



CITY OF STONECREST, GEORGIA

Honorable Mayor Jason Lary, Sr.

Council Member Jimmy Clanton, Jr. – District 1

Council Member Rob Turner- District 2

Council Member Jazzmin Cobble – District 3

Council Member George Turner- District 4

Council Member Tammy Grimes – District 5

CITY COUNCIL VIRTUAL WORK SESSION *AGENDA*

August 09, 2021, at 6:00 P.M.

Citizen Access: [Stonecrest YouTube Live Channel](#)

- I. CALL TO ORDER:** Mayor Pro Tem, George Turner
- II. ROLL CALL:** Sonya Isom, Deputy City Clerk
- III. AGENDA DISCUSSION ITEMS:**
 - a. **Discussion** – Stonecrest Housing Authority IGA – Winston Denmark
 - b. **Discussion** - In-person Council meetings – Mayor Pro Tem George Turner
 - c. **Discussion** - MuniCode Presentation – Whitney Padote
 - d. **Update** – Resurfacing Plan – Tom Udell
 - e. **Discussion** – Extension of Browns Mill Aquatic Center Closing Date – Brandon Riley
 - f. **Discussion** – RZ-21-002 – Jim Summerbell
 - g. **Discussion** – TMOD 21-005 – Jim Summerbell
 - h. **Discussion** – TMOD-21-006 – Jim Summerbell
- IV. EXECUTIVE SESSION**

(When an executive session is required, one will be called for the following issues:
1)Personnel, 2) Litigation, 3) Real Estate)
- V. ADJOURNMENT**

Americans with Disabilities Act

The City of Stonecrest does not discriminate on the basis of disability in its programs, services, activities and employment practices.

If you need auxiliary aids and services for effective communication (such as a sign language interpreter, an assistive listening device or print material in digital format) or reasonable modification to programs, services or activities contact the ADA Coordinator, Megan Reid, as soon as possible, preferably 2 days before the activity or event.



CITY COUNCIL AGENDA ITEM

SUBJECT: Stonecrest Housing Authority Intergovernmental Agreement

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: IGA

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s):

Current Work Session: Monday, August 9, 2021

Current Council Meeting: Monday, August 23, 2021

SUBMITTED BY: Winston Denmark

PRESENTER: Winston Denmark

PURPOSE: To review and discuss the Intergovernmental Agreement (IGA) between the City of Stonecrest and the Stonecrest Housing Authority.

FACTS: The City of Stonecrest desires to enter into a intergovernmental agreement with the Stonecrest Housing Authority that defines terms relating to the relationship between the housing authority and the city. Terms including, but not limited to duties, responsibilities, and limitations of power on public financing.

OPTIONS: Discussion only

RECOMMENDED ACTION: Approve

ATTACHMENTS:

(1) Attachment 1 - Stonecrest Housing Authority IGA

**INTERGOVERNMENTAL AGREEMENT
FOR THE PROVISION OF ADMINISTRATIVE SERVICES
BETWEEN
THE STONECREST HOUSING AUTHORITY and
THE CITY OF STONECREST, GEORGIA**

THIS INTERGOVERNMENTAL AGREEMENT is entered into this _____ day of _____, 2021, between the City of Stonecrest, Georgia (“City”), a municipal corporation organized and existing under the laws of the State of Georgia, and the Stonecrest Housing Authority (“Housing Authority”), an independent authority formed under the laws of the State of Georgia.

WHEREAS, the City of Stonecrest is a municipality created by the 2016 Georgia General Assembly pursuant to Senate Bill 208 (hereinafter referred to as “SB 208”), as amended in 2021 by Senate Bill 22; and

WHEREAS, the City of Stonecrest elected to activate the Housing Authority in order to serve the citizens of the City of Stonecrest; and

WHEREAS, the City and the Housing Authority desire to maintain a mutually beneficial, efficient, and cooperative relationship that will promote the interests of the citizens; and

WHEREAS, the City of Stonecrest desires to establish guidelines and a framework within which the Housing Authority shall operate to ensure that the City’s commitment of funding, facilities, and other services represents a prudent use of public resources; and

WHEREAS, the Housing Authority desires to contract with the City to conduct all the administrative services for the Housing Authority and to provide a location for its public meetings pursuant to the applicable laws of the State of Georgia; and

WHEREAS, the Intergovernmental Contract Clause of the Georgia Constitution permits governmental entities to enter into contracts with a duration of up to fifty years.

NOW THEREFORE, in consideration of the following mutual obligations, the City and Housing Authority agree as follows:

**ARTICLE 1
TERM OF AGREEMENT**

This Agreement shall commence on the date that it is executed by or on behalf of the governing authorities of both parties, will renew on an annual basis, and will terminate as set forth herein.

**ARTICLE 2
DUTIES AND RESPONSIBILITIES**

2.0 Pursuant to this Agreement, the City shall provide the personnel, materials, supplies, equipment and facilities necessary for the Housing Authority to carry out its objectives (the “Services”). The City shall also allocate funds for the Housing Authority in the City’s annual budget; however, the amount of the allocation shall be in the City’s sole discretion, and the funds allocated shall be distributed to the Housing Authority (incrementally or in full) or paid to third parties to cover expenses of the Housing Authority, as the City sees fit.

2.1 The City shall be responsible for maintaining and storing the Public Records of the Housing Authority. “Public Records” shall have the meaning set forth in the Georgia Open Records Act, codified at O.C.G.A. § 50-18-70(b)(2). The City shall be responsible for retaining the Public Records in accordance with the applicable retention schedules under state law. The City shall provide all software, products, and other administrative services required to maintain and store the Public Records of the Housing Authority.

2.2 The City shall process all Public Records requests pursuant to O.C.G.A. § 50-18-70 *et seq.* The Stonecrest City Clerk shall serve as the custodian of Public Records for the Housing Authority. The City shall be authorized to charge and retain fees authorized by O.C.G.A. § 50-18-71.

2.3 The City shall provide space within City Hall or other City property for the Housing Authority to conduct Public Meetings, as that term is defined under Georgia Open Meetings Act, codified at O.C.G.A. § 50-14-1. The City and the Housing Authority shall confer prior to scheduling meetings for the Housing Authority to ensure sufficient space is available. The City shall post notices of the Public Meeting, in accordance with O.C.G.A. § 50-14-1, at the meeting location, and on the website calendar of the City. The City Clerk or her designee shall attend the meetings and record the proceedings thereof.

2.4 The Housing Authority and/or its attorney shall be solely responsible for preparing, executing, and filing any reports or other mandatory documents with state agencies or the federal government, including, without limitation, any reports required to be filed with the Georgia Department of Community Affairs pursuant to O.C.G.A. § 36-81-8(b)(2).

2.5 The City shall name the Housing Authority as an additional insured under its general liability policies.

**ARTICLE 3
COMPENSATION AND CONSIDERATION**

3.1 In consideration for the City performing the Services, the Housing Authority shall pay the City on each December 31 during the Term the greater of One Thousand and no/100 Dollars (\$1,000) or ten percent (10%) of the issuer fees collected by the Housing Authority during the calendar year then ended.

**ARTICLE 4
LEGAL RESPONSIBILITIES**

4.1 The Housing Authority shall be solely responsible for any liability resulting from any claims or litigation arising from or pertaining to its actions, except claims or litigation regarding the City’s responsibilities and its provision of Services under Article 2 and claims or litigation

regarding the acts of agents or employees of the City in connection with this Agreement. The City agrees to reimburse the Housing Authority for all costs, including, but not limited to, court costs and attorney fees for the Housing Authority's attorney or outside counsel, incurred by the Housing Authority as a result of any such claim or litigation, except claims or litigation regarding the acts of agents or employees of the Housing Authority.

4.2 It is the intent of the parties to be covered under the auspices of any applicable immunity granted by law.

ARTICLE 5 EMPLOYMENT STATUS

5.1 All City personnel assigned under this Agreement are and will continue to be employees of the City for all purposes, including, but not limited to: duties and responsibilities, employee benefits, grievance, payroll, pension, promotion, annual or sick leave, standards of performance, training, workers compensation and disciplinary functions.

ARTICLE 6 TERMINATION AND REMEDIES

This Agreement shall be for a period of five (5) years from the date hereof (the "Term"). Either party may unilaterally terminate this Agreement, in whole or in part, for any reason whatsoever by notice in writing to the other party delivered at least one hundred twenty (120) days prior to the effective date of the termination. All fees payable for any year having less than 12 months during the Term shall be prorated.

ARTICLE 7 NOTICES

All required notices shall be given by certified first class U.S. mail, return receipt requested. The parties agree to give each other non-binding duplicate facsimile notice. Future changes in address shall be effective upon written notice being given by the City or the Housing Authority via certified first-class U.S. mail, return receipt requested. Notices shall be addressed to the parties at the following addresses:

If to the City:
City of Stonecrest, Georgia
3120 Stonecrest Blvd.
Stonecrest, GA 30038
Attention: Mayor

with copy to:

Fincher Denmark LLC
100 Hartsfield Centre Parkway, Suite 400
Atlanta, GA 30354
Attention: Winston Denmark

If to the Housing Authority:
Chairman, Stonecrest Housing Authority
c/o City Clerk
3120 Stonecrest Blvd.
Stonecrest, GA 30038

With a copy to:

Coleman Talley LLP
3475 Lenox Road N.E., Suite 400
Atlanta, Georgia 30326
Attention: Housing Authority Attorney

**ARTICLE 8
NON-ASSIGNABILITY**

Neither party shall assign any of the obligations or benefits of this Agreement.

**ARTICLE 9
ENTIRE AGREEMENT**

The parties acknowledge, one to the other, that the terms of this Agreement constitute the entire understanding and Agreement of the parties regarding the subject matter of the Agreement. This Agreement constitutes the entire understanding and agreement between the Parties concerning the subject matter of this Agreement and supersedes all prior oral or written agreements or understandings. No representation oral or written not incorporated in this Agreement shall be binding upon the City or the Housing Authority. All parties must sign any subsequent changes in the Agreement.

**ARTICLE 10
SEVERABILITY, VENUE AND ENFORCEABILITY**

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

ARTICLE 11

BINDING EFFECT

This Agreement shall inure to the benefit of, and be binding upon, the respective parties' successors.

**ARTICLE 12
COUNTERPARTS**

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

**ARTICLE 13
VIOLATION**

Any action violating the terms and provisions of this agreement will result in the immediate end to any future appropriation of funds.

**ARTICLE 14
LEGAL COUNSEL**

The City agrees to pay the legal fees for the attorney for the Housing Authority; provided however, that the Housing Authority attorney must be approved by the City. Failure by the Housing Authority to obtain approval for appointment of its counsel will be deemed a violation of this agreement.

**ARTICLE 14
PUBLIC DEBT**

The Housing Authority is prohibited from entering into any transaction or executing any note, contract, resolution or other document for providing a tax abatement, issuing revenue bonds, or incurring any form of public debt without first obtaining the prior written approval of the City. Nor shall the Housing Authority pledge any public assets or revenues or the City's full faith and credit to any transaction.

**ARTICLE 14
APPROVAL**

For purposes of this Agreement, "approved by the City" or "approval by the City" shall mean communication, in writing, from the City Manager that the City Council has approved the action by resolution.

[SIGNATURES FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, the City and Housing Authority have executed this Agreement through their duly authorized officers on the day and year first above written.

CITY OF STONECREST HOUSING AUTHORITY, GEORGIA

By: _____
Name: William Bruckner
Its: Chairman

CITY OF STONECREST, GEORGIA

_____ (SEAL)
GEORGE TURNER
Mayor Pro Tem

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



CITY COUNCIL AGENDA ITEM

SUBJECT: Return to in-person Council meetings

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE:

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): 07/12/21

Current Work Session: Monday, August 9, 2021

Current Council Meeting:

SUBMITTED BY: Janice Allen Jackson, Acting City Manager

PRESENTER: Mayor Pro Tem George Turner

PURPOSE: To determine when the City of Stonecrest Mayor and Council will resume in-person meetings.

FACTS: Fincher Denmark wrote a legal opinion regarding in person Open Meetings post termination of the Governor's Declaration of Public Health Emergency. (See attached.) Per our last discussion, staff has received and installed partitions in the Council Chamber. Given concerns about the spread of the latest variant of COVID-19 and the relatively low vaccination rates in Georgia and DeKalb County, we invite your discussion. We have continued to hold all other meetings virtually and will adjust those to in-person at the same time Council resumes in-person meetings.

OPTIONS: Discussion only

RECOMMENDED ACTION: N/A

ATTACHMENTS:

(1) Attachment 1 - In Person Open Meetings post termination of the Governor's Declaration of Public Health Emergency, Legal opinion from Fincher Denmark

Sonya Isom

From: wdenmark@fincherdenmark.com
Sent: Monday, July 12, 2021 5:13 PM
To: George Turner
Cc: Janice Allen Jackson; Marla Greene
Subject: FW: In Person Open Meetings post termination of the Governor's Declaration of Public Health Emergency

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Mr. Mayor Pro Tem:

It is my advice and recommendation that the city resume in person meetings, effective the second meeting this month. Based on the analysis below from my associate, the Governor's lifting of the state of emergency requires an end to virtual meetings. And while there may be some grounds for challenging the Governor, that is not a viable course likely to lead to a favorable outcome.

Further, other cities around the state are resuming in person meetings, and there would not likely be cities lined up to join in a fight against the Governor. Therefore, my opinion is that the city resume live meetings.

Thank you,

Winston A. Denmark
Managing Partner



FINCHER DENMARK LLC
ATTORNEYS

100 Hartsfield Centre Parkway
Suite 400
Atlanta, GA 30354
Office: (770) 478-9950
Fax: (770) 471-9948

From: Kareemah Lewis <klewis@fincherdenmark.com>
Sent: Wednesday, July 7, 2021 3:37 PM
To: Winston Denmark <wdenmark@fincherdenmark.com>
Cc: Danielle Matricardi <dmatricardi@fincherdenmark.com>
Subject: In Person Open Meetings post termination of the Governor's Declaration of Public Health Emergency

Good afternoon Mr. Denmark and Danielle,

As requested I have researched the issue of whether our clients (Lithonia, Stonecrest, CCWA, and Jonesboro) can continue remote meetings pursuant to Georgia's Open Meetings Act ("OMA"). In summary while an argument can be made to justify continuation of remote meetings, our clients' most practical and politically sound option should be to re-initiate in person meetings.

While the OMA permits the holding of public meetings via teleconference, it does so only in limited circumstances. Specifically, the Act allows meetings via teleconference, without a requirement of having a quorum present in person, when “necessitated by emergency conditions” so long as notice is provided and real-time access afforded to the public. See O.C.G.A. § 50-14-1(g). On June 30, 2021, the Governor issued an Executive Order terminating the public health state of emergency in Georgia stating “the public health effects of COVID-19 in Georgia have been mitigated and controlled...” and “Georgia is no longer experiencing a public health emergency.” See Executive Order 06.30.01 p.1-2. Consequently, one may argue that the “emergency conditions” requirement of O.C.G.A. § 50-14-1(g) is no longer triggered, and our clients are now mandated to attend in person meetings as required by the OMA.

Conversely, there is still federal authority that supports the existence of a continued emergency condition. On February 24, 2021, President Biden issued a National emergency declaration due to COVID-19 which continues until there is a joint resolution enacted to terminate the emergency or the President issues a proclamation terminating the emergency. See A Letter on the Continuation of the National Emergency at <https://www.whitehouse.gov/briefing-room/statements-release/2021/02/24>. In addition the Department of Health and Human Services renewed its public health emergency for another 90 days beginning April 21, 2021 in order to combat COVID-19. See Renewal of Determination that a Public Health Emergency Exists at <https://www.phe.gov/emergency/news/healthactions/phe/Pages/COVID-15April2021.aspx>. Thus, continuation of remote hearings may be justified by the continued existence of the federal state of emergency as declared by President Biden and Secretary of Health and Human Services, Xavier Becerra.

However our clients should be weary of continuing remote hearings justified by a continued emergency condition. Given past pandemic politics, it is not likely the Governor would favor any more stringent pandemic practices than what he has outlined in his executive orders. The Governor seems to anticipate this conflict stating that “local rules, ordinances, orders, or mandates that provide for any action more or less permissive than the recommendations and requirements of this Order will result in an incompatible outcome for the uniform response to this state of emergency, therefore constituting inconsistency” and “the Governor has the ultimate authority over the State’s emergency management procedures because, while other agencies and political subdivisions of the State may be directed or authorized to develop and implement emergency management plans, rules, regulations, and emergency rules and regulations, Code Section 38-3-28(a) clearly provides that no such rule, regulation, or order may be inconsistent with the Governor’s own emergency management directives...” See Executive Order 06.30.01 p. 3.

However the Governor’s warnings are challenge worthy. While the Governor does have ultimate authority over the State’s emergency management plan, if he decides to terminate the State’s emergency plan, Cities are authorized to step in and exercise their constitutional and charter given police powers. See Ga. Const. Art. IX, § II, Para. I stating “the governing authority of each county shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which is not inconsistent with this Constitution or any local law applicable thereto.” Accordingly, our clients who want to continue remote OMA meetings have legal justification to do so, but it is recommended that each client consider the aforementioned political and public health factors within their control before making a decision to remain remote.

Please let me know if any more information is needed. Thank you ,
Kareemah



CITY COUNCIL AGENDA ITEM

SUBJECT: Expand services with Municipal Code Corporation (Municode)

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE:

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s):

Current Work Session: Monday, August 9, 2021

Current Council Meeting:

SUBMITTED BY: The Clerk's Office

PRESENTER: Whitney Padote

PURPOSE: The City of Stonecrest would like to expand services with Municipal Code Corporation (Municode) and negotiate an amendment to the current contract by adding the Meeting & Agenda Management Solutions to the current Codification Contract. This will improve staff productivity in producing the City Council Meeting packets and assist in streamlining meeting minutes and other aspects of entire process.

FACTS:

The City of Stonecrest has a current contract for Codification Services that was established in 2019. The Finance Director/Purchasing Agent is requesting approval to negotiate these amendments with Municode.

By purchasing the Municode Meetings package, Stonecrest will get:

1. Smoother internal process creating and amending Agenda Items and Packets.
2. Automated roll call and electronic voting.
3. Streamline Meeting Minutes and Publication to our website.
4. Automated publication of ordinances, resolutions, and amendments to Municode.



CITY COUNCIL AGENDA ITEM

5. Electronic Routing for Signatures by Mayor, Mayor Pro Tempore, City Clerk, and City Attorney.
6. Minimize search time for any items discussed or approved by Council.

Municode’s unified search engine and integrated technology can work independently or together to save the City both time and money. The City Clerk’s Office and City’s staff also reviewed the proposal to ensure this vendor included the technical details required to complete this solution. Municode's unified search engine and integrated technology can work independently or together to save the City both time and money. The City Clerk’s Office and City's Staff also reviewed the proposal to ensure this vendor included the technical details required to manage the meetings.

- Current Codification Contract Amount - \$4,580 annually
- New Contract Amount - \$13,580 annually

OPTIONS:

RECOMMENDED ACTION:

ATTACHMENTS:



CITY COUNCIL AGENDA ITEM

SUBJECT: 2021 Paving/Resurfacing Update

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE:

ACTION REQUESTED: **DECISION** **DISCUSSION ONLY**

Date Submitted: 07-28-2021

Current Work Session: 08-09-2021

Current Council Meeting:

Previously Heard Date(s):

SUBMITTED BY: Thomas Udell, PE PTOE

PRESENTER: Thomas Udell, PE PTOE

PURPOSE: Update on the Major roads paving progress

FACTS: Paving on Major Roads authorized by Mayor and City Council

OPTIONS:

RECOMMENDED ACTION: None – information only

ATTACHMENTS:

(1) Attachment 1 - Paving Schedule

SQ #	Road #	Road Name	# Lanes	Length (ft)	Width (Feet)	Area (SY)	1.5" Mill	3" Mill	Patching (TN) - As Directed	Leveling (TN) - As Directed	12.5mm (TN)	19mm (TN)	9.5mm (TN)	Haul Miles	12.5mm	19mm	9.5mm	Patching	Leveling	1.5" Milling	3" Milling	TOTAL	START DATE
1	1	DEKALB MEDICAL PKWY	2	5016	Varies	20901	4,800	20,901.01	520	-	1,437	2,012	-	4.7	5	3	0	2	0	3	3	16	08/09/21
2	6	PANOLA RD	5	8184	62	56379	-	56,378.67	950	-	3,876	5,426	-	5.9	13	8	-	10	-	7	8	46	08/30/21
3	10	MILLER ROAD	2	5386	Varies	18300	18,300	-	250	-	1,258	-	7										
4	9	SNAPPINGER WOODS DRIVE	2 to 4 (Mostly 4)	5333	Varies	25775	25,775	-	400	-	1,772	-	6.7										
5	11	ACUITY WAY	2	1214	26	3508	3,508	-	60	-	241	-	7.6										
6	4	MINOLA DR	2	3749	30	12496	-	12,496.00	240	-	859	1,203	-	7.4	2	2	0	2	0	0	2	8	11/01/21
7	15	ROCK SPRINGS ROAD	2	1742	21	4066	-	4,065.60	285	100	280	391	-	8	3	3	-	3	0.5	-	3	13	11/11/21
8	14	CLEVELAND ROAD	2	3854	Varies	13119	-	13,119.04	280	-	902	1,263	-	8.2									
9	18	SALEM ROAD	2	3062	22	10882	-	-	50	-	748	-	-	7.7	2	0	0	1	0	0	0	3	11/24/21
10	17	WOODROW ROAD	2	3379	22	8260	-	8,260.27	410	100	568	795	681	3.1	-	2	2	2	1	0	2	9	11/27/21



CITY COUNCIL AGENDA ITEM

SUBJECT: Extending the Browns Mill Aquatic Center close date

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
OTHER, PLEASE STATE:

ACTION REQUESTED: DECISION DISCUSSION ONLY

Previously Heard Date(s): 05/10/21 & 05/24/21

Current Scheduled Work Session: Monday, August 9, 2021

Current Scheduled Council Meeting: Monday, August 23, 2021

SUBMITTED BY: Brandon Riley, Parks and Recreation Director

PRESENTER: Brandon Riley

PURPOSE: The Parks and Recreation Department is seeking feedback from the Mayor Pro Tem and Council regarding extending the approved September 4th Labor Day weekend close down date for the Browns Mill Aquatic Center to the weekend of September 18th.

FACTS: Due to unforeseen circumstances, the Browns Mill Aquatic Center reopening was delayed two weeks from its scheduled 4th of July weekend date. The Parks and Recreation department and StandGuard Aquatics is committed to extending the Browns Mill Aquatic Center close down date from the September 4th Labor Day weekend to the weekend of September 18th. This will give the community more time to enjoy the pool before the start of fall season.

OPTIONS: . Discussion only

RECOMMENDED ACTION: Feedback

ATTACHMENTS: None

(1) Attachment 1 -



CITY COUNCIL AGENDA ITEM

SUBJECT: RZ-21-002

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE:

ACTION REQUESTED: **DECISION** **DISCUSSION ONLY**

Previously Heard Date(s): 03/22/21 - 05/24/21

Current Work Session: Monday, August 9, 2021

Current Council Meeting: .

SUBMITTED BY: Jim Summerbell, AICP – Planning & Zoning Director

PRESENTER: Jim Summerbell

PURPOSE: Update City Council on action taken on CP-21-001 by the Planning Commission on August 3, 2021, in preparation of the the August 23, 2021 Regular City Council Meeting when the item will be presented as an action item.

FACTS: Alphabet Daycare is requesting to rezone 3174 Miller Road from R-100 (Residential Med Lot) to OI (Office Institutional) District to operate a Childcare Center.

OPTIONS:N/A,Discussion Only

RECOMMENDED ACTION: None at this time.

ATTACHMENTS:

(1) Attachment 1 - RZ-21-002 Alphabet Childcare 3174 Miller Rd Staff Report



PLANNING COMMISSION STAFF REPORT

RZ-21-002

Planning Commission Meeting August 3rd 2021

GENERAL INFORMATION

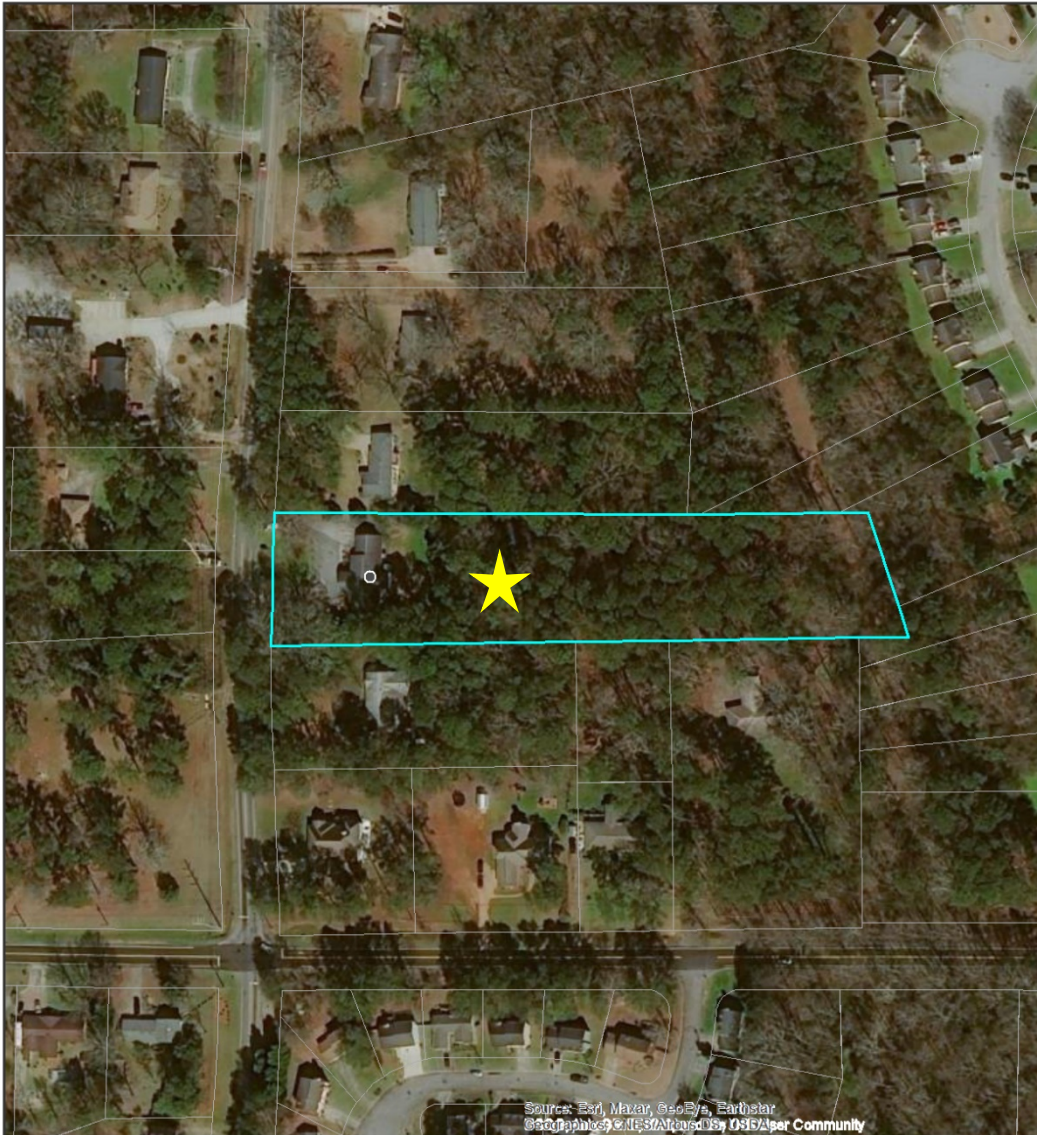
Petition Number:	RZ-21-002
Applicant:	Alphabet Daycare c/o Shanteria Vaughn and Titus Hood
Owner:	Wilson Academy Incorporated
Project Location:	3174 Miller Rd
District:	District 4
Acreage:	Approximately 2.5 acres
Existing Zoning:	R-100 (Residential Med Lot) District
Proposed Zoning:	OI (Office Institutional) District
Comprehensive Plan Community: Area Designation	Urban Neighborhood
Proposed Development/Request:	The applicant is requesting to rezone the subject properties from R-100 (Residential Med Lot) to OI (Office Institutional) District to operate a Childcare Center.
Previous Action:	Planning Commission recommended approval of a rezoning of the subject property to RSM with a Special Land Use Permit, SLUP21-002 for a day care center on February 2, 2021. The case was then heard by the City Council at their March 22 and May 24, 2021 regular meetings. On May 24, Rob Turner made a motion (motion #9 in the minutes of that meeting) for referral of RZ-21-002 back to the Planning Commission for full cycle deferral. Seconded by Council Member Jazzmin Cobble.
Staff Recommendations:	Approval with conditions



PLANNING COMMISSION STAFF REPORT

RZ-21-002

Aerial Map



Source: Earthstar, Georgia, Earthstar
© 2021 Google LLC. All rights reserved. Google Community

ZONING CASE: **RZ-21-002**

ADDRESS: **3174 Miller Road**

CURRENT ZONING: **R-100 (Residential Med Lot) District**

FUTURE LAND USE: **Urban Neighborhood**

Subject Property

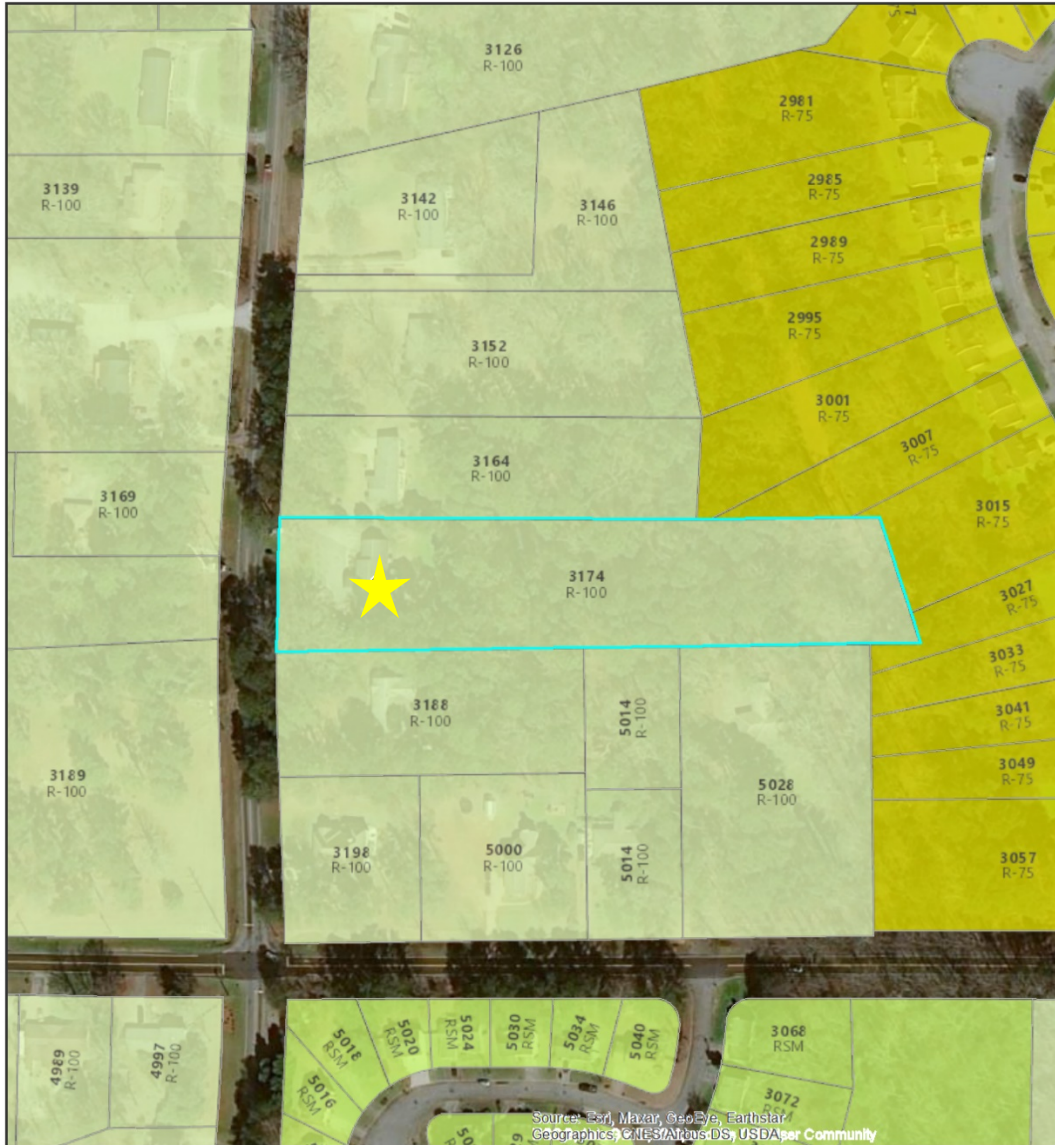
0 0.025 0.05 mi



PLANNING COMMISSION STAFF REPORT

RZ-21-002

Zoning Map



ZONING CASE: **RZ-21-002**

ADDRESS: **3174 Miller Road**

CURRENT ZONING: **R-100 (Residential Med Lot) District**

FUTURE LAND USE: **Urban Neighborhood**





PLANNING COMMISSION STAFF REPORT

RZ-21-002

PROJECT OVERVIEW

Location

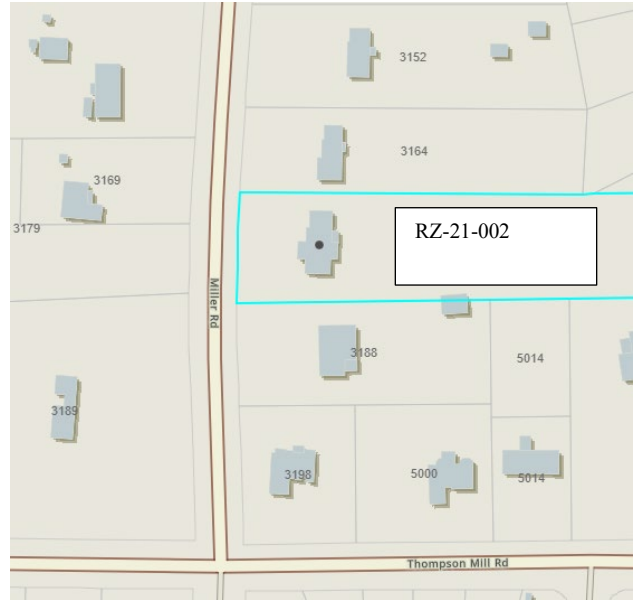
The subject property is located at 3174 Miller Road. The property is approximately 378 feet north of Miller Road and Thompson Mill Rd intersection.

The property is bounded by Miller Road to the west and single family homes to the north, south and east. Woodgrove residential subdivision is located to the east.

Background

Currently, the property is vacant, and zoned for single-family residential, R-100. The subject property was previously used for the Wilson Academy, a private school for K-12. The school structure on the property looks like a single family home consistent with the character of the neighborhood.

The topography of the property relatively level sloping away from Miller Road toward a floodplain and is heavily wooded.





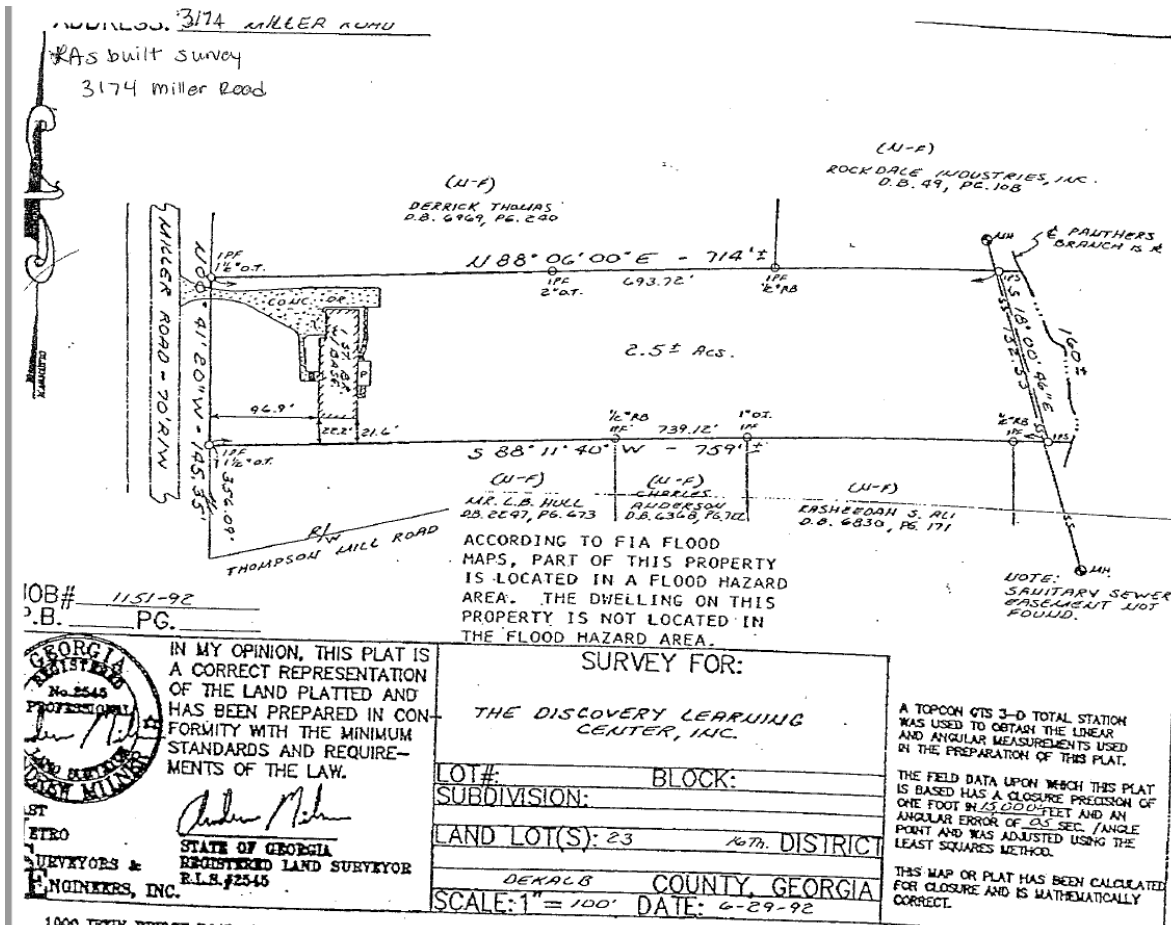
PLANNING COMMISSION STAFF REPORT

RZ-21-002

Rezoning Request

The applicant is requesting to rezone the subject property from R-100 to OI (Office Institutional) District to operate a child day care center. The day care center will run out of the existing 5,000 square foot building. The applicant intends to supervise children ages infant to ten (10) years old. The reason this case is coming back before the Planning Commission for reconsideration is that the intent of maintaining child day care center is only allowed in non-residential districts, the original request of being rezoned to RSM with a SLUP, would not have granted the applicant the land use rights they were seeking.

Conceptual Site Plan



PLANNING COMMISSION STAFF REPORT

RZ-21-002

Elevations





Public Participation

Property owners within 500 feet of subject property were mailed notices of the proposed rezoning in January and June. The community meeting was held on December 21st, 2020, at 7:00 pm via zoom.com. Several residents show up at the community meeting regarding the rezoning application. There were several concerns from residents regarding the homeless residing in the vacant building. Many residents express a desire for a business to start operating on the property.



PLANNING COMMISSION STAFF REPORT

RZ-21-002

STANDARDS OF REZONING REVIEW

Section 7.3.5 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Planning and Zoning Department and Planning Commission. Each element is listed with staff analysis.

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

The subject property is located within the Urban Neighborhood character area of the Stonecrest Comprehensive Plan. The character area intends to limit small-scale goods and services to meet the needs of the surrounding residents.

The proposed zoning is in an area transitioning from low-density housing to medium density housing. The current character of the area shows many of the surrounding properties to be single-family detached. The proposed zoning change and development of institutional use would be in keeping with the policy and intent of the comp plan.

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

As shown in the table below, the subject property is surrounded by low density housing, see previous zoning map.

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Subject Property	R-100, proposed O-I	Child Day Care Center, previously private school	One 5,000 sf building or 1,960 sf per acre
Adjacent: North	R-100 (Residential Med Lot) District	Residential (Detached Single Family Home)	1.0 unit/acre
Adjacent: West	R-100 (Residential Med Lot) District	Residential (Detached Single-Family Home)	1.0 unit/acre
Adjacent: East	R-75 (Residential Med Lot) District	Residential (Parks of Stonecrest)	4-8 units/acre
Adjacent: South	R-100 (Residential Med Lot) District	Residential (Detached Single-Family Home)	1.0 units/acre
Nearby: South	R-100 (Residential Med Lot) District	Residential (Detached Single-Family Home)	1.0 unit/acre



PLANNING COMMISSION STAFF REPORT

RZ-21-002

The proposed change in zoning would permit a use that would be suitable in view and development of the nearby properties. The OI Zoning classification would allow operation of a child day care center (more than 7 children, operating less than 24 hours a day), which would be similar to the previous use.

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

The property is currently zoned R-100, which permits the development of detached single-family home development with a minimum lot size of 15,000 square feet. The property does have reasonable economic use as currently zoned. The property sits along Miller Road, which is a collector road in a suburban neighborhood.

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

The proposed zoning proposal is not anticipated to have a negative impact on the existing use or usability of adjacent or nearby properties. Staff believes the suggested zoning for a daycare would complement the area by allowing the surrounding residential development access to small scale goods and services.

E. Whether there are other existing or changing conditions affecting the use and development of the property, which gives supporting grounds for either approval or disapproval of the zoning proposal.

There are no changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal. There are existing conditions that would provide supporting grounds for approval of the zoning change as the property was previous use for a private school.

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

There are currently no historic buildings, sites, districts, or archaeological resources on the subject property.

G. Whether the zoning proposal will result in a use that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Access to the property will be Miller Road, which is a collector road that staff believes would have the traffic capacity to handle the volume of traffic generated by the zoning change. The zoning proposal will not cause an excessive or burdensome on utilities as Dekalb County states the property has the sewer capacity for the intended use. The proposed use will not have harmful or oppressive use of schools.

H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources. The zoning proposal will not adversely impact the environment or surrounding natural resources.



PLANNING COMMISSION STAFF REPORT

RZ-21-002

STAFF RECOMMENDATION

The applicant meets all the criteria for approval. Therefore, staff recommends **APPROVAL** of **RZ-21-002** the following conditions:

1. Access shall be limited to the existing curb cut off Miller Rd.
2. All refuse containers shall be screened from public view except during pick up.
3. The applicants shall secure the necessary certification by the State of Georgia, and the license of business required building permits and certificates of occupancy from the city of Stonecrest.
4. The property shall only be used as a Childcare Center or a Private kindergarten, elementary, middle or high school, as it was in the past.
5. Any future modifications or improvements to the existing structure will be consistent with the residential character of the surrounding neighborhood, and for all outward appearances, except signage and driveway configuration will look like a single-family home.



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-21-005

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE:

ACTION REQUESTED: DECISION DISCUSSION ONLY

Date Submitted: Thursday, July 29, 2021

Current Work Session: Monday, August 9, 2021

Current Council Meeting:

Previously Heard Date(s):

SUBMITTED BY: Jim Summerbell, AICP – Planning & Zoning Director

PRESENTER: Jim Summerbell

PURPOSE: Update City Council on action taken on TMOD-21-005 by the Planning Commission on August 3, 2021, in preparation of the August 23, 2021 Regular City Council Meeting when the item will be presented as an action item.

FACTS: Ashbury Automotive is requesting an amendment to the Stonecrest Area Overlay District to allow automotive sales as a permitted use.

OPTIONS: N/A, Discussion Only

RECOMMENDED ACTION: None at this time.

ATTACHMENTS:

(1) Attachment 1 - TMOD-21-005 Ashbury Automotive Staff Report



PLANNING AND ZONING STAFF REPORT

PLANNING COMMISSION MEETING DATE: August 3, 2021

GENERAL INFORMATION

- Petition Number:** TMOD 21-005
- Applicant:** Stonecrest Planning and Zoning Department
- Project Location:** City-Wide
- Proposed amendment:** Amendment Article 3, Division 5, Stonecrest Area Overlay District text to reinstate automotive dealerships as a permitted use. Amend Article 4, Division 2, Supplemental Use Regulations to update supplemental regulations for Automotive and truck sales.

FACTS AND ISSUES When the Stonecrest Area Overlay District (Overlay) was adopted by the City Council in 2017, it allows automotive dealerships as permitted use by right. Currently there are five dealerships located within the overlay:

1. Toyota Stonecrest
2. Nalley Kia/ Scion
3. Nalley Hyundai
4. Courtesy Chrysler Dodge Jeep Ram of Stonecrest
5. Stonecrest Honda.

All are within Tier 2 of the Overlay, except Courtesy Chrysler Dodge Jeep Ram of Stonecrest which is in Tier 1, see attached map.

When the Overlay was amended in November 2019, automobile dealerships were made a prohibited use in Tiers 1, 2, 3 and 5, see attached copy of Ordinance 2019-11-001, pages 8, 10, 13, and 20 of the PDF or pages 7, 9, 12 and 19 of the text amendment. They are allowed as a permitted use currently in Tier 4, though none exist there at this time. Staff has inquired as to reason why this amendment was made, but no explanation or documentation has been forthcoming or found.



PLANNING AND ZONING STAFF REPORT

The issue this creates for the current dealerships is that they are considered legal but non-conforming uses under the Zoning Ordinance, which means per Section 8.1.5 of the Zoning Ordinance they “shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.” The Asbury Automotive Group that owns and operates the Nalley dealerships in the Overlay have applied for permits to build an accessory use and staff has denied the application as per the provisions of this section. As a result, they are seeking a text amendment so they can make improvements to their site, see attached letter of intent.

Considering that the dealerships play an important role in the retail trade and sales tax revenue of the city and county, and that no explanation has been offered as to why the prohibition of their use was made in 2019, **staff is recommending that Automobile Sales be reinstated as a use by right in the Overlay in Tiers 1 and 2.** Specifically, that the following lines in the Stonecrest Ordinance 2019-11-001 **be deleted** as they relate to prohibited use tables of Tier 1, 2, and 3:

- Line 288 – Tier 1 Prohibited Uses
- Line 365 – Tier 2 Prohibited Uses

After discussions with the City Council and participants in the Zoning Summit on July 22, 2021, the concession of the group was that the prohibition against having automobile dealerships in Tiers 3 and 5 should remain.

In addition to the changes listed above, staff is recommending an update to the supplemental standards for Automobile Sales and Truck Sales in Article 4 (Sec. 4.2.14.A) of the Zoning Ordinance. The standards found in this section would be required for future auto sales in addition to compliance with the Use Table and Overlay standards.

For reference, see the highlighted lines in the attached copy of the current Stonecrest Area Overlay Text and Map. Staff finds that the continued use of the automobile dealerships is consistent with the policies of the Regional Center Character Area found in the City of Stonecrest 2038 Comprehensive Plan which indicate Large Scale Retail and Commercial as primary land uses for the area.

OPTIONS: Table, Deny, Approve, Approve with modifications

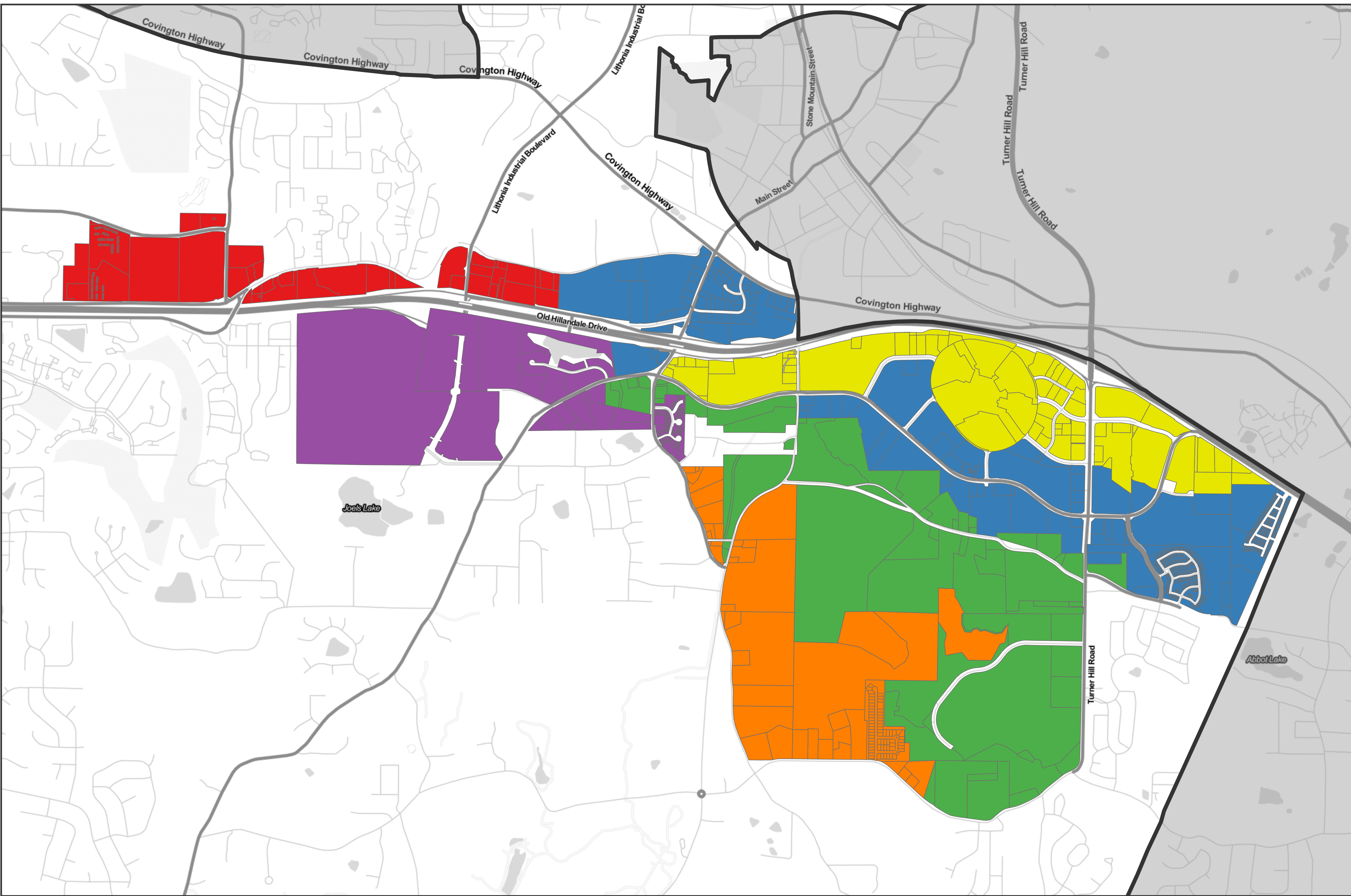
RECOMMENDED ACTION: Recommend Approval to the City Council



PLANNING AND ZONING STAFF REPORT

ATTACHMENTS:

- (1) Ordinance 2019-11-001, Stonecrest Area Overlay text and map as approved by City Council in November 2019 with highlighted text related to the recommendations
- (2) Letter of intent from Asbury Automotive Group
- (3) Map of existing auto dealerships in Stonecrest
- (4) Proposed supplemental regulations for automotive and truck sales



STONECREST OVERLAY 2038

WORKING MAP

- VIEWSHED
- STV1
- STV2
- STV3
- STV4
- STV5

1 **AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA,**
2 **AMENDING CHAPTER 27, ARTICLE III,**
3

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

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

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

15 **WHEREAS,** the City of Stonecrest recognizes necessity of implementing regulations which
16 protect the health, safety and welfare of its citizens;

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

21 **WHEREAS,** the City of Stonecrest has advertised and held public hearings on October 01,
22 2019 and October 28, 2019 on the adoption of the amendment to Chapter 27,
23 Article III.

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

26 **Section 1:** Chapter 27, Article III of the Code of the City of Stonecrest, Georgia, is hereby
27 amended to read as follows:

28
29 DIVISIONS 2-4. Reserved.

30
31 27-3.5 DIVISION 5 - STONECREST AREA OVERLAY DISTRICT

32
33 Sec. 3.5.1. - Scope of regulations.

34
35 This division establishes standards and procedures that apply to any development, use,
36 alteration, height, density, parking, open space, and building on any lot or portion thereof
37 which is in whole or in part contained within the boundaries of the Stonecrest Area Overlay
38 District.

39
40 Sec. 3.5.2. - Applicability of regulations.

41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83

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.

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;

- 84 L. To protect established residential areas from encroachment of uses which are
85 either incompatible or unduly cause adverse impacts on such communities;
86 M. To protect the health, safety and welfare of the citizens of the City of Stonecrest;
87 N. To promote uniform and visually aesthetic architectural features which serve to
88 unify the distinctive visual quality of the Stonecrest Area Overlay District.
89

90 Sec. 3.5.4. - District boundaries.
91

92 A. The boundaries of the Stonecrest Area Overlay District composed of Tiers I, II, III,
93 IV, V, and VI described in the subparagraph B below, shall be depicted on the official
94 zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay
95 District" (the "Stonecrest Overlay Maps"). The Stonecrest Overlay Maps are to be adopted
96 contemporaneously with this chapter, together with all explanatory information contained
97 or referenced thereon, is hereby adopted by reference and declared to be a part of this
98 chapter.

99
100 B. The Stonecrest Area Overlay District shall be divided into five (5) development tiers
101 as follows:

- 102 1. Tier I: High-Rise Mixed-Use Zone;
103 2. Tier II: Mid-Rise Mixed-Use Zone;
104 3. Tier III: Low-Rise Mixed-Use Zone;
105 4. Tier IV: Transitional Mixed-Use Zone;
106 5. Tier V: Cluster/Village Mixed-Use Zone ; and
107 6. Tier VI : Viewshed Zone

108
109
110 The Stonecrest Overlay Maps shall be adopted contemporaneously with this chapter in
111 digital format and contained on a compact disk to be maintained in its original, unedited
112 and unaltered form by the clerk to the city council. A printed copy of the compact disk's
113 contents depicting the Stonecrest Area Overlay maps on the date of its initial adoption shall
114 also be maintained in its original, unedited and unaltered form by the clerk to the city
115 council.
116

117 Sec. 3.5.5. – Open space.
118

119 A. *Open space*: Each lot may provide open space. Open space must be a minimum of
120 twenty percent (20%) of the lot. To the extent possible, lands containing streams, lakes,
121 one hundred-year floodplains, wetlands, slopes over fifteen percent (15%) shall remain
122 undisturbed and included in open space. Natural open space areas shall form an
123 interconnected and continuous network of paths, greenways, and trails throughout the
124 development within the Stonecrest Area Overlay District. Credit for open space areas may
125 be transferred from one (1) parcel to another within overall developments that remain under

126 unified control of a single property owner or group of owners, but must demonstrate
127 interconnectedness of public areas.

128 B. *Maintenance and protection of public space.* Each applicant that chooses to provide for
129 public space shall present as a part of the application for a building permit within the
130 Stonecrest Area Overlay District a legal mechanism under which all land to be used for
131 public space purposes shall be protected. Such legal mechanism may include deed
132 restrictions, property owner associations, common areas held in common ownership or
133 control, maintenance easements, or other legal mechanisms, provided that said legal
134 mechanism shall be approved by the city attorney as assuring each of the following
135 mandatory requirements:

- 136 1. That all subsequent property owners within said Stonecrest Area Overlay District
137 be placed on notice of this development restriction through the deed records of
138 DeKalb County Superior Court;
- 139 2. That all public space held in common will be properly maintained and insured with
140 no liability or maintenance responsibilities accruing to the city;
- 141 3. That a legal mechanism exists for notice of deficiencies in maintenance of the
142 public space held in common, correction of these deficiencies, and assessment
143 and liens against the properties for the cost of the correction of these deficiencies
144 by a third-party or the city;
- 145 4. When an applicant for a Stonecrest Area Overlay District chooses to utilize a
146 property owners association in order to comply with the requirements of
147 subsection A above, the applicant, in addition to meeting all of said requirements,
148 shall provide for all of the following:
 - 149 a. Mandatory and automatic membership in the property owners association as
150 a requirement of property ownership;
 - 151 b. A fair and uniform method of assessment for dues, maintenance and related
152 costs;
 - 153 c. Where appropriate, party wall maintenance and restoration in the event of
154 damage or destruction; and
 - 155 d. Continued maintenance of public space held in common and liability
156 through the use of liens or other means in the case of default.

157
158 Sec. 3.5.6. - Greenspace requirements.

159
160 A. *Landscape strips.* Landscape strips not less than five (5) feet in width must be provided
161 along all side and rear property lines and on all public streets. The landscape strip along
162 the public street must be a minimum of ten (10) feet in width and must be planted with a
163 row of street trees of at least three and one-half (3½) inches in caliper selected from the
164 list of street trees species identified in the design guidelines for the Stonecrest Area
165 Overlay District and planted not less than seventy-five (75) feet on center. Continuous
166 landscaped strips shall be constructed along public rights-of-way where surface parking
167 lots are adjacent to such sidewalks or public right-of-way except at points of ingress or
168 egress into the facility.

169 *Ground cover.* Ground cover must also be provided in accordance with the design guidelines
170 for the Stonecrest Area Overlay District in order to protect tree roots and to prevent erosion.

171 Ground cover must consist of evergreen shrubs or groundcover plant material mulched
172 with pine bark mulch, or other similar landscaping material.

173 C. Newly planted trees must conform to the design guidelines for the Stonecrest Area
174 Overlay District.

175 D. No tree shall be planted closer than two (2) feet from the street or sidewalk, and no
176 closer than five (5) feet from a fire hydrant, sign post, streetlight standard, utility pole,
177 or similar structure.

178 E. *Greenspace requirements for parking lots :*

179 1. Greenspace areas are required in all parking lots and must comprise at least five
180 percent (5%) of the total lot area of parking lot.

181 2. In addition, all parking lots must include at least one (1) tree for every twelve
182 (12) parking spaces provided. Tree planting areas may be included in the
183 required greenspace area. Every three (3) inches in caliper, as measured at a
184 height of thirty-six (36) inches above the ground level, of an existing tree shall
185 count as one (1) newly planted tree.

186 3. Greenspace areas must be at least thirty-six (36) square feet in area.

187 4. All greenspace areas must be properly maintained in accordance with approved
188 landscape plans. In the event that a tree or any plant material dies, it must be
189 replaced within a reasonable time, so as to meet all requirements of this section
190 and to allow for planting in the appropriate planting season.

191 5. All trees planted pursuant to the requirements of Section 5.4.4 shall be counted
192 for the purpose of meeting the tree planting and tree replacement requirements
193 imposed by this chapter.

194

195 Sec. 3.5.7. -Transitional buffer zone requirements.

196

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

204

205 Sec. 3.5.8. - Street standards.

206

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

210 a. Streets in the Stonecrest Area Overlay District may be constructed with travel
211 lanes at eleven (11) feet in width, measured inside curb and gutter.

212

213 B. Private or public alleys are permitted to provide secondary or service access
214 within developments consisting of at least four (4) buildings. An alley must

215 provide a continuous connection between two (2) streets. Alleys shall be paved
216 and constructed to the same standards as the connecting streets except that:

- 217 1. No alley shall be longer than four hundred (400) feet;
- 218 2. No alley shall have a slope greater than seven percent (7%);
- 219 3. The paved width of an alley must be at least twelve (12) feet;
- 220 4. Alleys must be constructed with flush curbs;
- 221 5. Alleys must have seven-foot-wide unobstructed shoulders constructed of
222 grass sod or gravel on both sides; and
- 223 6. Buildings must be set back at least ten (10) feet from the back curb of an
224 alley.

225

226 Sec. 3.5.9. - Underground utilities.

227

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

233

234 Sec. 3.5.10. - Streetlights.

235

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

239

240 Sec. 3.5.11. - Interparcel access.

241

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

246

247 Sec. 3.5.12. - Multi-modal access plans required.

248

249 Each new application for a development permit within the Stonecrest Area Overlay District
250 must be accompanied by a multi-modal access plan prepared at a scale not greater than one-
251 inch equals one hundred feet (1"=100'). The multi-modal access plan must cover the full
252 extent of the proposed development along with public rights-of-way of adjoining streets and
253 any other property lying between the subject property and the nearest public streets on all
254 sides. The purpose of the multi-modal access plan is to demonstrate a unified plan of
255 continuous access to and between all buildings in the proposed development and adjacent
256 properties. Connections to available transportation modes, such as driveways, sidewalks,
257 and bike paths must be shown along adjacent streets and those entering adjoining properties.
258 Safe and convenient pedestrian ways must be provided from sidewalks along streets to
259 each building entrance, including pedestrian access routes across parking lots and between

260 adjacent buildings within the same development. Where an existing or planned public
261 transportation station or stop is within one thousand two hundred fifty (1,250) feet (straight
262 line distance) from any boundary of the subject property, the access plan must show how
263 pedestrians may safely travel from such station or stop to the subject property. Where an
264 existing or planned bike path is located within one thousand five hundred (1,500) feet of the
265 subject property, the access plan must show how safe, continuous and convenient bicycle
266 access shall be provided to the subject property.

267 Sec. 3.5.13. - High-Rise Mixed-Use Zone (Tier I).

268

269 A. *Permitted principal uses and structures.* The principal uses of land and structures
270 allowed in the Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay
271 District are as provided below:

272

273 1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office
274 Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density
275 Residential) District except those listed in B., below.

276

277 B. *Prohibited uses.* The following principal uses of land and structures are prohibited in
278 Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

279

- 280 1. Kennels.
- 281 2. Tire retreading and recapping.
- 282 3. Sexually oriented businesses.
- 283 4. Reserved
- 284 5. Outdoor amusement services facilities.
- 285 6. Outdoor storage.
- 286 7. Farm equipment and supplies sales establishment.
- 287 8. Repair, small household appliance.
- 288 9. Hotel/motel.

289

- 290 10. Automobile sales.
- 291 11. Flea Markets
- 292 12. Automobile title loan establishments.
- 293 13. Pawn shops.
- 294 14. Salvage yards.
- 295 15. Gasoline service stations.
- 296 16. Automobile repair and maintenance, major.
- 297 17. Automobile and truck rental and leasing.
- 298 18. Commercial parking lots.
- 299 19. Automobile wash/wax service.
- 300 20. Check cashing facility.
- 201 21. Automobile emission testing facilities.

- 301 C. *Accessory uses and structures.* The following accessory uses of land and structures
 302 are permitted in Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay
 303 District:
- 304 1. Uses and structures which are customarily incidental and subordinate to the
 305 permitted principal uses and structures in this district.
 - 306 2. Parking lots and parking garages.
 - 307 3. Open space, clubhouse or pool amenity area.
 - 308 4. Signs, in accordance with the provisions of chapter 21 and this chapter.
 - 309
- 310 D. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.
- 311 E. *Height of buildings and structures.* A building or structure in Tier I may exceed the
 312 five-story height limit without the necessity of obtaining a special land use permit. A
 313 parking deck may exceed five (5) stories in height; however, a parking deck cannot
 314 exceed ten (10) stories in height either as a separate deck structure or as part of an
 315 office building.
- 316 F. *Density.* No development in Tier I may exceed a FAR of three and one-half (3.5),
 317 unless it also provides additional public space or other amenities singly, or in
 318 combination as provided in subsection G below.
- 319 G. *Bonus density:* In exchange for providing one (1) or more of the amenities shown in
 320 Table 3.1 an applicant may receive a density bonus as provided in Table 3.1, not to
 321 exceed a total FAR of six (6.00).

322 **Table 3.1. Bonus FAR: Tier I**

323

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 (10%) of the gross floor area of the building.	0.25

324

Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5
--	-----

- 325
- 326
- 327 E. *Required parking.* Required parking may be provided through a combination of off-
 328 street, on- street, or shared parking provided that all required parking must be located

329 within seven hundred (700) feet of the principal entrance of the buildings the parking is
330 intended to serve. The minimum number of required parking spaces shall be as provided
331 in article 6, except as follows:

- 332 1. Retail uses, personal service uses, and other commercial and general business uses,
333 including food stores: Minimum of four (4) spaces per one thousand (1,000) square
334 feet of gross floor area.
- 335 2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square
336 feet of gross floor area.
- 337 3. Hotel and motel uses: Minimum of one (1) space per unit.
- 338 4. Multifamily residential uses-Minimum of one and one-quarter (1.25) spaces per
339 dwelling unit.

340 F. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least
341 five (5) feet in width with the exception of sidewalks along streets and in front of
342 proposed high-rise buildings which must be at least ten (10) feet in width.
343

344 Sec. 3.5.1. - Mid-Rise Mixed-Use Zone (Tier II Zone).

345
346 A. *Permitted principal uses and structures.* The principal uses of land and structures
347 allowed in the Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay
348 District are as provided below:

- 349
350 1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I
351 (Office Institutional) District, O-D (Office-Distribution) District, and HR-2
352 (High Density Residential) District except those listed in B., below.
353
354

355 B. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier
356 II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

- 357 1. Kennels.
- 358 2. Storage yards.
- 359 3. Tire retreading and recapping.
- 360 4. Sexually oriented businesses.
- 361 5. Outdoor storage.
- 362 6. Farm equipment and supplies sales establishment.
- 363 7. Repair, small household appliance.
- 364 8. Hotel/motel.
- 365 9. Automobile sales.
- 366 10. Flea Markets
- 367 11. Automobile title loan establishments.
- 368 12. Pawn shops.
- 369 13. Salvage yards.
- 370 14. Automobile repair and maintenance, major and minor.
- 371 15. Gasoline service stations.
- 372 16. Automobile and truck rental and leasing .

- 373 17. Commercial parking lots.
 374 18. Automobile wash/wax service .
 375 19. Late-night establishments
 376 20. Nightclubs
 377 21. Check cashing facility.
 378 22. Automobile emission testing facilities.
- 379 C. *Accessory uses and structures.* The following accessory uses of land and structures are
 380 permitted in Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District.
- 381 1. Uses and structures which are customarily incidental and subordinate to the
 382 permitted principal uses and structures in this district.
 383 2. Parking lots and parking garages.
 384 3. Open space, clubhouse or pool amenity area.
 385 4. Signs, in accordance with the provisions of chapter 21 and this chapter.
 386
 387
- 388 G. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.
- 389 D. *Height of buildings and structures.* A building or structure in Tier II can have a maximum
 390 height of ten (10) stories. A parking deck may exceed five (5) stories in height; however,
 391 a parking deck may not exceed ten (10) stories either as a separate deck structure or as
 392 part of an office building.
- 393
 394 E. *Density:* No development in Tier II may exceed a FAR of two and one half (2.5), unless it
 395 also provides additional public space or other amenities singly, or in combination as
 396 provided in subsection G, below.
 397
- 398 G. *Bonus density:* In exchange for providing one (1) or more of the amenities shown in
 399 Table 3.2 an applicant may receive a density bonus as provided in Table 3.2, not to
 400 exceed a total FAR of four (4.00).

401 **Table 3.2. Bonus FAR: Tier II**
 402

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 (10%) of the gross floor area of the building.	0.25

¹ Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5
---	-----

403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441

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 seven hundred (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 (4) spaces per one thousand (1,000) square feet of gross floor area.
2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square feet of gross floor area.
3. Hotel and motel uses: Minimum of one (1) space per unit.
4. Multifamily residential uses-Minimum of one and one and one-quarter (1.25) spaces per dwelling unit.

I. 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 (5) feet in width.

Sec. 3.5.16. - 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.
4. Sexually oriented businesses.
5. Outdoor amusement service facility.
6. Outdoor storage.
7. Automobile repair, major and minor.

- 442 8. Hotel/motel.
- 443 9. Automobile sales.
- 444 10. Temporary outdoor sales.
- 445 11. Pawn shops.
- 446 12. Liquor stores.
- 447 13. Nightclubs.
- 448 14. Late-night establishments.
- 449 15. Car wash.
- 450 16. Self-storage.
- 451 17. Funeral home.
- 452 18. Mortuary.
- 453 19. Crematorium.
- 454 20. Farm equipment and supplies sales establishment.
- 455 21. Repair, small household appliance.
- 456 22. Salvage yard.
- 457 23. Automobile service stations, except automobile service stations over 4,000 square
- 458 feet with special land use permit.
- 459 24. Commercial parking lot.
- 460 25. Check cashing facility.
- 461 26. Automobile emission testing facilities.
- 462

463 C. *Accessory uses and structures.* The following accessory uses of land and structures shall
464 be authorized in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay
465 District:

- 466 1. Uses and structures which are customarily incidental and subordinate to the
- 467 permitted principal uses and structures in this district.
- 468 2. Parking lots and parking garages.
- 469 3. Clubhouses, including meeting rooms or recreation rooms.
- 470 4. Swimming pools, tennis courts, and other recreation areas and similar amenities.
- 471

472 D. *Building setbacks.* The following building setback requirements shall apply to all
473 structures in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay
474 District:

- 475 1. *Minimum front yard setback:* Fifteen (15) feet from right-of-way of public street, except
- 476 that front-facing garages of residential units shall be set back a minimum of twenty-five
- 477 (25) feet from rights-of-way.
- 478 2. *Minimum interior side yard:* Ten (10) feet. There shall be a minimum of fifteen
- 479 (15) feet between buildings and structures less than two (2) stories in height and
- 480 a minimum of twenty (20) feet between any two (2) buildings and structures
- 481 when one (1) of them is greater than two (2) stories in height.
- 482 3. *Minimum rear yard:* Ten (10) feet.

483 E. *Height of buildings and structures.* Maximum height, three (3) stories

- 484 a.

- 485 I. *Density*: No development in Tier III may exceed thirty (30) dwelling units per
 486 acre and a combined FAR of one and a half (1.5), unless it also provides
 487 additional public space or other amenities singly, or in combination as provided in
 488 subsection G, below.
 489 G. *Bonus density*: In exchange for providing one (1) or more of the amenities shown in
 490 Table 3.3 an applicant may receive a density bonus as provided in Table 3.3, not to
 491 exceed a total FAR of three (3.00).

492 **Table 3.3 Bonus FAR: Tier III**
 493

Additional Amenity	Increased FAR
Increase public space to 25% while providing connectivity	0.5
I Increase public space to 30 % while providing connectivity	1.0
I 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
I Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

- 494
 495 H. *Required parking*. Required parking may be provided through a combination of off-
 496 street, on- street, or shared parking. All required parking must be located within
 497 seven hundred (700) feet of the principal entrance of the building that the parking is
 498 intended to serve. The minimum number of required parking spaces must be as
 499 provided in article 6, except as follows:
 500
 501 1. Retail uses, personal service uses, and other commercial and general business
 502 uses, including food stores: Minimum of four (4) spaces per one thousand (1,000)
 503 square feet of gross floor area.
 504 2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000)
 505 square feet of gross floor area.
 506 3. Hotel and motel uses: Minimum of one (1) space per unit.
 507 4. Multifamily residential uses-Minimum of one and one-half (1.5) spaces per
 508 dwelling unit.
 509 I. *Parking space area requirements*. Parking space area requirements must comply with
 510 the provisions of section 6.1.3.

511 J. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least
512 five (5) feet in width.

513 K. *New or used motor vehicle dealers.* New or used motor vehicle dealers are authorized
514 in Tier III of the Stonecrest Overlay District only if they comply with the following
515 requirements:

516 New or used motor vehicle dealers must be located on a parcel with a lot area of no less
517 than three (3) acres, and must contain at least six thousand (6,000) square feet of building
518 floor space.

519 New or used motor vehicle dealers must provide vegetative screening along any
520 automobile display areas that abut a public right-of-way. Said vegetative screening shall be
521 located outside any guard rails or security fencing abutting such public right-of-way.
522 Within three (3) years of planting, the vegetative screening must be of sufficient height to
523 screen all guard rails or security fencing abutting the public right-of-way. Planting
524 materials shall be subject to the approval of the City of Stonecrest Arborist.

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

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

532

533

534 Sec. 3.5.15.1. -Transitional Mixed-Use Zone (Tier IV).

535

536 A. *Statement of purpose and intent.* The intent of this tier is to encourage mixed use
537 development in a well-planned community and encourage principally office,
538 residential and commercial uses to serve the convenience needs of the local
539 community. This tier provides an economic balance to the other Stonecrest Area
540 Compatible Use Overlay District development categories which focus more on retail
541 uses.

542

543 B. *Mixed use requirements.* All properties in Tier IV which are proposed for new
544 development shall comply with the minimum requirements of this mixed use
545 development category. Permits for repairs, interior alterations or tenant buildout
546 improvements that do not alter the exterior appearance or the building footprint of
547 the structure shall be exempt from the requirements of this division. Properties in
548 Tier IV shall contain a minimum of two (2) principal uses and any residential use
549 shall not exceed seventy (70) percent of the total floor area. The mixed use
550 development may be combined vertically or horizontally in one (1) or more
551 buildings or may be provided in separate buildings or areas within a mixed-use
552 development. A minimum of one residential and one non-residential use must be
553 selected.

554

555 C. *Permitted principal uses and structures.* The principal uses of land and structures which
556 are allowed in the Tier IV: Transitional Mixed-Use Zone are as is provided below:
557

558 1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office
559 Institutional) District, OCR (Office-Commercial-Residential) District, and RM-
560 HD (High Density Residential) District except those listed in B., below.
561

562 Single-family attached detached units that are part of a master planned community so long
563 as such single-family detached units are part of a mixed-use development and the
564 development provides opportunities for lifelong and aging-in-place communities as defined
565 by the Atlanta Regional Commission.

566 D. *Prohibited uses.* The following principal uses of land and structures are prohibited in
567 Tier IV: Transitional Mixed-Use Zone:

- 568 1. Kennels.
- 569 2. Tire retreading and recapping.
- 570 3. Sexually oriented businesses.
- 571 4. Outdoor amusement services facilities.
- 572 5. Outdoor storage.
- 573 6. Farm equipment and supplies sales establishments.
- 574 7. Repair, small household appliance.
- 575 8. Hotel/motels.
- 576 9. Automobile title loan establishments.
- 577 10. Pawn shops.
- 578 11. Liquor stores.
- 579 12. Salvage yards.
- 580 13. Automobile repair and maintenance, major.
- 581 14. Automobile wash/wax service.
- 582 15. Nightclubs.
- 583 16. Late-night establishments.
- 584 17. Check cashing facility.
- 585 18. Automobile emission testing facilities.
- 586 19. Car wash, self-service.
- 587 20. Self-storage.
- 588 21. Funeral home.
- 589 22. Crematorium.
- 590 23. Mortuary.

591
592 E. *Accessory uses and structures.* The following accessory uses of land and structures
593 are permitted in Tier IV: Transitional Mixed-Use Zone:

- 594 a. Uses and structures which are customarily incidental and subordinate to the
595 permitted principal uses and structures in this district.
- 596 b. Open space, clubhouse or pool amenity area.
- 597 c. Parking lots and decks.
- 598 d. Signs, in accordance with the provisions of chapter 21 and this chapter.

599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640

- F. *Mixed-use developments: Lot width, lot area and setbacks.*
 - 1. *Lot width and area.* All lots shall have at least one hundred (100) feet of frontage as measured along the public street frontage.
 - a. Minimum lot area: One (1) acre.
 - 2. *Setback requirements.*
 - 1. *Front yard.* Minimum of zero (0) feet and a maximum of twenty (20) feet to allow for architectural features, outdoor seating, and other project site amenities.
 - 2. *Side yard.* Minimum of zero (0) feet and a maximum of twenty (20) feet to allow for architectural features, outdoor seating, plazas and other project site amenities.
 - 3. *Rear yard.* Minimum of twenty (20) feet.
 - 4. *Interior side yard.* Minimum of zero (0) 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 twenty (20) feet.
- H. *Single-family detached units: Lot width, lot area and setbacks.*
 - 1. *Lot width and area.* All lots must have at least fifty (50) feet of frontage as measured along the public street frontage.
 - a. *Minimum lot area.* Five thousand (5,000) square feet.
 - 2. *Setback requirements.*
 - a. *Front yard.* Minimum of ten (10) feet and a maximum of twenty (20) feet.
 - b. *Side yard.* Minimum of ten (10) feet.
 - c. *Interior side yard.* Minimum of five (5) feet.
 - d. *Rear yard.* Minimum of thirty (30) feet.
- H. *Single-family attached units: Lot width, lot area and setbacks.*
 - l. *Lot width and area.* All lots must have at least thirty (30) feet of frontage as measured along the public street frontage.
 - m. *Minimum lot area.* Three thousand (3,000) square feet. Maximum of eight (8) units or two hundred forty (240) feet.
 - 2. *Setback requirements:*
 - a. Front yard: Minimum of five (5) feet and a maximum of twenty (20) feet.
 - b. Side yard: Minimum of ten (10) feet between buildings.
 - c. Rear yard: Minimum of ten (10) 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 sixty (60) feet apart. Structures which are side face to side face shall not be less than twenty (20) feet apart. Structures which are side face to front face or back face shall be not less than forty (40) feet apart.
 - I. *Height of buildings and structures.* The maximum height of any mixed-use building or structure shall not exceed five (5) stories or seventy-five (75) feet. Buildings in

641 excess of three (3) stories must be approved by the director of planning to assure
 642 adequacy of fire protection facilities and services. The maximum height of any
 643 residential single-family detached building or structure shall not exceed a height of
 644 thirty-five (35) feet and shall not exceed two stories.

645
 646 J. *Density and floor area ratios.* Multifamily dwellings may be developed at a density
 647 not exceeding thirty (30) dwelling units per acre and the combined floor area ratio for
 648 any development shall not exceed one and one-half (1.50).

649 1. *Density bonus.* The maximum allowable FAR of a building or development in Tier
 650 IV shall be increased to a FAR not to exceed a total of three (3.0) if one (1) or
 651 more of the additional amenities is provided as described in the table below:
 652

653 **Table 3.4 Bonus FAR: Tier IV**
 654

Additional Amenity	Increased FAR
Increase public space to twenty five (25) percent while providing interparcel access for pedestrians and vehicles.	0.5
Increase public space to thirty (30) percent while providing interparcel access for pedestrians and vehicles.	1.0
I 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 (10) percent of the gross floor area of the building.	0.25
I Mixed-use building that includes multifamily residential units constituting at least eight (8) units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

655
 656 L. *Required parking.* Required parking may be provided through a combination of off-
 657 street, on- street, or shared parking. All required parking must be located within
 658 seven hundred (700) feet of the principal entrance of the building the parking is
 659 intended to serve. The minimum number of required parking spaces must be as
 660 provided in the underlying zoning district regulations for the lot except as follows:

- 661 1. Retail uses, personal service uses, and other commercial and general business
 662 uses, including food stores: Minimum of four (4) spaces per one thousand
 663 (1,000) square feet of gross floor area.
 664 2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000)
 665 square feet of gross floor area.

- 666 3. Hotel and motel uses: Minimum of one (1) space per unit.
667 4. Multifamily residential uses-Minimum of one and one-half (1.5) spaces per
668 dwelling unit.
669 5. Parking space area requirements shall comply with the provisions of section 6.1.3.
670 6. Single-family detached residential dwelling units shall have two (2) spaces per
671 unit. Garages and any surface parking areas are to be accessed by shared
672 driveways located at the rear of the residential structure. Garages that face the
673 public right-of-way shall be setback a minimum of twenty (20) feet.

674 N. *Sidewalks*. Sidewalks must be at least five (5) feet in width and must be provided along
675 the right-of-way of all public streets.

676 Sec. 3.5.15.2. - Cluster Village Mixed-Use Zone (Tier V).

677

678 A. *Statement of purpose and intent*. The primary intent of Tier V is to encourage single-
679 family detached residential developments with associated neighborhood commercial
680 and office uses to serve the convenience needs of the local community in a village or
681 cluster concept. This tier provides for the preservation of open space while allowing
682 compatible development that complements the other Stonecrest Overlay District
683 development categories. Tier V also seeks to preserve the rural and scenic beauty of
684 Arabia Mountain Preserve while providing flexibility to allow for creativity in site
685 design and development. The goal of Tier V is to minimize the environmental and
686 visual impacts of new development on natural resources and historically and culturally
687 significant sites and structures while encouraging residential and neighborhood
688 commercial development in a well planned community.

689

690 B. *Permitted principal uses and structures*. All properties in Tier V shall be governed by
691 all of the underlying zoning district regulations and the requirements of this section.
692 In addition, all properties in Tier V may be used for the following principal uses of
693 land and structures:

694

695

696

697

698

699

700

701

702

703

704

705

706

707

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.
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
recreation, indoor.
11. Office/medical.
Personal services establishment.

708

709

C. *Accessory uses and structures*. The following accessory uses of land and structures
shall be authorized in Tier V: Cluster Village Mixed-Use Zone

- 710 1. Uses and structures which are customarily incidental and subordinate to the
711 permitted principal uses and structures in this district.
712 2. Open space, clubhouse or pool amenity area.
713

714 D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier
715 V: Cluster Village Mixed-Use Zone:

- 716 1. Kennels.
717 2. Junkyard.
718 3. Tire retreading and recapping.
719 4. Sexually oriented businesses.
720 5. Go-cart concession.
721 6. Outdoor storage.
722 7. Automobile repair, major.
723 8. Hotel/motel.
724 9. Automobile sales.
725 10. Temporary outdoor sales.
726 11. Pawn shops.
727 12. Liquor stores.
728 13. Nightclubs
729 14. Late-night establishments.
730 15. Car wash, self service.
731 16. Self-storage.
732 17. Funeral home.
733 18. Mortuary.
734 19. Crematorium.
735 20. Farm equipment and supplies sales establishment.
736 21. Multifamily dwelling unit.
737

738 E. *Lot width, lot area and setbacks.*

- 739 1. All single-family detached residential dwellings located on Klondike Road,
740 Plunkett Road or Rockland Road must have a minimum of one hundred (100)
741 feet of frontage as measured along the public street frontage.
742 a. *Minimum lot area.* Fifteen thousand (15,000) square feet.
743 b. *Minimum setback requirements.*
744 i. *Front yard.* Thirty-five (35) feet.
745 ii. *Side yard.* Thirty-five (35) feet.
746 iii. *Rear yard.* Forty (40) feet.
747 iv. *Interior side yard.* Ten (10) feet.
748 2. All single-family detached residential lots which are located on new roadways
749 must have a minimum of fifty (50) feet of frontage as measured along the public
750 street frontage.
751 a. *Minimum lot area.* Five thousand (5,000) square feet.

- 752 b. *Minimum setback requirements.*
753 i. *Front yard.* Minimum of ten (10) feet and a maximum of twenty-five
754 (25) feet.
755 ii. *Side yard.* Fifteen (15) feet.
756 iii. *Rear yard.* Twenty (20) feet.
757 iv. *Interior side yard.* Five (5) feet.
758
759 3. Reserved.
760 4. Office and commercial uses may not be located along Klondike or Rockland Road.
761 Any uses otherwise authorized in Tier V shall be clustered together in a "village" or
762 "hamlet" setting and must include convenient access to neighboring residential
763 communities in a manner that preserves the open space on the lot. Such uses must be
764 developed in a manner that also preserves the rural and scenic nature of Tier V and is
765 compatible with the natural design and forestation of the Arabia Mountain Preserve.
766 Such uses must be developed in a manner that minimizes the environmental and
767 visual impact of new development on the existing natural landscape and the
768 historically and culturally significant sites and structures. To the extent possible,
769 developments must be constructed in a manner that preserves the bucolic nature and
770 farming community appearance of Tier V.

771 a. Office and commercial uses must be a maximum of two thousand five hundred
772 (2,500) square feet per tenant space.
773 b. Single-use structures must be a maximum of ten thousand (10,000) square feet.
774 c. Lot width and lot area. Office and commercial lots must be a minimum of
775 twenty thousand (20,000) square feet. *y*

776 F. *Height of buildings and structures.* No building or structure may exceed thirty-five (35)
777 feet in height or two (2) stories whichever is less.
778 G. *Required parking.* The minimum number of required parking spaces must be as provided
779 in the underlying zoning district regulations except as follows:

780 1. Residential, single-family detached: Minimum of two (2) spaces.
781 2. Retail uses, personal service uses, and other commercial and general business uses,
782 including food stores: Minimum of four (4) spaces per one thousand (1,000) square
783 feet of gross floor area.
784 3. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square
785 feet of gross floor area.
786 4. Parking space area requirements must comply with the provisions of section 6.1.3.

787 H. *Sidewalks.* A landscape strip must be provided between the curb and the pedestrian travel
788 lane in compliance with land development standards. Sidewalks must be provided along
789 the right-of-way of all public streets.

790 Sec. 3.5.15.3. – Viewshed Zone (Tier VI).

791 A. *Statement of purpose and intent.* The intent of Tier VI is to promote uniform and visually
792 aesthetic development which serves to unify the distinctive visual quality of the Stonecrest
793 Area Overlay District.

794 B. *Permitted principal uses and structures.* The permitted principal uses of land and
795 structures for property in Tier VI shall be governed by all of the underlying zoning district
796 regulations.

797 C. *Accessory uses and structures.* The permitted accessory uses and structures for property
798 in Tier VI shall be governed by the underlying zoning district.

799 D. *Prohibited uses.* The following principal uses of land and structures are prohibited in
800 Tier V: Viewshed Zone:

801

802 1. Sexually oriented businesses.

803 2. Pawn shops.

804 4. Package stores.

805 5. Check cashing facility.

806 E. *Lot width, lot area and setbacks.* Lot width, lot area and setbacks of property in Tier VI
807 shall be governed by the underlying zoning district.

808 F. *Height of buildings and structures.* The height of buildings and structures on property
809 within Tier VI shall be governed by the underlying zoning district.

810 G. *Required parking.* The minimum number of required parking spaces of property in Tier
811 VI shall be governed by the underlying zoning district.

812 H. *Sidewalks.* A landscape strip must be provided between the curb and the pedestrian travel
813 lane in compliance with land development standards. Sidewalks must be provided along the
814 right-of-way of all public streets.

815

816 Sec. 3.5.16. - Shared parking.

817

818 Shared parking is encouraged and may be authorized by the director of planning. Applicants
819 may make application to the director of planning for authorization for a special exception for
820 shared parking. Said applications shall be considered and decided by the director of planning
821 pursuant to the standards and procedures set forth in section 7.6.5.

822 Sec. 3.5.17. -Permits for uses.

823

824 Any use authorized by this division shall require that a development permit be issued before
825 property improvements can be made in accordance with section 7.7.2 and a building permit
826 required in accordance with the provisions of section 7.7.3.

827

828 Sec. 3.5.18. - Design guidelines.

829

830 The Stonecrest Overlay District Design Guidelines dated May 2008 in DeKalb County, shall
831 apply to all uses and structures within the Stonecrest Overlay District and shall be maintained
832 by the planning director and available for public inspection. The design guidelines provide
833 acceptable minimum standards to guide design and development within this overlay district.
834 The planning director or designee is authorized to create, administer, and amend design
835 guidelines for the Stonecrest Area Overlay District. These guidelines provide acceptable
836 architectural design controls, landscaping, detail drawings, signage, fencing, lighting, street and

837 site furniture, and grating criteria. These guidelines shall be used to promote proper design
838 criteria and shall guide the planning director or designee in deciding whether a proposed design
839 complies with the requirements of the Stonecrest Area Overlay District.

840
841 Sec. 3.5.19. - Plans required; certificates of compliance.

- 842
843 A. *Plans required.* Prior to the issuance of any land disturbance permit, building permit, or
844 sign permit, the applicant shall submit to the director of planning an application which
845 shall include a conceptual plan package as defined by this chapter which shall demonstrate
846 that the proposed design is in compliance with all of the requirements of this Stonecrest
847 Overlay District and the underlying zoning classification.
- 848 B. *Fees.* Plans shall be accompanied by an application and payment of a fee in an amount
849 determined by the City of Stonecrest City Council.
- 850 C. *Review.* The director of planning shall review each application for compliance with
851 all requirements of the Stonecrest Overlay District and the underlying zoning
852 classification. Where the director determines that said plans comply with the requirements
853 of the Stonecrest Overlay District a certificate of compliance shall be issued in the form
854 of the director or the director's designee signing the plans and drawings after which the
855 applicant shall then apply for land disturbance, building or signs permits. Where the
856 director determines that said plans do not comply with the requirements of this chapter,
857 then the director shall notify the applicant in writing stating the manner in which said
858 applicant fails to comply with such requirements. All applications shall be considered and
859 decided by the director of planning within thirty (30) days of receipt of a complete
860 application. Any appeal of the director of planning's decision in this regard shall be to the
861 zoning board of appeals pursuant to section 7.5.2.

862
863 Sec. 3.5.20. - Conceptual plan package review.

- 864
865 i. The conceptual plan package must be composed of the following:
- 866 1. A narrative addressing the proposed development explaining how it meets the
867 purpose, intent, and standards of this chapter. The narrative shall include a tabulation
868 of the approximate number of acres in each land use, the approximate number of
869 dwelling units by type, the approximate gross residential density, the approximate
870 commercial density, the approximate public space acreage, the anticipated number,
871 type and size of recreational facilities and other public amenities; the legal
872 mechanism for protecting and maintaining public space, as required in section
873 3.5.5.A.1.;
 - 874 2. A site location map showing the proposed development, abutting property, the
875 relationship of the proposed development to surrounding natural features and existing
876 development, and transitional buffer zones, if required; and
 - 877 3. A multi-modal access plan meeting the requirements of section 3.5.12.
- 878
879
880 B. The plan to be submitted in the conceptual plan package must contain the
881 following information:

- 882 1. Six (6) copies of a plan drawn to a designated scale of not less than one inch
883 equals one hundred feet (1"=100'), certified by a professional engineer or
884 land surveyor licensed by the State of Georgia, presented on a sheet having
885 a maximum size of twenty-four (24) inches by thirty-six (36) inches, and
886 one (1), eight and one-half-inch by eleven-inch reduction of the plan. If
887 presented on more than one (1) sheet, match lines must clearly indicate
888 where the several sheets join. Such plan must contain the following
889 information:
- 890 i. Boundaries of the entire property proposed to be included in the
891 development, with bearings and distances of the perimeter property lines.
 - 892 ii. Scale and north arrow, with north, to the extent feasible, oriented to the
893 top of the plat and on all supporting graphics.
 - 894 iii. Location and approximate dimensions in length and width, for landscape
895 strips and required transitional buffers, if any.
 - 896 iv. Existing topography with a maximum contour interval of five (5) feet and a
897 statement indicating whether it is an air survey or field run.
 - 898 v. Approximate delineation of any floodplain designated by the Federal
899 Emergency Management Agency, United States Geological Survey, or
900 City of Stonecrest.
 - 901 vi. The delineation of any jurisdictional wetlands as defined by Section 404 of
902 the Federal Clean Water Act.
 - 903 vii. Approximate delineation of any significant historic or archaeological
904 feature, grave, object or structure marking a place of burial if known, and a
905 statement indicating how the proposed development will impact it.
 - 906 viii. A delineation of all existing structures and whether they will be retained or
907 demolished.
 - 908 ix. General location, in conceptual form, of proposed uses, lots, buildings,
909 building types and building entrances.
 - 910 x. Height and setback of all buildings and structures.
 - 911 xi. Approximate areas and development density for each type of proposed use.
 - 912 xii. Location, size, and number of all on-street and off-street parking spaces,
913 including a shared parking analysis, if shared parking is proposed.
 - 914 xiii. Identification of site access points and layout, width of right-of-way and
915 paved sections of all internal streets.
 - 916 xiv. Conceptual plans for drainage with approximate location and estimated
917 size of all proposed stormwater management facilities and a statement as
918 to the type of facility proposed.
 - 919 xv. Development density and lot sizes for each type of use.
 - 920 xvi. Areas to be held in joint ownership, common ownership or control.
 - 921 xvii. Identification of site access points and layout, width of right-of-way and
922 paved sections of all internal streets.

- 923 xviii. Location of proposed sidewalks and bicycle facilities trails, recreation
924 areas, parks, and other public or community uses, facilities, or structures
925 on the site.
926 xix. Conceptual layout of utilities and location of all existing or proposed
927 utility easements having a width of twenty-five (25) feet or more.
928 xx. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and
929 gutters, greenspace areas, fencing, grating, street furniture, bicycle lanes, streets,
930 alleys, and other public improvements demonstrating compliance with the design
931 guidelines for the Stonecrest Area Overlay District.
932 xxi. Seal and signature of professional preparing the plan.
933

934 **Section 2:**

935 That the Official Zoning Map of the City of Stonecrest established in connection with the Zoning
936 Ordinance of the City of Stonecrest be changed in accordance with Exhibit A, attached hereto
937 and incorporated by reference.

938 **Section 3:**

- 939 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
940 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
941 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
942 constitutional.
943
944 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
945 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
946 phrase of this Ordinance is severable from every other section, paragraph, sentence,
947 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
948 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
949 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
950 section, paragraph, sentence, clause or phrase of this Ordinance.
951
952 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
953 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
954 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
955 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
956 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
957 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
958 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
959 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
960 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
961
962 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
963 are hereby expressly repealed.
964
965 5. The within ordinance shall become effective upon its adoption.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2019- 11-001

966
967
968
969

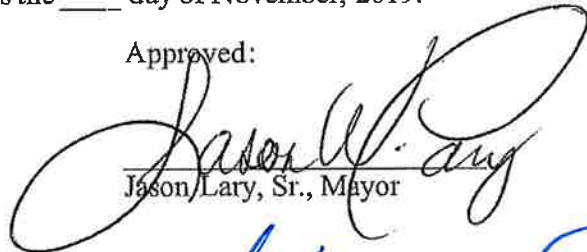
970

971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987

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

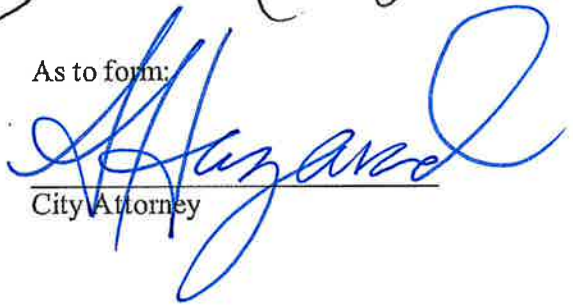
SO ORDAINED AND EFFECTIVE this the ____ day of November, 2019.

Approved:



Jason Lary, Sr., Mayor


As to form:



City Attorney



Attest:



Megan Reid, City Clerk

ASBURY
AUTOMOTIVE GROUP

Atlanta Real Estate Holdings, LLC
2905 Premiere Parkway, Suite 300
Duluth, GA 30097

June 18, 2021

City of Stonecrest
3120 Stonecrest Blvd #100
Stonecrest, GA 30038

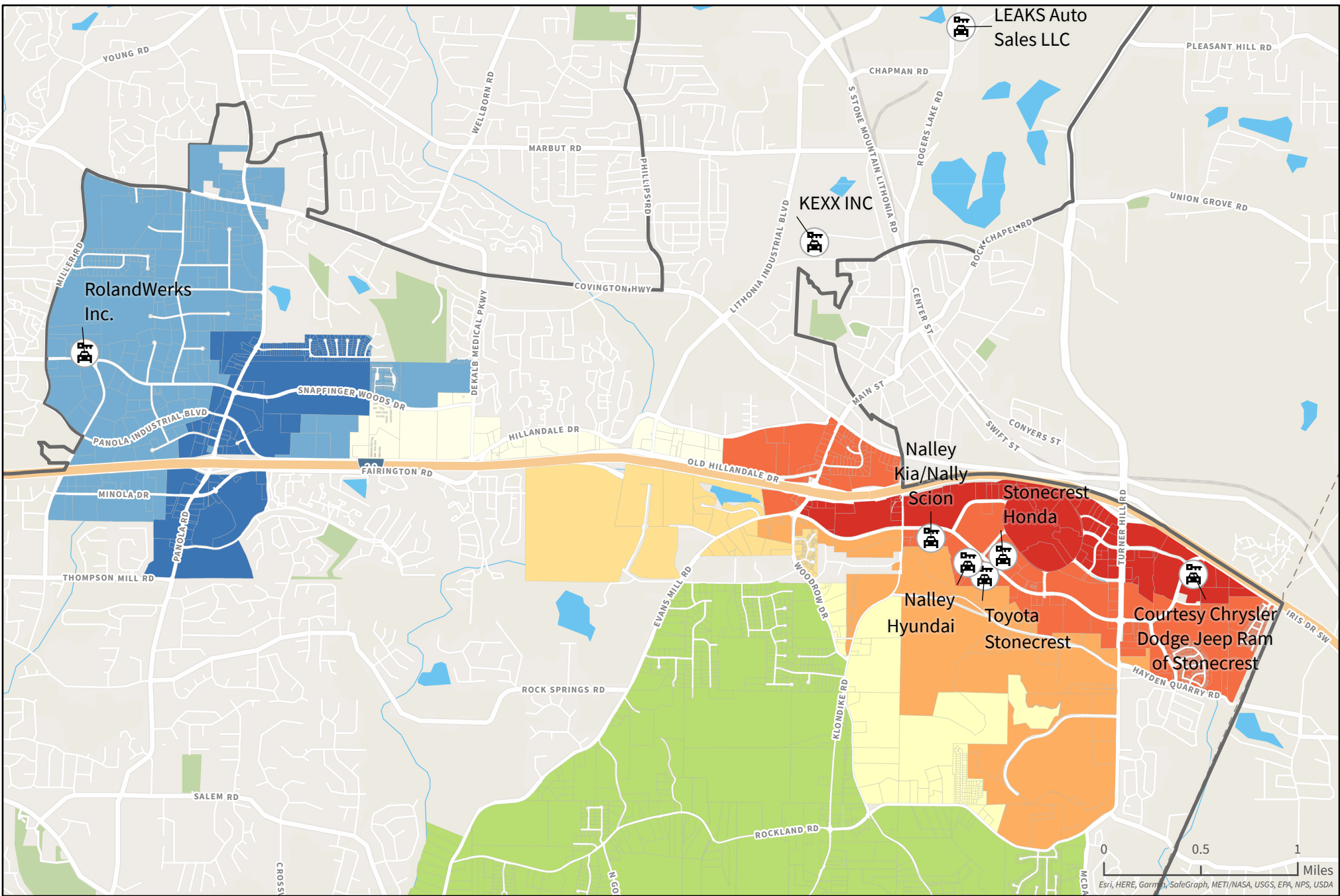
To the City of Stonecrest:

Atlanta Real Estate Holdings, LLC, would like this letter to serve as the formal Letter of Intent to the City of Stonecrest for a modification to the current City of Stonecrest Ordinances to allow automobile dealerships and any buildings housing their auxiliary support operations within the limits of the City of Stonecrest/Stonecrest Overlay District on properties under their current ownership.

Respectfully Yours,












Amy V Nostrom
Construction Project Manager
Asbury Automotive Group
2905 Premiere Parkway, Suite 300
Duluth, GA 30097
anostrom@asburyauto.com
770-418-8266 o
704-281-4059 c
770-234-5455 f

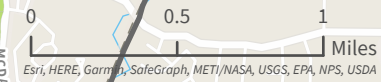


AUTO DEALERSHIPS

STONECREST, GA

- | | | | | | |
|---|----------------------------------|---|-----------------------|---|--------------------------------|
|  | ARABIA MOUNTAIN OVERLAY DISTRICT |  | STONECREST OVD TIER 1 |  | STONECREST OVD TIER 4 |
|  | I-20 OVERLAY DISTRICT TIER 1 |  | STONECREST OVD TIER 2 |  | STONECREST OVD TIER 5 |
|  | I-20 OVERLAY DISTRICT TIER 2 |  | STONECREST OVD TIER 3 |  | STONECREST TIER 6 - VIEWSHED |

Overlay Zoning



TMOD-21-005 – Attachment 4

Proposed supplemental regulations for automotive and truck sales

Sec. 4.2.14. - Automotive sales and service; boat, trailer sales and service.

- A. *Automobile and truck sales.* ~~Where a lot is used for automobile or truck and trailer sales, 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. No other unrelated retail use shall be on the same property or in the same building with automobile and truck sales. The automobile and truck sales lot shall be on a lot no less than one acre in area.~~
1. The automobile and truck sales lot shall be on a lot no less than five acres in area.
 2. 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.
 3. Motor vehicles for sale shall be parked in marked, striped spaces only, and only in areas designated for the display of vehicles for sale.
 4. All vehicles in sales lots are always in operating condition.



CITY COUNCIL AGENDA ITEM

(1) Attachment 1 - TMOD-21-006 Staff Report

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

ORDINANCE **RESOLUTION** **CONTRACT** **POLICY** **STATUS REPORT**
 OTHER, PLEASE STATE:

ACTION REQUESTED: **DECISION** **DISCUSSION ONLY**

Date Submitted: Thursday, July 29, 2021

Current Work Session: Monday, August 9, 2021

Current Council Meeting:

Previously Heard Date(s):

SUBMITTED BY: Jim Summerbell, AICP – Planning & Zoning Director

PRESENTER: Jim Summerbell

PURPOSE: Update City Council on action taken on TMDO-21-006 by the Planning Commission on August 3, 2021, in preparation of the August 23, 2021 Regular City Council Meeting when the item will be presented as an action item.

FACTS: Planning and Zoning Department is requesting a text modification to the Stonecrest Zoning Ordinance replacing outdated references in Chapter 27, Article 3, Division 5 Stonecrest Area Overlay District text to the OCR (Office-Commercial-Residential) District with MU-4 (Mixed Use High Density) District, and to RM-HD (Multifamily Resident High Density District) with HR-2 (High Density Residential District).

OPTIONS: N/A, Discussion Only

RECOMMENDED ACTION: None at this time.

ATTACHMENTS: **SUBJECT: TMOD-21-006**



PLANNING COMMISSION STAFF REPORT

MEETING DATE: August 3, 2021

GENERAL INFORMATION

- Petition Number:** TMOD 21-006
- Applicant:** Stonecrest Planning and Zoning Department
- Project Location:** City-Wide
- Proposed amendment:** Replacing outdated references in Article 3, Division 5, Stonecrest Overlay District text to the OCR (Office-Commercial-Residential) District with MU-4 (Mixed Use High Density) District, and references to the RM-HD (Multifamily Resident High Density) District with HR-2 (High Density Residential-2) District.

FACTS AND ISSUES:

When the Stonecrest Area Overlay was adopted by the City in 2017 and even when it was amended in November 2019, it included some references to some old DeKalb County Zoning Districts that have been renamed and modified in the Stonecrest Zoning Ordinance. Though the transitional provisions of the Stonecrest Zoning Ordinance, Sec 1.1.11, Table 1.1 recognizes the conversion of prior zoning districts to new established ones, and in particular the conversion of OCR to MU-4 and RM-HD to HR-2, which does protect the city from any misinterpretation of the Overlay, staff recommends that for the sake of the readability and avoid any unnecessary confusion these earlier references should be updated.

In particular, these changes relate to Section 3.5.15.1 – Transitional mixed use zone (Tier IV), subsection C.1. The text should be amended as follows and as indicated in strikethrough and underline:

C. Permitted Principal uses and structures. The principal uses of land and structures shall be authorized in mixed-use developments within Tier IV:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, ~~OCR (Office-Commercial-Residential)~~ MU-4



PLANNING COMMISSION STAFF REPORT

(Mixed Use High Density) District, and ~~RM-HD (High Density Residential) HR-2~~
(High Density Residential-2) District except those listed in ~~B. D.~~, below.

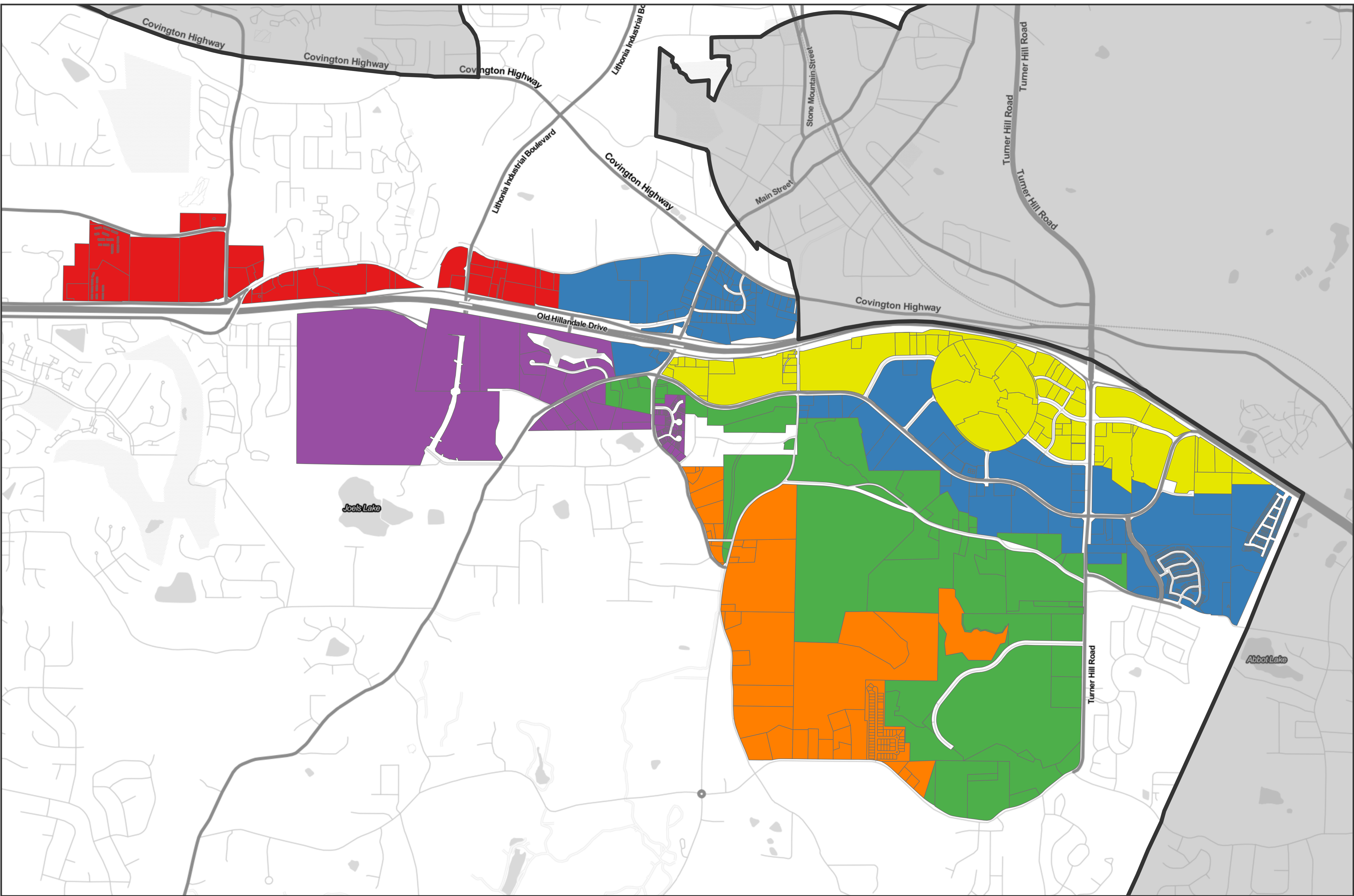
Note that staff recommendations also address an incorrect reference to the prohibited uses listed in section D. The amended text referred to section B which the section numbering in the other Tiers of the Overlay used for Prohibited Uses, but did not apply in Section 3.1.15.

OPTIONS: Table, Deny, Approve, Approve with modifications

RECOMMENDED ACTION: Recommend Approval to the City Council

ATTACHMENTS:

(1) Ordinance 2019-11-001, Stonecrest Area Overlay text and map as approved by City Council in November 2019, see lines 559 and 560 on page 16 of the PDF.



STONECREST OVERLAY 2038

WORKING MAP

- VIEWSHED
- STV1
- STV2
- STV3
- STV4
- STV5

1 **AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA,**
2 **AMENDING CHAPTER 27, ARTICLE III,**
3

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

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

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

15 **WHEREAS,** the City of Stonecrest recognizes necessity of implementing regulations which
16 protect the health, safety and welfare of its citizens;

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

21 **WHEREAS,** the City of Stonecrest has advertised and held public hearings on October 01,
22 2019 and October 28, 2019 on the adoption of the amendment to Chapter 27,
23 Article III.

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

26 **Section 1:** Chapter 27, Article III of the Code of the City of Stonecrest, Georgia, is hereby
27 amended to read as follows:

28
29 DIVISIONS 2-4. Reserved.

30
31 27-3.5 DIVISION 5 - STONECREST AREA OVERLAY DISTRICT

32
33 Sec. 3.5.1. - Scope of regulations.

34
35 This division establishes standards and procedures that apply to any development, use,
36 alteration, height, density, parking, open space, and building on any lot or portion thereof
37 which is in whole or in part contained within the boundaries of the Stonecrest Area Overlay
38 District.

39
40 Sec. 3.5.2. - Applicability of regulations.

41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83

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.

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;

- 84 L. To protect established residential areas from encroachment of uses which are
85 either incompatible or unduly cause adverse impacts on such communities;
86 M. To protect the health, safety and welfare of the citizens of the City of Stonecrest;
87 N. To promote uniform and visually aesthetic architectural features which serve to
88 unify the distinctive visual quality of the Stonecrest Area Overlay District.
89

90 Sec. 3.5.4. - District boundaries.
91

92 A. The boundaries of the Stonecrest Area Overlay District composed of Tiers I, II, III,
93 IV, V, and VI described in the subparagraph B below, shall be depicted on the official
94 zoning maps entitled "Official Zoning Map, Stonecrest, Georgia, Stonecrest Area Overlay
95 District" (the "Stonecrest Overlay Maps"). The Stonecrest Overlay Maps are to be adopted
96 contemporaneously with this chapter, together with all explanatory information contained
97 or referenced thereon, is hereby adopted by reference and declared to be a part of this
98 chapter.

99
100 B. The Stonecrest Area Overlay District shall be divided into five (5) development tiers
101 as follows:

- 102 1. Tier I: High-Rise Mixed-Use Zone;
103 2. Tier II: Mid-Rise Mixed-Use Zone;
104 3. Tier III: Low-Rise Mixed-Use Zone;
105 4. Tier IV: Transitional Mixed-Use Zone;
106 5. Tier V: Cluster/Village Mixed-Use Zone ; and
107 6. Tier VI : Viewshed Zone

108
109
110 The Stonecrest Overlay Maps shall be adopted contemporaneously with this chapter in
111 digital format and contained on a compact disk to be maintained in its original, unedited
112 and unaltered form by the clerk to the city council. A printed copy of the compact disk's
113 contents depicting the Stonecrest Area Overlay maps on the date of its initial adoption shall
114 also be maintained in its original, unedited and unaltered form by the clerk to the city
115 council.

116
117 Sec. 3.5.5. – Open space.
118

119 A. *Open space*: Each lot may provide open space. Open space must be a minimum of
120 twenty percent (20%) of the lot. To the extent possible, lands containing streams, lakes,
121 one hundred-year floodplains, wetlands, slopes over fifteen percent (15%) shall remain
122 undisturbed and included in open space. Natural open space areas shall form an
123 interconnected and continuous network of paths, greenways, and trails throughout the
124 development within the Stonecrest Area Overlay District. Credit for open space areas may
125 be transferred from one (1) parcel to another within overall developments that remain under

126 unified control of a single property owner or group of owners, but must demonstrate
127 interconnectedness of public areas.

128 B. *Maintenance and protection of public space.* Each applicant that chooses to provide for
129 public space shall present as a part of the application for a building permit within the
130 Stonecrest Area Overlay District a legal mechanism under which all land to be used for
131 public space purposes shall be protected. Such legal mechanism may include deed
132 restrictions, property owner associations, common areas held in common ownership or
133 control, maintenance easements, or other legal mechanisms, provided that said legal
134 mechanism shall be approved by the city attorney as assuring each of the following
135 mandatory requirements:

- 136 1. That all subsequent property owners within said Stonecrest Area Overlay District
137 be placed on notice of this development restriction through the deed records of
138 DeKalb County Superior Court;
- 139 2. That all public space held in common will be properly maintained and insured with
140 no liability or maintenance responsibilities accruing to the city;
- 141 3. That a legal mechanism exists for notice of deficiencies in maintenance of the
142 public space held in common, correction of these deficiencies, and assessment
143 and liens against the properties for the cost of the correction of these deficiencies
144 by a third-party or the city;
- 145 4. When an applicant for a Stonecrest Area Overlay District chooses to utilize a
146 property owners association in order to comply with the requirements of
147 subsection A above, the applicant, in addition to meeting all of said requirements,
148 shall provide for all of the following:
 - 149 a. Mandatory and automatic membership in the property owners association as
150 a requirement of property ownership;
 - 151 b. A fair and uniform method of assessment for dues, maintenance and related
152 costs;
 - 153 c. Where appropriate, party wall maintenance and restoration in the event of
154 damage or destruction; and
 - 155 d. Continued maintenance of public space held in common and liability
156 through the use of liens or other means in the case of default.

157
158 Sec. 3.5.6. - Greenspace requirements.

159
160 A. *Landscape strips.* Landscape strips not less than five (5) feet in width must be provided
161 along all side and rear property lines and on all public streets. The landscape strip along
162 the public street must be a minimum of ten (10) feet in width and must be planted with a
163 row of street trees of at least three and one-half (3½) inches in caliper selected from the
164 list of street trees species identified in the design guidelines for the Stonecrest Area
165 Overlay District and planted not less than seventy-five (75) feet on center. Continuous
166 landscaped strips shall be constructed along public rights-of-way where surface parking
167 lots are adjacent to such sidewalks or public right-of-way except at points of ingress or
168 egress into the facility.

169 *Ground cover.* Ground cover must also be provided in accordance with the design guidelines
170 for the Stonecrest Area Overlay District in order to protect tree roots and to prevent erosion.

171 Ground cover must consist of evergreen shrubs or groundcover plant material mulched
172 with pine bark mulch, or other similar landscaping material.

173 C. Newly planted trees must conform to the design guidelines for the Stonecrest Area
174 Overlay District.

175 D. No tree shall be planted closer than two (2) feet from the street or sidewalk, and no
176 closer than five (5) feet from a fire hydrant, sign post, streetlight standard, utility pole,
177 or similar structure.

178 E. *Greenspace requirements for parking lots :*

179 1. Greenspace areas are required in all parking lots and must comprise at least five
180 percent (5%) of the total lot area of parking lot.

181 2. In addition, all parking lots must include at least one (1) tree for every twelve
182 (12) parking spaces provided. Tree planting areas may be included in the
183 required greenspace area. Every three (3) inches in caliper, as measured at a
184 height of thirty-six (36) inches above the ground level, of an existing tree shall
185 count as one (1) newly planted tree.

186 3. Greenspace areas must be at least thirty-six (36) square feet in area.

187 4. All greenspace areas must be properly maintained in accordance with approved
188 landscape plans. In the event that a tree or any plant material dies, it must be
189 replaced within a reasonable time, so as to meet all requirements of this section
190 and to allow for planting in the appropriate planting season.

191 5. All trees planted pursuant to the requirements of Section 5.4.4 shall be counted
192 for the purpose of meeting the tree planting and tree replacement requirements
193 imposed by this chapter.

194

195 Sec. 3.5.7. -Transitional buffer zone requirements.

196

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

204

205 Sec. 3.5.8. - Street standards.

206

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

210 a. Streets in the Stonecrest Area Overlay District may be constructed with travel
211 lanes at eleven (11) feet in width, measured inside curb and gutter.

212

213 B. Private or public alleys are permitted to provide secondary or service access
214 within developments consisting of at least four (4) buildings. An alley must

215 provide a continuous connection between two (2) streets. Alleys shall be paved
216 and constructed to the same standards as the connecting streets except that:

- 217 1. No alley shall be longer than four hundred (400) feet;
- 218 2. No alley shall have a slope greater than seven percent (7%);
- 219 3. The paved width of an alley must be at least twelve (12) feet;
- 220 4. Alleys must be constructed with flush curbs;
- 221 5. Alleys must have seven-foot-wide unobstructed shoulders constructed of
222 grass sod or gravel on both sides; and
- 223 6. Buildings must be set back at least ten (10) feet from the back curb of an
224 alley.

225

226 Sec. 3.5.9. - Underground utilities.

227

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

233

234 Sec. 3.5.10. - Streetlights.

235

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

239

240 Sec. 3.5.11. - Interparcel access.

241

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

246

247 Sec. 3.5.12. - Multi-modal access plans required.

248

249 Each new application for a development permit within the Stonecrest Area Overlay District
250 must be accompanied by a multi-modal access plan prepared at a scale not greater than one-
251 inch equals one hundred feet (1"=100'). The multi-modal access plan must cover the full
252 extent of the proposed development along with public rights-of-way of adjoining streets and
253 any other property lying between the subject property and the nearest public streets on all
254 sides. The purpose of the multi-modal access plan is to demonstrate a unified plan of
255 continuous access to and between all buildings in the proposed development and adjacent
256 properties. Connections to available transportation modes, such as driveways, sidewalks,
257 and bike paths must be shown along adjacent streets and those entering adjoining properties.
258 Safe and convenient pedestrian ways must be provided from sidewalks along streets to
259 each building entrance, including pedestrian access routes across parking lots and between

260 adjacent buildings within the same development. Where an existing or planned public
261 transportation station or stop is within one thousand two hundred fifty (1,250) feet (straight
262 line distance) from any boundary of the subject property, the access plan must show how
263 pedestrians may safely travel from such station or stop to the subject property. Where an
264 existing or planned bike path is located within one thousand five hundred (1,500) feet of the
265 subject property, the access plan must show how safe, continuous and convenient bicycle
266 access shall be provided to the subject property.

267 Sec. 3.5.13. - High-Rise Mixed-Use Zone (Tier I).

268

269 A. *Permitted principal uses and structures.* The principal uses of land and structures
270 allowed in the Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay
271 District are as provided below:

272

273 1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office
274 Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density
275 Residential) District except those listed in B., below.

276

277 B. *Prohibited uses.* The following principal uses of land and structures are prohibited in
278 Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

279

- 280 1. Kennels.
- 281 2. Tire retreading and recapping.
- 282 3. Sexually oriented businesses.
- 283 4. Reserved
- 284 5. Outdoor amusement services facilities.
- 285 6. Outdoor storage.
- 286 7. Farm equipment and supplies sales establishment.
- 287 8. Repair, small household appliance.
- 288 9. Hotel/motel.
- 289 10. Automobile sales.
- 290 11. Flea Markets
- 291 12. Automobile title loan establishments.
- 292 13. Pawn shops.
- 293 14. Salvage yards.
- 294 15. Gasoline service stations.
- 295 16. Automobile repair and maintenance, major.
- 296 17. Automobile and truck rental and leasing.
- 297 18. Commercial parking lots.
- 298 19. Automobile wash/wax service.
- 299 20. Check cashing facility.
- 300 21. Automobile emission testing facilities.

- 301 C. *Accessory uses and structures.* The following accessory uses of land and structures
 302 are permitted in Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay
 303 District:
- 304 1. Uses and structures which are customarily incidental and subordinate to the
 305 permitted principal uses and structures in this district.
 - 306 2. Parking lots and parking garages.
 - 307 3. Open space, clubhouse or pool amenity area.
 - 308 4. Signs, in accordance with the provisions of chapter 21 and this chapter.
 - 309
- 310 D. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.
- 311 E. *Height of buildings and structures.* A building or structure in Tier I may exceed the
 312 five-story height limit without the necessity of obtaining a special land use permit. A
 313 parking deck may exceed five (5) stories in height; however, a parking deck cannot
 314 exceed ten (10) stories in height either as a separate deck structure or as part of an
 315 office building.
- 316 F. *Density.* No development in Tier I may exceed a FAR of three and one-half (3.5),
 317 unless it also provides additional public space or other amenities singly, or in
 318 combination as provided in subsection G below.
- 319 G. *Bonus density:* In exchange for providing one (1) or more of the amenities shown in
 320 Table 3.1 an applicant may receive a density bonus as provided in Table 3.1, not to
 321 exceed a total FAR of six (6.00).

322 **Table 3.1. Bonus FAR: Tier I**

323

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 (10%) of the gross floor area of the building.	0.25

324

Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5
--	-----

- 325
- 326
- 327 E. *Required parking.* Required parking may be provided through a combination of off-
 328 street, on- street, or shared parking provided that all required parking must be located

329 within seven hundred (700) feet of the principal entrance of the buildings the parking is
330 intended to serve. The minimum number of required parking spaces shall be as provided
331 in article 6, except as follows:

- 332 1. Retail uses, personal service uses, and other commercial and general business uses,
333 including food stores: Minimum of four (4) spaces per one thousand (1,000) square
334 feet of gross floor area.
- 335 2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square
336 feet of gross floor area.
- 337 3. Hotel and motel uses: Minimum of one (1) space per unit.
- 338 4. Multifamily residential uses-Minimum of one and one-quarter (1.25) spaces per
339 dwelling unit.

340 F. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least
341 five (5) feet in width with the exception of sidewalks along streets and in front of
342 proposed high-rise buildings which must be at least ten (10) feet in width.
343

344 Sec. 3.5.1. - Mid-Rise Mixed-Use Zone (Tier II Zone).

345
346 A. *Permitted principal uses and structures.* The principal uses of land and structures
347 allowed in the Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay
348 District are as provided below:

- 349
350 1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I
351 (Office Institutional) District, O-D (Office-Distribution) District, and HR-2
352 (High Density Residential) District except those listed in B., below.
353
354

355 B. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier
356 II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

- 357 1. Kennels.
- 358 2. Storage yards.
- 359 3. Tire retreading and recapping.
- 360 4. Sexually oriented businesses.
- 361 5. Outdoor storage.
- 362 6. Farm equipment and supplies sales establishment.
- 363 7. Repair, small household appliance.
- 364 8. Hotel/motel.
- 365 9. Automobile sales.
- 366 10. Flea Markets
- 367 11. Automobile title loan establishments.
- 368 12. Pawn shops.
- 369 13. Salvage yards.
- 370 14. Automobile repair and maintenance, major and minor.
- 371 15. Gasoline service stations.
- 372 16. Automobile and truck rental and leasing .

- 373 17. Commercial parking lots.
 374 18. Automobile wash/wax service .
 375 19. Late-night establishments
 376 20. Nightclubs
 377 21. Check cashing facility.
 378 22. Automobile emission testing facilities.
- 379 C. *Accessory uses and structures.* The following accessory uses of land and structures are
 380 permitted in Tier II: Mid-Rise Mixed-Use Zone of the Stonecrest Area Overlay District.
- 381 1. Uses and structures which are customarily incidental and subordinate to the
 382 permitted principal uses and structures in this district.
 383 2. Parking lots and parking garages.
 384 3. Open space, clubhouse or pool amenity area.
 385 4. Signs, in accordance with the provisions of chapter 21 and this chapter.
 386
 387
- 388 G. *Building setbacks.* Building setbacks are governed by the MU-3 regulations.
- 389 D. *Height of buildings and structures.* A building or structure in Tier II can have a maximum
 390 height of ten (10) stories. A parking deck may exceed five (5) stories in height; however,
 391 a parking deck may not exceed ten (10) stories either as a separate deck structure or as
 392 part of an office building.
- 393
 394 E. *Density:* No development in Tier II may exceed a FAR of two and one half (2.5), unless it
 395 also provides additional public space or other amenities singly, or in combination as
 396 provided in subsection G, below.
 397
- 398 G. *Bonus density:* In exchange for providing one (1) or more of the amenities shown in
 399 Table 3.2 an applicant may receive a density bonus as provided in Table 3.2, not to
 400 exceed a total FAR of four (4.00).

401 **Table 3.2. Bonus FAR: Tier II**
 402

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 (10%) of the gross floor area of the building.	0.25

¹ Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5
---	-----

403

404

405

406

407

408

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 seven hundred (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:

409

410

411

412

413

414

415

416

1. Retail uses, personal service uses, and other commercial and general business uses, including food stores: Minimum of four (4) spaces per one thousand (1,000) square feet of gross floor area.
2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square feet of gross floor area.
3. Hotel and motel uses: Minimum of one (1) space per unit.
4. Multifamily residential uses-Minimum of one and one and one-quarter (1.25) spaces per dwelling unit.

417

I. Parking space area requirements must comply with the provisions of Section 6.1.3.

418

419

J. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least five (5) feet in width.

420

Sec. 3.5.16. - Low-Rise Mixed-Use Zone (Tier III).

421

422

423

424

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:

425

426

427

428

429

430

431

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.

432

433

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:

434

435

436

437

438

439

440

441

1. Kennels.
2. Junkyard.
3. Tire retreading and recapping.
4. Sexually oriented businesses.
5. Outdoor amusement service facility.
6. Outdoor storage.
7. Automobile repair, major and minor.

- 442 8. Hotel/motel.
- 443 9. Automobile sales.
- 444 10. Temporary outdoor sales.
- 445 11. Pawn shops.
- 446 12. Liquor stores.
- 447 13. Nightclubs.
- 448 14. Late-night establishments.
- 449 15. Car wash.
- 450 16. Self-storage.
- 451 17. Funeral home.
- 452 18. Mortuary.
- 453 19. Crematorium.
- 454 20. Farm equipment and supplies sales establishment.
- 455 21. Repair, small household appliance.
- 456 22. Salvage yard.
- 457 23. Automobile service stations, except automobile service stations over 4,000 square
- 458 feet with special land use permit.
- 459 24. Commercial parking lot.
- 460 25. Check cashing facility.
- 461 26. Automobile emission testing facilities.
- 462

463 C. *Accessory uses and structures.* The following accessory uses of land and structures shall
464 be authorized in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay
465 District:

- 466 1. Uses and structures which are customarily incidental and subordinate to the
- 467 permitted principal uses and structures in this district.
- 468 2. Parking lots and parking garages.
- 469 3. Clubhouses, including meeting rooms or recreation rooms.
- 470 4. Swimming pools, tennis courts, and other recreation areas and similar amenities.
- 471

472 D. *Building setbacks.* The following building setback requirements shall apply to all
473 structures in the Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay
474 District:

- 475 1. *Minimum front yard setback:* Fifteen (15) feet from right-of-way of public street, except
- 476 that front-facing garages of residential units shall be set back a minimum of twenty-five
- 477 (25) feet from rights-of-way.
- 478 2. *Minimum interior side yard:* Ten (10) feet. There shall be a minimum of fifteen
- 479 (15) feet between buildings and structures less than two (2) stories in height and
- 480 a minimum of twenty (20) feet between any two (2) buildings and structures
- 481 when one (1) of them is greater than two (2) stories in height.
- 482 3. *Minimum rear yard:* Ten (10) feet.

483 E. *Height of buildings and structures.* Maximum height, three (3) stories

- 484 a.

- 485 I. *Density*: No development in Tier III may exceed thirty (30) dwelling units per
 486 acre and a combined FAR of one and a half (1.5), unless it also provides
 487 additional public space or other amenities singly, or in combination as provided in
 488 subsection G, below.
 489 G. *Bonus density*: In exchange for providing one (1) or more of the amenities shown in
 490 Table 3.3 an applicant may receive a density bonus as provided in Table 3.3, not to
 491 exceed a total FAR of three (3.00).

492 **Table 3.3 Bonus FAR: Tier III**
 493

Additional Amenity	Increased FAR
Increase public space to 25% while providing connectivity	0.5
I Increase public space to 30 % while providing connectivity	1.0
I 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 I of the gross floor area of the building.	0.25
I Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

- 494
 495 H. *Required parking*. Required parking may be provided through a combination of off-
 496 street, on- street, or shared parking. All required parking must be located within
 497 seven hundred (700) feet of the principal entrance of the building that the parking is
 498 intended to serve. The minimum number of required parking spaces must be as
 499 provided in article 6, except as follows:
 500
 501 1. Retail uses, personal service uses, and other commercial and general business
 502 uses, including food stores: Minimum of four (4) spaces per one thousand (1,000)
 503 square feet of gross floor area.
 504 2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000)
 505 square feet of gross floor area.
 506 3. Hotel and motel uses: Minimum of one (1) space per unit.
 507 4. Multifamily residential uses-Minimum of one and one-half (1.5) spaces per
 508 dwelling unit.
 509 I. *Parking space area requirements*. Parking space area requirements must comply with
 510 the provisions of section 6.1.3.

511 J. *Sidewalks.* Sidewalks must be provided on all public streets. Sidewalks must be at least
512 five (5) feet in width.

513 K. *New or used motor vehicle dealers.* New or used motor vehicle dealers are authorized
514 in Tier III of the Stonecrest Overlay District only if they comply with the following
515 requirements:

516 New or used motor vehicle dealers must be located on a parcel with a lot area of no less
517 than three (3) acres, and must contain at least six thousand (6,000) square feet of building
518 floor space.

519 New or used motor vehicle dealers must provide vegetative screening along any
520 automobile display areas that abut a public right-of-way. Said vegetative screening shall be
521 located outside any guard rails or security fencing abutting such public right-of-way.
522 Within three (3) years of planting, the vegetative screening must be of sufficient height to
523 screen all guard rails or security fencing abutting the public right-of-way. Planting
524 materials shall be subject to the approval of the City of Stonecrest Arborist.

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

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

532

533

534 Sec. 3.5.15.1. -Transitional Mixed-Use Zone (Tier IV).

535

536 A. *Statement of purpose and intent.* The intent of this tier is to encourage mixed use
537 development in a well-planned community and encourage principally office,
538 residential and commercial uses to serve the convenience needs of the local
539 community. This tier provides an economic balance to the other Stonecrest Area
540 Compatible Use Overlay District development categories which focus more on retail
541 uses.

542

543 B. *Mixed use requirements.* All properties in Tier IV which are proposed for new
544 development shall comply with the minimum requirements of this mixed use
545 development category. Permits for repairs, interior alterations or tenant buildout
546 improvements that do not alter the exterior appearance or the building footprint of
547 the structure shall be exempt from the requirements of this division. Properties in
548 Tier IV shall contain a minimum of two (2) principal uses and any residential use
549 shall not exceed seventy (70) percent of the total floor area. The mixed use
550 development may be combined vertically or horizontally in one (1) or more
551 buildings or may be provided in separate buildings or areas within a mixed-use
552 development. A minimum of one residential and one non-residential use must be
553 selected.

554

555 C. *Permitted principal uses and structures.* The principal uses of land and structures which
556 are allowed in the Tier IV: Transitional Mixed-Use Zone are as is provided below:
557

558 1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office
559 Institutional) District, OCR (Office-Commercial-Residential) District, and RM-
560 HD (High Density Residential) District except those listed in B., below.
561

562 Single-family attached detached units that are part of a master planned community so long
563 as such single-family detached units are part of a mixed-use development and the
564 development provides opportunities for lifelong and aging-in-place communities as defined
565 by the Atlanta Regional Commission.

566 D. *Prohibited uses.* The following principal uses of land and structures are prohibited in
567 Tier IV: Transitional Mixed-Use Zone:

- 568 1. Kennels.
 - 569 2. Tire retreading and recapping.
 - 570 3. Sexually oriented businesses.
 - 571 4. Outdoor amusement services facilities.
 - 572 5. Outdoor storage.
 - 573 6. Farm equipment and supplies sales establishments.
 - 574 7. Repair, small household appliance.
 - 575 8. Hotel/motels.
 - 576 9. Automobile title loan establishments.
 - 577 10. Pawn shops.
 - 578 11. Liquor stores.
 - 579 12. Salvage yards.
 - 580 13. Automobile repair and maintenance, major.
 - 581 14. Automobile wash/wax service.
 - 582 15. Nightclubs.
 - 583 16. Late-night establishments.
 - 584 17. Check cashing facility.
 - 585 18. Automobile emission testing facilities.
 - 586 19. Car wash, self-service.
 - 587 20. Self-storage.
 - 588 21. Funeral home.
 - 589 22. Crematorium.
 - 590 23. Mortuary.
- 591

592 E. *Accessory uses and structures.* The following accessory uses of land and structures
593 are permitted in Tier IV: Transitional Mixed-Use Zone:

- 594 a. Uses and structures which are customarily incidental and subordinate to the
595 permitted principal uses and structures in this district.
- 596 b. Open space, clubhouse or pool amenity area.
- 597 c. Parking lots and decks.
- 598 d. Signs, in accordance with the provisions of chapter 21 and this chapter.

599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640

- F. *Mixed-use developments*: Lot width, lot area and setbacks.
 - 1. *Lot width and area*. All lots shall have at least one hundred (100) feet of frontage as measured along the public street frontage.
 - a. Minimum lot area: One (1) acre.
 - 2. *Setback requirements*.
 - 1. *Front yard*. Minimum of zero (0) feet and a maximum of twenty (20) feet to allow for architectural features, outdoor seating, and other project site amenities.
 - 2. *Side yard*. Minimum of zero (0) feet and a maximum of twenty (20) feet to allow for architectural features, outdoor seating, plazas and other project site amenities.
 - 3. *Rear yard*. Minimum of twenty (20) feet.
 - 4. *Interior side yard*. Minimum of zero (0) 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 twenty (20) feet.
- H. *Single-family detached units*: Lot width, lot area and setbacks.
 - 1. *Lot width and area*. All lots must have at least fifty (50) feet of frontage as measured along the public street frontage.
 - a. *Minimum lot area*. Five thousand (5,000) square feet.
 - 2. *Setback requirements*.
 - a. *Front yard*. Minimum of ten (10) feet and a maximum of twenty (20) feet.
 - b. *Side yard*. Minimum of ten (10) feet.
 - c. *Interior side yard*. Minimum of five (5) feet.
 - d. *Rear yard*. Minimum of thirty (30) feet.
- H. *Single-family attached units*: Lot width, lot area and setbacks.
 - l. *Lot width and area*. All lots must have at least thirty (30) feet of frontage as measured along the public street frontage.
 - m. *Minimum lot area*. Three thousand (3,000) square feet. Maximum of eight (8) units or two hundred forty (240) feet.
 - 2. *Setback requirements*:
 - a. Front yard: Minimum of five (5) feet and a maximum of twenty (20) feet.
 - b. Side yard: Minimum of ten (10) feet between buildings.
 - c. Rear yard: Minimum of ten (10) 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 sixty (60) feet apart. Structures which are side face to side face shall not be less than twenty (20) feet apart. Structures which are side face to front face or back face shall be not less than forty (40) feet apart.
 - I. *Height of buildings and structures*. The maximum height of any mixed-use building or structure shall not exceed five (5) stories or seventy-five (75) feet. Buildings in

641 excess of three (3) stories must be approved by the director of planning to assure
 642 adequacy of fire protection facilities and services. The maximum height of any
 643 residential single-family detached building or structure shall not exceed a height of
 644 thirty-five (35) feet and shall not exceed two stories.

645
 646 J. *Density and floor area ratios.* Multifamily dwellings may be developed at a density
 647 not exceeding thirty (30) dwelling units per acre and the combined floor area ratio for
 648 any development shall not exceed one and one-half (1.50).

649 1. *Density bonus.* The maximum allowable FAR of a building or development in Tier
 650 IV shall be increased to a FAR not to exceed a total of three (3.0) if one (1) or
 651 more of the additional amenities is provided as described in the table below:
 652

653 **Table 3.4 Bonus FAR: Tier IV**
 654

Additional Amenity	Increased FAR
Increase public space to twenty five (25) percent while providing interparcel access for pedestrians and vehicles.	0.5
Increase public space to thirty (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 (10) percent of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least eight (8) units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

655
 656 L. *Required parking.* Required parking may be provided through a combination of off-
 657 street, on- street, or shared parking. All required parking must be located within
 658 seven hundred (700) feet of the principal entrance of the building the parking is
 659 intended to serve. The minimum number of required parking spaces must be as
 660 provided in the underlying zoning district regulations for the lot except as follows:

- 661 1. Retail uses, personal service uses, and other commercial and general business
 662 uses, including food stores: Minimum of four (4) spaces per one thousand
 663 (1,000) square feet of gross floor area.
- 664 2. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000)
 665 square feet of gross floor area.

- 666 3. Hotel and motel uses: Minimum of one (1) space per unit.
667 4. Multifamily residential uses-Minimum of one and one-half (1.5) spaces per
668 dwelling unit.
669 5. Parking space area requirements shall comply with the provisions of section 6.1.3.
670 6. Single-family detached residential dwelling units shall have two (2) spaces per
671 unit. Garages and any surface parking areas are to be accessed by shared
672 driveways located at the rear of the residential structure. Garages that face the
673 public right-of-way shall be setback a minimum of twenty (20) feet.

674 N. *Sidewalks*. Sidewalks must be at least five (5) feet in width and must be provided along
675 the right-of-way of all public streets.

676 Sec. 3.5.15.2. - Cluster Village Mixed-Use Zone (Tier V).
677

678 A. *Statement of purpose and intent*. The primary intent of Tier V is to encourage single-
679 family detached residential developments with associated neighborhood commercial
680 and office uses to serve the convenience needs of the local community in a village or
681 cluster concept. This tier provides for the preservation of open space while allowing
682 compatible development that complements the other Stonecrest Overlay District
683 development categories. Tier V also seeks to preserve the rural and scenic beauty of
684 Arabia Mountain Preserve while providing flexibility to allow for creativity in site
685 design and development. The goal of Tier V is to minimize the environmental and
686 visual impacts of new development on natural resources and historically and culturally
687 significant sites and structures while encouraging residential and neighborhood
688 commercial development in a well planned community.
689

690 B. *Permitted principal uses and structures*. All properties in Tier V shall be governed by
691 all of the underlying zoning district regulations and the requirements of this section.
692 In addition, all properties in Tier V may be used for the following principal uses of
693 land and structures:

- 694 1. Adult day care facility.
695 2. Bed and breakfast.
696 3. Child day care facility.
697 4. Assembly hall.
698 5. Cultural facility.
699 6. Detached single-family dwelling.
700 7. Office uses.
701 8. Personal care facility.
702 9. Place of worship.
703 10. Retail, excluding drive-through facilities, automobile service stations,
704 commercial amusements, convenience store, liquor stores, package store, and
705 recreation, indoor.
706 11. Office/medical.
707 Personal services establishment.

708 C. *Accessory uses and structures*. The following accessory uses of land and structures
709 shall be authorized in Tier V: Cluster Village Mixed-Use Zone

- 710 1. Uses and structures which are customarily incidental and subordinate to the
711 permitted principal uses and structures in this district.
712 2. Open space, clubhouse or pool amenity area.
713

714 D. *Prohibited uses.* The following principal uses of land and structures are prohibited in Tier
715 V: Cluster Village Mixed-Use Zone:

- 716 1. Kennels.
717 2. Junkyard.
718 3. Tire retreading and recapping.
719 4. Sexually oriented businesses.
720 5. Go-cart concession.
721 6. Outdoor storage.
722 7. Automobile repair, major.
723 8. Hotel/motel.
724 9. Automobile sales.
725 10. Temporary outdoor sales.
726 11. Pawn shops.
727 12. Liquor stores.
728 13. Nightclubs
729 14. Late-night establishments.
730 15. Car wash, self service.
731 16. Self-storage.
732 17. Funeral home.
733 18. Mortuary.
734 19. Crematorium.
735 20. Farm equipment and supplies sales establishment.
736 21. Multifamily dwelling unit.
737

738 E. *Lot width, lot area and setbacks.*

- 739 1. All single-family detached residential dwellings located on Klondike Road,
740 Plunkett Road or Rockland Road must have a minimum of one hundred (100)
741 feet of frontage as measured along the public street frontage.
742 a. *Minimum lot area.* Fifteen thousand (15,000) square feet.
743 b. *Minimum setback requirements.*
744 i. *Front yard.* Thirty-five (35) feet.
745 ii. *Side yard.* Thirty-five (35) feet.
746 iii. *Rear yard.* Forty (40) feet.
747 iv. *Interior side yard.* Ten (10) feet.
748 2. All single-family detached residential lots which are located on new roadways
749 must have a minimum of fifty (50) feet of frontage as measured along the public
750 street frontage.
751 a. *Minimum lot area.* Five thousand (5,000) square feet.

- 752 b. *Minimum setback requirements.*
753 i. *Front yard.* Minimum of ten (10) feet and a maximum of twenty-five
754 (25) feet.
755 ii. *Side yard.* Fifteen (15) feet.
756 iii. *Rear yard.* Twenty (20) feet.
757 iv. *Interior side yard.* Five (5) feet.
758
759 3. Reserved.
760 4. Office and commercial uses may not be located along Klondike or Rockland Road.
761 Any uses otherwise authorized in Tier V shall be clustered together in a "village" or
762 "hamlet" setting and must include convenient access to neighboring residential
763 communities in a manner that preserves the open space on the lot. Such uses must be
764 developed in a manner that also preserves the rural and scenic nature of Tier V and is
765 compatible with the natural design and forestation of the Arabia Mountain Preserve.
766 Such uses must be developed in a manner that minimizes the environmental and
767 visual impact of new development on the existing natural landscape and the
768 historically and culturally significant sites and structures. To the extent possible,
769 developments must be constructed in a manner that preserves the bucolic nature and
770 farming community appearance of Tier V.
771 a. Office and commercial uses must be a maximum of two thousand five hundred
772 (2,500) square feet per tenant space.
773 b. Single-use structures must be a maximum of ten thousand (10,000) square feet.
774 c. Lot width and lot area. Office and commercial lots must be a minimum of
775 twenty thousand (20,000) square feet. *y*
776 F. *Height of buildings and structures.* No building or structure may exceed thirty-five (35)
777 feet in height or two (2) stories whichever is less.
778 G. *Required parking.* The minimum number of required parking spaces must be as provided
779 in the underlying zoning district regulations except as follows:
780 1. Residential, single-family detached: Minimum of two (2) spaces.
781 2. Retail uses, personal service uses, and other commercial and general business uses,
782 including food stores: Minimum of four (4) spaces per one thousand (1,000) square
783 feet of gross floor area.
784 3. Office and clinic uses: Minimum of three (3) spaces per one thousand (1,000) square
785 feet of gross floor area.
786 4. Parking space area requirements must comply with the provisions of section 6.1.3.
787 H. *Sidewalks.* A landscape strip must be provided between the curb and the pedestrian travel
788 lane in compliance with land development standards. Sidewalks must be provided along
789 the right-of-way of all public streets.
790 Sec. 3.5.15.3. – Viewshed Zone (Tier VI).
791 A. *Statement of purpose and intent.* The intent of Tier VI is to promote uniform and visually
792 aesthetic development which serves to unify the distinctive visual quality of the Stonecrest
793 Area Overlay District.

794 B. *Permitted principal uses and structures.* The permitted principal uses of land and
795 structures for property in Tier VI shall be governed by all of the underlying zoning district
796 regulations.

797 C. *Accessory uses and structures.* The permitted accessory uses and structures for property
798 in Tier VI shall be governed by the underlying zoning district.

799 D. *Prohibited uses.* The following principal uses of land and structures are prohibited in
800 Tier V: Viewshed Zone:

801

802 1. Sexually oriented businesses.

803 2. Pawn shops.

804 4. Package stores.

805 5. Check cashing facility.

806 E. *Lot width, lot area and setbacks.* Lot width, lot area and setbacks of property in Tier VI
807 shall be governed by the underlying zoning district.

808 F. *Height of buildings and structures.* The height of buildings and structures on property
809 within Tier VI shall be governed by the underlying zoning district.

810 G. *Required parking.* The minimum number of required parking spaces of property in Tier
811 VI shall be governed by the underlying zoning district.

812 H. *Sidewalks.* A landscape strip must be provided between the curb and the pedestrian travel
813 lane in compliance with land development standards. Sidewalks must be provided along the
814 right-of-way of all public streets.

815

816 Sec. 3.5.16. - Shared parking.

817

818 Shared parking is encouraged and may be authorized by the director of planning. Applicants
819 may make application to the director of planning for authorization for a special exception for
820 shared parking. Said applications shall be considered and decided by the director of planning
821 pursuant to the standards and procedures set forth in section 7.6.5.

822 Sec. 3.5.17. -Permits for uses.

823

824 Any use authorized by this division shall require that a development permit be issued before
825 property improvements can be made in accordance with section 7.7.2 and a building permit
826 required in accordance with the provisions of section 7.7.3.

827

828 Sec. 3.5.18. - Design guidelines.

829

830 The Stonecrest Overlay District Design Guidelines dated May 2008 in DeKalb County, shall
831 apply to all uses and structures within the Stonecrest Overlay District and shall be maintained
832 by the planning director and available for public inspection. The design guidelines provide
833 acceptable minimum standards to guide design and development within this overlay district.
834 The planning director or designee is authorized to create, administer, and amend design
835 guidelines for the Stonecrest Area Overlay District. These guidelines provide acceptable
836 architectural design controls, landscaping, detail drawings, signage, fencing, lighting, street and

837 site furniture, and grating criteria. These guidelines shall be used to promote proper design
838 criteria and shall guide the planning director or designee in deciding whether a proposed design
839 complies with the requirements of the Stonecrest Area Overlay District.
840

841 Sec. 3.5.19. - Plans required; certificates of compliance.
842

843 A. *Plans required.* Prior to the issuance of any land disturbance permit, building permit, or
844 sign permit, the applicant shall submit to the director of planning an application which
845 shall include a conceptual plan package as defined by this chapter which shall demonstrate
846 that the proposed design is in compliance with all of the requirements of this Stonecrest
847 Overlay District and the underlying zoning classification.

848 B. *Fees.* Plans shall be accompanied by an application and payment of a fee in an amount
849 determined by the City of Stonecrest City Council.

850 C. *Review.* The director of planning shall review each application for compliance with
851 all requirements of the Stonecrest Overlay District and the underlying zoning
852 classification. Where the director determines that said plans comply with the requirements
853 of the Stonecrest Overlay District a certificate of compliance shall be issued in the form
854 of the director or the director's designee signing the plans and drawings after which the
855 applicant shall then apply for land disturbance, building or signs permits. Where the
856 director determines that said plans do not comply with the requirements of this chapter,
857 then the director shall notify the applicant in writing stating the manner in which said
858 applicant fails to comply with such requirements. All applications shall be considered and
859 decided by the director of planning within thirty (30) days of receipt of a complete
860 application. Any appeal of the director of planning's decision in this regard shall be to the
861 zoning board of appeals pursuant to section 7.5.2.
862

863 Sec. 3.5.20. - Conceptual plan package review.
864

865 i. The conceptual plan package must be composed of the following:

866 1. A narrative addressing the proposed development explaining how it meets the
867 purpose, intent, and standards of this chapter. The narrative shall include a tabulation
868 of the approximate number of acres in each land use, the approximate number of
869 dwelling units by type, the approximate gross residential density, the approximate
870 commercial density, the approximate public space acreage, the anticipated number,
871 type and size of recreational facilities and other public amenities; the legal
872 mechanism for protecting and maintaining public space, as required in section
873 3.5.5.A.1.;

874 2. A site location map showing the proposed development, abutting property, the
875 relationship of the proposed development to surrounding natural features and existing
876 development, and transitional buffer zones, if required; and

877 3. A multi-modal access plan meeting the requirements of section 3.5.12.
878

880 B. The plan to be submitted in the conceptual plan package must contain the
881 following information:

- 882 1. Six (6) copies of a plan drawn to a designated scale of not less than one inch
883 equals one hundred feet (1"=100'), certified by a professional engineer or
884 land surveyor licensed by the State of Georgia, presented on a sheet having
885 a maximum size of twenty-four (24) inches by thirty-six (36) inches, and
886 one (1), eight and one-half-inch by eleven-inch reduction of the plan. If
887 presented on more than one (1) sheet, match lines must clearly indicate
888 where the several sheets join. Such plan must contain the following
889 information:
- 890 i. Boundaries of the entire property proposed to be included in the
891 development, with bearings and distances of the perimeter property lines.
 - 892 ii. Scale and north arrow, with north, to the extent feasible, oriented to the
893 top of the plat and on all supporting graphics.
 - 894 iii. Location and approximate dimensions in length and width, for landscape
895 strips and required transitional buffers, if any.
 - 896 iv. Existing topography with a maximum contour interval of five (5) feet and a
897 statement indicating whether it is an air survey or field run.
 - 898 v. Approximate delineation of any floodplain designated by the Federal
899 Emergency Management Agency, United States Geological Survey, or
900 City of Stonecrest.
 - 901 vi. The delineation of any jurisdictional wetlands as defined by Section 404 of
902 the Federal Clean Water Act.
 - 903 vii. Approximate delineation of any significant historic or archaeological
904 feature, grave, object or structure marking a place of burial if known, and a
905 statement indicating how the proposed development will impact it.
 - 906 viii. A delineation of all existing structures and whether they will be retained or
907 demolished.
 - 908 ix. General location, in conceptual form, of proposed uses, lots, buildings,
909 building types and building entrances.
 - 910 x. Height and setback of all buildings and structures.
 - 911 xi. Approximate areas and development density for each type of proposed use.
 - 912 xii. Location, size, and number of all on-street and off-street parking spaces,
913 including a shared parking analysis, if shared parking is proposed.
 - 914 xiii. Identification of site access points and layout, width of right-of-way and
915 paved sections of all internal streets.
 - 916 xiv. Conceptual plans for drainage with approximate location and estimated
917 size of all proposed stormwater management facilities and a statement as
918 to the type of facility proposed.
 - 919 xv. Development density and lot sizes for each type of use.
 - 920 xvi. Areas to be held in joint ownership, common ownership or control.
 - 921 xvii. Identification of site access points and layout, width of right-of-way and
922 paved sections of all internal streets.

- 923 xviii. Location of proposed sidewalks and bicycle facilities trails, recreation
924 areas, parks, and other public or community uses, facilities, or structures
925 on the site.
926 xix. Conceptual layout of utilities and location of all existing or proposed
927 utility easements having a width of twenty-five (25) feet or more.
928 xx. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and
929 gutters, greenspace areas, fencing, grating, street furniture, bicycle lanes, streets,
930 alleys, and other public improvements demonstrating compliance with the design
931 guidelines for the Stonecrest Area Overlay District.
932 xxi. Seal and signature of professional preparing the plan.
933

934 **Section 2:**

935 That the Official Zoning Map of the City of Stonecrest established in connection with the Zoning
936 Ordinance of the City of Stonecrest be changed in accordance with Exhibit A, attached hereto
937 and incorporated by reference.

938 **Section 3:**

- 939 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
940 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
941 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
942 constitutional.
943
944 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
945 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
946 phrase of this Ordinance is severable from every other section, paragraph, sentence,
947 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
948 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
949 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
950 section, paragraph, sentence, clause or phrase of this Ordinance.
951
952 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
953 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
954 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
955 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
956 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
957 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
958 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
959 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
960 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
961
962 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
963 are hereby expressly repealed.
964
965 5. The within ordinance shall become effective upon its adoption.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2019- 11-001

966
967
968
969

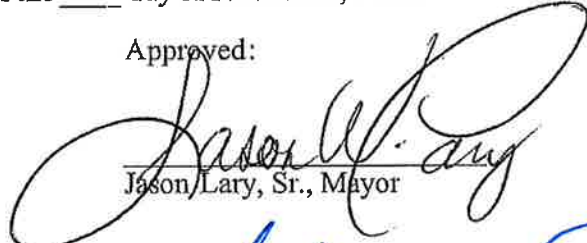
970

971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987

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

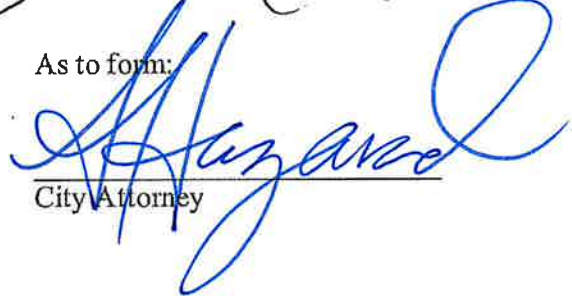
SO ORDAINED AND EFFECTIVE this the ____ day of November, 2019.

Approved:



Jason Lary, Sr., Mayor

As to form:



City Attorney



Attest:



Megan Reid, City Clerk