery or landscape trees is required. All vegetation should be native to the region.

*Cross Access:* In order [to] reduce traffic conflicts, cross access drives with adjacent properties must be considered. This may include the interconnection of parking areas or a shared drive between properties.
7. *Storefront canopies* at least five feet in depth extending over the sidewalk are recommended at all retail frontage for relief from inclement weather and for shade. These should be roofed with glass, metal, or fabric wholly supported by brackets or cables attached to the building façade. Columns to support canopies are not permitted in the public right of way (hereafter called "R.O.W."). Awnings and canopies shall not include signage on them, except when such signage is located within an apron that is less than 12 inches in height and is subject to all other applicable sign requirements of this document.
8. *Building Finish Materials.* Each street-facing building façade shall have an exterior finish skin primarily of Lithonia tidal grey granite. Material that may be combined with the granite is limited to wood, exterior brick, cementitious stucco, rustic or cut stone, architectural cast concrete, and glass panels. No more than two additional materials may be used. Concrete masonry units or artificial materials having the appearance of wood, and/or stone are not permitted as a finish material.

Decorative embellishments shall be permanent in nature and shall be of the following materials: copper, brass, bronze, cast concrete, formed exterior plaster, porcelain tile, terracotta, formed metals, glass, wood. No artificial materials having the appearance of wood, and/or stone should be used.

Primary building façade materials shall be combined only horizontally, with the heavier appearing one(s) below the lighter appearing (ones). This shall not apply to embellishments, storefronts systems, or windows frames.

*Awnings.* Awnings shall be of canvas and similar fabrics, fixed metal, or similar materials. Internally lit awnings and canopies that emit light through the awning or canopy material are prohibited.

8. *Lighting.* Building façades facing a public R.O.W. shall be illuminated for safety and aesthetics. Lighting shall be designed to avoid producing glare in the public R.O.W.. Lighting should be downcast with a zero-degree tilt. Fixtures should not exceed 15 feet in height. Light spillage onto adjacent residential properties shall be minimized by cutoff luminaires.
9. *Utility service lines.* Must be provided via underground conduit or pipes. Overhead utility service is not permissible in the Overlay. New construction on existing sites within Overlay must include replacement of all above-ground utility service lines with underground service or otherwise fully concealed utility service to buildings and sites.
10. *Building Numbering.* Building numbering shall be located above or beside primary entrances of building. Numbering shall be clearly visible from sidewalks. All numbering shall be six inches in height.
11. *Dumpsters, Loading Areas and Mechanical Electrical and Plumbing Features* shall be screened so as not to be visible from any public plaza, outdoor dining area, public R.O.W., or residential area. All dumpsters shall be located behind buildings and shall be enclosed by opaque fences or walls made of stone, brick, wood, or stucco; and these enclosures shall have opaque gates made of wood or metal. Chain-link gates are not permitted.

*Rooftop Mechanical* features shall be set at least ten feet from the edges of roofs and screened vertically from view through use of parapet walls or similar features. Additionally, all such features greater than five feet in height shall be set a[t] least 20 feet behind front building façades.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

### **Sec. 3.4.9.2 Height limitation.**

- A. Except as provided in section 5.2.5, and in subsection B., no building or structure within the Arabia Mountain Natural Resource Protection Overlay District shall exceed a height of 35 feet, all other requirements of this chapter notwithstanding.
- B. If the placement of a telecommunications tower or antenna within this overlay district in excess of 35 feet in height is mandated by federal law, said tower or antenna, in addition to meeting all other standards and criteria applicable thereto, shall meet the following design requirements:
  1. No portion of any such tower or antenna shall extend a distance of more than ten feet above the top of the tree canopy existing on the lot upon which the tower or antenna is placed. If no tree canopy exists on said lot, then no portion of such tower or antenna shall extend a distance of more than ten feet above the top of the tree canopy closest to such tower or antenna.
  2. All portions of a tower or antenna that extend above the top of the existing mature tree canopy pursuant to subsection B.1., shall consist of an alternative tower structure that is designed and colored in a way that blends said tower or antenna with the closest tree canopy to a degree that renders said tower or antenna indistinguishable from said tree canopy at a distance of 200 feet measured horizontally from said tower or antenna.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

**Sec. 3.4.10. Tree removal and replacement.**

No trees other than dead, dangerous or diseased trees shall be removed from any lot except within areas of permissible grading as provided in section 3.4.8 above. Removal of trees should be certified by an arborist and/or by city permit.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

**Sec. 3.4.11. Protection of steep slopes.**

No lot or portion of a lot having a grade in excess of 15 percent shall be altered.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

**Sec. 3.4.12. Driveways.**

The director of planning is authorized to approve shared driveways for two or more dwellings within the Arabia Mountain Natural Resource Protection Overlay District in order to minimize lot coverage and tree removal within the district.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

**Sec. 3.4.13. Recording of conservation easements.**

The director of planning shall record, after approval by the city attorney and the city council, conservation easements within the Arabia Mountain Natural **Conservation** Overlay District which are made in favor of City of Stonecrest, Georgia.

(Ord. No. 2019-02-001, § 1, 2-11-2019) [TMOD-22-001]

**Sec. 3.4.14. Notation of all conservation easements on official zoning maps.**

The director of planning shall cause to be noted on the official zoning maps any conservation easements granted within the district to any public or private entity authorized to hold such easements.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

**Sec. 3.4.15. Lighting.**

No light standard shall be installed that extends above the height of the tree canopy. No lighting element of any kind shall be placed upon any structure so as to extend above the height of the tree canopy. No light spillage of any kind is permitted above said tree canopy except as may be otherwise required by any applicable requirement of federal, state or local law.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

**Sec. 3.4.16. Density bonus.**

The director of planning is authorized to approve an increase of up to 25 percent in housing density within the district for any parcel of land having a single-family residential zoning classification. In making application to the director of planning the applicant shall present a site plan in which required lot coverage limitations are met. The site plan shall further demonstrate that the tree canopy will be preserved and protected. In approving any such plan, the director of planning is authorized to approve gravel or other permeable surface for driveways and parking areas where it is demonstrated that such permeable surface will aid in minimizing damage to the root system of trees and will prevent the impaction of soil under the canopies of trees. It is the intent of these regulations that houses be clustered rather than spread out to protect and preserve the tree canopy which is essential to the maintenance of the character of the district.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

**Sec. 3.4.17. Approval of plats where density bonus permitted.**

The director of planning is authorized to record plats in which a density bonus has been approved pursuant to section 3.4.16 above. The approval of any such plat shall be noted on the official zoning map by the director of planning.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

**Sec. 3.4.18. AMCOD advisory committee.**

The Mayor and City Council may create an AMCOD advisory committee pursuant to Chapter 2. The AMCOD advisory committee may meet with applicants for variances, rezoning and special land use permit applications prior to the submission of the application to the Planning Commission or Board of Zoning Appeals. The AMCOD advisory committee shall act in an advisory capacity only and may present its recommendations on each application in writing to the Planning Commission or Board of Zoning Appeals, applying the standards or criteria contained in Article 7. The failure of the AMCOD to make a recommendation on an application shall not invalidate any zoning decision or decision on a variance and shall not be a condition precedent to final action on the application.

(Ord. No. 2019-02-001, § 1, 2-11-2019)

**Sec. 3.4.19. Residential properties which are not subject to sections 3.4.7 and 3.4.8.**

Section 3.4.7 (lot coverage) and Section 3.4.8 (clearing and grading of lots) shall not apply to any lot in the R-100, R-85, R-75, or R-60 zoning district if a certificate of occupancy for the house thereon was issued prior to August 7, 2017, and if the lot is less than one-half acre.

(Ord. No. 2019-02-001, § 1, 2-11-2019)



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## *DIVISION 5. STONECREST AREA OVERLAY DISTRICT*

### **Sec. 3.5.1. Scope of regulations.**

This division establishes standards and procedures that apply to any development, use, alteration, height, density, parking, open space, and building on any lot or portion thereof which is in whole or in part contained within the boundaries of the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.1); Ord. No. 2019-11-001, § 1, 11-25-2019)

### **Sec. 3.5.2. Applicability of regulations.**

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

(Ord. of 8-2-2017, § 1(3.5.2); Ord. No. 2019-11-001, § 1, 11-25-2019)

### **Sec. 3.5.3. Statement of purpose and intent.**

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

- A. To preserve, protect and enhance existing and proposed open space networks that are adjacent to or within the Stonecrest Area;
- B. To enhance the long term economic viability of this portion of City of Stonecrest by encouraging new commercial and residential developments that increase the tax base and provide jobs to the citizens of City of Stonecrest;
- C. To implement the policies and objectives of the comprehensive plan and the policies and objectives of the design guidelines for the Stonecrest Overlay District;
- D. To establish and maintain a balanced relationship between industrial, commercial, and residential growth to ensure a stable and healthy tax base in City of Stonecrest;
- E. To provide a balanced distribution of regional and community commercial and mixed-use office centers;
- F. To support high density housing in office and mixed-use centers which have the appropriate location, access, and infrastructure to accommodate it;
- G. To encourage mixed-use developments that meet the goals and objectives of the Atlanta regional commission's smart growth and livable centers initiatives;
- H. To allow flexibility in development standards in order to encourage the design of innovative development projects that set high standards for landscaping, greenspace, urban design, and public amenities;

- I. To encourage an efficient land use and development plan by forming a live-work-play environment that offers employees and residents the opportunity to fulfill their daily activities with minimal use of single-occupant automobiles;
- J. To allow and encourage development densities and land use intensities that are capable of making productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling and walking;
- K. To focus and encourage formation of a well-designed, pedestrian-friendly activity centers with high-density commercial and residential development that increases vitality and choices in living environments for the citizens of the City of Stonecrest;
- L. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities;
- M. To protect the health, safety and welfare of the citizens of the City of Stonecrest;
- N. To promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.3); Ord. No. 2019-11-001, § 1, 11-25-2019)

**Sec. 3.5.4. District boundaries.**

- A. The boundaries of the Stonecrest Area Overlay District composed of Tiers I, II, III, IV, V, and VI described in the subparagraph B below, shall be depicted on the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay District" (the "Stonecrest Overlay Maps"). The Stonecrest Overlay Maps are to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of this chapter.
- B. The Stonecrest Area Overlay District shall be divided into five [six] development tiers as follows:
  - 1. Tier I: High-Rise Mixed-Use Zone;
  - 2. Tier II: Mid-Rise Mixed-Use Zone;
  - 3. Tier III: Low-Rise Mixed-Use Zone;
  - 4. Tier IV: Transitional Mixed-Use Zone;
  - 5. Tier V: Cluster/Village Mixed-Use Zone; and
  - 6. Tier VI: Viewshed Zone

The Stonecrest Overlay Maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council. A printed copy of the compact disk's contents depicting the Stonecrest Area Overlay maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

(Ord. of 8-2-2017, § 1(3.5.4); Ord. No. 2019-11-001, § 1, 11-25-2019)

**Sec. 3.5.5. Open space.**

- A. *Open space:* Each lot may provide open space. Open space must be a minimum of 20 percent of the lot. To the extent possible, lands containing streams, lakes, 100-year floodplains, wetlands, slopes over 15 percent

shall remain undisturbed and included in open space. Natural open space areas shall form an interconnected and continuous network of paths, greenways, and trails throughout the development within the Stonecrest Area Overlay District. Credit for open space areas may be transferred from one parcel to another within overall developments that remain under unified control of a single property owner or group of owners, but must demonstrate interconnectedness of public areas.

- B. *Maintenance and protection of public space.* Each applicant that chooses to provide for public space shall present as a part of the application for a building permit within the Stonecrest Area Overlay District a legal mechanism under which all land to be used for public space purposes shall be protected. Such legal mechanism may include deed restrictions, property owner associations, common areas held in common ownership or control, maintenance easements, or other legal mechanisms, provided that said legal mechanism shall be approved by the city attorney as assuring each of the following mandatory requirements:
1. That all subsequent property owners within said Stonecrest Area Overlay District be placed on notice of this development restriction through the deed records of DeKalb County Superior Court;
  2. That all public space held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the city;
  3. That a legal mechanism exists for notice of deficiencies in maintenance of the public space held in common, correction of these deficiencies, and assessment and liens against the properties for the cost of the correction of these deficiencies by a third- party or the city;
  4. When an applicant for a Stonecrest Area Overlay District chooses to utilize a property owners association in order to comply with the requirements of subsection A above, the applicant, in addition to meeting all of said requirements, shall provide for all of the following:
    - a. Mandatory and automatic membership in the property owners association as a requirement of property ownership;
    - b. A fair and uniform method of assessment for dues, maintenance and related costs;
    - c. Where appropriate, party wall maintenance and restoration in the event of damage or destruction; and
    - d. Continued maintenance of public space held in common and liability through the use of liens or other means in the case of default.

(Ord. of 8-2-2017, § 1(3.5.5); Ord. No. 2019-11-001, § 1, 11-25-2019)

**Sec. 3.5.6. Greenspace requirements.**

- A. *Landscape strips.* Landscape strips not less than five feet in width must be provided along all side and rear property lines and on all public streets. The landscape strip along the public street must be a minimum of ten feet in width and must be planted with a row of street trees of at least three and one-half inches in caliper selected from the list of street trees species identified in the design guidelines for the Stonecrest Area Overlay District and planted not less than 75 feet on center. Continuous landscaped strips shall be constructed along public rights-of-way where surface parking lots are adjacent to such sidewalks or public right-of-way except at points of ingress or egress into the facility.
- B. *Ground cover.* Ground cover must also be provided in accordance with the design guidelines for the Stonecrest Area Overlay District in order to protect tree roots and to prevent erosion. Ground cover must consist of evergreen shrubs or groundcover plant material mulched with pine bark mulch, or other similar landscaping material.
- C. Newly planted trees must conform to the design guidelines for the Stonecrest Area Overlay District.

- D. No tree shall be planted closer than two feet from the street or sidewalk, and no closer than five feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure.
- E. *Greenspace requirements for parking lots:*
  - 1. Greenspace areas are required in all parking lots and must comprise at least five percent of the total lot area of parking lot.
  - 2. In addition, all parking lots must include at least one tree for every 12 parking spaces provided. Tree planting areas may be included in the required greenspace area. Every three inches in caliper, as measured at a height of 36 inches above the ground level, of an existing tree shall count as one newly planted tree.
  - 3. Greenspace areas must be at least 36 square feet in area.
  - 4. All greenspace areas must be properly maintained in accordance with approved landscape plans. In the event that a tree or any plant material dies, it must be replaced within a reasonable time, so as to meet all requirements of this section and to allow for planting in the appropriate planting season.
  - 5. All trees planted pursuant to the requirements of Section 5.4.4 shall be counted for the purpose of meeting the tree planting and tree replacement requirements imposed by this chapter.

(Ord. of 8-2-2017, § 1(3.5.6); Ord. No. 2019-11-001, § 1, 11-25-2019)

**Sec. 3.5.7. Transitional buffer zone requirements.**

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

(Ord. of 8-2-2017, § 1(3.5.7); Ord. No. 2019-11-001, § 1, 11-25-2019)

**Sec. 3.5.8. Street standards.**

Streets within the Stonecrest Area Overlay District may be either public or private streets. Private streets must comply with requirements of public streets found in chapter 14 and all other applicable sections of the City of Stonecrest Code, with the following exceptions:

- A. Streets in the Stonecrest Area Overlay District may be constructed with travel lanes at 11 feet in width, measured inside curb and gutter.
- B. Private or public alleys are permitted to provide secondary or service access within developments consisting of at least four buildings. An alley must provide a continuous connection between two streets. Alleys shall be paved and constructed to the same standards as the connecting streets except that:
  - 1. No alley shall be longer than 400 feet;
  - 2. No alley shall have a slope greater than seven percent;
  - 3. The paved width of an alley must be at least 12 feet;
  - 4. Alleys must be constructed with flush curbs;

5. Alleys must have seven-foot-wide unobstructed shoulders constructed of grass sod or gravel on both sides; and
6. Buildings must be set back at least ten feet from the back curb of an alley.

(Ord. of 8-2-2017, § 1(3.5.8); Ord. No. 2019-11-001, § 1, 11-25-2019)

### **Sec. 3.5.9. Underground utilities.**

All utilities except for major electric transmission lines and substations are required to be placed underground except where the director of planning determines that underground utilities are not feasible due to pre-existing physical conditions, such as conflicting underground structures or utilities, shallow rock, high water table, or other similar geologic or hydrologic conditions.

(Ord. of 8-2-2017, § 1(3.5.9); Ord. No. 2019-11-001, § 1, 11-25-2019)

### **Sec. 3.5.10. Streetlights.**

When necessary for the use and convenience of the occupants or users of a development, streetlights are required and shall conform to the design guidelines for the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.10); Ord. No. 2019-11-001, § 1, 11-25-2019)

### **Sec. 3.5.11. Interparcel access.**

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

(Ord. of 8-2-2017, § 1(3.5.11); Ord. No. 2019-11-001, § 1, 11-25-2019)

### **Sec. 3.5.12. Multi-modal access plans required.**

Each new application for a development permit within the Stonecrest Area Overlay District must be accompanied by a multi-modal access plan prepared at a scale not greater than one-inch equals 100 feet. The multi-modal access plan must cover the full extent of the proposed development along with public rights-of-way of adjoining streets and any other property lying between the subject property and the nearest public streets on all sides. The purpose of the multi-modal access plan is to demonstrate a unified plan of continuous access to and between all buildings in the proposed development and adjacent properties. Connections to available transportation modes, such as driveways, sidewalks, and bike paths must be shown along adjacent streets and those entering adjoining properties. Safe and convenient pedestrian ways must be provided from sidewalks along streets to each building entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,250 feet (straight line distance) from any boundary of the subject property, the access plan must show how pedestrians may safely travel from such station or stop to the subject property. Where an existing or planned bike path is located within 1,500 feet of the subject property, the access plan must show how safe, continuous and convenient bicycle access shall be provided to the subject property.

(Ord. of 8-2-2017, § 1(3.5.12); Ord. No. 2019-11-001, § 1, 11-25-2019)

**Sec. 3.5.13. High-rise mixed-use zone (Tier I Zone).**

- A. *Permitted principal uses and structures.* The principal uses of land and structures allowed in the Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:
  - 1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density Residential) District except those listed in B., below.
- B. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
  - 1. Kennels.
  - 2. Tire retreading and recapping.
  - 3. Sexually oriented businesses.
  - 4. Reserved
  - 5. Outdoor amusement services facilities.
  - 6. Outdoor storage.
  - 7. Farm equipment and supplies sales establishment.
  - 8. Repair, small household appliance.
  - 9. Hotel/motel.
  - 10. Flea markets.
  - 11. Automobile title loan establishments.
  - 12. Pawn shops.
  - 13. Salvage yards.
  - 14. Gasoline service stations.
  - 15. Automobile repair and maintenance, major.
  - 16. Automobile and truck rental and leasing.
  - 17. Commercial parking lots.
  - 18. Automobile wash/wax service.
  - 19. Check cashing facility.
  - 20. Automobile emission testing facilities.
  - 21. Small Box Discount Stores
- C. *Accessory uses and structures.* The following accessory uses of land and structures are permitted in Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
  - 1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
  - 2. Parking lots and parking garages.
  - 3. Open space, clubhouse or pool amenity area.
  - 4. Signs, in accordance with the provisions of chapter 21 and this chapter.

- D. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.
- E. *Height of buildings and structures.* A building or structure in Tier I may exceed the five-story height limit without the necessity of obtaining a special land use permit. A parking deck may exceed five stories in height; however, a parking deck cannot exceed ten stories in height either as a separate deck structure or as part of an office building.
- F. *Density.* No development in Tier I may exceed a FAR of three and one-half, unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G below.
- G. *Bonus density:* In exchange for providing one or more of the amenities shown in Table 3.2 an applicant may receive a density bonus as provided in Table 3.2, not to exceed a total FAR of six.

**Table 3.2. Bonus FAR: Tier I**

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

- H. *Required parking.* Required parking may be provided through a combination of off-street, on-street, or shared parking provided that all required parking must be located within 700 feet of the principal entrance of the buildings the parking is intended to serve. The minimum number of required parking spaces shall be as provided in article 6, except as follows:
  1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
  2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
  3. Hotel and motel uses: Minimum of one space per unit.
  4. Multifamily residential uses: Minimum of one and one-quarter spaces per dwelling unit.
- I. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least five feet in width with the exception of sidewalks along streets and in front of proposed high-rise buildings which must be at least ten feet in width.

(Ord. of 8-2-2017, § 1(3.5.13); Ord. No. 2019-11-001, § 1, 11-25-2019)

**Sec. 3.5.14. Mid-rise mixed-use zone (Tier II Zone).**

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

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- B. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
1. Kennels.
  2. Storage yards.
  3. Tire retreading and recapping.
  4. Sexually oriented businesses.
  5. Outdoor storage.
  6. Farm equipment and supplies sales establishment.
  7. Repair, small household appliance.
  8. Hotel/motel.
  9. Flea markets.
  10. Automobile title loan establishments.
  11. Pawnshops.
  12. Salvage yards.
  13. Automobile repair and maintenance, major and minor.
  14. Gasoline service stations.
  15. Automobile and truck rental and leasing.
  16. Commercial parking lots.
  17. Automobile wash/wax service.
  18. Late-night establishments.
  19. Nightclubs.
  20. Check cashing facility.
  21. Automobile emission testing facilities.
  22. Small Box Retail Store
- [TMOD-19-005, TMOD-21-005]
- C. *Accessory uses and structures.* The following accessory uses of land and structures are permitted in Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District.
1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
  2. Parking lots and parking garages.
  3. Open space, clubhouse or pool amenity area.
  4. Signs, in accordance with the provisions of chapter 21 and this chapter.
- D. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.
- E. *Height of buildings and structures.* A building or structure in Tier II can have a maximum height of ten stories. A parking deck may exceed five stories in height; however, a parking deck may not exceed ten stories either as a separate deck structure or as part of an office building.



- F. *Density*: No development in Tier II may exceed a FAR of two and one-half, unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G, below.
- G. *Bonus density*: In exchange for providing one or more of the amenities shown in Table 3.2 an applicant may receive a density bonus as provided in Table 3.2, not to exceed a total FAR of four.

**Table 3.2. Bonus FAR: Tier II**

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

- H. *Required parking*. Required parking may be provided through a combination of off-street, on- street, or shared parking. All required parking must be located within 700 feet of the principal entrance of the building that the parking intended to serve. The minimum number of required parking spaces shall be as provided in article 6, except as follows:
    1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
    2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
    3. Hotel and motel uses: Minimum of one space per unit.
    4. Multifamily residential uses: Minimum of one and one and one-quarter spaces per dwelling unit.
  - I. *[Parking spaces.]* Parking space area requirements must comply with the provisions of Section 6.1.3.
  - J. *Sidewalks*. Sidewalks must be provided on all public streets. Sidewalks must be at least five feet in width.
- (Ord. of 8-2-2017, § 1(3.5.14); Ord. No. 2019-11-001, § 1, 11-25-2019)

**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., below.
- B. *Prohibited uses*. The following principal uses of land and structures are prohibited in Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
  1. Kennels.
  2. Junkyard.
  3. Tire retreading and recapping.

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4. Sexually oriented businesses.
  5. Outdoor amusement service facility.
  6. Outdoor storage.
  7. Automobile repair, major and minor.
  8. Hotel/motel.
  9. Automobile sales.
  10. Temporary outdoor sales.
  11. Pawn shops.
  12. Liquor stores.
  13. Nightclubs.
  14. Late-night establishments.
  15. Car wash.
  16. Self-storage.
  17. Funeral home.
  18. Mortuary.
  19. Crematorium.
  20. Farm equipment and supplies sales establishment.
  21. Repair, small household appliance.
  22. Salvage yard.
  23. Automobile service stations, except automobile service stations over 4,000 square feet with special land use permit.
  24. Commercial parking lot.
  25. Check cashing facility.
  26. Automobile emission testing facilities.
  27. Small Box Retail Stores

[TMOD-19-005]

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

1. *Minimum front yard setback:* 15 feet from right-of-way of public street, except that front-facing garages of residential units shall be set back a minimum of 25 feet from rights-of-way.
  2. *Minimum interior side yard:* Ten feet. There shall be a minimum of 15 feet between buildings and structures less than two stories in height and a minimum of 20 feet between any two buildings and structures when one of them is greater than two stories in height.
  3. *Minimum rear yard:* Ten feet.
- E. *Height of buildings and structures.* Maximum height, three stories
- F. *Density:* No development in Tier III may exceed 30 dwelling units per acre and a combined FAR of one and a half, unless it also provides additional public space or other amenities singly, or in combination as provided in subsection G, below.
- G. *Bonus density:* In exchange for providing one or more of the amenities shown in Table 3.3 an applicant may receive a density bonus as provided in Table 3.3, not to exceed a total FAR of three.

**Table 3.3 Bonus FAR: Tier III**

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.5
Increase public space to 30 percent while providing connectivity	1.0
Mixed-use building that combines office-institutional with commercial or retail uses. Each mixed-use building must include one principal use and at least one secondary use. No primary or secondary use may constitute less than ten percent of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least eight units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

- H. *Required parking.* Required parking may be provided through a combination of off-street, on-street, or shared parking. All required parking must be located within 700 feet of the principal entrance of the building that the parking is intended to serve. The minimum number of required parking spaces must be as provided in article 6, except as follows:
1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
  2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
  3. Hotel and motel uses: Minimum of one space per unit.
  4. Multifamily residential uses: Minimum of one and one-half spaces per dwelling unit.
- I. *Parking space area requirements.* Parking space area requirements must comply with the provisions of section 6.1.3.
- J. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least five feet in width.
- K. *New or used motor vehicle dealers.* New or used motor vehicle dealers are authorized in Tier III of the Stonecrest Overlay District only if they comply with the following requirements:
- New or used motor vehicle dealers must be located on a parcel with a lot area of no less than three acres, and must contain at least 6,000 square feet of building floor space.
- New or used motor vehicle dealers must provide vegetative screening along any automobile display areas that abut a public right-of-way. Said vegetative screening shall be located outside any guard rails or security

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

New or used motor vehicle dealers must provide screening of all maintenance areas and storage yards for automobiles stored for service. Such screening shall be sufficient to shield the maintenance areas and storage yards from visibility from any adjacent properties or public rights-of-way. Should vegetative screening be used, planting material shall be subject to the approval of the City of Stonecrest Arborist.

No overhead bay doors opening into vehicle service areas shall be visible from a public right-of-way.

(Ord. of 8-2-2017, § 1(3.5.15); Ord. No. 2018-12-01, § 1(3.5.15), 12-1-2018; Ord. No. 2019-11-001, § 1, 11-25-2019)

**Sec. 3.5.15.1. Transitional mixed use zone (Tier IV).**

- A. *Statement of purpose and intent.* The intent of this tier is to encourage mixed use development in a well-planned community and encourage principally office, residential and commercial uses to serve the convenience needs of the local community. This tier provides an economic balance to the other Stonecrest Area Compatible Use Overlay District development categories which focus more on retail uses.
- B. *Mixed use requirements.* All properties in Tier IV which are proposed for new development shall comply with the minimum requirements of this mixed use development category. Permits for repairs, interior alterations or tenant buildout improvements that do not alter the exterior appearance or the building footprint of the structure shall be exempt from the requirements of this division. Properties in Tier IV shall contain a minimum of two principal uses and any residential use shall not exceed 70 percent of the total floor area. The mixed use development may be combined vertically or horizontally in one or more buildings or may be provided in separate buildings or areas within a mixed-use development. A minimum of one residential and one non-residential use must be selected.
- C. *Permitted principal uses and structures.* The principal uses of land and structures which are allowed in the Tier IV: Transitional Mixed-Use Zone are as is provided below:
  - 1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, MU-4 (Mixed Use High Density) District, and HR-2 (High Density Residential-2) District, except those listed in D., below.

Single-family attached detached units that are part of a master planned community so long as such single-family detached units are part of a mixed-use development and the development provides opportunities for lifelong and aging-in-place communities as defined by the Atlanta Regional Commission.
- D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier IV: Transitional Mixed-Use Zone:
  - 1. Kennels.
  - 2. Tire retreading and recapping.
  - 3. Sexually oriented businesses.
  - 4. Outdoor amusement services facilities.
  - 5. Outdoor storage.
  - 6. Farm equipment and supplies sales establishments.
  - 7. Repair, small household appliance.
  - 8. Hotel/motels.

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9. Automobile title loan establishments.
  10. Pawnshops.
  11. Liquor stores.
  12. Salvage yards.
  13. Automobile repair and maintenance, major.
  14. Automobile wash/wax service.
  15. Nightclubs.
  16. Late-night establishments.
  17. Check cashing facility.
  18. Automobile emission testing facilities.
  19. Car wash, self-service.
  20. Self-storage.
  21. Funeral home.
  22. Crematorium.
  23. Mortuary.
  24. Small Box Retail Stores
- E. *Accessory uses and structures.* The following accessory uses of land and structures are permitted in Tier IV: Transitional Mixed-Use Zone:
1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
  2. Open space, clubhouse or pool amenity area.
  3. Parking lots and decks.
  4. Signs, in accordance with the provisions of chapter 21 and this chapter.
- F. *Mixed-use developments:* Lot width, lot area and setbacks.
1. *Lot width and area.* All lots shall have at least 100 feet of frontage as measured along the public street frontage.
    - a. Minimum lot area: One acre.
  2. *Setback requirements.*
    - a. *Front yard.* Minimum of zero feet and a maximum of 20 feet to allow for architectural features, outdoor seating, and other project site amenities.
    - b. *Side yard.* Minimum of zero feet and a maximum of 20 feet to allow for architectural features, outdoor seating, plazas and other project site amenities.
    - c. *Rear yard.* Minimum of 20 feet.
    - d. *Interior side yard.* Minimum of zero feet. However, where an interior side yard is facing a structure with windows on an adjoining lot the distance between the existing structure and the proposed structure shall be a minimum of 20 feet.
- G. *Single-family detached units:* Lot width, lot area and setbacks.

1. *Lot width and area.* All lots must have at least 50 feet of frontage as measured along the public street frontage.
    - a. *Minimum lot area.* 5,000 square feet.
  2. *Setback requirements.*
    - a. *Front yard.* Minimum of ten feet and a maximum of 20 feet.
    - b. *Side yard.* Minimum of ten feet.
    - c. *Interior side yard.* Minimum of five feet.
    - d. *Rear yard.* Minimum of 30 feet.
- H. *Single-family attached units:* Lot width, lot area and setbacks.
1. *Lot width and area.* All lots must have at least 30 feet of frontage as measured along the public street frontage.
    - a. *Minimum lot area.* 3,000 square feet. Maximum of eight units or 240 feet.
  2. *Setback requirements:*
    - a. *Front yard:* Minimum of five feet and a maximum of 20 feet.
    - b. *Side yard:* Minimum of ten feet between buildings.
    - c. *Rear yard:* Minimum of ten feet.
    - d. Structures which are front face to front face, back face to back face, or front face to back face shall be not less than 60 feet apart. Structures which are side face to side face shall not be less than 20 feet apart. Structures which are side face to front face or back face shall be not less than 40 feet apart.
- I. *Height of buildings and structures.* The maximum height of any mixed-use building or structure shall not exceed five stories or 75 feet. Buildings in excess of three stories must be approved by the director of planning to assure adequacy of fire protection facilities and services. The maximum height of any residential single-family detached building or structure shall not exceed a height of 35 feet and shall not exceed two stories.
- J. *Density and floor area ratios.* Multifamily dwellings may be developed at a density not exceeding 30 dwelling units per acre and the combined floor area ratio for any development shall not exceed one and one-half.
1. *Density bonus.* The maximum allowable FAR of a building or development in Tier IV shall be increased to a FAR not to exceed a total of three if one or more of the additional amenities is provided as described in the table below:

**Table 3.4 Bonus FAR: Tier IV**

Additional Amenity	Increased FAR
Increase public space to 25 percent while providing interparcel access for pedestrians and vehicles.	0.5
Increase public space to 30 percent while providing interparcel access for pedestrians and vehicles.	1.0
Mixed-use building that combines office-institutional with commercial or retail uses. Each mixed-use building shall include one principal use and at least one secondary use. No primary or secondary use can constitute less than ten percent of the gross floor area of the building.	0.25

Mixed-use building that includes multifamily residential units constituting at least eight units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5
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- K. *Required parking.* Required parking may be provided through a combination of off-street, on-street, or shared parking. All required parking must be located within 700 feet of the principal entrance of the building the parking is intended to serve. The minimum number of required parking spaces must be as provided in the underlying zoning district regulations for the lot except as follows:
1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
  2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
  3. Hotel and motel uses: Minimum of one space per unit.
  4. Multifamily residential uses: Minimum of one and one-half spaces per dwelling unit.
  5. Parking space area requirements shall comply with the provisions of section 6.1.3.
  6. Single-family detached residential dwelling units shall have two spaces per unit. Garages and any surface parking areas are to be accessed by shared driveways located at the rear of the residential structure. Garages that face the public right-of-way shall be setback a minimum of 20 feet.
- L. *Sidewalks.* Sidewalks must be at least five feet in width and must be provided along the right-of-way of all public streets.

(Ord. of 8-2-2017, § 1(3.5.15.1); Ord. No. 2019-11-001, § 1, 11-25-2019)

**Sec. 3.5.15.2. Cluster village mixed-use zone (Tier V).**

- A. *Statement of purpose and intent.* The primary intent of Tier V is to encourage single-family detached residential developments with associated neighborhood commercial and office uses to serve the convenience needs of the local community in a village or cluster concept. This tier provides for the preservation of open space while allowing compatible development that complements the other Stonecrest Overlay District development categories. Tier V also seeks to preserve the rural and scenic beauty of Arabia Mountain Preserve while providing flexibility to allow for creativity in site design and development. The goal of Tier V is to minimize the environmental and visual impacts of new development on natural resources and historically and culturally significant sites and structures while encouraging residential and neighborhood commercial development in a well planned community.
- B. *Permitted principal uses and structures.* All properties in Tier V shall be governed by all of the underlying zoning district regulations and the requirements of this section. In addition, all properties in Tier V may be used for the following principal uses of land and structures:
1. Adult day care facility.
  2. Bed and breakfast.
  3. Child day care facility.
  4. Assembly hall.
  5. Cultural facility.
  6. Detached single-family dwelling.
  7. Office uses.

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8. Personal care facility.
  9. Place of worship.
  10. Retail, excluding drive-through facilities, automobile service stations, commercial amusements, convenience store, liquor stores, package store, and video arcades, pool halls, and Small Box Discount Stores.
  11. Office/medical.
  12. Personal services establishment.
- C. *Accessory uses and structures.* The following accessory uses of land and structures shall be authorized in Tier V: Cluster Village Mixed-Use Zone
1. Uses and structures which are customarily incidental and subordinate to the permitted principal uses and structures in this district.
  2. Open space, clubhouse or pool amenity area.
- D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier V: Cluster Village Mixed-Use Zone:
1. Kennels.
  2. Junkyard.
  3. Tire retreading and recapping.
  4. Sexually oriented businesses.
  5. Go-cart concession.
  6. Outdoor storage.
  7. Automobile repair, major.
  8. Hotel/motel.
  9. Automobile sales.
  10. Temporary outdoor sales.
  11. Pawn shops.
  12. Liquor stores.
  13. Nightclubs.
  14. Late-night establishments.
  15. Automobile wash, self service.
  16. Self-storage.
  17. Funeral home.
  18. Mortuary.
  19. Crematorium.
  20. Farm equipment and supplies sales establishment.
  21. Multifamily dwelling unit.
- E. *Lot width, lot area and setbacks.*



- 
1. All single-family detached residential dwellings located on Klondike Road, Plunkett Road or Rockland Road must have a minimum of 100 feet of frontage as measured along the public street frontage.
    - a. *Minimum lot area.* 15,000 square feet.
    - b. *Minimum setback requirements.*
      - i. *Front yard.* 35 feet.
      - ii. *Side yard.* 35 feet.
      - iii. *Rear yard.* 40 feet.
      - iv. *Interior side yard.* Ten feet.
  2. All single-family detached residential lots which are located on new roadways must have a minimum of 50 feet of frontage as measured along the public street frontage.
    - a. *Minimum lot area.* 5,000 square feet.
    - b. *Minimum setback requirements.*
      - i. *Front yard.* Minimum of ten feet and a maximum of 25 feet.
      - ii. *Side yard.* 15 feet.
      - iii. *Rear yard.* 20 feet.
      - iv. *Interior side yard.* Five feet.
  3. Reserved.
  4. Office and commercial uses may not be located along Klondike or Rockland Road. Any uses otherwise authorized in Tier V shall be clustered together in a "village" or "hamlet" setting and must include convenient access to neighboring residential communities in a manner that preserves the open space on the lot. Such uses must be developed in a manner that also preserves the rural and scenic nature of Tier V and is compatible with the natural design and forestation of the Arabia Mountain Preserve. Such uses must be developed in a manner that minimizes the environmental and visual impact of new development on the existing natural landscape and the historically and culturally significant sites and structures. To the extent possible, developments must be constructed in a manner that preserves the bucolic nature and farming community appearance of Tier V.
    - a. Office and commercial uses must be a maximum of 2,500 square feet per tenant space.
    - b. Single-use structures must be a maximum of 10,000 square feet.
    - c. Lot width and lot area. Office and commercial lots must be a minimum of 20,000 square feet.
- F. *Height of buildings and structures.* No building or structure may exceed 35 feet in height or two stories whichever is less.
- G. *Required parking.* The minimum number of required parking spaces must be as provided in the underlying zoning district regulations except as follows:
1. Residential, single-family detached: Minimum of two spaces.
  2. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
  3. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
  4. Parking space area requirements must comply with the provisions of section 6.1.3.

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

(Ord. of 8-2-2017, § 1(3.5.15.2); Ord. No. 2019-11-001, § 1, 11-25-2019) [TMOD-19-006]

**Sec. 3.5.15.3. Viewshed zone (Tier VI).**

- A. *Statement of purpose and intent.* The intent of Tier VI is to promote uniform and visually aesthetic development which serves to unify the distinctive visual quality of the Stonecrest Area Overlay District.
- B. *Permitted principal uses and structures.* The permitted principal uses of land and structures for property in Tier VI shall be governed by all of the underlying zoning district regulations.
- C. *Accessory uses and structures.* The permitted accessory uses and structures for property in Tier VI shall be governed by the underlying zoning district.
- D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier V [VI]: Viewshed Zone:
  - 1. Sexually oriented businesses.
  - 2. Pawn shops.
  - 4. Package stores.
  - 5. Check cashing facility.
- E. *Lot width, lot area and setbacks.* Lot width, lot area and setbacks of property in Tier VI shall be governed by the underlying zoning district.
- F. *Height of buildings and structures.* The height of buildings and structures on property within Tier VI shall be governed by the underlying zoning district.
- G. *Required parking.* The minimum number of required parking spaces of property in Tier VI shall be governed by the underlying zoning district.
- H. *Sidewalks.* A landscape strip must be provided between the curb and the pedestrian travel lane in compliance with land development standards. Sidewalks must be provided along the right-of-way of all public streets.

(Ord. No. 2019-11-001, § 1, 11-25-2019)

**Sec. 3.5.16. Shared parking.**

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

(Ord. of 8-2-2017, § 1(3.5.16); Ord. No. 2019-11-001, § 1, 11-25-2019)

**Sec. 3.5.17. Permits for uses.**

Any use authorized by this division shall require that a development permit be issued before property improvements can be made in accordance with section 7.7.2 and a building permit required in accordance with the provisions of section 7.7.3.

(Ord. of 8-2-2017, § 1(3.5.17); Ord. No. 2019-11-001, § 1, 11-25-2019)

**Sec. 3.5.18. Design guidelines.**

The Stonecrest Overlay District Design Guidelines dated May 2008 in DeKalb County, shall apply to all uses and structures within the Stonecrest Overlay District and shall be maintained by the planning director and available for public inspection. The design guidelines provide acceptable minimum standards to guide design and development within this overlay district. The planning director or designee is authorized to create, administer, and amend design guidelines for the Stonecrest Area Overlay District. These guidelines provide acceptable architectural design controls, landscaping, detail drawings, signage, fencing, lighting, street and site furniture, and grating criteria. These guidelines shall be used to promote proper design criteria and shall guide the planning director or designee in deciding whether a proposed design complies with the requirements of the Stonecrest Area Overlay District.

(Ord. of 8-2-2017, § 1(3.5.18); Ord. No. 2019-11-001, § 1, 11-25-2019)

**Sec. 3.5.19. Plans required; certificates of compliance.**

- A. *Plans required.* Prior to the issuance of any land disturbance permit, building permit, or sign permit, the applicant shall submit to the director of planning an application which shall include a conceptual plan package as defined by this chapter which shall demonstrate that the proposed design is in compliance with all of the requirements of this Stonecrest Overlay District and the underlying zoning classification.
- B. *Fees.* Plans shall be accompanied by an application and payment of a fee in an amount determined by the City of Stonecrest City Council.
- C. *Review.* The director of planning shall review each application for compliance with all requirements of the Stonecrest Overlay District and the underlying zoning classification. Where the director determines that said plans comply with the requirements of the Stonecrest Overlay District a certificate of compliance shall be issued in the form of the director or the director's designee signing the plans and drawings after which the applicant shall then apply for land disturbance, building or signs permits. Where the director determines that said plans do not comply with the requirements of this chapter, then the director shall notify the applicant in writing stating the manner in which said applicant fails to comply with such requirements. All applications shall be considered and decided by the director of planning within 30 days of receipt of a complete application. Any appeal of the director of planning's decision in this regard shall be to the zoning board of appeals pursuant to section 7.5.2.

(Ord. of 8-2-2017, § 1(3.5.19); Ord. No. 2019-11-001, § 1, 11-25-2019)

**Sec. 3.5.20. Conceptual plan package review.**

- A. The conceptual plan package must be composed of the following:
  - 1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this chapter. The narrative shall include a tabulation of the approximate number of acres in each land use, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density, the approximate public space acreage, the anticipated number, type and size of recreational facilities and other public amenities; the legal mechanism for protecting and maintaining public space, as required in section 3.5.5.A.1.;

2. A site location map showing the proposed development, abutting property, the relationship of the proposed development to surrounding natural features and existing development, and transitional buffer zones, if required; and
  3. A multi-modal access plan meeting the requirements of section 3.5.12.
- B. The plan to be submitted in the conceptual plan package must contain the following information:
1. Six copies of a plan drawn to a designated scale of not less than one inch equals 100, certified by a professional engineer or land surveyor licensed by the State of Georgia, presented on a sheet having a maximum size of 24 inches by 36 inches, and one, 8 and ½-inch by 11-inch reduction of the plan. If presented on more than one sheet, match lines must clearly indicate where the several sheets join. Such plan must contain the following information:
    - a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines.
    - b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
    - c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any.
    - d. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is an air survey or field run.
    - e. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or City of Stonecrest.
    - f. The delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.
    - g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it.
    - h. A delineation of all existing structures and whether they will be retained or demolished.
    - i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances.
    - j. Height and setback of all buildings and structures.
    - k. Approximate areas and development density for each type of proposed use.
    - l. Location, size, and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed.
    - m. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.
    - n. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.
    - o. Development density and lot sizes for each type of use.
    - p. Areas to be held in joint ownership, common ownership or control.
    - q. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.

- r. Location of proposed sidewalks and bicycle facilities trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site.
- s. Conceptual layout of utilities and location of all existing or proposed utility easements having a width of 25 feet or more.
- t. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, greenspace areas, fencing, grating, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the Stonecrest Area Overlay District.
- u. Seal and signature of professional preparing the plan.

(Ord. of 8-2-2017, § 1(3.5.20); Ord. No. 2019-11-001, § 1, 11-25-2019)

### *DIVISION 33. INTERSTATE 20 CORRIDOR COMPATIBLE USE OVERLAY DISTRICT*

#### **Sec. 3.33.1. Scope of regulations.**

This division establishes standards and procedures that apply to any development, use, alteration, height, density, parking, open space, and building on any lot or portion thereof which is in whole or in part contained within the boundaries of the I-20 Corridor Compatible Use Overlay District. This division shall be governed by chapter 27, article 3, division 1.

(Ord. of 8-2-2017, § 1(3.33.1))

#### **Sec. 3.33.2. Applicability of regulations.**

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

(Ord. of 8-2-2017, § 1(3.33.2))

#### **Sec. 3.33.3. Statement of purpose and intent.**

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

- A. To encourage development and redevelopment of properties within the district in order to achieve a variety of mixed-use communities;
- B. To provide for the development of sidewalks and walkways in order to promote safe and convenient pedestrian access and to reduce dependence on automobiles and other motorized means of transportation;
- C. To promote physically attractive, environmentally safe and economically sound mixed-use communities;
- D. To permit and to encourage mixed-use developments containing both commercial and residential uses so as to create pedestrian oriented communities in which people can live, work and play;

- E. To improve the visual appearance and increase property values within the I-20 corridor and to implement the objectives of the comprehensive plan;
- F. To enhance the long-term economic viability of the portion of the City of Stonecrest within the overlay by encouraging new commercial and residential developments that increase the tax base and provide employment opportunities to the citizens of the City of Stonecrest;
- G. To implement the policies and objectives of the comprehensive plan and the policies and objectives of the design standards for the I-20 Corridor Compatible Use Overlay District;
- H. To establish and maintain a balanced relationship between industrial, commercial, and residential growth to ensure a stable and healthy tax base;
- I. To provide a balanced distribution of regional and community commercial and mixed-use office centers;
- J. To support high-density housing in office and mixed-use centers which have the appropriate location, access, and infrastructure to support such development;
- K. To encourage mixed-use developments that meet the goals and objectives of the Atlanta Regional Commission's Smart Growth and Livable Centers Initiatives;
- L. To allow flexibility in development standards in order to encourage the design of innovative development projects that set high standards for landscaping, green space, urban design, and public amenities;
- M. To encourage an efficient land use and development plan by forming a live-work-play environment that offers employees and residents the opportunity to fulfill their daily activities with minimal use of single-occupant automobiles;
- N. To allow and encourage development densities and land use intensities that are capable of making productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling and walking;
- O. To focus and encourage formation of well designed, pedestrian-friendly activity centers with high-density commercial and residential development that increases vitality and choices in living environments for the citizens;
- P. To protect established residential areas from encroachment of uses which are either incompatible or unduly cause adverse impacts on such communities, and to protect the health, safety and welfare of the citizens;
- Q. To promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the I-20 corridor area.

(Ord. of 8-2-2017, § 1(3.33.3))

**Sec. 3.33.4. District boundaries and maps.**

- A. The I-20 Corridor Overlay District shall be comprised of the following six areas that are centered along the roadways that intersect with Interstate 20: The Panola Road area; the Snapfinger Woods area; the Wesley Chapel Road area; the I-20/I-285 interchange area; the Candler Road corridor and the Gresham Road area.
- B. The boundaries and tiers of the Interstate 20 Corridor Compatible Use Overlay District shall be depicted on the official zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District"(the "I-20 Corridor overlay maps"). The Official Zoning Map, Stonecrest, Georgia, I-20 Corridor Overlay District, to be adopted contemporaneously with this chapter, together with all explanatory information contained or referenced thereon, is hereby adopted by reference and declared to be a part of

this chapter. The I-20 Corridor overlay maps shall be adopted contemporaneously with this chapter in digital format and contained on a compact disk to be maintained in its original, unedited and unaltered form by the clerk to the city council. A printed copy of the compact disk's contents depicting the I-20 Corridor overlay maps on the date of its initial adoption shall also be maintained in its original, unedited and unaltered form by the clerk to the city council.

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

*Tier 1.* High-intensity area focused around the four activity centers of Panola, Wesley Chapel, Candler Road and the Gresham Road area. The purpose of this tier is to allow the most intense mixed-use development. The goal is to allow for redevelopment of the oversized parking areas with new buildings including retail, office, and residential on one parcel to decrease the need for vehicular trips. The maximum height shall be up to 20 stories and 60 dwelling units/acre.

*Tier 2.* Medium-intensity area wraps around the high-intensity area or at the locations of Snapfinger Woods and I-20/I-285 intersections. The purpose of this tier is to allow medium-density development in a mixed-use development. The maximum height shall be up to eight stories and allows for up to 40 dwelling units per acre.

*Tier 3.* Low-intensity area which provides for a transition from the higher-intensity areas and more compatibility to the single-family neighborhoods adjacent to the overlay boundaries. The maximum height shall be up to four stories and allows up to 40 dwelling units per acre.

- D. The planning and development director shall be the final authority to determine whether any property is located within the boundaries of this section.

(Ord. of 8-2-2017, § 1(3.33.4))

### **Sec. 3.33.5. Principal uses and structures.**

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

- A. Animal hospital, veterinary clinic, pet supply store, animal grooming shop, and boarding and breeding kennel as an interior accessory use.
- B. Art gallery and art supply store.
- C. Automobile services as follows:
  - 1. Minor automobile repair and maintenance, subject to the requirements of section 4.2.14.
  - 2. Automobile parts and tire stores.
- D. Bank, credit union and other similar financial institution.
- E. Business service establishment.
- F. Child daycare center and kindergarten.
- G. Communications uses as follows:
  - 1. Radio and television broadcasting station.

- 
- 2.
- H. Community facilities as follows:
    1. Cultural facilities.
    2. Noncommercial club or lodge.
    3. [TMOD-22-001]
  - I. Dwellings including apartments, condominiums, and multifamily units. Mixed-use developments may include any combination above plus retail or office uses, subject to the requirements of the I-20 Overlay District regulations.
  - J. Educational uses as follows:
    1. Vocational schools.
    2. Private schools, elementary, middle or high.
    3. Public school, elementary, middle or high
    4. Specialized non-degree schools to include ballet, music, martial arts, etc.
  - K. Movie theater, bowling alley, and other recreational facilities where such activities are wholly enclosed within a building. Nightclubs are permitted only in Tier 1 (maximum 10,000 square feet in floor area), subject to approval of the planning and development director and business license requirements.
  - L. Office uses
  - M. Place of worship.
  - N. Restaurants.
  - O. Retail sales
  - P. Retail building supplies as follows:
    1. Electrical supply store.
    2. Hardware and other building materials establishments.
    3. Paint, glass and wallpaper store.
  - Q. Services, medical and health as follows:
    1. Health service clinic.
    2. Medical and dental laboratories.
    3. Offices of health service practitioners.
    4. Pharmacy and drugstore.
    5. Private ambulance and emergency medical services.
  - R. Services, personal, as follows:
    1. Barber shop, beauty shop, and similar personal service establishments.
    2. Laundry and dry-cleaning store.
    3. Funeral home.
    4. Linen and diaper service, garment pressing, alteration and repair.
    5. Photographic studios.



- S. Services, repair
- T. Shopping center.
- U. Taxi stand and taxi dispatching office.
- V. Tennis center, club and facilities.
- W. Fitness center and health center.
- X. Hotel.

(Ord. of 8-2-2017, § 1(3.33.5)) [TMOD-22-001]

**Sec. 3.33.6. Prohibited uses.**

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

- 1. Boarding and breeding kennels as a primary use.
- 2. Storage yard for damaged automobiles or confiscated automobiles.
- 3. Tire retreading and recapping.
- 4. Sexually oriented businesses.
- 5. Reserved.
- 6. Go-cart concession.
- 7. Outdoor equipment and materials storage.
- 8. Heavy repair shop and trade shop.
- 9. Extended stay motels.
- 10. Used cars sales as a primary use.
- 11. Temporary and/or seasonal outdoor sales.
- 12. Title and pawn shops.
- 13. Liquor stores.
- 14. Night clubs excluded in Tiers 2 and 3.
- 15. Salvage yards/junkyards.
- 16. Automobile, wash/Wax
- 17. Self-storage.
- 18. Small Box Discount Stores

(Ord. of 8-2-2017, § 1(3.33.6)), [TMOD-19-005] [TMOD-22-001]

**Sec. 3.33.7. Accessory uses and structures.**

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

- A. Accessory uses and structures incidental to any authorized use.
- B. Parking lots and parking garages.

- C. Club house, including meeting room or recreation room.
- D. Swimming pools, tennis courts, and other recreation areas and similar amenities.
- E. Signs, in accordance with the provisions of chapter 21 and this chapter.

(Ord. of 8-2-2017, § 1(3.33.7))

**Sec. 3.33.8. Special permits.**

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

- A. Special administrative permit from the director of planning and development as referenced in section 4.2.21, commercial recreation and entertainment:
  - 1. Art shows, carnival rides, festivals and special events of community interest.
  - 2. Temporary outdoor social, religious, entertainment or recreation activity where the time period does not exceed 14 days duration, adequate parking is provided on the site.
  - 3. Telecommunications antennas that are incorporated in architectural features such as steeples, clock towers, water towers and attached to the top of high-rise buildings subject to requirements of section 4.2.51.
  - 4. Outdoor recreation/entertainment facilities.
- B. Special land use permit from the city council:
  - 1. Heliport.

(Ord. of 8-2-2017, § 1(3.33.8))

**Sec. 3.33.9. Development standards.**

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

- A. *Building setbacks.* The following requirements apply:
  - 1. *Minimum front yard setback.* Zero feet from right-of-way of public street where the distance between the back of curb and property line is 15 feet in width or greater.
  - 2. *Minimum interior Side yard:* Ten feet. In mixed-use developments there shall be a minimum of 15 feet between buildings and structures less than two stories in height and a minimum of 20 feet between buildings and structures when one of them is greater than two stories in height, and a minimum of 25 feet between buildings when one of them is greater than five stories in height.
  - 3. *Minimum Rear yard:* Ten feet.
- B. *Height of building and structures.* All buildings and structures within the I-20 Corridor Overlay District shall comply with the height restrictions for the development category in which the subject parcels are located. The I-20 Corridor Overlay District shall be comprised of three development categories. The height restrictions are as follows:
  - Tier 1.* Buildings and structures shall not exceed 20 stories.
  - Tier 2.* Buildings and structures shall not exceed eight stories.
  - Tier 3.* Buildings and structures shall not exceed four stories.

A building in the I-20 Corridor Compatible Use Overlay District may exceed any of the limitations specified by an application to the city council for a special land use permit. A parking deck may exceed five stories in height; however, a parking deck shall not exceed ten stories either as a separate deck structure or as part of an office building.

- C. *Density.* No development shall exceed a floor-area ratio (FAR) of 3 ½, unless it also provides additional public space or other amenities singly, or in combination as provided in section D. below.
- D. *Density bonus.* The maximum allowable FAR of a building or development in a Tier 1 Zone shall be increased to a FAR not to exceed a total of 5½ in exchange for one or more of the additional amenities provided in the table below:

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

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

- E. *Required parking.* Required parking may be provided through a combination of off-street, on-street, or shared parking, provided that all required parking is located with 700 feet of the principal entrance of buildings which it is intended to serve. The minimum number of required parking spaces shall be as provided in article 6 of this chapter, except as follows:
  1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four spaces per 1,000 square feet of gross floor area.
  2. Office and clinic uses: Minimum of three spaces per 1,000 square feet of gross floor area.
  3. Hotel and motel uses: Minimum of one space per unit.
  4. Multifamily residential uses: Minimum of 1¼ spaces per dwelling unit.

(Ord. of 8-2-2017, § 1(3.33.9))

**Sec. 3.33.10. Open space requirements.**

- A. A minimum of 20 percent open space shall be provided for each new development. Open space areas may be transferred from one parcel to another within overall developments that remain under unified control of a single property owner or group of owners, but must demonstrate interconnectedness of public areas.
- B. Open spaces shall be at grade, and surrounded by a mix of uses directly accessible from a public sidewalk and building entrances.
- C. Open spaces may include any combination of the following: yards, planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property and accessible to the general public; on-street parking; and natural stream buffers shall be permitted to be counted toward the 20 percent open space requirement.

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

(Ord. of 8-2-2017, § 1(3.33.10))

**Sec. 3.33.11. Transitional buffer zone and transitional height requirements.**

- A. Where a lot on the external boundary of the I-20 Corridor Overlay District adjoins the boundary of any property outside the district that is zoned for any R zoning classification, RM zoning classification, MHP zoning classification, or TND zoning classification, a transitional buffer of not less than 30 feet in width shall be provided and maintained in a natural state or so as to maintain an effective visual screen. Said transitional buffer zone shall not be paved or otherwise covered with impervious surfaces and shall not be used for parking, loading, storage or any other use, except that portions of the transitional buffer zone may be utilized for installation of utilities when necessitated by the development, and when the applicant shows that the utilities cannot be located outside of the transitional buffer zone. Water detention ponds shall not be located within the transitional buffer zones. No trees, other than dead or diseased trees, shall be removed from said transitional buffer zone, but additional trees and plant material may be added to the transitional buffer zone.
- B. Where a lot on the external boundary of the I-20 Corridor Overlay District adjoins the boundary of any property outside the district that is zoned for any R zoning classification, RM zoning classification, MHP

zoning classification, or TND zoning classification, a transitional height plane of 45 degrees shall apply. Sensitivity shall be exercised for developments adjacent to residentially zoned properties through the use of staggered heights, greater setbacks, and enhanced buffers. Building heights in excess of 35 feet shall increase setbacks from the buffer line at a ratio of one to one.

(Ord. of 8-2-2017, § 1(3.33.11))

**Sec. 3.33.12. Architectural regulations.**

The following architectural regulations shall apply to all uses and structures within the I-20 Corridor Overlay District. The architectural style within the I-20 Corridor Overlay Districts shall be governed by the I-20 Corridor Design Standards.

- A. All building facades visible from the public street shall consist of concrete, stone, brick or stucco.
- B. Architectural accents, where utilized, shall consist of non-reflective glass, glass block, natural stone, pre-cast concrete, brick, terra cotta, stucco or wood.
- C. Seventy-five percent of the width of the front facade of the building at the ground level shall consist of fenestration.
- D. Roof materials shall not consist of any reflective surface.
- E. All exterior painted surfaces, where visible from the public street, shall be painted in earth tones. Colors shall be non-primary colors, including darker and cooler shades of green, red such as brick, yellow including beige, and lighter shades of brown including tan.
- F. Burglar bars and steel roll-down doors or curtains shall not be visible from the public street.
- G. Service bays for automobile service and repair uses shall be designed so that the openings of service bays are not visible from a public street.
- H. Chain link fences shall not be visible from the public right-of-way and metal or temporary awnings are not permitted within the district.
- I. Dumpsters shall not be visible from the public street and shall be fenced or screened so as not to be visible from any adjoining residential district.
- J. Fabric and canvas awnings and all other building materials must be of durable quality and shall be compatible with materials used in adjoining buildings.

(Ord. of 8-2-2017, § 1(3.33.12))

**Sec. 3.33.13. Landscaping requirements.**

The following landscaping regulations shall apply to all uses within the I-20 Corridor Overlay District, with the exception of mixed-use developments. Such developments shall require the submittal of a landscape plan for approval.

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

- B. *Ground cover.* Ground cover shall also be provided in accordance with the design guidelines for the I-20 Corridor Overlay District in order to protect tree roots and to prevent erosion. Ground cover shall consist of evergreen shrubs or groundcover plant material mulched with pine bark mulch, or other similar landscaping material.
- C. *New trees.* Newly planted trees shall conform to the design guidelines for the I-20 Corridor Overlay District.
- D. *Tree spacing.* No tree shall be planted closer than two feet from the street or sidewalk, and no closer than five feet from a fire hydrant, sign post, streetlight standard, utility pole, or similar structure.
- E. *Parking lot landscaping requirements.* All parking lots within the I-20 Corridor Overlay District shall be landscaped pursuant to the requirements of section 5.4.4.

(Ord. of 8-2-2017, § 1(3.33.13))

**Sec. 3.33.14. Sidewalks, street tree planting zone, landscaping and ground cover requirements, and curb cuts.**

- A. *Sidewalk requirement.* There shall be a public sidewalk constructed along all public street frontages contiguous to all properties within the I-20 Corridor Overlay Districts. The sidewalk shall be located five feet from the curb and shall be ten feet in width. The five-foot zone adjacent to the curb shall be the street tree-planting zone. In blocks where there are overhead utility lines, the director of planning and development may authorize a two-foot planting zone from the curb with the five-foot tree-planting zone to be located at the sidewalk.
- B. *Street tree planting.* Street trees of a caliper that is not less than three inches shall be planted no less than 30 feet between centerlines along properties within the district having street frontage. Trees of the following type shall be used:
  - 1. Crape myrtle, standard trunk.
  - 2. October glory red maple.
  - 3. Sunset maple.
  - 4. Nuttall oak (*Quercus nattalli*).
  - 5. Shumard oak (*Quercus shumardii*).
  - 6. Willow oak.
  - 7. Zelkova serrata.
  - 8. Ginkgo (*Ginkgo biloba*).
  - 9. Trident maple (*Acer buergeranum*).
  - 10. Allee lacebark elm (*Ulmus parvifolia emer* (II)).
- C. *Maintenance of trees and ground cover.* All street trees and other trees and all ground cover required by this chapter or by chapter 14 of the Code shall be maintained in a healthy condition, and any trees or ground cover which die shall be replaced within the earliest possible planting season.
- D. *Curb cuts.* There shall be a minimum distance of 25 feet between curb cuts. Curb cuts shall not be permitted within 100 feet of the intersection of any two public streets and shall not be more than 24 feet wide.

(Ord. of 8-2-2017, § 1(3.33.14))

**Sec. 3.33.15. Underground utilities.**

All utilities except for major electric transmission lines and substations are required to be placed underground except where the director of development determines that underground utilities are not feasible due to pre-existing physical conditions, such as conflicting underground structures or utilities, shallow rock, high water table, or other similar geologic or hydrologic conditions.

(Ord. of 8-2-2017, § 1(3.33.15))

**Sec. 3.33.16. Streetlights and street furnishings.**

Streetlights and furnishings are required for all public streets and shall conform to the design guidelines for the I-20 Corridor Area Overlay District.

(Ord. of 8-2-2017, § 1(3.33.16))

**Sec. 3.33.17. Street and interparcel access.**

Streets within the I-20 Corridor Area Overlay District may be either public or private streets. Private streets shall comply with the requirements of public streets found in chapter 14 and all other applicable sections of the Code. To the maximum extent possible, sidewalks and parking lots serving adjacent lots shall be interconnected to provide continuous driveway connections and pedestrian connections between adjoining lots and streets, except that this requirement shall not apply to lots zoned for single-family residential development. Where necessary, the City of Stonecrest may require access easements be provided to ensure continuous access and egress routes connecting commercial, office and multifamily lots.

(Ord. of 8-2-2017, § 1(3.33.17))

**Sec. 3.33.18. Multimodal access plans required.**

Each new application for a development permit within the I-20 Corridor Overlay District shall be accompanied by a multi-modal access plan prepared at a scale not greater than one inch equals 100 feet. The multi-modal access plan shall cover the full extent of the proposed development along with public rights-of-way of adjoining streets and any other property lying between the subject property and the nearest public streets on wall sides. The purpose of the multi-modal access plan is to demonstrate a unified plan of continuous access to and between all buildings in the proposed development and adjacent properties. Connections to available transportation modes, such as driveways, sidewalk, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Safe and convenient pedestrian ways shall be provided from sidewalks along streets to each building entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Where an existing or planned public transportation station or stop is within 1,250 feet (straight-line distance) from any boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property, the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.

(Ord. of 8-2-2017, § 1(3.33.18))

**Sec. 3.33.19. Sign regulations.**

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

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- A. Signs shall be designed so as to be compatible with the I-20 Corridor Design Standards;
- B. All ground signs shall be monument style signs with a base and framework made of brick; the design of ground signs must comply with the I-20 Overlay District Design Guidelines;
- C. Each lot shall have no more than one ground sign;
- D. The sign area of ground signs shall not exceed 32 square feet, unless the lot contains a shopping center, in which case ground signs are limited to 64 square feet;
- E. Ground signs shall not exceed a height of six feet, unless the lot contains a shopping center, in which case ground signs shall not exceed a height of 15 feet;
- F. Each separate store front may have a maximum of two wall signs, each of which shall not exceed an area of ten percent of the area of the facade of the ground floor of the building or 75 square feet, whichever is less;
- G. Wall signs shall be located on the primary building facade and within 15 feet of the public right-of-way;
- H. Window signs are prohibited;
- I. Banners are prohibited;
- J. Wall-mounted signs shall be channel cut letters applied directly to the building facade. Flashing, animated, marquee, sound emitting, fluorescent, rotating or otherwise moving signs are prohibited;
- K. Sign shape and lettering shall be limited as follows:
  - 1. Signs with more than two faces are prohibited;
  - 2. Sign facing shall be flat in profile and shall not exceed a thickness of eight inches;
  - 3. Sign faces shall be parallel;
  - 4. Sign lettering shall consist of block lettering in which individual letters are proportional in size to the overall size of the sign, but in no event shall individual letters exceed 18 inches in height; and
  - 5. Sign lettering shall be of an opaque material.
- L. Any violation of this section shall be punishable by fine not exceeding \$500.00 or imprisoned for a term not to exceed six months, or both.

(Ord. of 8-2-2017, § 1(3.33.19))

### **Sec. 3.33.20. Shared parking.**

Shared parking is encouraged and may be authorized by the director of planning and development. Parking facilities within the parcel may be shared if multiple uses cooperatively establish and operate parking facilities and if these uses generate parking demands primarily when the remaining uses are not in operation, so that the off-street parking requirements for each use are met or exceeded during said use's operational hours. Applicants may make an application to the director of planning and development for authorization for a special exception for shared parking.

(Ord. of 8-2-2017, § 1(3.33.20))



### Sec. 3.33.21. Design guidelines.

The planning director or designee is authorized to create, administer, and amend design standards for the I-20 Corridor Compatible Use Overlay District. These standards shall provide acceptable architectural design controls, landscaping, detail drawings, signage, fencing, lighting, street and site furniture and grating. These standards shall be used to promote proper design criteria for the overlay district and shall guide the planning director in deciding whether a proposed design complies with the requirements of this overlay district. The design standards are hereby made a part of this division and shall be amended from time to time.

(Ord. of 8-2-2017, § 1(3.33.21))

### Sec. 3.33.22. Plans required; certificates of compliance.

- A. *Plans required.* Prior to the issuance of any land disturbance permit, building permit, or sign permit, the applicant shall submit a conceptual design package and final design package to the director of planning and development. The final design package must include full architectural and landscape architectural plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all landscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of this I-20 Corridor Overlay District and the underlying zoning classification.
- B. *Fees.* The conceptual design package shall be accompanied by an application and payment of a fee in an amount determined by the city council.

(Ord. of 8-2-2017, § 1(3.33.22))

### Sec. 3.33.23. Conceptual plan package review.

- A. The conceptual plan package shall be composed of the following:
1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this chapter. The narrative shall include a tabulation of the approximate number of acres in each land use, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density, the approximate public space acreage, the anticipated number, type and size of recreational facilities and other public amenities; the legal mechanism for protecting and maintaining public space, as required in section 3.5.5.A.1;
  2. A site location map showing the proposed development, abutting property, the relationship of the proposed development to surrounding and existing development, and transitional buffer zones, if required; and
  3. A multi-modal access plan meeting the requirements of section 3.33.18.
- B. The plan to be submitted in the conceptual plan package shall contain the following information:
1. Ten copies of a site plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of 24 inches by 36 inches, and one 8 ½-inch reduction of the plan. If presented on more than one sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:

- a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines.
- b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
- c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any.
- d. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is an air survey or field run.
- e. Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or the City of Stonecrest.
- f. The delineation of any jurisdictional wetlands, as defined by section 404 of the Federal Clean Water Act.
- g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it.
- h. A delineation of all existing structures and whether they will be retained or demolished.
- i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances.
- j. Height and setback of all buildings and structures.
- k. Approximate areas and development density for each type of proposed use.
- l. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed.
- m. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.
- n. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.
- o. Development density and lot sizes for each type of use.
- p. Areas to be held in joint ownership, common ownership or control.
- q. Location of proposed sidewalks and bicycle facilities trails recreation areas, parks, and other public or community uses, facilities, or structures on the site.
- r. Conceptual layout of utilities and location of all existing or proposed utility easements having a width of 25 feet or more.
- s. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, grating, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the I-20 Corridor Area Overlay District.
- t. Conceptual layout of building designs including elevations showing architectural details of proposed buildings, exterior materials, all of which shall demonstrate that the proposed design is in compliance with all of the requirements of the overlay district regulations.
- u. Seal and signature of the professional preparing the site plan.

(Ord. of 8-2-2017, § 1(3.33.23))

### **Sec. 3.33.24. Final design package review and approval process.**

- A. *Review, approval of final design package.* Upon receiving comments on the conceptual design package, the applicant will submit the final design package for review and approval. The final design package must include full architectural and landscape architectural plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signage, all of which shall demonstrate that the proposed design is in compliance with all requirements of this I-20 Corridor Overlay District and the underlying zoning classification. The final design package must be signed and sealed by a professional engineer/architect. The final design package must contain all plans, elevations, sections and specifications necessary for obtaining development and building permits. The applicant may submit the final design package simultaneously with the submission for permitting.
- B. *Review.* The director of planning shall review each application for compliance with all requirements of the I-20 Corridor Overlay District and the underlying zoning classification. Where the director determines that said plans comply with the requirements of the I-20 Corridor Overlay District, a certificate of compliance shall be issued in the form of the director or the director's designee signing the plans and drawings after which the applicant shall then apply for land disturbance, building or signs permits. Where the director determines that said plans do not comply with the requirements of this chapter, then the director shall notify the applicant in writing stating the manner in which said applicant fails to comply with such requirements. All applications shall be considered and decided by the director of planning within 30 days of receipt of a complete application. Any appeal of the director of planning's decision in this regard shall be to the zoning board of appeals pursuant to section 7.5.2.

(Ord. of 8-2-2017, § 1(3.33.24))

### **Sec. 3.33.25. Final approval of plans.**

Prior to issuance of any development or building permit, the conceptual design package and final design package shall be submitted to and approved by the planning and development director, consistent with the I-20 Corridor Overlay District requirements.

By enacting the I-20 overlay, the City Council authorizes the planning and development department director to approve the proposed development that provides for unique site features and innovative design in concert with the design guidelines and all related requirements of this division.

(Ord. of 8-2-2017, § 1(3.33.25))

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## **ARTICLE 4. USE REGULATIONS**

### ***DIVISION 1. OVERVIEW OF USE CATEGORIES AND USE TABLE***

#### **Sec. 4.1.1. Overview.**

- A. *General Overview.* The regulations contained within this article 4 of this chapter shall apply to all zoning districts within City of Stonecrest except as otherwise specified herein. Dimensions, site location and architectural requirements shall be indicated on required site development plans.
- B. *General Findings and Purpose.* Certain land uses require the imposition of additional regulations to mitigate a range of negative impacts on the public health, safety, welfare as well as environmental, aesthetic, and infrastructure impacts.
- C. *Findings and Purpose for Certain Land Uses.* National studies show that a concentration of certain land uses, including alcohol outlets, automobile gas stations, check cashing establishments, convenience stores, drive-through restaurants, and pawn shops, negatively impact the public health, safety, welfare, property values, economic development and social vitality of communities and neighborhoods. Local governments across the country recognize the negative impacts of such uses and impose additional regulations and distance requirements to mitigate such impacts, such as indicated in the studies presented to DeKalb County, including the report *The Relationship Between SLUP6 Businesses and Negative Outcomes in DeKalb County*, by Dean Dabney, Ph.D., presented on May 9, 2017. Said study indicates these land uses in DeKalb County are associated with increased crime, automobile accidents, lower property values, and other negative impacts to the public health and welfare.

(Ord. of 8-2-2017, § 1(4.1.1))

#### **Sec. 4.1.2. Interpretation of unlisted uses.**

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

(Ord. of 8-2-2017, § 1(4.1.2))

#### **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;

- 
3. An administratively approved use (SA) subject to the special administrative permit procedures specified in article 7 of this chapter;
  4. An accessory use (PA) as regulated by this article 4 of this chapter. Table 4.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
  5. Uses lawfully established prior to the effective date of this zoning ordinance.
- B. Any use not listed in Table 4.1, below, or interpreted to be allowed by the director of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article 7 of this chapter.
- C. If there is a conflict between Table 4.1 and the text of this chapter, the text shall prevail.
- D. Prohibited Uses. The following uses are considered contrary to the vision and intent of the City's Comprehensive Plan, and would be detrimental to the city's continuing effort to adhere to that vision, and are prohibited city wide.
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 hazardous/toxic solid waste, including the application of thermal treatment technology
  14. Smelting copper, iron, zinc or ore
  15. Sugar refineries
  16. Tire retreading or recapping

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Table 4.1. Use Table

Use	KEY: P - Permitted use Pa - Permitted as an accessory use										SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)										See Section 4.2						
	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		
<b>AGRICULTURAL</b>																											
<b>Agriculture and Forestry</b>																											
Sawmill, Temporary or portable																											
Urban, community garden, up to 5 ac.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓	
Urban, community garden, over 5 ac.	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA		
<b>Animal Oriented Agriculture</b>																											
Dairy	P																									✓	
Keeping of livestock	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓	
Keeping of poultry/pigeons	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓	
Livestock sales pavilion	P																									✓	
Riding academies or stables	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓	
<b>RESIDENTIAL</b>																											
<b>Dwellings</b>																											
Dwelling, cottage home																										✓	
Dwelling, mobile home																										✓	
Dwelling, multifamily																											
Dwelling, townhouse																											
Dwelling, urban single-family																											
Dwelling, apartment																											
Dwelling, single-family (attached)																											
Dwelling, single-family (detached)																											
Dwelling, three-family																											
Dwelling, two-family																											
Dwelling, single-family, accessory (guesthouse, in-law suite)																											
Home occupation, no customer contact																											
Home occupation, with customer contact																											
Live/work unit																											
Mobile home park																											
Accessory uses or structures																											
<b>Housing and Lodging</b>																											
Bed and breakfast establishment																											
Boarding/Rooming house																											
Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2		







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Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Fairground or amusement park																									✓
Recreation, indoor recreation																									
Nightclub or late night establishments																									
Recreation, Outdoor																									✓
Special events facility																									✓
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building																									
<b>Retail</b>																									
Alcohol outlet-package store, primary																									✓
Alcohol outlet-beer and/or wine store, beer growler, primary																									✓
Alcohol outlet-beer and wine, accessory to retail, less than 12,000 sf (see also 4.1.3 (F))																									✓
Art gallery																									
Commercial greenhouse or plant nursery																									✓
Drive-through facilities																									
Farmer's market, permanent																									✓
Farmer's market, temporary/seasonal																									✓

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Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Fuel dealers, manufacturers or wholesalers																P			P						
Fuel pumps														SP	SP	Pa	Pa		SP	SP					✓
Fuel pumps, accessory to large scale retail w/in 1000 feet of interstate highway interchange measured from RW to property line																			Pa						✓
Liquor store (see alcohol outlet)													Pa		SP	SP	P		P						✓
Pawn shop, title loan																	P								✓
Retail, 5,000 sf or less (with the exception of Small Box Discount Stores)								Pa	Pa	Pa			Pa	Pa	P	P	P		P	P	P	P	P	P	
Retail, over 5,000 sf (with the exception of Small Box Discount Stores, see also shopping center)															P	P	P				P	P	P	P	
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage																P	P				P	P	P	P	
Shopping center																									
<b>Trade shops</b>													P	P	P	P	P		P	P					

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
<b>Temporary Commercial Uses</b>																									
Temporary outdoor sales, seasonal	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary produce stand	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary outdoor retail sales	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓
Temporary outdoor events	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓



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Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Child day care facility—Up to 6	SP	SP	SP	SP	SP	SP	SP	P	P	P	SP	SP	P	P	P	P	P	P			P	P	P	P	✓
Coin laundry								Pa	Pa	Pa	Pa	Pa										P	P	P	
Dog day care								SP	SP	SP											P	SP	SP	SP	✓
Dog grooming								Pa	Pa	Pa											P	P	P	P	✓
Dry cleaning agencies, pressing establishments, or laundry pick-up stations								Pa	Pa	Pa											P	P	P	P	
Fitness center	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa										P	P	P	P	
Kennel, breeding	SP																				P	P			✓
Kennel, commercial	SP																				P	P			
Kennel, noncommercial	P	SP	SP	SP	SP																				
Landscape business																									
Mini-warehouse																									
Outdoor storage, commercial																									✓
Personal services establishment								Pa	Pa	P		Pa	Pa	Pa	P	P	P				P	P	P	P	
Printing or Publishing establishments																									
Services, Medical and Health																									
Ambulance service or emergency medical services, private																									
Clinic, Health services																									
Kidney dialysis center																									
Medical or dental laboratories																									
Service area, outdoor																									✓
<b>INDUSTRIAL</b>																									
Alternative energy production																									
Brewery, Large Scale																									
Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Building materials or lumber supply establishment																									



The Code of the City of Stonecrest, Georgia, Chapter 27 ZONING ORDINANCE  
 ARTICLE 4. USE REGULATIONS

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Manufacturing operations not housed within a building																				P					✓
Mines or mining operations; quarries, gravel pits or soil pits																				P					✓
Mines or mining operations, Asphalt Plant																			SP	SP					
Outdoor storage, industrial																			P	P					✓
Railroad car classification yards or train truck yards																			P	P					✓
Recovered materials facility wholly within a building																			P	P					✓
Recovered materials processing wholly within a building																			P	P					✓
Recycling collection													Pa						P	P					
Recycling plant																			P	P					
Research and testing facilities																			P	P					
Salvage yard (junkyard)																			P	P					✓
Storage yard, except vehicle																			P	P					✓
Storage yard for vehicles																			P	P					✓
Towing or wreckage service																			P	P					
Transportation equipment storage or maintenance (vehicle)																			P	P					✓
Truck stop																			P	P					
Vehicle storage yard																			P	P					

The Code of the City of Stonecrest, Georgia, Chapter 27 ZONING ORDINANCE  
ARTICLE 4. USE REGULATIONS

Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2	
Warehousing or Storage																		P	P							
<b>SOLAR ENERGY SYSTEMS</b>																										
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	✓
Roof-top SES	Pa	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓	
Ground Mounted SES, Small Scale	Pa	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	✓	
Ground Mounted SES, Intermediate Scale	SP	SP	SP																P	P					✓	
Ground Mounted SES, Large Scale	SP	SP										SP							SP	SP					✓	
<b>COMMUNICATION—UTILITY</b>																										
Amateur radio service or antenna	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP													✓	
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Radio or television broadcasting studio													P	P	P	P	P		P	P	P	P	P	P		
Radio or television broadcasting transmission facility													Pa						P	P						
Satellite television antennae	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓	
<b>WIRELESS TELECOMMUNICATION (cell tower)</b>																										
New support structure from 51 feet to 150 feet: residential districts	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP													✓	
New support structure from 51 feet up to 199 feet in non-residential districts														SA	SP	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓	
Carrier on Wheels (non-emergency or event, no more than 120 days)	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓	
Carrier on Wheels (declared emergency)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓	
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA														
Attached wireless telecommunication facility																										
Small cell installations (new support structures or collocation) on private property or ROW	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	✓	

(Ord. of 8-2-2017, § 1(4.1.3); Ord. No. 2018-09-01, § 00, 9-17-2018; Ord. No. 2019-06-01, § (Exh. A), 6-10-2019) [TMOD-19-004, TMOD-19-005, TMOD-19-006, TMOD-21-001, TMDO-21-002, TMOD-21-003, TMOD-21-010, TMOD-21-011, TMOD-22-001]

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*DIVISION 2. SUPPLEMENTAL USE REGULATIONS*

**Sec. 4.2.1. Accessory buildings, structures, and uses.**

Accessory buildings, structures and uses determined by the director to be normally incidental to one or more permitted principal uses are hereby permitted as follows:

- A. Accessory structures allowed in all residential districts may include, but are not limited to, garages, storage sheds, and personal recreational facilities such as swimming pools and tennis courts.
- B. Accessory structures must be constructed in conjunction with or after the principal building is constructed.

(Ord. of 8-2-2017, § 1(4.2.1))

**Sec. 4.2.2. Accessory buildings, structures and uses; location, yard and building restrictions.**

The following provisions apply to accessory buildings, structures, and uses of land that are incidental to authorized and permitted uses:

- A. All accessory buildings, accessory structures, and accessory uses of land, including off-street parking, shall be located on the same lot as the principal buildings to which they are accessory.
- B. All accessory structures in which effluent is produced shall be connected to water and sewer if the primary structure is connected to water and sewer.
- C. Yard and setbacks.
  - 1. All accessory buildings or structures shall be located in the rear yard of the lot, with the exception of ATM bank machines which are also allowed in the front or Side yard:
  - 2. Accessory structures must not encroach in the minimum yard setbacks for the district in which they are located.
  - 3. Accessory buildings or structures shall meet the minimum side yard setback for the district or ten feet, whichever is less, and shall not be located closer than ten feet to a rear lot line in any district.
  - 4. Basketball goals attached to the principal residential structure or erected adjacent to and abutting the driveway of the principal residential structure shall be allowed in the front yard but not within the right-of-way of a public street. No basketball goal shall be erected in such a manner that the play area for the basketball goal is located within any portion of a public right-of-way.
  - 5. Additional supplemental regulations in this article regarding minimum yards and setbacks for specific accessory buildings, structures, or uses of land may also apply.
- D. Corner lot, rear yards. Where the rear yard of a corner lot adjoins the side yard of a lot in a residential district, no accessory building or structure shall be located closer than 15 feet to the rear property line and no closer to the side street right-of-way line than the principal building.
- E. Materials. Accessory structures that are buildings or sheds shall be constructed out of a material similar to the principal structure.



- F. No accessory building or structure in a nonresidential district shall be used by anyone other than employees of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this chapter.
- G. Where an accessory building or structure is attached to the principal building by a breezeway, passageway or similar means, the accessory building or structure shall comply with the yard setback requirements of the principal building to which it is accessory.
- H. Setbacks for swimming pools, as accessory structures in a residential district, shall be measured from the edge of the decking to the applicable property line. No part of the decking for an accessory swimming pool shall be within five feet of a side or rear property line.
- I. Except as expressly provided elsewhere in this chapter, an accessory structure shall be limited to the lesser of 24 feet in height or the height of the principal structure, whichever is less.
- J. The floor area of an accessory buildings that is accessory to a single-family, two-family, or three-family residential structure shall not exceed the maximum floor areas set forth in Table 4.2, below.

**Table 4.2. Maximum Accessory Building Floor Area - Select Residential Structures**

Maximum Accessory Building Floor Area	
Property Size	Maximum Floor Area
0 to 0.999 acres	900 square feet
1 to 4.999 acres	1,200 square feet
5 to 9.999 acres	2,000 square feet
10 or more acres	No size limit

(Ord. of 8-2-2017, § 1(4.2.2))

**Sec. 4.2.3. Accessory dwelling unit, guesthouse, in-law suite.**

- A. On parcels zoned for residential single-family dwellings as a principal use, an accessory dwelling unit may be allowed as one of the following:
  - 1. Attached (addition to existing building);
  - 2. Detached; or
  - 3. Within existing house (renovations to basements, wings or attics converted into separate living unit).
- B. The heated floor area of a dwelling unit shall not include the square footage of the garage.
- C. Attached and detached accessory dwelling units are permitted by right, subject to the following:
  - 1. The minimum lot size shall be 10,000 square feet.
  - 2. The accessory dwelling unit shall conform to applicable standards of the state, city and city building codes for residential units as principal uses.
  - 3. The property owner, who shall include titleholders and contract purchasers, must occupy either the principal dwelling unit or the accessory dwelling unit as their residence, and possess a homestead exemption.
  - 4. The appearance of the accessory dwelling unit shall be similar to that of the principal residence.
  - 5. Only one accessory dwelling unit of any type shall be permitted on a lot.

6. Prior to issuance of a building permit for an accessory dwelling unit, an applicant must provide evidence to the director of planning showing that existing or proposed septic tank facilities, as applicable, are adequate to serve both the principal dwelling and the accessory dwelling unit.
7. Any detached accessory dwelling unit shall be located in the Rear yard:
8. A second kitchen facility may be constructed and used within a single-family residence.
9. Paved off-street parking shall be provided for one additional vehicle.
10. Accessory dwelling units shall not exceed 900 square feet of heated floor area and shall not exceed 24 feet in height.
11. The main entrance shall not face the closest property line. Windows, doors, balconies, porches and decks shall be sited to ensure the privacy of neighbors.
12. For parcels located in a designated historic district and individually designated historic structures, the placement of an accessory dwelling unit and its architectural design shall require a certificate of appropriateness from the historic preservation commission.

(Ord. of 8-2-2017, § 1(4.2.3))

**Sec. 4.2.4. Adult daycare center (seven or more clients).**

Each adult daycare center shall be subject to the following requirements:

- A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four feet in height.
- B. Each adult daycare center shall provide off-street parking spaces as required by the applicable zoning district and an adequate turnaround on the site.

(Ord. of 8-2-2017, § 1(4.2.4))

**Sec. 4.2.5. Adult daycare facility (up to six clients).**

Each adult daycare facility shall be subject to the following requirements:

- A. All outdoor recreation areas shall be enclosed by a fence or wall not less than four feet in height.
- B. Each adult daycare facility shall provide off-street parking spaces as required by the applicable zoning district.
- C. No adult daycare facility shall be located within 1,000 feet of another adult daycare facility.
- D. No adult daycare facility may be established and operated until a permit to do so has been obtained in accordance with the procedures set forth below.
  1. Permit application. Persons seeking to operate an adult daycare facility in the city must file a permit application with the planning department. Each application shall also be accompanied by the applicant's affidavit certifying the maximum number of adults that will be served simultaneously and that the proposed adult daycare facility will meet and be operated in compliance with all applicable state laws and regulations and with all ordinances and regulations of the city. The planning department may require clarification or additional information from the applicant that is deemed necessary by the city to determine whether the proposed service will meet applicable laws, ordinances and regulations.
  2. Notwithstanding the above provisions, if a proposed adult daycare facility is subject to the requirement that the applicant obtain a certificate of registration from the state department of

human resources, and even though the application may have been approved under the provisions of this section, a permit for the operation of such facility shall not be issued until proof has been submitted by the applicant that the certificate of registration has first been obtained from the state.

(Ord. of 8-2-2017, § 1(4.2.5))

#### **Sec. 4.2.6. Sexually oriented businesses.**

- A. *Purpose.* It is a purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.
- B. *Findings and rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *Artistic Entertainment, Inc. v. City of Warner Robins*, 331 F.3d 1196 (11th Cir. 2003); *Artistic Entertainment, Inc. v. City of Warner Robins*, 223 F.3d 1306 (11th Cir. 2000); *Williams v. Pryor*, 240 F.3d 944 (11th Cir. 2001); *Williams v. A.G. of Alabama*, 378 F.3d 1232 (11th Cir. 2004); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Gary v. City of Warner Robins*, 311 F.3d 1334 (11th Cir. 2002); *Ward v. County of Orange*, 217 F.3d 1350 (11th Cir. 2002); *Boss Capital, Inc. v. City of Casselberry*, 187 F.3d 1251 (11th Cir. 1999); *David Vincent, Inc. v. Broward County*, 200 F.3d 1325 (11th Cir. 2000); *Sammy's of Mobile, Ltd. v. City of Mobile*, 140 F.3d 993 (11th Cir. 1998); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *This That And The Other Gift and Tobacco, Inc. v. Cobb County*, 285 F.3d 1319 (11th Cir. 2002); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Grand Faloon Tavern, Inc. v. Wicker*, 670 F.2d 943 (11th Cir. 1982); *International Food and Beverage Systems v. Ft. Lauderdale*, 794 F.2d 1520 (11th Cir. 1986); *5634 E. Hillsborough Ave., Inc. v. Hillsborough County*, 2007 WL 2936211 (M.D. Fla. Oct. 4, 2007), *aff'd*, 2008 WL 4276370 (11th Cir. Sept. 18, 2008) (*per curiam*); *Fairfax MK, Inc. v. City of Clarkston*, 274 Ga. 520 (2001); *Morrison v. State*, 272 Ga. 129 (2000); *Flippen Alliance for Community Empowerment, Inc. v. Brannan*, 601 S.E.2d 106 (Ga. Ct. App. 2004); *Oasis Goodtime Emporium I, Inc. v. DeKalb County*, 272 Ga. 887 (2000); *Chamblee Visuals, LLC v. City of Chamblee*, 270 Ga. 33 (1998); *World Famous Dudley's Food and Spirits, Inc. v. City of College Park*, 265 Ga. 618 (1995); *Airport Bookstore, Inc. v. Jackson*, 242 Ga. 214 (1978); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (fourth Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (fifth Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc.*

v. City of Spokane, 368 F.3d 1186 (9th Cir. 2004); Ben's Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003); HandA Land Corp. v. City of Kennedale, 480 F.3d 336 (fifth Cir. 2007); Hang On, Inc. v. City of Arlington, 65 F.3d 1248 (fifth Cir. 1995); Fantasy Ranch, Inc. v. City of Arlington, 459 F.3d 546 (fifth Cir. 2006); Illinois One News, Inc. v. City of Marshall, 477 F.3d 461 (7th Cir. 2007); G.M. Enterprises, Inc. v. Town of St. Joseph, 350 F.3d 631 (7th Cir. 2003); Richland Bookmart, Inc. v. Knox County, 555 F.3d 512 (6th Cir. 2009); Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County, 256 F. Supp. 2d 385 (D. Md. 2003); Richland Bookmart, Inc. v. Nichols, 137 F.3d 435 (6th Cir. 1998); Spokane Arcade, Inc. v. City of Spokane, 75 F.3d 663 (9th Cir. 1996); DCR, Inc. v. Pierce County, 964 P.2d 380 (Wash. Ct. App. 1998); City of New York v. Hommes, 724 N.E.2d 368 (N.Y. 1999); Taylor v. State, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); Fantasyland Video, Inc. v. County of San Diego, 505 F.3d 996 (9th Cir. 2007); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); Starship Enters. of Atlanta, Inc. v. Coweta County, No. 3:09-CV-123, R. 41 (N.D. Ga. Feb. 28, 2011); High Five Investments, LLC v. Floyd County, No. 4:06-CV-190, R. 128 (N.D. Ga. Mar. 14, 2008); 10950 Retail, LLC v. Fulton County, No. 1:06-CV-1923, R. 62 Order (N.D. Ga. Dec. 21, 2006); 10950 Retail, LLC v. Fulton County, No. 1:06-CV-1923, R. 84 Contempt Order (N.D. Ga. Jan. 4, 2007); Z.J. Gifts D-4, L.L.C. v. City of Littleton, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); People ex rel. Deters v. The Lion's Den, Inc., Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); Reliable Consultants, Inc. v. City of Kennedale, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); Goldrush II v. City of Marietta, 267 Ga. 683 (1997); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," Journal of Urban Health (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?" Crime and Delinquency (2012) (Louisville, KY); Metropolis, Illinois - 2011—2012; Manatee County, Florida - 2007; Hillsborough County, Florida - 2006; Clarksville, Indiana - 2009; El Paso, Texas - 2008; Memphis, Tennessee - 2006; New Albany, Indiana - 2009; Louisville, Kentucky - 2004; Fulton County, GA - 2001; Chattanooga, Tennessee - 1999—2003; Jackson County, Missouri - 2008; Ft. Worth, Texas - 2004; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Dallas, Texas - 1997; Houston, Texas - 1997, 1983; Phoenix, Arizona - 1995—1998, 1979; Tucson, Arizona - 1990; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Oklahoma City, Oklahoma - 1986; New York, New York Times Square - 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas - 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Law Enforcement and Private Investigator Affidavits (Pink Pony South, Forest Park, GA, and Adult Cabarets in Sandy Springs, GA), the city council finds:

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

analysis between sexually oriented and non-sexually oriented businesses. Additionally, the city's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the city. The city finds that the cases and documentation relied on in this section are reasonably believed to be relevant to said secondary effects.

The city hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

- C. *Unlawful to operate within 500 feet of a similar business.* It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city within 500 feet of another sexually oriented business. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two sexually oriented businesses.
- D. *Unlawful to operate within 500 feet of certain public places.* It shall be unlawful to establish, operate, or cause to be operated a sexually oriented business in the city within 500 feet of a residential district, place of worship, park, or public library. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, from the closest part of the structure containing the sexually oriented business to the closest point on the boundary line of the residential district or the closest point on the property line of the place of worship, park, or public library.

(Ord. of 8-2-2017, § 1(4.2.6))

**Sec. 4.2.7. Agriculture and forestry.**

- A. *Agricultural produce stands.* Agricultural produce stands shall comply with the front yard setback requirement for the district in which they are located, and shall provide a minimum of four off-street parking spaces. If temporary, mobile, or farmers market, see temporary uses, section 4.3.1.
- B. *Commercial greenhouses and plant nurseries.* Any structure used as a commercial greenhouse or plant nursery shall be set back no less than 100 feet from any adjoining property that is zoned for residential use.
- C. *Dairies.* Notwithstanding subsection E. of this section, any structure used for housing or processing of dairy cows shall be set back not less than 200 feet from property lines, and all dairy cows shall be kept at least 100 feet from property lines.
- D. *Structures used in production and processing of fruits, tree nuts and vegetables.* Any structure used in the processing or production of fruits, tree nuts, and vegetables that uses mechanized equipment or is not fully enclosed in a building, that emits noise, dust or vibration, shall be setback no less than 50 feet from property zoned or used for residential purposes.
- E. *Livestock.*
  - 1. Livestock regulations apply to animals over 12 months of age.
  - 2. Livestock shall only be permitted on a lot containing two or more acres, and there shall be no more than two animals, per fenced acre for horses, llamas, mules, asses, cows or large aviary such as emus; and no more than three animals per fenced acre for sheep or goats.
  - 3. Except as otherwise provided herein, any structure used for housing or processing of livestock shall be set back not less than 100 feet from any property line.
  - 4. Dwarf livestock may be kept at up to two per 50 square feet of fenced area, with no minimum lot size, except lots less than 10,000 square feet shall be limited to a total of three dwarf livestock animals.
  - 5. Structures for housing dwarf livestock shall be setback not less than ten feet from any property line.

6. Fenced areas for livestock may not include lot area covered by the principal structure or driveway.
  7. A structure providing at least 100 square feet of floor space per animal for housing horses, llamas, mules, ass, cow or large aviary such as emus is required, and at least 25 square feet of floor space per animal is required for housing sheep or goats. A structure housing dwarf livestock shall provide three square feet per animal.
  8. Pigs and hogs are prohibited, except pot-bellied pigs. Pot-bellied pigs shall be treated as livestock, and subject to the standards for sheep and goats.
  9. Livestock is not permitted to run at-large beyond the confines of its owner's property.
  10. Parking of livestock trailers and recreation vehicles related to the livestock shall comply with the parking standards in article 6 of this chapter.
  11. Composted animal waste can be used as fertilizer for the purpose of enriching the property owner's soil.
  12. Animals must be kept under sanitary conditions and shall not be a public nuisance.
  13. Disposal of dead livestock shall be subject to the DeKalb County Sanitation rules and regulations or requirements.
- F. *Livestock sales pavilion or abattoirs.* Livestock sales pavilions and/or abattoirs shall be operated in accordance with state and county health regulations. All buildings shall be located at least 100 feet from any property line. All animals to be processed shall be fenced at least 100 feet from any property zoned or used for residential purposes.
- G. *Riding stables.* Riding stables shall be established on a lot having an area of not less than ten acres. Any structure that houses animals used as part of the riding stable shall be located at least 100 feet from any property line. All animals shall be fenced at least 20 feet from any property line.
- H. *Temporary or portable sawmill.* The time limit for any permit for a temporary or portable sawmill shall not exceed six months. A temporary or portable sawmill may only process timber removed from the property on which the sawmill is located. Operation of a temporary or portable sawmill shall be set back not less than 500 feet from any residential structure other than the owner's.
- I. *Keeping of chickens, pigeons.*
1. The minimum fenced yard area for chickens shall be 25 square feet per hen.
  2. Chickens and pigeons must be housed at least 20 feet from any property line, and 50 feet from any residence other than the owner's.
  3. Any structure housing chickens and pigeons must be located in the rear yard if a principal building exists.
  4. The minimum lot size for the keeping of chickens or pigeons is 10,000 square feet. Fenced area for chickens shall comply with the setback requirements for accessory structures. Chickens and pigeons and associated structures and fencing shall comply with relevant articles of chapters 16 and 18, relating to noise and property maintenance.
  5. No roosters are allowed.
  6. The maximum number of hens shall be one hen per 2,000 square feet of lot size.
  7. Each coop shall have at least four square feet of floor space per chicken over four months old. For Bantams, a variety defined as miniature, each coop shall have one square foot of floor area per chicken over four months old.
  8. Chickens must be kept securely in an enclosed yard or pen at all times.

9. Chickens are only permitted as pets or for egg production; the chickens cannot be kept for slaughter.
10. Composted animal waste can be used as fertilizer for the purpose of enriching the soil of the owner's property.
11. Animals must be kept under sanitary conditions and shall not be a public nuisance.

J. *Beekeeping.*

1. No more than two apiary colonies are allowed per one-quarter acre.
2. Apiary colonies must be setback from all property lines a minimum of ten feet.
3. Apiary colonies must be located in the side or rear yard if a principal building exists.
4. Apiary colonies must be maintained responsibly with adequate space and management techniques to prevent overcrowding and swarming.
5. In any instance in which a colony becomes a nuisance, the beekeeper must re-queen the hive.

(Ord. of 8-2-2017, § 1(4.2.7))

**Sec. 4.2.8. Alcohol outlets, retail, package liquor store.**

- A. Package stores shall not be located:
  1. Within 1,000 feet of an existing package store or alcohol outlet;
  2. Within 600 feet of any residence, church, school, school building or grounds, educational facility, college campus, or sexually oriented business; or
  3. Within 600 feet of a substance abuse treatment center owned, operated or approved by the state or any county or municipal government.
- B. Alcohol outlets shall not be located:
  1. Within 600 feet of any school building, school grounds, educational facility, college campus, or sexually oriented business; or
  2. Within 600 feet of a substance abuse treatment center owned, operated, or approved by the state or any county or municipal government.
- C. For the purpose of this section, distance shall be measured according to chapter 4.
- D. For alcohol sales as an accessory use to retail, the area devoted to the sale and storage of alcohol shall not exceed 20 percent of gross floor area.
- E. The sale or distribution of individual cups and individual servings of ice at package stores is prohibited.
- F. Alcohol outlets accessory to convenience stores with gas pumps require a special land use permit.

(Ord. of 8-2-2017, § 1(4.2.8))

**Sec. 4.2.9. Amateur radio service antenna structure.**

Amateur radio service antenna structures are a permitted accessory use in single-family residential districts, provided that no such antenna structure, including any support upon which it may be constructed, shall exceed a combined height of 70 feet. Amateur radio service antenna structures in single-family residential districts exceeding 70 feet in height shall be permitted only by special land use permit subject to all of the requirements of

section 4.2.51 of this chapter. Amateur radio service antenna structures shall be located a distance of at least one-half of the height of the tower from all property lines.

(Ord. of 8-2-2017, § 1(4.2.9))

**Sec. 4.2.10. Issuance of license and employee permits; employee permit fees.**

- (a) All employees of any licensed establishment must hold an employee permit, unless otherwise exempt under this chapter. The conditions and procedures governing the issuance of alcohol permits for employees are set forth in this section.
- (b) An employee permit shall be issued unless the applicant fails to meet the qualifications for an employee permit under this chapter. Any employee permit identified in this chapter will be issued or the issuance of an employee permit will be denied within 30 days after submission of a properly completed application or within 15 days of the records in subsection (d) of this section, whichever is later. An application for an employee permit is complete when it contains the information required by this chapter and is accompanied by the permit fee in the amount established by action of the city council. A permit shall be valid for 12 months from the date of issuance. If a permit is not issued or denied within the time frame specified herein, the permit shall be automatically approved.
- (c) No person requiring a permit may be employed by or work in an establishment, as defined in this chapter, until such person has filed an application, paid the fee for and obtained a work permit from the City Manager or his designee. No person shall be issued a permit who has been convicted in this city, county, state, or in any federal court within five years immediately prior to the application for employment for soliciting for prostitution, keeping a disorderly place, illegally dealing in narcotics, sex offenses or any charge relating to the manufacture or sale of intoxicating liquors or any felony or misdemeanor of moral turpitude.
- (d) An application for a permit shall include the applicant's legal name, all of the applicant's aliases and/or any other name by which the applicant has ever been known, mailing address, written proof of age (in the form of a driver license, a picture identification document containing the applicant's date of birth issued by a governmental agency, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency), and a list of all prior criminal convictions. The City Manager or his designee shall make a complete search relative to any police record of the applicant. As a prerequisite to the issuance of any such initial permit or license, the employee shall furnish a complete set of fingerprints to be forwarded to the Georgia Bureau of Investigation, which shall search the files of the Georgia Crime Information Center for any instance of criminal activity during the two years immediately preceding the date of the application. The Georgia Bureau of Investigation shall also submit the fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records.
- (e) Any permit for employment issued hereunder shall expire 12 months from the date of issuance unless earlier revoked or suspended. The City Manager or his designee may prescribe reasonable fees for certifying the eligibility for employment.
- (f) An employee holding a permit issued pursuant to this chapter shall at all times during his working hours have the permits available for inspection at the premises.
- (g) An employee shall provide his employer with a legible copy of his permit which copy shall be maintained by the employer as part of its business records.

(Ord. of 8-2-2017, § 1(4.2.10); Ord. No. 2017-10-04, § 1(4.2.10), 10-16-2017)



**Sec. 4.2.11. Animal care facilities.**

- A. Animal hospitals and veterinary clinics.
  - 1. Any building or enclosed structure used as an animal hospital or veterinary clinic shall be located and the activities associated with the use shall be conducted at least 100 feet from any property zoned or used for residential purposes.
  - 2. When located within a shopping center, the use shall be adequately soundproofed and odor-proofed so as not to create a nuisance.
  - 3. No boarding shall be allowed unless required in connection with medical treatment;
  - 4. Outside runs or kennels are prohibited.
- B. Animal shelter, four or more.
  - 1. Any building or enclosed structure for the housing of animals shall have a minimum setback of at least 100 feet from all property lines and at least 200 from property zoned for residential use.
  - 2. All areas housing animals shall be completely enclosed by walls or fences at least five feet in height.
  - 3. No animal shelter shall be located within 500 feet of a residential district.
  - 4. Outside pens must be located a minimum of 75 feet from any stream.
- C. *Pet grooming shops.* Any building or enclosed structure used as a pet grooming shop shall be located and activities shall be conducted at least 100 feet from any property zoned or used for residential purposes.
- D. *Pet daycare.* Any building or enclosed structure for the housing of animals associated with a pet daycare use shall have a minimum setback of at least 100 feet from all property lines and at least 200 feet from property zoned or used for residential use. All areas housing animals shall be completely enclosed by walls or fences at least five feet in height.
- E. *Kennels, commercial boarding and breeding kennels.* All kennels shall comply with the following:
  - 1. Any building or enclosed structure used for kennels shall be located and related activities shall be conducted at least 100 feet from any property line and at least 200 feet from property zoned for residential use.
  - 2. Kennels shall be located on a site of not less than two acres.
  - 3. Any building or enclosed structure used for kennels shall be constructed and related activities shall be conducted in accordance with applicable law.
  - 4. All outdoor areas used as a dog kennel or outdoor confinement must be surrounded by an opaque fence or wall no less than eight feet in height.
  - 5. The floor of all buildings or structures used as a kennel to which animals have access shall be surfaced with concrete or other impervious material.
  - 6. The portion of the building or structure in which animals are housed shall be adequately soundproofed to meet the minimum requirements of the city's noise ordinance.
- F. *Household pets.* Except as is otherwise herein provided, in any residential district within the city a person may keep not more than three household pets on each lot which is two acres or less in size. On any lot exceeding two acres in size, a person may keep one additional household pet for each additional acre above two acres up to a maximum of ten household pets. Litters of animals of not more than six months of age shall not be counted for the purpose of calculating the total number of household pets on a lot.

(Ord. of 8-2-2017, § 1(4.2.11))

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**Sec. 4.2.12. Antennas, satellite dishes, television receivers.**

- A. Antennas, satellite dishes, or other television transmission receivers located in residential zoning districts may only be located on the roof or in the rear yard of properties.
- B. Antennas, satellite dishes, or other television transmission receivers located in a nonresidential zoned district are prohibited in any yard which adjoins a residential zoned district.
- C. Any ground mounted antennas, satellite dishes, or other television transmission receivers shall be screened from view from surrounding properties at ground level, and from public streets.

(Ord. of 8-2-2017, § 1(4.2.12))

**Sec. 4.2.13. Automobile wash service, principal, accessory, detail or mobile.**

- A. Automobile wash services shall provide a paved area with capacity to store five vehicles waiting to use automatic carwash facilities, and two vehicles per bay for self-service car washes.
- B. Wastewater from all automobile wash services shall be pretreated in accordance with watershed management standards prior to being drained into the public sanitary sewer or into any stormwater structure, as may be approved by the director of planning.
- C. No storage or repair of vehicles shall be allowed on property on which the car washing facility is located.
- D. An accessory single-bay automatic (not self-service) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:
  - 1. The car wash structure shall be constructed of building materials consistent with that of the principal building, including the roof.
  - 2. The doors of the car wash building shall be fully closed when the facility is not available for operation.
  - 3. The car wash structure shall be located behind the rear building line of the principal building,

(Ord. of 8-2-2017, § 1(4.2.13))

**Sec. 4.2.14. Automotive sales and service; boat, trailer sales and service.**

- A. *Automobile and truck sales.*
  - 1. No other unrelated retail use shall be on the same property or in the same building with automobile and truck sales.
  - 2. For purposes of this Section 4.2.14, the term “automobile and truck sales” does not apply to salvage yards in which automobile and truck sales are incidental to the primary use.
  - 3. The automobile and truck sales lot shall be on a lot no less than five acres in area.
  - 4. Only customer and employee parking shall be allowed in the front or side corner yard.
    - a. Parking spaces located in the front or side corner yard shall be setback at least ten feet from the street right-of-way.
    - b. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3 of this chapter.
  - 5. Motor vehicles for sale shall be parked in marked, striped spaces only, and only in areas designated for the display of vehicles for sale.

6. All vehicles in sales lots are always in operating condition.

B. *Automobile repair, major, and paint shops.* Major automobile repair and paint shops shall meet the following:

- (1) Upon the minor redevelopment of existing buildings or structures, as defined in section 27-8.1.16, that also requires a land development permit or building permit, the director or his designee may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.
- (2) Shops shall not be permitted on property located within 300 feet of any property used for a school, park, playground or hospital.
- (3) All automobile repair activities must be contained entirely within an enclosed building, unless located in M (Light Industrial) District. For the purposes of determining whether a building is enclosed, the use of open overhead bay doors that can be closed after business hours shall be permitted.
- (4) Vehicles awaiting service shall be parked on-site. If stored overnight, they shall be stored inside an enclosed building or in the side or rear yard enclosed with an opaque fence made of masonry or wood and at least six feet in height.
- (5) Outdoor displays of merchandise shall be prohibited beyond ten feet from the primary building and shall only be displayed during business hours.
- (6) Overnight outdoor storage of any materials, equipment, tires, or rims is prohibited.
- (7) New facilities must be designed with automobile bays facing away from the primary street frontage.
- (8) Junk vehicles shall not be stored on the property.
- (9) All parking located in front of the primary building shall be limited to customers seeking services only and not for storing vehicles overnight waiting to be repaired.
- (10) No automobile sales or curb stoning, which is the sale of used vehicles by unlicensed dealers, shall be permitted on the property.
- (11) For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.

C. *Automobile repair and maintenance establishments, minor.* Minor automobile repair and maintenance establishments shall meet the following:

- (1) Upon the minor redevelopment of existing structures or buildings, as defined by section 27-8.1.16, that also requires a land development permit or building permit, the director or his designee may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with this section.
- (2) Operations, including the servicing of vehicles, storage of materials and similar activities connected with the use, must be contained entirely within an enclosed building. For the purpose of determining whether a building is enclosed, the use of open overhead bay doors that can be closed after business hours shall be permitted.
- (3) Vehicles awaiting service shall be parked on-site. If stored overnight, they shall be stored inside an enclosed building or in the side or rear yard enclosed with an opaque fence at least six feet in height).
- (4) Outdoor displays of merchandise shall be prohibited beyond ten feet from the building and shall only be displayed during business hours.

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- (5) Overnight outdoor storage of any materials, equipment, tires, or rims is prohibited.
  - (6) New facilities must be designed with automobile bays facing away from the primary street frontage.
  - (7) Junk cars shall not be stored on the property.
  - (8) No automobile sales or curb storing, which is the sale of used vehicles by unlicensed dealers, shall be permitted on the property.
  - (9) All parking located in front of the primary building shall be limited to customers seeking service only.
- D. *Automobile service stations, including gas sales.* Unless otherwise permitted within the applicable zoning district, major automobile repair in association with an automobile service station shall not be permitted. Gasoline pumps and other service facilities shall comply with the requirements of section 4.2.29.
  - E. *Automobile, truck and trailer lease and rental.* Where a lot is used for automobile, truck and trailer lease and rental, all inventory vehicles parked outdoors shall be set back at least ten feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter. All parking areas shall be clearly marked and no automobile, truck or trailer shall be parked outdoors other than within these marked parking areas, except when being serviced. The lot shall be no less than one acre in area.
  - F. *Automobile, truck and trailer lease and rental where accessory to an automobile service station or shopping center.* Where the lease and rental of automobiles, trucks and trailers is a use which is an accessory use, the following requirements shall apply:
    - 1. The lot on which the inventory vehicles are parked shall be no less than one acre in area.
    - 2. Parking areas for inventory vehicles which are available for lease or rental shall be located only in the side or Rear yard:
  - G. Any work on vehicles conducted outdoors shall only be permitted in the rear yard, but shall be prohibited if the rear yard is adjacent to property zoned or used for a residential purpose.
  - H. Boat and boat trailer sales. All boats and boat trailers located on property used for boat and boat trailer sales shall be set back at least ten feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter.
  - I. Retail automobile parts and tire stores. Unless otherwise authorized or permitted within the applicable zoning district, the following limitations apply to the conduct of retail sale of automobile parts and tire stores:
    - 1. There shall be no dismantling of vehicles on the premises to obtain automobile parts.
    - 2. There shall be no automobile parts installation other than the installation of tires and the installation of minor accessory parts.
    - 3. Major automobile repair shall not be permitted in connection with these uses.
    - 4. Outside display of merchandise shall not extend into the parking lot.
  - J. *Trailer and RV salesrooms and sales lots.* All inventory vehicles located on property used for trailer and RV salesrooms or sales lots shall be set back at least ten feet from the street right-of-way. The ten-foot setback from the street right-of-way shall comply with section 5.4.4.D.3. of this chapter.
  - K. Automobile recovery, storage yards for damaged or confiscated automobiles. The following provisions shall apply to storage yards for damaged or confiscated automobiles:
    - 1. The use shall be enclosed by a fence or wall which is not less than eight feet in height which provides visual screening.

2. No dismantling, repair or other similar activity shall be conducted on the premises.
3. The use shall be located at least 1,000 feet from any residential district or use.
4. Automobiles shall not be stored longer than provided by state and city law.

(Ord. of 8-2-2017, § 1(4.2.14))

**Sec. 4.2.15. Bed and breakfast inn and home stay.**

- A. The following applies to all bed and breakfast establishments:
  1. The operator of the establishment shall reside on-site.
  2. The use shall require a building permit and approval of the fire department.
  3. Rooms to be let may not be equipped with cooking facilities.
  4. No restaurant use is permitted. Breakfast may be served on the premises only for guests and employees of the bed and breakfast.
  5. The bed and breakfast shall not be operated in such a way as to change the residential character of the neighborhood in which it is located and shall comply with the noise ordinance.
  6. The structure shall be compatible with the character of the neighborhood in terms of height, setbacks and bulk, subject to the approval of the director of planning.
- B. In addition to the requirements in subsection A. of this section, the following requirements apply to home stay bed and breakfast establishments:
  1. In addition to providing the off-street parking required for the dwelling unit, there shall also be provided at least one off-street parking space for each bedroom used as a part of the home stay bed and breakfast residence.
  2. No signs or advertising are permitted to identify or advertise the existence of the home stay bed and breakfast residence beyond those otherwise allowed for residential property.
  3. No individual other than the owner or an employee shall stay for longer than seven consecutive days.

(Ord. of 8-2-2017, § 1(4.2.15))

**Sec. 4.2.16. Building and construction office, landscape contractors.**

The following standards shall be required for building and construction offices and landscape contractor offices:

- A. Storage of equipment and/or materials shall be located in the rear yard and screened from view from adjoining properties and the public street with a fence a minimum of six feet in height.
- B. Parking of vehicles shall be located in the side or rear yard only.

(Ord. of 8-2-2017, § 1(4.2.16))

**Sec. 4.2.17. Cemetery, columbarium, mausoleum, as principal use.**

A cemetery allowed as a principal use on a property must meet the requirements below. Cemeteries that are allowed as an accessory use to a church or other place of worship must comply with provisions in section 4.2.42, places of worship.

- A. A cemetery, columbarium or mausoleum shall be located on property with a minimum lot size of ten acres.
- B. The lot on which a cemetery, columbarium or mausoleum is located shall have a minimum public road frontage of 100 feet.
- C. Permanent public ingress/egress shall be provided for the lot on which a cemetery, columbarium or mausoleum is located.
- D. Compliance must be maintained with all requirements of the State of Georgia and the county tax commissioner.

(Ord. of 8-2-2017, § 1(4.2.17))

**Sec. 4.2.18. Check cashing.**

The following provisions shall apply to all check cashing facilities:

- A. Check cashing facilities, either as a primary use or on its own lot or as part of a retail shopping center, shall not be permitted within 1,000 feet of an existing check cashing facility or pawn shop. For the purpose of this section, distance shall be measured by the most direct route of travel on the ground.
- B. The window and door area of any existing first floor facade that faces public street or sidewalk shall not be reduced, covered, or otherwise obscured nor shall changes be made to such windows or doors that block views into the building at eye level from the street or sidewalk.
- C. For new construction, at least 30 percent of the first floor facade that faces a public street or sidewalk shall be window or doors of clear or lightly tinted glass that allow views into the building at eye level from the street or sidewalk.
- D. The use of bars, chains, roll down doors, or similar security devices placed on the outside of the building is prohibited.
- E. The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building are prohibited.

(Ord. of 8-2-2017, § 1(4.2.18))

**Sec. 4.2.19. Child daycare facility (up to six children), or child daycare center (seven or more children).**

Each child daycare facility and child daycare center shall be subject to the following requirements. A child daycare facility or center may also be a kindergarten or preschool.

- A. Each child daycare facility and child daycare center shall comply with all applicable state daycare requirements for standards, licensing and inspection. A City of Stonecrest business license is required.
- B. Prior to the issuance of a business license for a child daycare facility or child daycare center, the necessary licensing from the State of Georgia shall be obtained, including compliance with all requirements related to minimum area for classrooms, play areas, and fencing. Each child daycare facility and child daycare center shall provide off-street parking spaces as required by the applicable zoning district. Each child daycare center shall provide an adequate turnaround on the site.
- C. The exterior appearance of any child daycare facility located in a residential district shall be maintained as a residential structure, and no signs other than those otherwise authorized within the applicable

zoning district shall be erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises).

- D. No child daycare facility shall be located within 1,000 feet of another child daycare facility.
- E. See also additional approval criteria in article 7 of this chapter, administration.

(Ord. of 8-2-2017, § 1(4.2.19))

**Sec. 4.2.20. Coliseum, stadium, amphitheater.**

The following provisions apply to coliseums, stadiums and amphitheaters:

- A. Prior to the issuance of a land disturbance permit, a traffic study shall be submitted to the planning department.
- B. All structures shall be located and all activities shall take place no less than 100 feet from any property line adjacent to a residential district or use.

(Ord. of 8-2-2017, § 1(4.2.20))

**Sec. 4.2.21. Commercial recreation and entertainment.**

A. *Drive-in theaters.* The following provisions shall apply to drive-in theaters:

- 1. The theater screen, projection booth and any other structures associated with the drive-in theater use shall be set back not less than 50 feet from any property line.
- 2. Driving and parking areas shall be paved.
- 3. Ingress and egress from a public street shall be designed and constructed so as to provide for safe traffic movement.
- 4. Central loudspeakers shall be prohibited.
- 5. The theater screen shall not be visible from any freeway or thoroughfare.
- 6. The portion of the property used for drive-in theater purposes shall be enclosed by a six-foot-high screening fence.
- 7. The property shall have a minimum buffer area ten feet in width surrounding the portion of the property used for drive-in theater purposes.

B. *Fairgrounds and amusement parks.* The following provisions shall apply to fairgrounds and amusement parks:

- 1. All buildings and structures associated with such uses shall be set back not less than 200 feet from any property line.
- 2. Such uses shall not be permitted within 500 feet of a residential district.
- 3. Such facilities shall be enclosed by a six-foot screening fence.

C. *Golf driving ranges and batting cage facilities.* The following provisions shall apply to golf driving ranges and batting cage facilities:

- 1. Such uses shall be enclosed by a six-foot-high screening fence or a 25-foot-wide buffer to screen adjacent property.
- 2. Central loudspeakers shall be prohibited.

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3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- D. *Miniature golf courses.* The following provisions shall apply to miniature golf courses:
1. Such uses shall be enclosed by a six-foot-high screening fence and a buffer ten feet in width to screen adjacent property.
  2. Central loudspeakers shall be prohibited.
  3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- E. *Golf courses.* The following provisions shall apply to golf courses:
1. Except for emergency purposes, loudspeakers shall be prohibited.
  2. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- F. *Recreation grounds, fishing lakes and other related facilities.* The following provisions shall apply to recreation grounds and facilities:
1. Such uses shall be enclosed by a screening fence six feet in height or a 25-foot-wide buffer to screen adjacent property.
  2. Central loudspeakers shall be prohibited.
  3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- G. *Tennis centers, clubs and facilities.* The following provisions shall apply to tennis centers, clubs and facilities:
1. Such uses shall be enclosed by a screening fence six feet in height or a 25-foot-wide planted buffer to screen adjacent property.
  2. Central loudspeakers shall be prohibited.
  3. Lighting shall be directed inward such that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
- H. *Go-cart concessions.* The following provisions shall apply to outdoor go-cart concessions:
1. All buildings and structures associated with such use shall be set back not less than 200 feet from any property line.
  2. Such use shall not be permitted within 500 feet of the boundary of a residential district.
  3. Such use shall be enclosed by a six-foot-high masonry wall.
  4. The motor size of any cart used shall not exceed five horsepower.
  5. The maximum area occupied by the facility, excluding areas used solely for parking, shall not exceed 40,000 square feet.
  6. Central loudspeakers shall be prohibited.
- I. Other outdoor recreation shall meet the standards provided in subsection G. of this section.

(Ord. of 8-2-2017, § 1(4.2.21))