



CITY OF STONECREST, GEORGIA

CITY COUNCIL MEETING – AGENDA

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, May 22, 2023 at 6:00 PM

Mayor Jazzmin Cobble

Council Member Tara Graves - District 1 Council Member Rob Turner - District 2

Council Member Alecia Washington - District 3 Mayor Pro Tem George Turner - District 4

Council Member Tammy Grimes - District 5

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

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

II. ROLL CALL: Sonya Isom, City Clerk

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. APPROVAL OF THE AGENDA

VI. REVIEW AND APPROVAL OF MINUTES

a. Approval of Meeting Minutes - Special Called Meeting April 13, 2023

b. Approval of Meeting Minutes - Special Called Meeting April 17, 2023

c. Approval of Meeting Minutes - City Council Meeting April 24, 2023

VII. REPORTS & PRESENTATIONS

a. **For Decision** - Municipal Court Clerk Week - *Chief Judge Curtis Miller and Court Administrator Mallory Minor*

VIII. PUBLIC COMMENTS

Citizens wishing to make a public comment may do so in person. Citizens may also submit public comments via email to cityclerk@stonecrestga.gov by 2 pm on the day of the meeting to be read by the City Clerk.

All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council.

There is a two (2) minute time limit for each speaker submitting or reading a public comment. Individuals will be held to established time limits.

IX. PUBLIC HEARINGS

Citizens wishing to participate and comment during the public hearing portion of the meeting may comment in person. You may also submit your request including your full name, address, position on the agenda item you are commenting on (for or against) via email to cityclerk@stonecrestga.gov by 2 pm the day of the Public Hearing to be read into the record at the meeting. A zoom link for the meeting will be sent to you.

When it is your turn to speak, please state your name, address and relationship to the case..

There is a ten (10) minute time limit for each item per side during all public hearings. Only the applicant may reserve time for rebuttal.

X. CONSENT AGENDA

- a.** For Decision - Approval of SDA IGA - *Mayor Jazzmin Cobble*
- b.** For Decision - Approval of SDA Bylaws - *Mayor Jazzmin Cobble*
- c.** For Decision - Appointment of Legal Counsel for SDA - *Mayor Jazzmin Cobble*

XI. APPOINTMENTS

XII. OLD BUSINESS

- a.** For Decision - TMOD 22-012 Animal Exhibition - *P&Z Director Ray White*
- b.** For Decision - TMOD 22-014 CPIM Ordinance - *P&Z Director Ray White*
- c.** For Decision - TMOD 22-015 Sign Ordinance - *P&Z Director Ray White*
- d.** For Decision - TMOD 22-017 Hotels & Motels - *P&Z Director Ray White*
- e.** For Decision - Major Plat Approval - *P&Z Director Ray White*
- f.** For Decision - Truck Parking Gravel Lots Moratorium Extension - *Mayor Pro Tem George Turner*
- g.** For Decision - Public Storage Facilities Moratorium - *Mayor Pro Tem George Turner*

XIII. NEW BUSINESS

- a.** For Decision - 2023 Street Resurfacing - Change Order Request - *City Engineer Hari Karikaran*

XIV. CITY MANAGER UPDATE

XV. MAYOR AND COUNCIL COMMENTS

XVI. EXECUTIVE SESSION

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

XVII. 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, Sonya Isom, as soon as possible, preferably 2 days before the activity or event.



CITY OF STONECREST, GEORGIA

**CITY COUNCIL SPECIAL CALLED MEETING
MINUTES**

3120 Stonecrest Blvd., Stonecrest, GA 30038

Thursday, April 13, 2023 at 6:00 PM

Mayor Jazzmin Cobble

Council Member Tara Graves - District 1 Council Member Rob Turner - District 2

Council Member Alecia Washington - District 3 Mayor Pro Tem George Turner - District 4

Council Member Tammy Grimes - District 5

IN PERSON MEETING ONLY

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

The meeting began at 6:17pm.

II. ROLL CALL: Sonya Isom, City Clerk

All members present.

III. AGENDA ITEMS

IV. EXECUTIVE SESSION

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

a. Personnel

Motion – made by Councilmember Rob Turner to go into Executive Session for Personnel matters. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

Motion - made by Councilmember Rob Turner to exit Executive Session and return to the regular scheduled meeting. Seconded by Councilmember Tammy Grimes.

Motion passed unanimously.

Motion - made by Councilmember Rob Turner to approve the Executive Session minutes.
Seconded by Councilmember Tara Graves.

Motion passed unanimously.

V. ADJOURNMENT

Motion – made by Councilmember Tammy Grimes to adjourn the Special Called meeting at 10:20pm. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

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CITY OF STONECREST, GEORGIA

**CITY COUNCIL SPECIAL CALLED MEETING –
MINUTES**

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, April 17, 2023 at 6:00 PM

Mayor Jazzmin Cobble

Council Member Tara Graves - District 1 Council Member Rob Turner - District 2

Council Member Alecia Washington - District 3 Mayor Pro Tem George Turner - District 4

Council Member Tammy Grimes - District 5

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

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

The meeting began at 6:16 pm.

II. ROLL CALL: Sonya Isom, City Clerk

All members present.

III. AGENDA ITEMS

Items C and D were moved to the top of the agenda.

a. For Decision - City Manager Appointment - Mayor Jazzmin Cobble

Mayor and Council entered Executive Session.

Motion – made by Councilmember Rob Turner to defer the City Manager appointment for up to thirty days. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

b. For Decision - Extension of City Manager Vacancy - Mayor Pro Tem George Turner

Preamble read by City Clerk.

There was a discussion of request and Resolution.

Motion – made by Councilmember Tammy Grimes to extend the City Manager vacancy up to May 17, 2023. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

c. For Decision - Stonecrest Development Authority Appointments - Mayor Jazzmin Cobble

Mayor Jazzmin Cobble discussed the desire to reestablish the Stonecrest Development Authority. Council members were asked to submit the names of desired appointees. Mayor Cobble named seven appointees for this Authority. The names will be listed in the Resolution for four-year appointments for some members and two-year appointments for other members.

Councilwoman Graves asked to defer this item to the next council meeting or work session. Councilwoman Washington stated she was not clear on the submittal date for names for the committee. Councilwoman Washington was told she could submit a name to the Mayor for consideration. Mayor Cobble added that both Districts 1 and 3 are already represented and other additions will be evaluated. All five districts are represented. Seven names are recommended, with room for two additional.

Reading of Preamble by City Clerk.

Motion – made by Councilmember Rob Turner to approve the Stonecrest Development Authority appointments. Seconded by Councilmember Tammy Grimes.

Motion passed 3 to 2. Councilmembers Tara Graves and Alecia Washington voted nay.

d. For Decision - Stonecrest Development Authority IGA - Mayor Jazzmin Cobble

Mayor Jazzmin Cobble stated this item is being presented to get consensus of the City Council to present the draft version of the IGA to the Stonecrest Development Authority.

Mayor Pro Tem asked if this the final version, from the City's perspective. Mayor Cobble stated yes and that no changes have been received from the Council.

Motion – made by Councilmember Rob Turner to approve the Stonecrest Development Authority IGA. Seconded by Mayor Pro Tem George Turner.

Motion passed 3 to 2. Councilmembers Tara Graves and Alecia Washington voted nay.

IV. EXECUTIVE SESSION

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

a. Personnel and Litigation Matters

Motion – made by Councilmember Tammy Grimes to exit the Special Called Meeting and enter Executive Session for Personnel and Litigation matters. Seconded by Councilmember Rob Turner.

Motion passed unanimously.

Motion – made by Councilmember Rob Turner to come out of Executive Session and return

to the Special Called Meeting. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

Motion – made by Councilmember Tammy Grimes to accept and approve the minutes from Executive Session. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

V. ADJOURNMENT

Motion – made by Councilmember Rob Turner to adjourn the Special Called Meeting. Seconded by Councilmember Tara Graves.

Motion passed unanimously.

Americans with Disabilities Act

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CITY OF STONECREST, GEORGIA

CITY COUNCIL MEETING –MINUTES

3120 Stonecrest Blvd., Stonecrest, GA 30038

Monday, April 24, 2023 at 6:00 PM

Mayor Jazzmin Cobble

Council Member Tara Graves - District 1 Council Member Rob Turner - District 2

Council Member Alecia Washington - District 3 Mayor Pro Tem George Turner - District 4

Council Member Tammy Grimes - District 5

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

I. CALL TO ORDER: George Turner, Mayor Pro-Tem

The meeting started at 6:14 p.m.

II. ROLL CALL: Sonya Isom, City Clerk

All Councilmembers were present with the exception of Councilmember Alecia Washington.

III. INVOCATION: Pastor Raymond Randle, Redeeming Word Church, Stonecrest, GA

IV. PLEDGE OF ALLEGIANCE

V. APPROVAL OF THE AGENDA

Motion – made by Councilmember Rob Turner to approve the April 24, 2023 meeting agenda. Councilmember Tara Graves seconded.

Motion passed 4-0. Councilmember Alecia Washington was absent.

VI. REVIEW AND APPROVAL OF MINUTES

a. Approval of Meeting Minutes - March 13, 2023

Motion – made by Councilmember Tara Graves to approve the March 13, 2023 meeting minutes. Councilmember Tammy Grimes seconded.

Motion passed 4-0. Councilmember Alecia Washington was absent.

b. Approval of Meeting Minutes - March 27, 2023

Motion – made by Councilmember Tammy Grimes to approve the March 27, 2023 meeting minutes. Councilmember Rob Turner seconded.

Motion passed 4-0. Councilmember Alecia Washington was absent.

VII. REPORTS & PRESENTATIONS

A proclamation was presented by Mayor Cobble and City Council Members to the Salem Middle School Lions Baseball team.

VIII. PUBLIC COMMENTS

Citizens wishing to make a public comment may do so in person. Citizens may also submit public comments via email to cityclerk@stonecrestga.gov by 2 pm on the day of the meeting to be read by the City Clerk.

All members of the public wishing to address the City Council shall submit their name and the topic of their comments to the city clerk prior to the start of any meeting held by the City Council.

There is a two (2) minute time limit for each speaker submitting or reading a public comment. Individuals will be held to established time limits.

Public Comments were given by:

Dave Marcus

**this public comment was sent via email and read by the City Clerk*

Concerns that part of the animal exhibition has not been discussed by council or presented to the public. Questioning why outdoor animal exhibitions would be allowed in the Arabia overlay. Asking that Council revise the proposed ordinance. He listed the following reasons:

1. This was not included in any discussion of the ordinance, and I don't believe that it was discussed at the council work session. This is another example of a change that was made without fanfare or discussion but instead just slipped in. The public should have a chance to weigh in on this and - effectively - the public has not had that chance.
2. Zoos and similar uses generate traffic, pose parking problems, and generate smells which, despite buffers, may waft into neighbor's yards. I don't think that this is a good use in any residential area.
3. The justification in the ordinance applies to properties that would allow access from the PATH trail, but the ordinance would allow this use for any property in the overlay whether the property is adjacent to the trail.

Malaika Wells

Stressed a problem with signs not being allowed inside the Chambers at the last meeting, stated doors were locked and unstaffed, and citizens were not able to get in. Asking for a response within seven days with written evidence as to why signs were not allowed. She also asked for a public explanation as to why no members have been appointed to the Charter Review Commission.

Faye Coffield

Questioned why no photos could be taken at meeting, concerned that 501(c)3's are not eligible to receive ARPA funds, would like public comment time changed to three minutes, and questioned why city has failed to pay Department of Labor for unemployment benefits. Also questioned why public comments are not allowed at Special Called Meetings. Would be nice to have clock showing how much time is left for public comments.

Terry Fye

Directed his inquiry to Councilman Rob Turner, asking for a response as to why citizens were not allowed to display signs during the April 17, 2023 Special Called Meeting.

IX. PUBLIC HEARINGS

Citizens wishing to participate and comment during the public hearing portion of the meeting may comment in person. You may also submit your request including your full name, address, position on the agenda item you are commenting on (for or against) via email to cityclerk@stonecrestga.gov by 2 pm the day of the Public Hearing to be read into the record at the meeting. A zoom link for the meeting will be sent to you.

When it is your turn to speak, please state your name, address and relationship to the case..

There is a ten (10) minute time limit for each item per side during all public hearings. Only the applicant may reserve time for rebuttal.

X. CONSENT AGENDA

XI. APPOINTMENTS

- a. Appointments to Development Authority

XII. OLD BUSINESS

- a. **For Decision** - Major Plat Approval - *Ray White*

Presentation by Director Ray White. Zoning of parcel took place in DeKalb prior to city being incorporated. This is a combination plat, not a subdivision.

It was stated staff has 90 days to review and bring for consideration.

Councilmember Grimes asked for clarification on where item is located in the city. Response was it is left of the Botanical Gardens.

Motion – made by Councilmember Rob Turner to defer the Major Plat Approval to the next council meeting. Councilmember Tammy Grimes seconded.

Motion passed 4-0. Councilmember Alecia Washington was absent.

- b. **For Decision** - TMOD 22-012 Animal Exhibition - *Ray White*

Presentation by Director Ray White. He stated there is currently no usage and this would allow for certain usage in the city. Recommendation is zoning would be C1 Local Commercial and C2 General Commercial.

There was a review of recommended supplemental regulations. There was also a review of conservation/open space character areas. Staff is recommending permissible areas.

The current proposal is to allow for more time and a public hearing to take place.

Mayor Pro Tem George Turner stated there are three categories listed and requested a clear definition of each category, including defining what an aquarium is. Mayor Cobble stated this was an ordinance assigned to the consultant to review. Arabia Mountain overlay is an area she believes should be removed. It is her opinion that it does not serve us well there.

Councilmember Grimes asked for clarification on the difference between C1 & C2, and what could be allowed. It was stated C1 is more service oriented and C2 is more commercial businesses, professional and a mix of uses.

Councilmember Rob Turner asked if there was more information to be presented before Council makes a decision. Director White answered yes, there are some key areas that need refinement. Councilmember Turner asked for the timeline to get the information back to Council and Director White stated by the May 22, 2023 City Council meeting. Councilmember Grimes asked for the time frame for scheduling the public hearing. Director White stated May 11th is the scheduled CPIM and it will then be brought to council on May 22nd.

Motion – made by Councilmember Rob Turner to defer TMOD 22-012 Animal Exhibition to the next council meeting. Councilmember Tara Graves seconded.

Motion passed 4-0. Councilmember Alecia Washington was absent.

c. For Decision - Freight Cluster Plan with Metro Analytics - *Hari Karikaran*

Presentation by City Engineer Hari Karikaran. Mr. Karikaran stated the city applied for a grant in 2021 and the city is ready to move now. He is recommending approval of the contract.

Mr. Karikaran confirmed he has verified references and they have a good relationship with ARC staff. They also have a good team and scope of work is in the contract.

Motion – made by Councilmember Tammy Grimes to approve the Freight Cluster Plan with Metro Analytics. Councilmember Tara Graves seconded.

Motion passed 4-0. Councilmember Alecia Washington was absent.

d. For Decision - Freight Cluster Plan with ARC - *Hari Karikaran*

Presentation by City Engineer Hari Karikaran. ARC secures funding and will give 80%, and the city will give 20%.

Councilmember Grimes asked for clarity on the percentage.

Motion – made by Councilmember Tara Graves to approve the Freight Cluster Plan with ARC. Councilmember Rob Turner seconded.

Motion passed 4-0. Councilmember Alecia Washington was absent.

XIII. NEW BUSINESS

a. **For Decision** - 2023 SPLOST Funding Reallocation - *Hari Karikaran*

City Engineer Hari Karikaran gave an overview and stated a detailed presentation was given at the previous Work Session.

Mr. Karikaran gave a review of the 2023 SPLOST funding reallocation. By approving this, the city will be saving money.

Mayor Jazzmin Cobble noted if approved, Hari Karikaran and ACM Gia Scruggs would make adjustments to the Capital Improvement Budget.

City Attorney Thompson if moving between departments, a resolution will be needed. ACM Scruggs stated this is not needed if within the same department.

Motion – made by Councilmember Rob Turner to approve the 2023 SPLOST Funding Reallocation. Councilmember Tammy Grimes seconded.

Motion passed 4-0. Councilmember Alecia Washington was absent.

b. **For Decision** - Updated City Event Calendar - *Benjamin Dillard*

Presentation by Director Ben Dillard. He stated there were no changes since the last meeting. Director Dillard is asking Council to approve the adjusted calendar for 2023.

Councilmember Graves asked about adding an additional five hundred dollars to the Cities Week Autism event. Mayor Cobble stated Cities Week and the Autism event were two separate events and that the budgets have been combined.

Motion – made by Councilmember Tara Graves to approve the Updated City Event Calendar. Councilmember Tammy Grimes seconded.

Motion passed 4-0. Councilmember Alecia Washington was absent.

c. **For Decision** - Georgia Cities Week Resolution - *Gia Scruggs and Xavier Ross*

Overview of Georgia Cities Week and scheduled events. The theme for this year is Georgia Cities Light the Way/Stonecrest Lighting the Way.

The City of Stonecrest has been actively engaged in Cities Week since the 2nd year of inception.

Motion – made by Councilmember Tara Graves to approve the Georgia Cities Week Resolution. Councilmember Tammy Grimes seconded.

Motion passed 4-0. Councilmember Alecia Washington was absent.

d. For Decision - Camera Utility Easement Agreement - *Gia Scruggs*

Presentation by Acting City Manager Gia Scruggs. Ms. Scruggs stated the city received a request to install cameras in the right of ways, specifically Panola Road.

Staff is requesting approval to get additional cameras to assist in providing safety and security to residents.

Mayor Pro Tem stated he is greatly in support of having cameras in place.

Motion – made by Councilmember Tammy Grimes to approve the Camera Utility Easement Agreement. Councilmember Rob Turner seconded.

Motion passed 4-0. Councilmember Alecia Washington was absent.

XIV. CITY MANAGER UPDATE

Acting City Manager gave a reminder of Cities Week, Summer Camp registration on city website. She also stated the ARPA application has been extended to May 22, 2023.

XV. MAYOR AND COUNCIL COMMENTS

Mayor Jazzmin Cobble – No comments

District 1/Councilmember Tara Graves – No comments

District 2/Councilmember Rob Turner – Would like to invite everyone to Georgia Cities Week.

District 3/Councilmember Alecia Washington – Not in attendance

District 4/Mayor Pro Tem George Turner – Has received request from constituents for more town hall meetings. He will plan to hold more meetings for District 4, at least quarterly.

District 5/Councilmember Tammy Grimes – Stated Georgia is in the midst of Milestone testing. Reminding students to get rest and be alert.

XVI. EXECUTIVE SESSION

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

Motion – made by Councilmember Tammy Grimes to enter into Executive Session for Litigation and Personnel matters. Councilmember Rob Turner seconded.

Motion passed 4-0. Councilmember Alecia Washington was absent.

Motion – made by Councilmember Rob Turner to exit Executive Session and return to the regular Council meeting. Councilmember Tara Graves seconded.

Motion passed 4-0. Councilmember Alecia Washington was absent.

Motion – made by Councilmember Rob Turner to approve the minutes from the Executive Session. Councilmember Tammy Grimes seconded.

Motion passed 4-0. Councilmember Alecia Washington was absent.

XVII. ADJOURNMENT

Motion – made by Councilmember Rob Turner to adjourn. Councilmember Tammy Grimes seconded.

Motion passed 4-0. Councilmember Alecia Washington was absent.

The meeting ended at 9:49 pm.

Americans with Disabilities Act

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CITY COUNCIL AGENDA ITEM

SUBJECT: Resolution in Recognition of Municipal Court Clerks Week

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap here to enter text. & Click or tap here to enter text.

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

Current Council Meeting: Monday, May 22, 2023

SUBMITTED BY: Mallory Minor, Court Administrator

PRESENTER: Hon. Chief Judge Curtis W. Miller and Court Administrator Mallory Minor

PURPOSE: A Resolution in Recognition of Municipal Court Clerks Weeks

FACTS: Proclaimed and issued, by Governor Brian Kemp on February 28, 2023, the Municipal Court of Stonecrest and proud to announce the first Municipal Court Clerks Week for the State of Georgia. We hope that city councils and communities throughout Georgia will use this week to show appreciation for the dedicated Municipal Court Clerks who encompass the Georgia municipal courts across this state. In unison with GMCCC, we are encouraging the adoption of A Resolution in Recognition of Municipal Court Clerks Week.

OPTIONS: Approve, Deny, Defer APPROVE

RECOMMENDED ACTION: Approve

ATTACHMENTS:



CITY COUNCIL AGENDA ITEM

- (1) Attachment 1 - The Municipal Court of the City of Stonecrest Resolution in Recognition of Municipal Court Clerks Week
- (2) Attachment 2 - [Click or tap here to enter text.](#)
- (3) Attachment 3 -
- (4) Attachment 4 -
- (5) Attachment 5 -

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

RESOLUTION NO. 2023-_____

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST RECOGNIZING MUNICIPAL COURT CLERKS WEEK AS THE WEEK OF JUNE 5TH – 9TH, 2023 IN THE CITY OF STONECREST; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, Municipal Court Clerks play a significant role in ensuring that municipal courts preserve public safety and promote quality of life in the City of Stonecrest and local municipalities across the state;

WHEREAS, the procedures for the Municipal Court of Stonecrest operations are set forth by the Uniform Rules of Municipal Court and other laws of the State of Georgia;

WHEREAS, more people come in contact with Municipal Court Clerks than all other city services combined and public impression of the Stonecrest judicial system is largely dependent upon the public's experience in municipal court;

WHEREAS, Municipal Court Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all;

WHEREAS, the Municipal Court of Stonecrest is committed to the notion that our legal system is based on the principle that an independent, fair, and competent judiciary will interpret and apply the laws that govern us; Municipal Court Clerks act in a manner that promotes public confidence in the integrity and impartiality of the judiciary;

WHEREAS, it is most appropriate that we recognize the accomplishments and significant role the Municipal Court Clerks play in preserving the public confidence, integrity and impartiality of the judiciary.

NOW, THEREFORE BE IT FURTHER RESOLVED by the Mayor and City Council of the City of Stonecrest, do recognize the week of June 5th – 9th, 2023, as Municipal Court Clerks Week and further extend appreciation to our Court Administrator and Clerk of Court, Mallory Minor, and all Municipal Court Clerks for the vital services they perform and their exemplary dedication to the communities they represent and serve.

This Resolution shall be effective immediately upon its adoption.

SO RESOLVED AND EFFECTIVE this _____ day of June 2023.

APPROVED:

JAZZMIN COBBLE, MAYOR

ATTEST:

SONYA ISOM, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY



CITY COUNCIL AGENDA ITEM

SUBJECT: Approval of Stonecrest Development Authority IGA

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): [Click or tap to enter a date.](#) & [Click or tap to enter a date.](#)

Current Work Session: [Click or tap to enter a date.](#)

Current Council Meeting: Monday, May 22, 2023

SUBMITTED BY: Mayor Jazzmin Cobble

PRESENTER: Mayor Jazzmin Cobble

PURPOSE:

FACTS: This item is being presented to request approval of the Stonecrest Development Authority Intergovernmental Agreement.

OPTIONS: Discussion only [Click or tap here to enter text.](#)

RECOMMENDED ACTION: Approve [Click or tap here to enter text.](#)

ATTACHMENTS:

- (1) Attachment 1 - SDA IGA
- (2) Attachment 2 - [Click or tap here to enter text.](#)
- (3) Attachment 3 - [Click or tap here to enter text.](#)
- (4) Attachment 4 - [Click or tap here to enter text.](#)
- (5) Attachment 5 - [Click or tap here to enter text.](#)

**STONECREST DEVELOPMENT AUTHORITY
INTERGOVERNMENTAL AGREEMENT**

THIS INTERGOVERNMENTAL AGREEMENT (this "Agreement") is made and entered into on this ____ day of _____, 2023 by and between the CITY OF STONECREST, GEORGIA (hereinafter referred to as the "City"), and the STONECREST DEVELOPMENT AUTHORITY, GEORGIA (hereinafter referred to as the "Authority");

WHEREAS, the City of Stonecrest was created by Senate Bill 208, passed in the Georgia General Assembly during the 2016 Session and subsequently confirmed by referendum; and

WHEREAS, pursuant to Title 62 Chapter 36 of the Official Code of Georgia (“Development Authorities Law”) municipalities of this state are authorized to establish public bodies corporate and politic to be known as “development authorities;” and

WHEREAS, the Mayor and Council of the City of Stonecrest (“City Council”) pursuant to O.C.G.A. § 36-62-3 et seq established the Stonecrest Development Authority by ordinance for the purpose of developing and promoting trade, commerce, industry and employment opportunities; and

WHEREAS, the City and the Authority share a joint desire and ambition to spur economic redevelopment in various areas of the City; and

WHEREAS, the City and the Authority wish to enter into this intergovernmental agreement by which they may set forth in writing the parameters for their relationship in pursuing their joint ambitions and goals for the development of the City.

NOW, THEREFORE, for and in consideration of the promises, mutual covenants, and agreements contained herein, the parties do hereby covenant and agree as follows:

ARTICLE I: PURPOSE OF AGREEMENT

The purpose of this Agreement shall be to establish the parameters under which the Authority operates as it endeavors to facilitate the revitalization and development of underutilized and underdeveloped areas in the City, attract private investment, strengthen the City's economic base and tax digest, attract new industries, create jobs, and benefit the residents and citizens of the City.

ARTICLE II: FUNDING AND APPROPRIATIONS

In consideration of the commitments made by the Authority herein, and for use by the Authority in carrying out the activities provided for herein; the City shall appropriate funds to be used by the Authority as and when it is deemed prudent and necessary by the City’s governing body.

In addition, from time to time during the term of this Agreement, the governing body of the City shall review the progress of the Authority, and the financial condition of the Authority. While all such decisions, and the appropriation function, shall remain the exclusive province of the City's governing body, which it may exercise in its sole discretion, the City will consult in good faith with the Authority regarding the suitable level of appropriation, and will, in all events, appropriate sufficient funds to meet all contractual obligations of the Authority, the Authority complies with the terms of this Agreement. Any action violating the terms and provisions of this Agreement will result in the immediate end to any future appropriation of funds.

ARTICLE III: DEVELOPMENT ACTIVITIES

In consideration of the payments and appropriations made by the City under this Agreement, and the other promises and commitments made hereunder, the Authority agrees that it shall undertake the following activities whenever and wherever needed in the City, in coordination and cooperation with the City:

- a. The Authority shall act as a non-exclusive development agent for the City exercising its powers under Georgia law for the benefit of the City.
- b. The Authority may assist in the creation of such tax allocation districts as may be deemed necessary or prudent or otherwise provide for tax abatement programs, the City requests however, that the Authority inform the City prior to extending to any project or entity an incentive or tax abatement.
- c. The Authority may enter into and execute any contracts, leases, mortgages, or other agreements, including agreements with bondholders or lenders, determined by the Authority to be necessary or convenient to implement the provisions and effectuate the purposes of this Agreement. The City requests review prior to execution.
- d. From time to time, the Authority may acquire property, real or personal, or interests therein, for redevelopment and development purposes, and use or dispose of such property or interests, either through the City or directly with private parties.
- e. The Authority may conduct other planning and implementation activities as are deemed necessary and prudent, including planning and predevelopment activities such as site analysis, environmental analysis, development planning, market analysis, financial feasibility studies, preliminary design, zoning compliance, facilities inspections, and overall analysis of proposed redevelopment plans to ensure consistency with the City's overall goals, and short-term and long-term plans.
- f. The Authority may negotiate and enter into public-private ventures, provide loans to private enterprises, and enter into intergovernmental and other agreements as needed. The City requests review prior to execution.

- g. Legal counsel and bond counsel when applicable for the Authority (“Counsel”) must be selected and approved by the City annually. The term of Counsel will coincide with the beginning and end of the City’s fiscal year. Failure by the Authority to obtain the suitable approval for appointment of its Counsel will be deemed a violation of this Agreement. Failure to obtain the suitable approval by the City will result in termination of the Authority’s Counsel.
- h. The Authority shall be responsible for preparing for the review by its Counsel and for its execution and filing by the Authority and filing any financial reporting documents for the Authority, including any reports required to be filed with the Georgia Department of Community Affairs pursuant to O.C.G.A. § 36-81-8(b)(2).
- i. The City shall name the Authority as an additional insured under its general liability policies.
- j. 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.

ARTICLE IV: DEVELOPMENT AUTHORITY OPERATIONS

- a. The City expressly authorizes the Authority to utilize the City Hall for its meetings and other operational purposes. The Authority shall also have reasonable access to City staff time and resources to conduct its operations. The City shall appoint one staff member to function as the Authority’s Executive Director, who shall be responsible for the maintenance of all Authority minutes, records, contracts and other official documents, and for ensuring Authority compliance with State law and City ordinances. All such utilization shall be coordinated through and at the direction of the City Manager.
- b. As part of City staff functions, the Executive Director will take charge of all Authority assets and property, and on behalf of the Authority manage the day-to-day operation and maintenance of all such sites. Where appropriate, the Executive Director, or its assignee, shall market for sale or lease, such properties as is deemed in the best interest of the City and the Authority. All such transfer of title or leasehold interest shall be approved by the Authority and the City. The Authority appoints the Executive Director as an agent of the Authority who is hereby authorized to take administrative actions in this regard on behalf of the Authority. The City Manager shall deliver to the City and the Authority, at least quarterly, a report of activity of Authority property.
- c. The Authority agrees that except as expressly provided in any other agreement between the City and the Authority, the Executive Director, with such City staff support as directed by the City Manager, shall perform the day-to-day management, including budgeting and annual audit review, of all funds, bank accounts and assets of the Authority.

- d. The Authority acknowledges that all of its current assets were either transferred to it by the City, or acquired through revenue bonds supported by the revenue from a specific project, or acquired by financing arrangements guaranteed by the City's full faith and credit. As such, it hereby pledges to hold all such assets, and any income derived from the operation or sale of such assets, in trust for the benefit of the City. The City Manager, through City staff is hereby appointed as custodian of all liquid Authority assets, and shall maintain such assets in such accounts as if they were City funds. With notice to the Authority, and provided that such transfer will not place the Authority in risk of default on its contractual obligations, the City may transfer funds and assets from such accounts to accounts of the City consistent with the City's established policies, budgeting procedures, and standards promulgated by the Governmental Accounting Standards Board. If requested by the City, the Authority shall promptly convey title in any of the real property of the Authority to the City. The City Manager may transfer such assets to City accounts, without further approval of the Authority, in such manner as is consistent with this Agreement.
- e. The Authority shall process all open records requests pursuant to O.C.G.A. § 50-18-70 et seq. The Executive Director shall serve as the designated records custodian for open record requests for public records of the Authority. The Authority shall be authorized to charge and retain fees authorized by O.C.G.A. § 50-18-71, et. al.
- f. The City shall provide space within City Hall or other City property for the Authority to conduct public meetings, as that term is defined under O.C.G.A. § 50-14-1. The City and the Authority will confer prior to scheduling meetings for the Authority to ensure sufficient space is available. The Authority 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.
- g. The Authority, pursuant to O.C.G.A. § 36-62-5 (d), may make bylaws and regulations for its governance. The City Council must approve all amendments to the Authority's bylaws.
- h. The Authority may delegate to one or more of its officers, agents, and employees such powers and duties as may be deemed necessary and proper pursuant to O.C.G.A. § 36-62-5 (d). The appointed member of the City's governing authority serving as a director on the Authority shall also serve as the Authority's chair.
- i. The Authority acknowledges that this Agreement is not an exclusive agreement and that the City may contract with other governmental entities for the provision of similar services.

ARTICLE V: INDEMNIFICATION

It is the intent of the parties to be covered under the auspices of any applicable immunity granted by law. To the extent permitted by law, the Authority hereby agrees to defend, indemnify, and hold harmless the City and its officers, employees, or agents from any and all claims, liability, losses or damages, including attorneys' fees and costs of defense which the Authority or its officers, employees, or agents may incur as a result of any claim, demand, suit, or cause of action or proceeding of any kind or nature arising out of, relating to, or resulting from the Authority's actions or inactions in performing under this

Agreement. The Authority and City shall promptly notify each other of all such claims, shall cooperate with the defense and resolution of each claim, and shall not settle or otherwise dispose of the claim without first consulting with all parties hereto. The indemnification under this Agreement shall survive termination of this Agreement for any claims that may be filed after the termination date of this Agreement, provided that such claims are based upon actions or alleged actions that occurred during the term of this Agreement.

ARTICLE VI: GENERAL PROVISIONS

- a. ASSIGNMENT. This Agreement may not be assigned without the express written consent of all other parties to this Agreement.
- b. NOTICE. Any notice required or permitted to be delivered hereunder shall be deemed received when sent by United States certified mail, return receipt requested, or statutory overnight delivery, at the addresses set forth below:

City of Stonecrest, Georgia
 Stonecrest City Hall
 3120 Stonecrest Blvd,
 Suite 190,
 Stonecrest, GA 30038.
 Attention: City Manager

City of Stonecrest Development Authority
 Stonecrest City Hall
 3120 Stonecrest Blvd,
 Suite 190,
 Stonecrest, GA 30038.
 Attention: Chair

- c. STATE LAW TO APPLY. This contract shall be construed under and in accordance with the laws of the State of Georgia.
- d. PARTIES BOUND. The contract shall be binding upon and inure to the benefit of the Parties hereto and their respective legal representatives, successors, and assigns where permitted by this Agreement.
- e. SEVERABILITY. In case any one or more of the provisions contained in this contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision thereof and this contract shall be construed as is such invalid, illegal, or unenforceable provision had never been contained herein.
- f. PRIOR AGREEMENTS SUPERSEDED. Except as expressly provided for herein, this Agreement constitutes the sole and only Agreement of the Parties hereto with respect to

the subject matter described herein, and supersedes any prior understandings or written or oral Agreements between the parties respecting the within subject matter. This provision shall not apply to the following agreements or transactions:

- i. Any agreements pertaining to any outstanding bonds of the Authority.
 - ii. Any security agreements between the Authority and the City.
 - iii. Any outstanding notes evidencing loans of funds from the City to the Authority.
- g. TIME OF ESSENCE. Time is of the essence of this contract.
- h. AMENDMENT. This Agreement may not be modified, amended or terminated in whole or in part in any manner other than by an agreement in writing duly signed and appropriately approved by all parties hereto.
- i. GENDER. Words of any gender used in this contract shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, and vice versa, unless the context requires otherwise.
- j. HEADINGS. The headings for each paragraph or section of this Agreement are for convenience of reference only and shall not be deemed a part of this Agreement for the purposes of interpreting any provision of said Agreement.
- k. COUNTERPARTS. This Agreement may be executed in any number of identical counterparts, and each counterpart hereof shall be deemed to be an original instrument, but all counterparts hereof taken together shall constitute but a single instrument.
- l. CONSTRUCTION OF AGREEMENT. This Agreement shall not be construed more strongly against any party regardless of which party is responsible for its preparation.
- m. DATES. If the final date of any time period or the date for the performance of any obligation hereunder falls upon a Saturday, Sunday, or a bank or government holiday under the laws of the State of Georgia, then the time of such period or the time for the performance of such obligation shall be extended to the next day which is not a Saturday, Sunday, or a bank or government holiday under the laws of the State of Georgia.
- n. EFFECTIVE DATE AND TERM OF AGREEMENT. The Effective Date of this Agreement shall be the date on which the last party fully executed this Agreement, and the term of this Agreement shall extend for a period of 10 years unless terminated by the City or the Authority upon 30 days' written notice.

[SIGNATURES APPEAR ON FOLLOWING PAGE.]

IN WITNESS WHEREOF, the City and the Authority as Parties hereto have caused this Agreement to be executed by their duly authorized representatives and delivered as their act and deed, intending to be legally bound by the terms and provisions of this Agreement.

CITY OF STONECREST

**CITY OF STONECREST DEVELOPMENT
AUTHORITY**

City Manager

Chair

ATTEST:

ATTEST:

City Clerk

Secretary

APPROVED AS TO FORM:

City Attorney



CITY COUNCIL AGENDA ITEM

SUBJECT: Approval of Stonecrest Development Authority Bylaws

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): [Click or tap to enter a date.](#) & [Click or tap to enter a date.](#)

Current Work Session: [Click or tap to enter a date.](#)

Current Council Meeting: Monday, May 22, 2023

SUBMITTED BY: Mayor Jazzmin Cobble

PRESENTER: Mayor Jazzmin Cobble

PURPOSE:

FACTS: This item is being presented to request approval of the Stonecrest Development Authority Bylaws.

OPTIONS: Discussion only [Click or tap here to enter text.](#)

RECOMMENDED ACTION: Approve [Click or tap here to enter text.](#)

ATTACHMENTS:

- (1) Attachment 1 - SDA Bylaws
- (2) Attachment 2 - [Click or tap here to enter text.](#)
- (3) Attachment 3 - [Click or tap here to enter text.](#)
- (4) Attachment 4 - [Click or tap here to enter text.](#)
- (5) Attachment 5 - [Click or tap here to enter text.](#)

BY-LAWS OF THE STONECREST DEVELOPMENT AUTHORITY

ARTICLE I

NAME

Section 1.1: The name of the Authority shall be the Stonecrest Development Authority (hereinafter the “Authority”).

ARTICLE II

PURPOSE, ORGANIZATION AND POWERS

Section 2.1: The Authority is a public body corporate and politic created pursuant to the provisions of the Constitution of the State of Georgia and the Georgia Development Authorities Law, O.C.G.A. §36-62-1, et seq., as amended, and activated by an ordinance to revise Chapter 2 (Administration) of the City of Stonecrest, Georgia Code of Ordinances to declare the need for the creation of a Development Authority to function in the City of Stonecrest, Georgia (the “City”) and to provide for the activation of the Development Authority. The purpose of the Authority is to develop and promote trade, commerce, industry and employment opportunities for the public good and the general welfare while performing an essential governmental function in the exercise of that power.

Section 2.2: The powers set forth in the Development Authorities Law are expressly incorporated herein by this reference, subject to any current or future limitations or restrictions contained in the Development Authorities Law, the activating ordinance, or any amendments, modifications or changes to the foregoing.

ARTICLE III
MEMBERSHIP

Section 3.1:

- ~~(A)~~ The Board of Directors (the “Board”) of the Authority shall be composed of seven (7) members, each of whom shall be a taxpayer residing in the City. ~~And none of whom shall be a member of the governing body of the City.~~
- (B) The initial terms of office of the Board shall be staggered to include four (4) members to serve an initial term of two (2) years and three (3) members to serve an initial term of four (4) years. Thereafter, any succeeding Board member shall serve a term of four (4) years as set forth in the Development Authorities Law.
- (C) Board members may be appointed by the governing body of the City for more than one (1) consecutive term. If at the end of any term of office of any Board member, a successor thereto has not been appointed, the Board members whose term of office has expired shall continue to hold office until his or her successor is so appointed.
- (D) A vacancy on the Board shall exist in the event of any member of the Board being convicted of a felony, or entering a plea of nolo contendere thereto; a member being convicted of a crime which involves moral turpitude or who enters a plea of nolo contendere thereto; a member being convicted of any act of malfeasance, misfeasance, or nonfeasance of such person’s duties as a member of the Board; [or who fails to attend three (3) consecutive regular meetings of the Authority without an excused approval by the Board Chairperson]. A vacancy on the Board shall also exist in the event of death, resignation, or relocation of a member outside of the City of Stonecrest, Georgia area. A vacancy shall be filled by appointment by the Mayor and Council of the City.
- (E) The Chairperson shall notify the governing body within sixty (60) days of the creation of a vacancy on the Board.

Section 3.2: No member of the Board shall be disqualified from serving on the Authority because of any pecuniary interest in a Project as defined in the Development Authorities Law, but the fact of such interest shall be disclosed by such member and recorded on the minutes of the Authority. The member shall recuse himself or herself from any discussions related to or voting on any project in which he or she has such pecuniary interest.

ARTICLE IV
OFFICERS

Section 4.1. Classes, Terms and Elections. The officers of the Authority shall consist of a Chairperson, Vice Chairperson, Secretary and Treasurer or Secretary/Treasurer. All officers shall be elected by the seven members of the Authority. **Except that the member serving on the City's governing authority shall also serve as Chairperson.** All officers will serve one-year terms, with no limits on the number of terms they may serve.

Section 4.2. Duties of Chairperson. The Chairperson shall be responsible for directing all Board affairs and shall preside at all meetings of the Board. He or she may sign any documents which have been authorized by the Board or are required by law to be signed or executed. In general, he or she shall perform all duties incident to the office of Chairperson and such other duties as may be prescribed by the Board from time to time.

Section 4.3. Duties of Vice Chairperson. In the absence of the Chairperson, or in the event of his or her inability or refusal to act, as determined by the majority of a quorum, the Vice Chairperson shall perform the duties of the Chairperson and when so acting, shall have all the powers of and be subject to all the restrictions upon the Chairperson. The Vice Chairperson shall perform such other duties as from time to time may be assigned to him or her by the Chairperson or by the members of the Authority. The execution of any instrument of the Authority by the Vice Chairperson shall be conclusive evidence, as to third parties, of his or her authority to act in the stead of the Chairperson.

Section 4.4. Delegation of Duties of Secretary/Treasurer. The Board shall elect a secretary and a treasurer or a secretary-treasurer, either of whom may but need not be a member of the Board; and if not a member, they shall have no voting rights. The secretary shall affix the Authority seal to any lawfully executed documents requiring it and shall attest to the signature of the Chairperson and/or the Vice Chairperson of the Authority who are authorized to execute documents of the Authority. The treasurer shall supervise the custodian of all funds of the Authority and shall supervise the collection of monies due to the Authority, the expenditures of the Authority's funds, and the preparation and maintenance of appropriate books of account. The treasurer shall make available all financial information of the Authority to the Mayor and Council of Stonecrest, Georgia. In general, the secretary and/or treasurer shall perform all duties usually incident to the office of secretary and treasurer and such other duties as may be prescribed by the members of the Authority from time to time.

Section 4.5. Legal Counsel and Advisors. The Board may appoint legal counsel, employees and or advisors and assign duties by the majority of a quorum. Board appointees shall serve at the Board's pleasure. **Legal counsel and bond counsel when applicable for the Authority ("Counsel") must be selected and approved by the Mayor and City Council annually.**

ARTICLE V
MEETINGS AND ATTENDANCE

Section 5.1: Regular monthly meetings of the Authority shall be held at a time and place designated by the Board. The preferred method for all correspondence including, but not limited to: meeting announcements, agendas, minutes, financial report, or proposals will be electronically. If a Board Member does not have access to an email account, postal mail will be used. Special meetings of the Authority may be held at any time at the call of the Chairperson or by a majority of the members of the Board. The call for a special meeting may be delivered to any member of the Board, mailed to his or her business or home address or provided electronically at least three (3) days prior to the date of such

special meeting. At such special meeting, no business shall be considered other than as designated in the notice. Each year at the December regular meeting, the Authority shall designate the date, time, and place of its monthly meetings for the upcoming calendar year.

Section 5.2: A majority of the members of the Authority shall constitute a quorum for the transaction of business.

Section 5.3: The Authority shall cause to be kept and maintained a record of minutes of all meetings and official actions taken at such meeting. The official records of the Authority shall be maintained by the Secretary of the Authority or by such other individual designated by the Board.

Section 5.4: The meetings of the Authority and any of its established standing committees, permanent or interim committees shall be open to the public in compliance with the Georgia Open Meetings Act, O.C.G.A. §50-14-1, *et seq.* (the “Open Meetings Act”).

- a. Meetings Open to the Public – Every meeting shall be open to the public unless closed pursuant to the provisions of the Open Meetings Act for an Executive Session.
- b. Public Comment – During each Authority meeting an opportunity for public comment shall be provided, subject to any rules, regulations, and restrictions adopted by the Board related thereto.
- c. Executive Sessions – Consistent with the Open Meetings Act, the Board may enter into Executive Session if authorized by the majority of a quorum to (1) consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions pending or threatened by or against the Authority, or any of the members of the Board in their official capacity as Board members; (2) discuss the acquisition of real estate; (3) discuss or deliberate upon personnel matters; or (4) for any other reason recognized by the Open Meetings Act.

Section 5.5: In accordance with Georgia Open Meetings Act, O.C.G.A. §50-14-1 (g) (3):

On any other occasion of the meeting of an agency or committee thereof, and so long as a quorum is present in person, a member may participate by teleconference if necessary due to reasons of health or absence from the jurisdiction so long as the other requirements of this chapter are met. Absent emergency conditions or the written opinion of a physician or other health professional that reasons of health prevent a member's physical presence, no member shall participate by teleconference pursuant to this subsection more than twice in one calendar year.

ARTICLE VI
STANDING COMMITTEES

Section 6.1: The Board may establish standing committees composed, in whole or in part, of some or all its members and any other permanent or interim committees which it deems necessary. The Board may also appoint members of the public to these committees as they deem appropriate. Committees shall serve in an advisory capacity to the Board, and at the pleasure of the Board. The Chairperson of the Board shall choose a person from among the members of each committee to serve as chairperson of that committee. Each committee shall make such reports to the Board of its activities as the Chairperson or Board members may request.

ARTICLE VII
GOVERNANCE CHANGES

Section 7.1: The Board shall have the power and authority to make such rules, regulations and policies consistent with state law as said Board may deem expedient concerning the operation of the Authority.

Section 7.2: These Bylaws may be amended, revised, suspended or released by a majority vote of the members of the Board provided that a notice has been mailed to each member at least five (5) days prior to such meeting giving a

fair statement of what amendment or revision is proposed. **Any amendments to the By-Laws shall also be first approved by Mayor and City Council.**

ARTICLE VIII

CONTRACTS, CHECKS, DEPOSITS AND FUNDS

Section 8.1: Subject to the provisions of state law and these Bylaws, the members of the Board may authorize any officer, officers, agent or agents of the Authority, in addition to the officer(s) so authorized by these bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Authority, and such authority may be general or defined in specific instances.

Section 8.2: Subject to the provisions of state law and these Bylaws, all checks, drafts or orders for the payment of money, issued in the name of the Authority shall be signed by such officer, officers, agent or agents of the Authority and in such manner as shall from time to time be determined by resolution of the Authority. In the absence of such determination, such instruments shall be signed by the Chairperson and secretary or treasurer.

ARTICLE IX

CONFLICT OF INTEREST POLICY

Section 9.1: Pursuant to O.C.G.A. §36-62-5 (e) (1) (a), the provisions of O.C.G.A. §45-10-3 shall apply to all members of the Authority Board, and a Board member shall not engage in any transaction with the Authority. Furthermore, the provisions of paragraph (9) of Code Section 45-10-3 and subparagraph (A) of said paragraph shall be deemed to have been complied with and the Authority may purchase from, sell to, borrow from, loan to, contract with, or otherwise deal with any Board member or any organization or person with which any Board member of the Authority is in any way interested or involved, provided (1) that any interest or involvement by such Board member is disclosed in advance to the members of the Board and is recorded in the minutes of the Authority, (2) that any interest or involvement by such Board member with a value in excess of \$200.00 per calendar quarter is published by the Authority one time in the legal organ in which notices of sheriffs' sales are published in each county affected by such interest, at least thirty (30) days in advance of consummating such transaction, (3) that no Board member having a substantial

interest or involvement may be present at that portion of an Authority meeting during which discussion of any matter is conducted involving any such organization or person, and (4) that no Board member having a substantial interest or involvement may participate in any decision of the Authority relating to any matter involving such organization or person. The term "substantial interest or involvement" means any interest or involvement which reasonably may be expected to result in a direct financial benefit to such Board member as determined by the Authority, which determination shall be final and not subject to review. In addition to the foregoing, the Board may by resolution adopt a conflict of interest and ethics policy that incorporates a Code of Ethics appropriately similar to those maintained by the State of Georgia and/or City.



CITY COUNCIL AGENDA ITEM

SUBJECT: Appointment of Legal Counsel for SDA

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Appointment
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

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

Current Council Meeting: Monday, May 22, 2023

SUBMITTED BY: Mayor Jazzmin Cobble

PRESENTER: Mayor Jazzmin Cobble

PURPOSE:

FACTS: This item is being presented to appoint legal counsel for the Stonecrest Development Authority.

OPTIONS: Discussion only Click or tap here to enter text.

RECOMMENDED ACTION: Approve Click or tap here to enter text.

ATTACHMENTS:

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



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-22-012 Animal Exhibition

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): 03/27/23 & 04/24/23

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

Current Council Meeting: Monday, May 22, 2023

SUBMITTED BY: Tre'Jon Singletary, Planning & Zoning Senior Planner

PRESENTER: Raymond White, Planning & Zoning Director

PURPOSE: The following document includes recommended zoning language for regulation of a land use in the City of Stonecrest, which can result in the operation of an “Animal Exhibition” as defined by the USDA “Animal Welfare Act and Animal Welfare Regulations”.

FACTS: The staff created a text amendment to require land use compliance and to establish future regulations for like and similar establishments.

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

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- (1) Attachment 1 - Ordinance
- (2) Attachment 2 - Facts & Background
- (3) Attachment 3 - Indoor Animal Exhibition
- (4) Attachment 4 - Outdoor Animal Exhibition



CITY COUNCIL AGENDA ITEM

(5) Attachment 5 - Recommended Permissible Areas

**STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST**

ORDINANCE NO. ____ - _____

1 **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF**
2 **STONECREST, GEORGIA, BY AMENDING DIVISION 1 (OVERVIEW OF USE**
3 **CATEGORIES AND USE TABLE) AND DIVISION 2 (SUPPLEMENTAL USE**
4 **REGULATIONS) OF ARTICLE 4 (USE REGULATIONS) AND ARTICLE 9**
5 **(DEFINITIONS) WITHIN CHAPTER 27 (ZONING ORDINANCE); TO PROVIDE**
6 **SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF**
7 **CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND**
8 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

9
10 **WHEREAS**, the governing body of the City of Stonecrest (“City”) is the Mayor and
11 City Council thereof; and

12 **WHEREAS**, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of
13 Georgia authorizes the City to adopt plans and exercise the power of zoning; and

14 **WHEREAS**, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to
15 adopt ordinances relating to its property, affairs, and local government; and

16 **WHEREAS**, the Mayor and City Council desire to amend Division 1 (Overview of Use
17 Categories and Use Table) and Division 2 (Supplemental Use Regulations) of Article 4 (Use
18 Regulations) and Article 9 (Definitions) within Chapter 27 (Zoning Ordinance); and

19 **WHEREAS**, from time-to-time amendments may be proposed for public necessity,
20

21 general welfare, or sound zoning practice that justify such action; and

22 **WHEREAS**, the Director of Planning and Planning Commission recommend approval
23 based on the City Staff Report and said report is hereby incorporated by reference herein; and

24 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Law
25 has been properly held prior to the adoption of this Ordinance; and

26 **WHEREAS**, the health, safety, and welfare of the citizens of the city will be positively
27 impacted by the adoption of this Ordinance.

28 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY**
29 **COUNCIL OF THE CITY OF STONECREST, GEORGIA**, and by the authority thereof:

30 **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended
31 by amending Division 1 (Overview of Use Categories and Use Table) and Division 2
32 (Supplemental Use Regulations) of Article 4 (Use Regulations) and Article 9 (Definitions)
33 within Chapter 27 (Zoning Ordinance); within Chapter 27 (Zoning Ordinance); by adopting the
34 provisions set forth in Exhibit A attached hereto and made a part hereof by reference.

35 **Section 2.** That text added to current law appears in **red, bold and underlined**. Text
36 removed from current law appears as **~~red, bold and strikethrough~~**.

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

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

42 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
43

44 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance
45 is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It
46 is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent
47 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually
48 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

49 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall,
50 for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by
51 the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
52 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
53 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable
54 any of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that,
55 to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
56 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
57 effect.

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

60 **Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby
61 expressly repealed.

62 **Section 7.** The Ordinance shall be codified in a manner consistent with the laws of the
63 State of Georgia and the City of Stonecrest.

64 **Section 8.** It is the intention of the governing body, and it is hereby ordained that the
65 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
66 Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2023.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
(SEE ATTACHED)

68 CHAPTER 27: ZONING ORDINANCE

69 ARTICLE 4 – USE REGULATIONS

70 DIVISION 1. OVERVIEW OF USE CATEGORIES AND USE TABLE

71 **Sec. 4.1.3. Use table.**

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

- 76 A. The uses listed in Table 4.1 shall be permitted only within the zoning districts
77 identified, and no use shall be established and no structure associated with such use
78 shall be erected, structurally altered or enlarged unless the use is permitted as:
 - 79 1. A permitted use (P);
 - 80 2. A special use (SP) subject to the special land use permit application procedures
81 specified in article 7 of this chapter;
 - 82 3. An administratively approved use (SA) subject to the special administrative permit
83 procedures specified in article 7 of this chapter;
 - 84 4. An accessory use (PA) as regulated by this article 4 of this chapter. Table 4.1 does not
85 list all accessory uses but clarifies uses acceptable as accessory, though not typically
86 considered principal uses for the zoning classification.
 - 87 5. Uses lawfully established prior to the effective date of this zoning ordinance.
- 88 B. Any use not listed in Table 4.1, below, or interpreted to be allowed by the director of
89 planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to allow
90 a use of property in a zoning district other than as provided in this section may file an
91 appeal before the zoning board of appeals as provided in article 7 of this chapter.
- 92 C. If there is a conflict between Table 4.1 and the text of this chapter, the text shall
93 prevail.

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| INSTITUTIONAL/PUBLIC | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|----------------------------------------------------------|--------|----|----|--------|--------|--------|----|----|----|----|----|---|---|--------|----|---|--------|--------|----|--------|---|--------|--------|----|----|---|---|---|---|---|
| Community Facilities | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Animal Exhibition, Indoor</u> | | | | | | | | | | | | | | | | | | | | | | S P | S P | | | | | | | |
| <u>Animal Exhibition, Outdoor</u> | | | | | | | | | | | | | | | | | | | | | | S P | S P | | | | | | | |
| Aquarium/Indoor/Outdoor Exhibition | | | | | | | | | | | | | | | | | | | | | | S P | S P | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | S | S | | | | | | | |
| Cemetery, columbarium, mausoleum | S P | SP | SP | S P | S P | S P | SP | SP | SP | SP | | | P | P | | | | | | | | | P | ✓ | | | | | | |
| Club, order or lodge, fraternal, non-commercial | | | | | | | | | | | | | P | P | | P | P | P | P | | | P | P | P | P | | | | | |
| Coliseum or stadium/not associated with church or school | | | | | | | | | | | | | | | | | P | P | P | | | | | | SP | P | ✓ | | | |
| Cultural facilities | | | | | | | | | SP | SP | SP | | | S P | SP | | S P | S P | SP | S P | | SP | SP | SP | SP | | | | | |
| Funeral home, mortuary | | | | | | | | | | | | | P | P | | P | P | | | | | P | P | P | P | | | | | |
| Golf course or clubhouse, public or private | P | P | P | P | P | P | P | | | | P | | P | P | | | | P | P | P | | | | | | ✓ | | | | |
| Government facilities | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | | | | |
| Hospital or accessory ambulance service | | | | | | | | | | | | | P | P | | | | | | | | | | | | P | P | | | |
| Library or museum | | | | | | | | P | P | P | | | P | P | P | P | P | P | | | | | | | | P | P | P | P | |
| Neighborhood or subdivision | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | | | | | | | | | | | P | P | P | P | ✓ |

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|---------------------------------------------------------------------|--------|---------|---------------|------------------|------------------|------------------|---------|--------------|--------------|------------------|---------|---------|--------|---------|--------|-------------|-------------|--------|---|-------------|--------------|--------------|--------------|----------------|-----------------------|
| clubhouse or amenities | | | | | | | | | | | | | | | | | | | | | | | | | |
| Recreation club | S P | SP | SP | S P | S P | S P | SP | SP | SP | SP | | SP | | | | | | P | | | | | SP | ✓ | |
| Places of worship | S P | SP | SP | S P | S P | S P | SP | SP | SP | SP | | SP | P | P | P | P | P | P | P | P | P | P | P | ✓ | |
| Recreation, outdoor | | | | | | | | | | | | | | | | | P | P | P | P | | | | ✓ | |
| Swimming pools, commercial | S P | SP | SP | S P | S P | S P | SP | SP | SP | SP | SP | SP | P | P | | P | P | P | P | | | Pa | Pa | Pa | ✓ |
| Tennis courts, swimming pools, play or recreation areas, community, | P a | Pa | Pa | P a | P a | P a | Pa | Pa | Pa | Pa | Pa | Pa | P | P | | P | P | P | P | | | Pa | Pa | Pa | ✓ |
| Use | R E | RL G | R- 10 0 | R - 8 5 | R - 7 5 | R - 6 0 | RS M | M R- 1 | M R- 2 | HR- 1,2, 3 | MH P | RN C | O I | OI T | N S | C - 1 | C - 2 | O D | M | M - 2 | M U- 1 | M U- 2 | M U- 3 | M U- 4,5 | See Section 4.2 |

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Table 4.1. Use Table

115 CHAPTER 27: ZONING ORDINANCE

116 ARTICLE 4 – USE REGULATIONS

117 DIVISION 2. SUPPLEMENTAL USE REGULATIONS

118 As relates to Indoor Animal Exhibitions, such use shall:

- 119 1. Be conducted entirely within an enclosed building.
- 120 2. Not produce noise, dust, liquids, fumes, odors or other irritants that may affect surrounding residents, business owners
121 or property owners.
- 122 3. Be properly insured and provide proof of such insurance to the City of Stonecrest.
- 123 4. Provide written permission from the owner or property manager of the building to be occupied as an indoor Animal
124 Exhibition to the City.
- 125 5. Display a copy of all required valid licenses and permits in a prominent place on premises.
- 126 6. Be licensed and comply with all rules and regulations for a “Licensed Class C – Exhibitor” under the Animal Welfare
127 Act (7 U.S.C. 2131 et seq.) and as regulated by the United States Department of Agriculture (USDA) regulations
128 established in the most recent issue of “USDA Animal Care – Animal Welfare Act and Animal Welfare Regulations”
129 (aka the USDA Blue Book). https://www.aphis.usda.gov/animal_welfare/downloads/bluebook-ac-awa.pdf).
130 All required licensing shall be renewed prior to expiration and a copy provided to the City. Upon expiration or non-
131 renewal of the license, the use shall immediately cease operations until a copy of a valid license is provided to the City.
- 132 7. Comply with the Georgia Department of Agriculture Animal Health Division regulations as established in the Rules
133 and Regulations of the State of GA Chapter 40-13.
- 134
135 8. Comply with applicable standards of the Georgia Department of Natural Resources (DNR) for the regulation of non-
136 native species as per the regulated wild animals/exotics types (<https://gadnrle.org/exotics>), and restricted non-native
137 species found in O.C.G.A. §27-5-4.

- 138 **9. Comply with applicable regulations and standards for regulated native species as per the Georgia DNR's laws related**
 139 **to native wildlife (<https://gadnrl.org/laws-native-wildlife>). The Georgia DNR shall be notified prior to adding**
 140 **additional regulated species prior to acquisition. Proof of notification and approval may be required at any time by the**
 141 **City of Stonecrest to ensure compatibility.**
- 142 **10. Comply with the Georgia Department of Agriculture (GDA) regulations for general requirements for animal health**
 143 **and disease prevention, including following all requirements for importing animals from out of state, for intrastate**
 144 **transportation, vaccination and quarantine requirements, as applicable, as per the Rules and Regulations of the State**
 145 **of Georgia Chapter 40-13 (<http://rules.sos.state.ga.us/GAC/40-13>).**
- 146 **11. Comply with the Georgia Department of Public Health regulations pertaining to reporting rabies exposure.**
- 147 **12. Comply with DeKalb County requirements for "hazardous animals" as per DeKalb County Code of Ordinances,**
 148 **Chapter 5 – Animals.**
- 149 **13. Comply with § 27-5-5 - Wild animals for which license or permit required :: 2010 Georgia Code :: US Codes and**
 150 **Statutes :: US Law :: Justia**
- 151 **14. Comply with the National Association of State Public Health Veterinarians (NASPHV) standards for protection of**
 152 **human health.**
- 153 **15. The proposed animal exhibition use shall only be allowed in the character areas identified as compatible with the use,**
 154 **and only within specified zoning districts that are found in one of those character areas. The following parameters shall**
 155 **control the location of the exhibitions:**
- 156
- 157 **A. Indoor Animal Exhibitions shall only be allowed in the City Center Character Area and the Regional Center**
 158 **Character Area and on properties zoned C-1 Local Commercial District or C-2 General Commercial District.**
- 159 **B. The Indoor Animal Exhibition use shall be added to the C-1 Local Commercial District and the C-2 General**
 160 **Commercial District in Table 4.1. Use Table under the Recreation and Entertainment Use section of Chapter 27 Zoning**
 161 **Ordinance Article 4. Use Regulations as a use subject to Mayor and Council approval of a Special Land Use Permit.**

162 **C. Outdoor Animal Exhibitions shall only be allowed in the Conservation/Open Space Character Area and on**
163 **properties within the Arabia Mountain Conservation Overlay District.**

164 **D. The Outdoor Animal Exhibition use shall be added to Table 3.1 Overlay Use Table under the Recreation and**
165 **Entertainment Land Use section of Chapter 27 Zoning Ordinance Article 3. Overlay District Regulations for the**
166 **Arabia Mountain Conservation Overlay District as a use subject to Mayor and Council approval of a Special Land Use**
167 **Permit.**

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170 **As relates to Outdoor Animal Exhibitions, such use shall comply with paragraphs 1. through 15. directly above and the**
171 **following additional regulations:**

172 **1. Outdoor animal exhibitions shall only be operated between the hours of 8:00 AM and 8:00 PM.**

173 **2. No building that houses animals, or enclosure that confines animals, shall be placed less than one hundred (100) feet**
174 **from a common property boundary with a residential use or a residential zoning district.**

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178 CHAPTER 27: ZONING ORDINANCE

179 ARTICLE 9 – DEFINITIONS

180 **Indoor Animal Exhibitions means the display of any animal to the public in an enclosed building. Such exhibitions may**
181 **include, but are not limited to indoor zoos, indoor petting zoos, aquariums, bird aviaries, butterfly exhibits, museums with live**
182 **exhibits and educational venues. Indoor animal exhibitions shall not include retail pet stores, the keeping of household pets,**
183 **livestock shows, purebred dog or cat shows, and similar events.**

184 Outdoor Animal Exhibitions means the display of any animal to the public in an open-air structure such as a corral or other
185 fenced area. Outdoor animal exhibitions may include, but are not limited to, outdoor zoos, outdoor petting zoos, wildlife or
186 fauna parks and similar venues. This use shall not include agricultural fairs, livestock shows, purebred dog or cat shows, or
187 similar events. Outdoor animal exhibitions are not considered agricultural fairs where animals are displayed on exhibition
188 grounds for comparing and judging the qualities and characteristics of various breeds and species of animals. The main
189 purpose of such exhibitions is not to market “for sale,” animals, but merely for their display.

190 For purposes of this text modification, carnivals, circuses, and similar venues are not considered outdoor animal exhibitions;
191 rather these temporary events are subject to the regulations of Sec. 4.3.1. Temporary outdoor uses, general requirements; Sec.
192 4.3.2. Duration, frequency and hours of operation of temporary outdoor uses; and Sec. 4.3.5. Temporary outdoor events.

Facts & Background

- Purpose
 - Create a use for outdoor and indoor animal exhibition.
 - Defined by United States Department of Agriculture (USDA) as an animal exhibition (Animal Welfare Act & Animal Welfare Regulations).
- No use currently exist within Stonecrest Zoning Ordinance.
- The proposed ordinance would only allow the use in certain areas of the city.
- Development standards will be implemented.

Indoor Animal Exhibition

- Recommended Definition
 - Indoor Animal Exhibitions means the display of any animal to the public in an enclosed building. Such exhibitions may include, but are not limited to indoor zoos, indoor petting zoos, aquariums, bird aviaries, butterfly exhibits, museums with live exhibits and educational venues. Indoor animal exhibitions shall not include retail pet stores, the keeping of household pets, livestock shows, purebred dog or cat shows, and similar events.

Indoor Animal Exhibition

- Recommended Supplemental Regulations
 - **1.** Be conducted entirely within an enclosed building.
 - **2.** Not produce any noise, dust, liquids, fumes, odors or other irritants that may affect surrounding residents, business owners or property owners.
 - **3.** Be properly insured and provide proof of that insurance to the City annually.
 - **4.** Provide written permission from the owner or property manager of the building being occupied to the City.
 - **5.** Display a copy of all required valid licenses and permits in a prominent place on premises.
 - **6.** Be licensed and comply with all rules and regulations for a “Licensed Class C – Exhibitor” under the Animal Welfare Act (7 U.S.C. 2131 et seq.) and as regulated by the United States Department of Agriculture (USDA) regulations established in the most recent issue of “USDA Animal Care – Animal Welfare Act and Animal Welfare Regulations” (aka the USDA Blue Book).
https://www.aphis.usda.gov/animal_welfare/downloads/bluebook-acawa.pdf.
 - All required licensing shall be renewed prior to expiration and a copy provided to the City. Upon expiration or non-renewal of the license, the use shall immediately cease operations until a copy of a valid license is provided to the City.

Indoor Animal Exhibition

- **7.** Comply with the Georgia The Department of Agriculture Animal Health Division regulations as established in the [Rules and Regulations of the State of GA Chapter 40-13](#).
- **8.** Comply with applicable standards of the Georgia Department of Natural Resources (DNR) for the regulation of non-native species as per the regulated wild animals/exotics types (<https://gadnrle.org/exotics>), and restricted non-native species found in O.C.G.A. §27-5-4.
- **9.** Comply with applicable regulations and standards for regulated native species as per the Georgia DNR's laws related to native wildlife (<https://gadnrle.org/laws-native-wildlife>). The Georgia DNR shall be notified prior to adding additional regulated species prior to acquisition. Proof of notification and approval may be required at any time by the City of Stonecrest to ensure compatibility.
- **10.** Comply with the Georgia Department of Agriculture (GDA) regulations for general requirements for animal health and disease prevention, including following all requirements for importing animals from out of state, for intrastate transportation, vaccination and quarantine requirements, as applicable, as per the Rules and Regulations of the State of Georgia Chapter 40-13 (<http://rules.sos.state.ga.us/GAC/40-13>).
- **11.** Comply with the Georgia Department of Public Health regulations pertaining to reporting rabies exposure.
- **12.** Comply with DeKalb County requirements for "hazardous animals" as per DeKalb County Code of Ordinances, Chapter 5 – Animals (https://library.municode.com/ga/dekalb_county/codes/code_of_ordinances?nodeId=CODECO_CH5AN)
- **13.** Comply with [§ 27-5-5 - Wild animals for which license or permit required :: 2010 Georgia Code :: US Codes and Statutes :: US Law :: Justia](#)

Outdoor Animal Exhibition

- Recommended Definition
 - An Outdoor Animal Exhibition means the display of any animal to the public in an open-air structure such as a corral or other fenced area. Outdoor animal exhibitions may include, but are not limited to, outdoor zoos, outdoor petting zoos, wildlife or fauna parks and similar venues. This use shall not include an agricultural fairs, livestock shows, purebred dog or cat shows, or similar events. Outdoor animal exhibitions are not considered agricultural fairs where animals are displayed on exhibition grounds for comparing and judging the qualities and characteristics of various breeds and species of animals. The main purpose of such exhibitions is not to market "for sale" animals, but merely for their display.

Outdoor Animal Exhibition

- Recommended Supplemental Regulations
 - As related to Outdoor Exhibitions, such use shall comply with The Indoor Animal Exhibition supplemental regulations along with the two (2) additional supplemental regulations
 - 1. Outdoor animal exhibitions shall only operate between the hours of 8:00 AM and 8:00 PM.
 - 2. No building that houses animals or enclosure that contains animals shall be placed less than one hundred (100) feet from a common property boundary with a residential use or a residential zoning district.

Recommended Permissible Areas

What changed?

- Indoor and Outdoor Exhibition is permitted in C-1 (Local Commercial) and C-2 (General Commercial) with a Special Land Use Permit
 - Has to be approved by Mayor and Council



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-22-014 CPIM Ordinance

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap here to enter text. & Click or tap to enter a date.

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

Current Council Meeting: Monday, May 22, 2023

SUBMITTED BY: Tre'Jon Singletary, Senior Planner of Planning and Zoning

PRESENTER: Raymond White, Director of Planning and Zoning

PURPOSE: The purpose of this informal meeting is provide opportunity for the community to ask questions and/or express concerns to the applicant. Staff would like the requirement to attend this meeting as part of the formal procedure in zoning matters.

FACTS: The Community Planning Information Meeting is not listed as a required procedure for public hearings in Article 7, Division 2.

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

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- (1) Attachment 1 - Ordinance
- (2) Attachment 2 - Facts & Background
- (3) Attachment 3 - Current Zoning Calendar 2023
- (4) Attachment 4 - Current Zoning Ordinance



CITY COUNCIL AGENDA ITEM

(5) Attachment 5 - Recommended Zoning Ordinance

1 **STATE OF GEORGIA**
2 **COUNTY OF DEKALB**
3 **CITY OF STONECREST**

4
5 **ORDINANCE NO. ____ - _____**
6

7 **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST,**
8 **GEORGIA, CHAPTER 27(ZONING ORDINANCE) ARTICLE 7(ADMINISTRATION)**
9 **DIVISION 2(GENERAL PROCEDURES); TO IMPLEMENT THE COMMUNITY PLANNING**
10 **INFORMATION MEETING; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO**
11 **PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN**
12 **ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL**
13 **PURPOSES.**

14 **WHEREAS,** the governing body of the City of Stonecrest (“City”) is the Mayor and City Council
15 thereof; and

16 **WHEREAS,** Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of
17 Georgia authorizes the City to adopt plans and exercise the power of zoning; and

18 **WHEREAS,** the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to
19 adopt ordinances relating to its property, affairs, and local government; and

20 **WHEREAS,** the Mayor and City Council desire to amend Chapter 27(Zoning Ordinance) Article
21 7(Administration) Division 2(General Procedures) to implement Community Planning Information
22 Meetings within the city’s zoning procedure process; and

23 **WHEREAS,** Community Planning Information Meetings will serve as informational meetings for
24 the public to understand all zoning requests within the City of Stonecrest; and

25 **WHEREAS,** the City desires to hold Community Planning Information Meetings for proposed
26 zoning requests prior to the submission of the proposed zoning request at the City’s Planning Commission
27 meeting and City Council meeting for approval; and

28 **WHEREAS,** from time-to-time amendments may be proposed for public necessity, general

welfare, or sound zoning practice that justify such action; and

WHEREAS, the Director of Planning and Zoning and the Planning Commission recommend approval based on the City Staff Report and said report is hereby incorporated by reference herein; and

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Law has been properly held prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, and welfare of the citizens of the city will be positively impacted by the adoption of this Ordinance.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA, and by the authority thereof:

Section 1. The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended by amending Chapter 27(Zoning Ordinance) Article 7(Administration) Division 2(General Procedures) by adopting the **Sec. 7.3.6. - Community Planning Information Meeting (CPIM).**

The City will hold an informational meeting for the public called the Community Planning Information Meeting or CPIM. This meeting will serve as an opportunity for the applicant and the City to introduce and explain proposed zoning requests to the community. The goal of the CPIM is to build understanding of the City's zoning process and inform the public of pending zoning requests within the City of Stonecrest.

1. The dates and time of the informational meetings shall be adopted by the Mayor and Council on an annual basis and be noted concurrently with the City Council's regularly scheduled meetings dates.

2. Site plans scheduled to be on the next Planning Commission's meeting agenda shall be displayed at Community Planning Information Meeting for the public.

3. The Planning and Zoning Director and/or his/her designee(s) shall be present to discuss and answer any questions from the community on all proposed zoning requests initiated by the City at the CPIM.

4. A party other than the city who initiates a zoning request and/or his/her designee(s) shall be present to discuss and answer any questions from the community on the proposed zoning request at the CPIM.

Section 2. That text added to current law appears in **red, bold and underlined**. Text removed from current law appears as **red, bold and strikethrough**.

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

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections,

63 paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believ
64 Mayor and Council to be fully valid, enforceable and constitutional.

65 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
66 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from
67 every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the
68 intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence,
69 clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or
70 phrase of this Ordinance.

71 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for any reason
72 whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the valid judgment or decree of
73 any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity,
74 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid,
75 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or
76 section of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences,
77 paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
78 effect.

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

81 **Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

82 **Section 7.** The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia
83 and the City of Stonecrest.

84 **Section 8.** It is the intention of the governing body, and it is hereby ordained that the provisions of this
85 Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia.

86
87 **ORDAINED this _____ day of _____, 2023.**

88 **[SIGNATURES TO FOLLOW]**

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CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

Facts & Background

- CPIM = Community Planning Information Meeting
- Purpose
 - a. Allow staff and applicants to inform the public of upcoming developments/projects;
 - b. Allow the citizens of Stonecrest opportunities to review all petitions, ask questions of all applicants, and express any preliminary concerns;
 - c. Bridge the relationships between developers, residents, and staff
- Occurrence
 - Every second Thursday of each month

REZONING, SPECIAL LAND USE, COMPREHENSIVE LAND USE CHANGE ZONING CALENDAR FOR 2023

MEETS EVERY 1ST TUESDAY OF THE MONTH

Meeting starts at 6:00p in the City Council Chambers

3120 Stonecrest Boulevard, Stonecrest, GA 30038

Current Zoning Calendar 2023

| PRE-APPLICATION MTG DEADLINE | SUBMITTAL DEADLINE | COMMUNITY PLANNING INFORMATION MEETING | PLANNING COMMISSION MEETING | CITY COUNCIL MEETING |
|---------------------------------|--------------------|----------------------------------------|-----------------------------|----------------------|
| 10/18/2022 | 11/1/2022 | 12/8/2022 | 1/3/2023 | 2/27/2023 |
| 11/15/2022 | 12/6/2022 | 1/19/2023 | 2/7/2023 | 3/27/2023 |
| 12/20/2022 | 1/3/2023 | 02/9/2023 | 3/7/2023 | 4/24/2023 |
| 01/17/2023 | 02/02/2023 | 03/9/2023 | 4/4/2023 | 05/22/2023 |
| 02/14/2023 | 03/02/2023 | 04/13/2023 | 05/02/2023 | 06/26/2023 |
| 03/21/2023 | 04/04/2023 | 05/11/2023 | 06/06/2023 | 07/24/2023 |
| 04/18/2023 | 05/02/2023 | 06/08/2023 | *TBA | 08/28/2023 |
| 05/16/2023 | 06/06/2023 | 07/13/2023 | 08/01/2023 | 09/25/2023 |
| INTENTIONALLY LEFT BLANK | | | | |
| 06/20/2023 | *07/11/2023 | 08/10/2023 | 09/05/2023 | 10/23/2023 |
| 07/18/2023 | 08/02/2023 | 09/14/2023 | 10/03/2023 | 11/27/2023 |
| 08/15/2023 | 09/05/2023 | 10/12/2023 | 11/07/2023 | TBD |
| 09/19/2023 | 10/03/2023 | 11/09/2023 | 12/05/2023 | TBD |
| 10/17/2023 | 11/07/2023 | 12/14/2023 | 01/02/2024 | TBD |
| 11/21/2023 | 12/05/2023 | 01/11/2024 | 02/06/2024 | TBD |

Recommended Sec. 7.3.6.- Community Planning Information Meeting (CPIM)

Sec. 7.3.6. – Community Planning Information Meeting (CPIM)

The City will hold an informational meeting for the public called the Community Planning Information Meeting or CPIM. This meeting will serve as an opportunity for the applicant and the City to introduce and explain proposed zoning requests to the community. The goal of the CPIM is to build understanding of the City's zoning process and inform the public of pending zoning requests within the City of Stonecrest.

1. The dates and times of the informational meetings shall be adopted by the Mayor and Council on an annual basis and be noted concurrently with the City Council's regularly scheduled meetings dates.
2. Site plans scheduled to be on the next Planning Commission's meeting agenda shall be displayed at the Community Planning Information Meeting for the public.
3. The Planning and Zoning Director and/or his/her designee(s) shall be present to discuss and answer any questions from the community on all proposed zoning requests initiated by the City at the CPIM.
4. A party other than the city who initiates a zoning request and/or his/her designee(s) shall be present to discuss and answer any questions from the community on the proposed zoning request at the CPIM.

Staff's Recommendation

Approval



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-22-015 Sign Ordinance

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap here to enter text. & Click or tap to enter a date.

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

Current Council Meeting: Monday, May 22, 2023

SUBMITTED BY: Tre'Jon Singletary, Senior Planner of Planning and Zoning

PRESENTER: Raymond White, Director of Planning and Zoning

PURPOSE: To amend the existing sign ordinance in regards to terms and definitions, amendments and additions.

FACTS: On December 12th, the Planning & Zoning Department presented changes regarding terms and definitions, amendments to existing sections and creating new sections regarding construction signage. City Council asked staff to create a section regarding Place of Worship and Political signs.

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

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- (1) Attachment 1 - Ordinance
- (2) Attachment 2 - Facts & Background
- (3) Attachment 3 - Current Zoning Calendar 2023
- (4) Attachment 4 - Current Zoning Ordinance



CITY COUNCIL AGENDA ITEM

(5) Attachment 5 - Recommended Zoning Ordinance

STATE OF GEORGIA

DEKALB COUNTY

CITY OF STONECREST

ORDINANCE NO. ____ - _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST, GEORGIA, BY AMENDING ARTICLE I (GENERAL) ARTICLE II (ADMINISTRATION AND ENFORCEMENT) ARTICLE III (REGULATIONS AND RESTRICTIONS) WITHIN CHAPTER 21 (SIGNS); TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of Stonecrest (“City”) is the Mayor and City Council thereof; and

WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia authorizes the City to adopt plans and exercise the power of zoning; and

WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, the Mayor and City Council desire to amend CHAPTER 21 (SIGNS) also known as the Sign Ordinance; and

WHEREAS, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

WHEREAS, the Director of Planning and Zoning recommends approval based on the City Staff Report; and

WHEREAS, a public hearing and recommendation pursuant to the provisions of the Zoning Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Law has been properly held by the City Council prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, and welfare of the citizens of the city will be positively impacted by the adoption of this Ordinance.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA, and by the authority thereof:

Section 1. The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended by amending ARTICLE I (GENERAL) ARTICLE II (ADMINISTRATION AND ENFORCEMENT) ARTICLE III (REGULATIONS AND RESTRICTIONS) WITHIN CHAPTER 21 (SIGNS) by adopting the provisions set forth in Exhibit A attached hereto and made a part hereof by reference.

Section 2. That text added to current law appears in **red, bold and underlined**. Text removed from current law appears as **red, bold and strikethrough**.

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

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

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent

allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

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

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

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 8. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2023.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

TMOD-22-015
STONECREST ZONING
ORDINANCE UPDATE
Revisions to the Sign Ordinance, Chapter 21

Sec. 21-1. - Purpose and findings.

The city council finds that signs provide an important medium through which persons may convey a variety of noncommercial and commercial messages. However, left completely unregulated, the number, size, design characteristics, and locations of signs in the city can become a threat to public safety as a traffic hazard and a detriment to property values and to the city's general public welfare, as well as create an aesthetic nuisance. The city, further, finds that signs have become excessive and that many signs are distracting and dangerous to motorists and pedestrians, are confusing to the public and substantially detract from the beauty and appearance of the city. The city finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations. The purpose and intent of the governing authority of the city in enacting the ordinance from which this chapter is derived are as follows:

- (1)To protect the health, safety and general welfare of the citizens of the city, and to implement the policies and objectives of a comprehensive development plan of the city through the enactment of a comprehensive set of regulations governing signs in the city;
- (2)To regulate the erection and placement of signs within the city in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers or pedestrians;
- (3)To preserve the value of property on which signs are located and from which signs may be viewed;
- (4)To maintain an aesthetically attractive city in which signs are compatible with the use patterns of established zoning districts;
- (5)To maintain for the city's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interest of the city;
- (6)To establish comprehensive sign regulations that effectively balance legitimate business and development needs with a safe and aesthetically attractive environment for residents, workers, and visitors to the city;
- (7)To provide fair and reasonable opportunities for advertisement by the business community located within the city so as to promote the economic vitality of local businesses;
- (8)To ensure the protection of free speech rights under the state constitution and the United States Constitution with the city;
- (9)To establish a permit system to allow specific types of signs in zoning districts consistent with the uses, intent and aesthetic characteristics of those districts;
- (10)To allow certain signs that are small, safe, unobtrusive and incidental to the principal use of

the respective lots on which they are located, subject to the substantive requirements of this chapter but without a requirement for permits;

(11) To provide for temporary signs in limited circumstances;

(12) To place reasonable controls on nonconforming signs that are by definition contrary to the public health, safety and welfare while protecting the constitutional rights of the owners of said nonconforming signs; **and**

(13) To provide for the maintenance of signs, and to provide for the enforcement of the provisions of this chapter; **and**

(14) To prohibit all signs not expressly authorized by this chapter, to provide for the maintenance of signs, and to provide for the enforcement of the provisions of this chapter.

Sec. 21-2. - Definitions.

Parapet Wall means that integral part of a wall that extends above the top of a building.

Parapet Wall Sign means a sign attached parallel to but within 12 inches of a parapet wall, painted on a parapet wall, or erected and confined within a parapet wall, which is supported by said parapet wall and which displays only one sign face.

Shopping center means three or more primary retail establishments planned, developed and managed as a unit and providing parking facilities in common on the site.

~~**Sign means a device, structure or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others. For the purposes of this chapter, the term "sign" shall include the structure upon which a sign face is located. Flags and banners shall be included within this definition only as provided elsewhere herein. Seasonal holiday decorations shall not be included within the definition of the term "sign" and regulated as such.**~~

Sign means any device, fixture, placard, display, or structure visible to the general public that uses or is designed to use any color, form, graphic, illumination, symbol, writing, or visual presentation of any kind to advertise, announce, draw attention to, or identify a product, place, activity, person, institution, business, or other entity, or to communicate a message or information of any kind to the public. "Sign" shall include both "sign face" and "sign structure."

Sign Face means the portion of a sign on which the copy, message, or other visual image to be communicated is placed or is intended or designed to be placed.

Subdivision Entrance Sign means a sign installed at the entrance of a subdivision approved pursuant to the Land Subdivision Ordinance of the City of Stonecrest.

Temporary Sign means a sign mounted on a stake or metal frame that is used for a limited time period and without regard to message. Examples of use of temporary signs include, but are not limited to, campaigns, real estate, and construction in progress.

Wayfinding Directional sign means signage used to assist the public in navigating and locating parking, individual tenants, activity centers, ingress/egress points, and other features internal to a mixed-use development and that is not visible from public rights-of-way.

Sec. 21-23. - Permits.

(a) Except as specifically excluded from the requirements for obtaining a permit, it shall be unlawful for any person to post, display, substantially change, or erect a sign in the city without first having obtained a sign permit or any other permit required by this chapter or other ordinances of the city. Notwithstanding the foregoing, signs which are not visible from a public right-of-way or from neighboring properties shall not be subject to the standards of this chapter.

b) Existing signs which conform to the provisions of this chapter that would be required to obtain a permit under the regulations of this chapter must register with the **director** Director of Planning and Zoning within 90 days of the effective date of the ordinance from which this chapter is derived if such signs do not have a valid permit pursuant to a previous ordinance and pay a permit fee. The information provided for registration will be the same information required in a permit application under section 21-24. No permit fee will be required for the registration of existing signs which have a current valid permit under any previous ordinance regulating sign.

Sec. 21-28. - Enforcement and penalties.

a) The ~~director~~ **Director of Code Enforcement** may issue a citation for violation of this chapter by any person, including if applicable, the owner, manager or tenant of the lot upon which a sign is located, for a sign erected, altered, maintained, converted, or used in violation of this chapter or in violation of any other applicable ordinance regulating signage, including, but not limited to, the building and electrical codes.

Sec. 21-61. - Fees.

The cost of a sign permit shall be established by the city council and collected by the ~~director~~ **Director of Planning and Zoning**

Sec. 21-62. - Prohibited signs.

The following types of signs are prohibited throughout the city:

(1) Signs placed in the dedicated right-of-way of any public road other than publicly-owned or -maintained signs and signs pertaining to railroad crossings;

(2) Window signs which exceed 30 percent of the total window area for the entire business;

(3) Signs that contain words, pictures, or statements which are obscene, as defined by O.C.G.A. § 16-12-80, as amended;

(4) Signs that simulate an official traffic control device, warning sign, or regulatory sign or which hide from view any traffic control device, signal or public service sign;

(5) Signs that emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing abilities;

(6) Signs that interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or which otherwise pose a hazard to traffic due to structural deficiencies in the structure of such signs;

(7) Signs erected by nailing, fastening or affixing the sign in any manner to any tree, curb, utility pole, natural feature, or other structure except as may be set forth herein;

(8) Animated signs;

(9) Signs that obstruct any fire escape, any means of egress or ventilation or that prevent free passage from one part of a roof to any other part thereof, as well as signs attached to any fire escape;

(10) Signs that do not conform to city building and electrical codes;

(11) Signs for which a permit is required that do not display the sign permit number and the name and address of the person responsible for erecting and maintaining the sign;

(12) Roof signs;

(13) Multi-faced signs, including: a. Tri-vision signs; and b. LED signs not meeting the standards of section 21-74;

(14) Signs erected after the effective date of adoption of the ordinance from which this chapter

is derived that are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be enacted;

(15)Balloons, pennant streamers or air or gas filled figures and any sign constructed of non-durable material, including, but not limited to, paper, cardboard or flexible plastic. This provision does not apply to flags, banners, or special event signs;

(16)Portable signs;

(17)Abandoned signs. Signs (including sign structures) shall be deemed abandoned if it does not present a neat and orderly appearance, which may be manifested by the following; rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy and/or if the business, service or commercial transaction to which it relates has been discontinued for six months;

(18)Any sign that is structurally unsound, or is a hazard to traffic or pedestrians;

(19)Illegal signs; **and**

(20)Signs consisting in whole or in part of a series, line, or row of lights, whether supported by cables or other physical means, within 150 feet of a street and visible therefrom.

Notwithstanding the foregoing holiday lights and decorations displayed not more than 30 days before a holiday shall be exempted from this section-;

(21) Human signs; and

(22) Billboard signs.

Sec. 21-65. - Restrictions in residential zoning districts.

~~(1)~~ ~~(A)~~ There shall be a maximum of two monument signs per entrance into any residential subdivision or real estate development in a residential district;

~~(2)~~ ~~Ground signs are prohibited, with the exception of monument signs;~~

~~(3)~~ ~~(B)~~ No sign in any residentially zoned district may be illuminated, except for monument signs, subject to the provisions of section 21-76. No monument sign may be internally illuminated;

~~(4)~~ ~~(C)~~ Monument signs shall not exceed 32 square feet of sign area and shall not exceed six feet in height;

~~(5)~~ ~~(D)~~ Reserved; and

~~(6)~~ ~~(E)~~ No electronic signs are allowed in any residential zoning district if that district is designated by city as an historic district. No electronic signs shall be allowed in any other residential zoning district except one electronic sign per property for a place of worship, **private all** elementary, middle, or high school provided such sign meets all other requirements of this chapter.

(F) Entrance wall signs.

(1) Single-family residential:

One maximum 32-square-foot entry wall or monument sign or two single-faced entry wall or monument signs not to exceed 16 square feet for each side of a platted single family subdivision entrance shall be permitted for each street on which the lot has frontage.

Subdivisions with more than one identifiable section, as shown on an approved preliminary plat, may be allowed internal identification monument signs of 16 square feet on one side of the entrance to each section.

(2) Townhome and multifamily:

Monument signs. One maximum 32-square-foot entry wall or monument sign or two single- faced entrance wall or monument signs not to exceed 16 square feet for each side of the development's entrance shall be permitted for each street on which the multi-family property or property occupied with an institutional use has up to and including 500 linear feet of frontage. The sign shall have a maximum height of six feet (see exception), shall not be internally illuminated unless backlit illumination is used. Except for gas stations, changeable copy shall not be permitted. Notwithstanding the foregoing, monument signs on arterial streets may be ten feet in height

(G) Multifamily residential uses.

(1) Signs for multi-family residential uses zoned MR-1, MR-2, MR-3, HR-1, HR-2, HR-3 provisions per section 21-72 for nonresidential use sign regulations.

Sec. 21-69. - Wall or projecting signs.

(a)

Wall or projecting signs shall be securely fastened to the building surface.

(b)

No wall sign greater than 180 square feet shall be ~~placed below the 12th story of a building~~ **confined to the upper 30 feet of the façade.**

(c)

Projecting signs may project from the building up to two feet, provided that no projecting sign shall be maintained less than ten feet above the ground level when erected over pedestrian walkways or driveways and no less than 14 feet above vehicle access.

(d)

No wall or projecting sign shall extend above the parapet wall.

(e)

Only one wall sign shall be allowed on any side elevation of the building and further provided that no building shall contain more than one such sign per side elevation.

(f)

Wall signs are subject to the prohibition against roof signs. Walls erected on the roof of a building regardless of whether such wall projects above its top are not parapet walls and no such wall may be used as a building signature sign or to support a building signature sign.

Sec. 21-70. - ~~Ground signs~~ Monument Signs

~~(a) The height of any directional sign shall not be more than three feet above the ground.~~

~~(a)~~ ~~(b)~~ All ground signs allowed for primary facades shall be placed between the primary facade and the street, the primary facade faces.

~~(b)~~ ~~(c)~~ All ground signs allowed for secondary facades shall be placed between the secondary facade and the street, the secondary facade faces.

~~(d) all ground signs in the MU-1-5 zoning districts shall be monument signs.~~



Table 21.72

| | Monument Sign | Canopy or Wall Sign | Directional Sign | Window Sign |
|---------------------|-----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------|
| Max. height | 10' | N/A | 3' | N/A |
| Max. width | 20' | 80 percent of the wall or canopy width | 3' | N/A |
| Max. sq. ft. | 80 | 4 sq. ft. per linear foot of the wall or canopy, up to a maximum of 150 sq. ft. for buildings under 12 stories and up to 500 sq. ft. for buildings 12 stories or more. (See section 21-69(b)) | 6 | 10 percent of the window space |
| Max. number allowed | One per façade-street <u>frontage</u> | 1/ primary <u>façade on buildings less than 8 stories</u> ; 2/ and 1 secondary <u>façade on buildings 8 stories or more</u> | 2 authorized curb cut | N/A |

| | | | | |
|-----------------------------------------------------|-----|-----|----|-----|
| Required setback from electrical transmission lines | 10' | N/A | 0' | N/A |
|-----------------------------------------------------|-----|-----|----|-----|

Item XII. c.

(b)

In lieu of the sign regulations of Table [21-72\(a\)](#) above, a lot developed as a planned commercial center shall be allowed the following:

TABLE [21-72\(b\)](#)

| EXPAND | Monument Sign | Wall Sign | Directional Sign |
|--------------|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Max. height | 10'; for properties over 40 acres, 12' | N/A | 3' |
| Max. width | 20' | 80% of the wall or canopy width | 3' |
| Max. sq. ft. | 80 | 4 sq. ft. per linear foot of the wall, up to a maximum of 150 sq. ft. for buildings 3 stories or less and up to a maximum of 300 square feet for buildings between 4 and 7 stories. Buildings 8 stories or more shall be permitted a maximum sign area of 5% of the total wall area not to exceed 800 square feet. (See section 21-69(b)) | 6 |

| | | | |
|----------------------------------|-------------------|-----------------------------------------------------------------------------------------|-----------------------|
| Max. number allowed | 1/street frontage | 1/facade buildings less than eight stories; 2/facade on buildings eight stories or more | 2/authorized curb cut |
| Max. projection from structure | N/A | 6' | N/A |
| Required setback from electrical | 10' | N/A | 0' |

| | Monument Sign | Wall Sign | Directional Sign |
|--------------------|---------------|-----------|------------------|
| transmission lines | | | |

(c)

No property zoned for nonresidential use may have more than one ground sign that is oriented towards travelers along the same street.

Sec. 21-82. - Wayfinding signage.—Directional Signs

- (a) *Location.* **Wayfinding Directional** signs shall not be affixed or otherwise attached to trees, traffic signals, benches, street signs, or fencing, and shall be subject to the following regulations:
 - a. Signs must allow for a minimum five-foot-wide clear pedestrian pathway to and from all building entrances and exits.
 - b. Signs for courtyard entries shall be limited to one sign for all businesses located within the courtyard, utilizing the same common entry. Signs shall be located within ten feet of the courtyard entrance.
- (b) *Size.* **Wayfinding Directional** signs shall be a maximum of 16 square feet in area and ten feet in height.
- (c) *Design.* **Wayfinding Directional** signs shall have a compatible design, be constructed of durable materials with a substantial base and landscape plantings, and colors that complement the existing allowable signage for the center subject to the approval of the director or his designee.
- (d) *Miscellaneous.*
 - a. Signs shall not be internally illuminated;
 - b. A sign permit is required for the **wayfinding directional** package for a mixed-use development.

Sec. 21-84 Temporary Construction Signs

Temporary Signage During Construction: Temporary signage during construction shall be permitted as follows:

(1) In R-100 through R-5 and RNC zoning districts. Unilluminated signs are permitted in single-family, two-family, and multi-family-housing districts provided they are placed no earlier than the start of construction and removed within 30 days of issuance of a certificate of occupancy. Such signs shall be limited to one sign per dwelling not to exceed six square feet per contractor or subcontractor.

(2) All other zoning districts: In all other zoning districts, unilluminated signs are permitted provided they are placed no earlier than the start of construction and removed whenever a certificate of occupancy issued. Such signs shall be limited to one sign per job site not to exceed 16 square feet per contractor and six square feet per subcontractor.

(a) A temporary construction fence around an active construction site may be decorated with colors, graphics, symbols, writing, or other visual presentations. A temporary construction fence is permitted only if it is placed no earlier than the start of construction and removed whenever a certificate of occupancy is issued.

Sec. 21-85 Temporary Signs

Temporary Sign Permit Required. The following temporary signs are permitted following issuance of a temporary sign permit.

(1) Promotional Signs. A temporary sign or attention getting device used to advertise a temporary special event.

(a) Air- or gas-filled balloons or other devices that have a capacity for air or gas that does not exceed 3 cubic feet.

(b) Flags, signs, pennants, streamers and banners, a maximum size of 32 square feet, except official government flags.

(c) Promotional signs can be used for a period not exceeding 10 consecutive days.

(d) No temporary sign permit for a promotional sign will be issued for the same premises more than 80 days per year.

(e) No business will be issued a promotional sign for more than one sign or device per street frontage to be located on the premises at any one time. Each individual establishment within a multi-tenant center is considered to have one street frontage.

(f) No sign can be located within the public right-of-way.

(2) Yard/Garage Sale Sign.

A temporary sign used to advertise a yard/garage sale.

(a) No sign can be located within the public right-of-way.

(b) Signs must be on private property with the property owner's consent.

(c) No sign is allowed on a telephone pole, tree or traffic sign.

(d) The maximum size of a sign is 4 square feet per sign.

(e) Signs are permitted 2 days prior to sale and must be removed the day after the sale.

(f) The temporary sign permit must be displayed upon the request of any municipal officer or citizen requesting identification or proof of permission for the yard/garage sale.

(g) A maximum of 6 signs per yard/garage sale are allowed.

(h) The temporary sign permit is valid only for family use and may not exceed 3 per year.

(3) Grand Opening Signs.

A temporary sign used to advertise a grand opening or final closing sale.

a. On-premises temporary signs relating to the initial opening or final closing of a business or service are allowed, provided each sign does not exceed 32 square feet each and is not located in the public right-of-way.

b. The Director of Planning & Zoning can approve signs for a maximum period of 2 weeks for initial opening signs and 4 weeks for final closing signs, after which all signs must be removed.

(4) Off-Site Real Estate Directional Signs. A temporary sign erected by the owner, or their agent, conveying the route to real property, but not located on the property itself.

(a) Signs are allowed for a maximum period of 2 consecutive days in any one week.

(b) A maximum of 3 signs per house/lot are allowed.

(c) Signs must be located within 2 miles of the property to which they refer, as measured along existing streets.

(d) No sign can be located within the public right-of-way.

(e) Signs cannot exceed a maximum area of 4 square feet per sign.

(f) Not more than 1 sign is allowed at any "T" intersection and no more than 2 signs are allowed at any 4-way intersection.

(g) Signs cannot have any balloons, streamers, and pennants attached to them.

(h) Such signs cannot be illuminated.

(i) Signs can only be placed on property with the owner's express written permission.

(5) On-Site Real Estate Signs. A temporary sign erected by the owner, or their agent, advertising the real property upon which the sign is located for rent, lease, or for sale.

(a) Single-Family Residential District.

(i) Only one sign is permitted per lot or home for sale.

(ii) The sign cannot be illuminated.

(iii) The sign cannot exceed 6 square feet in area.

(iv) Signs must be removed within 10 days after the lot or building is leased, or sold.

(b) All Other Districts.

(i) Only 1 sign is permitted per parcel for sale or lease, except that corner lots may have 1 sign per frontage, separated by not less than 50 feet.

(ii) Once the building is occupied, no on-site real estate signs are allowed on the ground; they must be located on a panel on an existing monument sign or placed in the window of an empty tenant space.

(iii) The sign cannot be illuminated.

(iv) Each sign cannot exceed 32 square feet in area and 10 feet in height.

(v) Signs must be removed within 10 days after the lot or building is leased, or sold.

(vi) Signs cannot be located within the public right-of-way

(6) Temporary Signs Not Requiring a Permit. The following temporary signs are allowed without the issuance of a temporary sign permit, provided they meet the specified standards below.

(1) Political Signs. A sign identifying or urging voter support for a particular election issue, political party, or candidate for public office. A political sign cannot exceed 32 square feet in area and 8 feet in height. Sign must be removed the day after election.

(2) Civic or Educational Institutions. Temporary signs not exceeding 4 feet in area pertaining to drives or events of civic, philanthropic, educational, religious organizations are allowed, provided signs are posted not more than 2 days before the event and removed the day after the event.

Facts & Background

- To amend Chapter 21 of the City's Zoning Ordinance, entitled Sign
- Staff will display edits, removals, and additions to the Sign Ordinance
- Staff implemented ordinance for Place of Worship and Political Signs as requested by Mayor & Council

Recommended Definition (Sec. 21-2)

Sec. 21-2. - Definitions.

Parapet Wall: That integral part of a wall that extends above the top of a building.

Parapet Wall Sign: A sign attached parallel to but within 12 inches of a parapet wall, painted on a parapet wall, or erected and confined within a parapet wall, which is supported by said parapet wall and which displays only one sign face.

Shopping center: Three or more primary retail establishments planned, developed and managed as a unit and providing parking facilities in common on the site.

~~Sign means a device, structure or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others. For the purposes of this chapter, the term "sign" shall include the structure upon which a sign face is located. Flags and banners shall be included within this definition only as provided elsewhere herein. Seasonal holiday decorations shall not be included within the definition of the term "sign" and regulated as such.~~

Sign: Any device, fixture, placard, display, or structure visible to the general public that uses or is designed to use any color, form, graphic, illumination, symbol, writing, or visual presentation of any kind to advertise, announce, draw attention to, or identify a product, place, activity, person, institution, business, or other entity, or to communicate a message or information of any kind to the public. "Sign" shall include both "sign face" and "sign structure."

Sign Face: The portion of a sign on which the copy, message, or other visual image to be communicated is placed or is intended or designed to be placed.

Subdivision Entrance Sign: A sign installed at the entrance of a subdivision approved pursuant to the Land Subdivision Ordinance of the City of Stonecrest.

Temporary Sign: A sign mounted on a stake or metal frame that is used for a limited time period and without regard to message. Examples of use of temporary signs include, but are not limited to, campaigns, real estate, and construction in progress.

~~*Wayfinding Directional sign* means signage used to assist the public in navigating and locating parking, individual tenants, activity centers, ingress/egress points, and other features internal to a mixed-use development and that is not visible from public rights-of-way.~~

What changed?

1. Implemented definition for Parapet Wall
2. Implemented definition for Parapet Wall Sign
3. Implemented definition for Shopping Center
4. Changed definition of sign
5. Implemented definition for Sign Face
6. Implemented definition for Subdivision Entrance Sign
7. Implemented definition for Temporary Sign
8. Change wording from Wayfinding Sign to Direction Sign

Sec. 21-62. – Prohibited signs.

(21) Human signs

(22) Billboard signs

What changed?

1. Added Human Signs to the prohibited signs list
2. Added Billboards to the prohibited signs list

Recommended Restrictions In Residential Zoning District (Sec. 21-65)

~~(1)~~ ~~(A)~~ There shall be a maximum of two monument signs per entrance into any residential subdivision or real estate development in a residential district;

~~(2)~~ ~~Ground signs are prohibited, with the exception of monument signs;~~

~~(3)~~ ~~(B)~~ No sign in any residentially zoned district may be illuminated, except for monument signs, subject to the provisions of section 21-76. No monument sign may be internally illuminated;

~~(4)~~ ~~(C)~~ Monument signs shall not exceed 32 square feet of sign area and shall not exceed six feet in height;

~~(5)~~ ~~(D)~~ Reserved; and

~~(6)~~ ~~(E)~~ No electronic signs are allowed in any residential zoning district if that district is designated by city as an historic district. No electronic signs shall be allowed in any other residential zoning district except one electronic sign per property for a place of worship, ~~private all~~ elementary, middle, or high school provided such sign meets all other requirements of this chapter.

(F) Entrance wall signs.

(1) Single-family residential:

One maximum 32-square-foot entry wall or monument sign or two single-faced entry wall or monument signs not to exceed 16 square feet for each side of a platted single family subdivision entrance shall be permitted for each street on which the lot has frontage.

Subdivisions with more than one identifiable section, as shown on an approved preliminary plat, may be allowed internal identification monument signs of 16 square feet on one side of the entrance to each section.

(2) Townhome and multifamily:

Monument signs. One maximum 32-square-foot entry wall or monument sign or two single-faced entrance wall or monument signs not to exceed 16 square feet for each side of the development's entrance shall be permitted for each street on which the multi-family property or property occupied with an institutional use has up to and including 500 linear feet of frontage. The sign shall have a maximum height of six feet (see exception), shall not be internally illuminated unless backlit illumination is used. Except for gas stations, changeable copy shall not be permitted. Notwithstanding the foregoing, monument signs on arterial streets may be ten feet in height

(G) Multifamily residential uses.

(g) Multifamily residential uses.

(1) Signs for multi-family residential uses zoned MR-1, MR-2, MR-3, HR-1, HR-2, HR-3 provisions per section 21-72 for nonresidential use sign regulations.

What changed?

1. Removed second restriction “grounds signs are prohibited with the exception of monument signs”
2. Implemented restrictions for Entrance Wall Signs for single-family residential, townhome and multifamily
3. Implemented restrictions for overall multifamily residential uses

Recommended
Wall or
Projecting
Signs (Sec. 21-
69)

• Sec. 21-69. - Wall or projecting signs.

(a)

Wall or projecting signs shall be securely fastened to the building surface.

(b)

No wall sign greater than 180 square feet shall be ~~placed below the 12th story of a building confined to the upper 30 feet of the façade.~~

(c)

Projecting signs may project from the building up to two feet, provided that no projecting sign shall be maintained less than ten feet above the ground level when erected over pedestrian walkways or driveways and no less than 14 feet above vehicle access.

(d)

No wall or projecting sign shall extend above the parapet wall.

(e)

~~Only one wall sign shall be allowed on any side elevation of the building and further provided that no building shall contain more than one such sign per side elevation.~~

(f)

~~Wall signs are subject to the prohibition against roof signs. Walls erected on the roof of a building regardless of whether such wall projects above its top are not parapet walls and no such wall may be used as a building signature sign or to support a building signature sign.~~

(Ord. of 8-2017, § 21-69)

What changed?

1. In second regulations, remove “places below the 12th story of a building” and add “confined to the upper 30 feet of the façade”
2. Implemented fifth regulation, “Only one wall sign shall be allowed on any side elevation of the building and further provided that no building shall contain more than one such sign per side elevation”
3. Implemented sixth regulation, “Walls signs are subject to the prohibition against roof signs. Walls erected on the roof of a building regardless of whether such wall projects above its top are not parapet walls and no such wall may be used as a building signature sign or to support a building signature signs”

Recommended Ground Signs (Sec. 21-70)

(a) ~~The height of any directional sign shall not be more than three feet above the ground.~~

~~(d) all ground signs in the MU-1-5 zoning districts shall be monument signs.~~



What changed?

1. Changed titled from “Ground Signs” to “Monument Signs”
2. Removed first regulation, “The height of any directional sign shall not be more than three feet above the ground”
3. Removed fourth regulation, “All ground signs in the MU-1 -5 zoning districts shall be monument signs”
4. Add illustration of prohibited vs permitted Monument Signs

Recommended Nonresidential Zoning District Regulations (Sec. 21-72)

In lieu of the sign regulations of Table 21-72(a) above, a lot developed as a planned commercial center shall be allowed the following:

TABLE 21-72(b)

| EXPAND | Monument Sign | Wall Sign | Directional Sign |
|--------------|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Max. height | 10'; for properties over 40 acres, 12' | N/A | 3' |
| Max. width | 20' | 80% of the wall or canopy width | 3' |
| Max. sq. ft. | 80 | 4 sq. ft. per linear foot of the wall, up to a maximum of 150 sq. ft. for buildings 3 stories or less and up to a maximum of 300 square feet for buildings between 4 and 7 stories. Buildings 8 stories or more shall be permitted a maximum sign area of 5% of the total wall area not to exceed 800 square feet. (See section 21-69(b)) | 6 |

Table 21.72

| | Monument Sign | Canopy or Wall Sign | Directional Sign | Window Sign |
|---------------------|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------|
| Max. height | 10' | N/A | 3' | N/A |
| Max. width | 20' | 80 percent of the wall or canopy width | 3' | N/A |
| Max. sq. ft. | 80 | 4 sq. ft. per linear foot of the wall or canopy, up to a maximum of 150 sq. ft. for buildings under 12 stories and up to 500 sq. ft. for buildings 12 stories or more. (See section 21-69(b)) | 6 | 10 percent of the window space |
| Max. number allowed | One per façade-street frontage | 1/ primary façade on buildings less than 8 stories; 2/ and 4 secondary façade on buildings 8 stories or more | 2 authorized curb cut | N/A |

| | Monument Sign | Wall Sign | Directional Sign |
|--------------------|---------------|-----------|------------------|
| transmission lines | | | |

(c)

No property zoned for nonresidential use may have more than one ground sign that is oriented towards travelers along the same street.

| | | | |
|----------------------------------|-------------------|-----------------------------------------------------------------------------------------|-----------------------|
| Max. number allowed | 1/street frontage | 1/facade buildings less than eight stories; 2/facade on buildings eight stories or more | 2/authorized curb cut |
| Max. projection from structure | N/A | 6' | N/A |
| Required setback from electrical | 10' | N/A | 0' |

| | | | | |
|-----------------------------------------------------|-----|-----|----|-----|
| Required setback from electrical transmission lines | 10' | N/A | 0' | N/A |
|-----------------------------------------------------|-----|-----|----|-----|

What changed?

1. Removed “Canopy” from 3rd column
2. Changed maximum number of allowed signs for Monument Sign, “one per street frontage”
3. Changed maximum number of allowed signs for Wall Sign, “1/ façade on buildings less than 8 stories; 2 / façade on buildings 8 stories or more”

Recommended Wayfinding Signage (Sec. 21-82)

Sec. 21-82. - ~~Wayfinding signage~~—Directional Signs

- (a) *Location.* Wayfinding Directional signs shall not be affixed or otherwise attached to trees, traffic signals, benches, street signs, or fencing, and shall be subject to the following regulations:
- a. Signs must allow for a minimum five-foot-wide clear pedestrian pathway to and from all building entrances and exits.
 - b. Signs for courtyard entries shall be limited to one sign for all businesses located within the courtyard, utilizing the same common entry. Signs shall be located within ten feet of the courtyard entrance.
- (b) *Size.* Wayfinding Directional signs shall be a maximum of 16 square feet in area and ten feet in height.
- (c) *Design.* Wayfinding Directional signs shall have a compatible design, be constructed of durable materials with a substantial base and landscape plantings, and colors that complement the existing allowable signage for the center subject to the approval of the director or his designee.
- (d) *Miscellaneous.*
- a. Signs shall not be internally illuminated;
 - b. A sign permit is required for the wayfinding directional package for a mixed-use development.

What changed?

1. Changed all wordings from “Wayfinding Signs” to “Directional Signs”

Recommended Temporary Construction Signs (Sec. 21-83)

Sec. 21-84 Temporary Construction Signs

Temporary Signage During Construction: Temporary signage during construction shall be permitted as follows:

(1) In R-100 through R-5 and RNC zoning districts. Unilluminated signs are permitted in single-family, two-family, and multi-family-housing districts provided they are placed no earlier than the start of construction and removed within 30 days of issuance of a certificate of occupancy. Such signs shall be limited to one sign per dwelling not to exceed six square feet per contractor or subcontractor.

(2) All other zoning districts: In all other zoning districts, unilluminated signs are permitted provided they are placed no earlier than the start of construction and removed whenever a certificate of occupancy issued. Such signs shall be limited to one sign per job site not to exceed 16 square feet per contractor and six square feet per subcontractor.

(a) A temporary construction fence around an active construction site may be decorated with colors, graphics, symbols, writing, or other visual presentations. A temporary construction fence is permitted only if it is placed no earlier than the start of construction and removed whenever a certificate of occupancy is issued.

What changed?

1. Implemented a new section of the zoning ordinance, entitled “Temporary Construction Signs”
2. Implemented regulations for Temporary Construction Signs

Recommended Temporary Signs (Sec. 21-84)

Sec. 21-85 Temporary Signs

Temporary Sign Permit Required. The following temporary signs are permitted following issuance of a temporary sign permit.

- (1) Promotional Signs. A temporary sign or attention getting device used to advertise a temporary special event.
- (a) Air- or gas-filled balloons or other devices that have a capacity for air or gas that does not exceed 3 cubic feet.
 - (b) Flags, signs, pennants, streamers and banners, a maximum size of 32 square feet, except official government flags.
 - (c) Promotional signs can be used for a period not exceeding 10 consecutive days.

- (d) No temporary sign permit for a promotional sign will be issued for the same premises more than 80 days per year.
- (e) No business will be issued a promotional sign for more than one sign or device per street frontage to be located on the premises at any one time. Each individual establishment within a multi-tenant center is considered to have one street frontage.
- (f) No sign can be located within the public right-of-way.

(2) Yard/Garage Sale Sign.

A temporary sign used to advertise a yard/garage sale.

- (a) No sign can be located within the public right-of-way.
- (b) Signs must be on private property with the property owner's consent.
- (c) No sign is allowed on a telephone pole, tree or traffic sign.
- (d) The maximum size of a sign is 4 square feet per sign.
- (e) Signs are permitted 2 days prior to sale and must be removed the day after the sale.
- (f) The temporary sign permit must be displayed upon the request of any municipal officer or citizen requesting identification or proof of permission for the yard/garage sale.
- (g) A maximum of 6 signs per yard/garage sale are allowed.
- (h) The temporary sign permit is valid only for family use and may not exceed 3 per year.

(3) Grand Opening Signs.

A temporary sign used to advertise a grand opening or final closing sale.

- a. On-premises temporary signs relating to the initial opening or final closing of a business or service are allowed, provided each sign does not exceed 32 square feet each and is not located in the public right-of-way.
- b. The Director of Planning & Zoning can approve signs for a maximum period of 2 weeks for initial opening signs and 4 weeks for final closing signs, after which all signs must be removed.

(4) Off-Site Real Estate Directional Signs. A temporary sign erected by the owner, or their agent, conveying the route to real property, but not located on the property itself.

- (a) Signs are allowed for a maximum period of 2 consecutive days in any one week.
- (b) A maximum of 3 signs per house/lot are allowed.

(3) Grand Opening Signs.

A temporary sign used to advertise a grand opening or final closing sale.

- a. On-premises temporary signs relating to the initial opening or final closing of a business or service are allowed, provided each sign does not exceed 32 square feet each and is not located in the public right-of-way.
- b. The Director of Planning & Zoning can approve signs for a maximum period of 2 weeks for initial opening signs and 4 weeks for final closing signs, after which all signs must be removed.

(4) Off-Site Real Estate Directional Signs. A temporary sign erected by the owner, or their agent, conveying the route to real property, but not located on the property itself.

- (a) Signs are allowed for a maximum period of 2 consecutive days in any one week.
- (b) A maximum of 3 signs per house/lot are allowed.
- (c) Signs must be located within 2 miles of the property to which they refer, as measured along existing streets.
- (d) No sign can be located within the public right-of-way.
- (e) Signs cannot exceed a maximum area of 4 square feet per sign.
- (f) Not more than 1 sign is allowed at any "T" intersection and no more than 2 signs are allowed at any 4-way intersection.
- (g) Signs cannot have any balloons, streamers, and pennants attached to them.
- (h) Such signs cannot be illuminated.
- (i) Signs can only be placed on property with the owner's express written permission.

(5) On-Site Real Estate Signs. A temporary sign erected by the owner, or their agent, advertising the real property upon which the sign is located for rent, lease, or for sale.

(a) Single-Family Residential District.

- (i) Only one sign is permitted per lot or home for sale.
- (ii) The sign cannot be illuminated.
- (iii) The sign cannot exceed 6 square feet in area.
- (iv) Signs must be removed within 10 days after the lot or building is leased, or sold.

(b) All Other Districts.

- (i) Only 1 sign is permitted per parcel for sale or lease, except that corner lots may have 1 sign per frontage, separated by not less than 50 feet.
- (ii) Once the building is occupied, no on-site real estate signs are allowed on the ground; they must be located on a panel on an existing monument sign or placed in the window of an empty tenant space.
- (iii) The sign cannot be illuminated.
- (iv) Each sign cannot exceed 32 square feet in area and 10 feet in height.
- (v) Signs must be removed within 10 days after the lot or building is leased, or sold.
- (vi) Signs cannot be located within the public right-of-way.

(6) Temporary Signs Not Requiring a Permit. The following temporary signs are allowed without the issuance

of a temporary sign permit, provided they meet the specified standards below.

- (1) Political Signs. A sign identifying or urging voter support for a particular election issue, political party, or candidate for public office. A political sign cannot exceed 32 square feet in area and 8 feet in height. Sign must be removed the day after election.
- (2) Civic or Educational Institutions. Temporary signs not exceeding 4 feet in area pertaining to drives or events of civic, philanthropic, educational, religious organizations are allowed, provided signs are posted not more than 2 days before the event and removed the day after the event.

What changed?

1. Implemented a new section of the zoning ordinance, entitled “Temporary Signs”
2. Implemented regulations for Temporary Signs including Political Signs, Promotional Signs, Banners, and more.



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-22-017 Hotels/Motels in Stonecrest Overlay

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

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

Current Council Meeting: Monday, May 22, 2023

SUBMITTED BY: Tre'Jon Singletary, Senior Planner of Planning & Zoning

PRESENTER: Ray White, Director of Planning & Zoning

PURPOSE: To amend the Stonecrest Overlay to allow hotels/motels to be permitted uses.

FACTS: Currently, hotels/motels is a prohibited uses in all tiers of the Stonecrest Overlay. The council may guide staff to allow this use of hotels to be permitted in Tier 1 and Tier 2 requiring a Special Land Use Permit. The remaining tiers will not permit hotels and motels. Furthermore, removing Extended Stay Facilities from the Overlay Use Table.

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

RECOMMENDED ACTION: Approval

ATTACHMENTS:

- (1) Attachment 1 - Ordinance
- (2) Attachment 2 - Current Definition Sec..1.3. Defined Terms



CITY COUNCIL AGENDA ITEM

- (3) Attachment 3 - Recommended Definition Sec. 9.1.3. Defined Terms
- (4) Attachment 4 - Current Overlay Use Table Sec. 3.1.6. - Overlay use table
- (5) Attachment 5 - Recommended Overlay Use Table Sec. 3.1.6. - Overlay use table
- (6) Attachment 6 - Current Sec. 4.2.26. - Extended stay motels/hotels
- (7) Attachment 7 - Recommended Sec. 4.2.26. - Extended stay – motels or hotels
- (8) Attachment 8 - Recommended Sec. 4.2.27. – Hotels and Motels

**STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST**

ORDINANCE NO. ____ - _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF STONECREST, GEORGIA ARTICLE 3 (OVERLAY DISTRICT REGULATIONS), ARTICLE 4 (USE REGULATIONS) AND ARTICLE 9 (DEFINITIONS/MAPS) WITHIN CHAPTER 27 (ZONING ORDINANCE) TO ADOPT CHANGES TO ZONING REQUIREMENTS FOR HOTELS, MOTELS, AND EXTENDED STAYS; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the governing body of the City of Stonecrest (“City”) is the Mayor and City Council thereof; and

WHEREAS, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia authorizes the City to adopt plans and exercise the power of zoning; and

WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, the Mayor and City Council desire to amend ARTICLE 3 (OVERLAY DISTRICT REGULATIONS), ARTICLE 4 (USE REGULATIONS) AND ARTICLE 9 (DEFINITIONS/MAPS) WITHIN CHAPTER 27 (ZONING ORDINANCE); and

WHEREAS, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

WHEREAS, the Director of Planning and Zoning recommends approval based on the City Staff Report; and

WHEREAS, a public hearing and recommendation pursuant to the provisions of the Zoning Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of the Zoning Procedures Law has been properly held prior to the adoption of this Ordinance; and

WHEREAS, the health, safety, and welfare of the citizens of the city will be positively impacted by the adoption of this Ordinance.

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA, and by the authority thereof:

Section 1. The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended by amending ARTICLE 3 (OVERLAY DISTRICT REGULATIONS), ARTICLE 4 (USE REGULATIONS) AND ARTICLE 9 (DEFINITIONS/MAPS) WITHIN CHAPTER 27 (ZONING ORDINANCE); by adopting the provisions set forth in Exhibit A attached hereto and made a part hereof by reference.

Section 2. That text added to current law appears in **red, bold and underlined.** Text removed from current law appears as **red, bold and strikethrough.**

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

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

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

(c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the valid judgment or

decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 8. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2023.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
(SEE ATTACHED)

TMOD-22-017

STONECREST ZONING ORDINANCE UPDATE

Revision to the Zoning Ordinance, Chapter 27

Sec. 9.1.3 Defined Terms

~~Hotel/motel means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars, and recreational facilities.~~

~~Hotel/motel, extended stay, means any building containing six or more guest rooms rented or leased for sleeping purposes for periods less than one month, but in excess of one week, and that contain kitchen facilities for food preparation, including, but not limited to, refrigerators, stoves, and ovens.~~

Hotel means an establishment providing transient lodging accommodations to the general public, and may provide additional services such as restaurants, in-building check-in/check-out services, meeting rooms and recreation facilities. Held out to the public to be a place where temporary lodging of thirty (30) days or less is offered for pay to guests and is not intended for long term occupancy.

Motel means an establishment providing transient lodging accommodations containing six (6) or more rooms with at least twenty five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. Held out to the public to be a place where temporary lodging of thirty (30) days or less is offered for pay to guests and is not intended for long term occupancy.

Extended Stays - hotel or motel means an establishment providing transient lodging accommodations, generally marketed to long- term visitors on a temporary basis, which contains kitchen facilities within individual units. Kitchens may include, but are not limited to counters, refrigerators, stoves, and ovens.

Bona fide employee means a person who works in the service of the hotel, motel, or extended stay hotel (i.e. the employer) under a contract of hire, whether

express or implied, where the employer has the power or right to control or direct the details of what work is to be performed and the manner in which that work is to be performed.

Sec. 4.2.26 Extended Stay – motels or hotels

Extended stay motels/hotels shall meet the following requirements:

- A. Extended-stay motels/hotels shall have no more than 25 guest rooms per acre.
- B. Each guest room must have a minimum of 300 square feet and access with a magnetic keycard entry/locking device.
- C. Extended-stay hotels/motels shall not be more than four stories in height.
- D. Extended-stay hotels/motels must be constructed on a tract of land containing at least two acres.
- E. Extended-stay hotels/motels must contain an enclosed, heated and air conditioned laundry space containing a minimum of three clothes washers and three clothes dryers for the use of guests.
- F. Extended-stay hotels/motels must provide a minimum of 1,000 square feet for recreational use by guests. In computing the 1,000 square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection.
- G. Management must be on the property 24 hours a day, seven days a week.
- H. Daily maid service must be included in the standard room rate.
- I. Parking areas must have security fencing and lighting with a minimum luminescence of one footcandle at pavement level.
- J. No extended stay motel/hotel may be located within ~~1,000~~ **500** feet of another extended stay motel/hotel.
- K. Change of location or name.
 1. No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay motel/hotel under any name other than his name and the name of the business as specified on the occupation tax certificate.
 2. Any application for an extension or expansion of a building or other place of business where an extended-stay motel/hotel is located shall require inspection and shall comply with the provisions and regulations of this article.
 3. The applicant shall pay an administrative fee to be set by the city council to apply for a change of name for an extended-stay motel.

Sec. 4.2.64 Hotels and Motels

Hotels and motels shall meet the following requirements:

- A. Hotels are prohibited from providing lodging at an hourly rate.**
- B. No hotel or motel located within the city shall allow any person to occupy such hotel or motel for more than thirty (30) consecutive days, nor more than sixty (60) days during a one hundred eighty-day (180) period. No patron shall begin a new rental agreement with a hotel or motel without at least a two-day vacancy between stays.**
- C. Notwithstanding the provisions of subsection 4.2.27(b), a hotelier may designate no more than three (3) rooms for the purpose of allowing any number of bona-fide employees and their families to reside on the premises. Rooms designated for employee residences must be clearly marked as distinct rooms from those held out for rent to the public and, where practical, must be located adjacent to other rooms designated for employee residences. Rooms designated for employee residences may not be held out for rent to the public.**
- D. Notwithstanding the provisions of subsection 4.2.27(b), a stay more than thirty (30) consecutive days or more than sixty (60) days during a one hundred eighty-day (180) period may occur under the following circumstances:**
 - 1. Where there is a written contract or documented agreement between a hotel or motel and a business, corporation, firm, or governmental agency to house employees or individuals on valid work orders;**
 - 2. Where there is written documentation, consistent with HIPAA privacy rules, that a hotel or motel guest is considered family or is providing care for a patient who is admitted at a local hospital or is undergoing hospice care; or**
 - 3. Where an insurance company or federal, state, or local agency has provided documentation that a hotel or motel guest has been displaced from their home by a natural disaster or fire.**
- E. For any hotel or motel permitted for construction after April 2023, any public-facing entry points to the premises must require a magnetic or electronic keycard/locking device for access. Public-facing entry points shall**

be locked between the hours of 9:00 PM and 6:00 AM and shall be equipped with an alarm or other device that will alert hotel or motel security or other employees that the door has been opened. These requirements are not applicable to entry points that enter directly into the lobby of the hotel or motel as long as the lobby is manned by a bona fide employee twenty-four (24) hours a day. These requirements are also not applicable to entry points that enter directly into a banquet hall, conference room, or other facility utilized for a special event or meeting hosted by a hotel or motel as long as there is a bona fide employee staffing the banquet hall, conference room, or other facility utilized for the duration of that event.

F. No hotel or motel may be located within 500 feet of another hotel or motel.

Sec. 3.1.6. Overlay Use Table

| Table 3.1 Overlay Use | | | | | | | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|---------------|---------------|---------------|-----|-----|---------------------------------|--------------------------|--------------------------|---------------------------------------|-----------------|
| Land Use | Stonecrest Area Overlay | | | | | | Interstate 20 Corridor Overlay* | | | Arabia Mountain Conservation Overlay* | |
| | T1 | T2 | T3 | T4 | T5* | T6* | T1 | T2 | T3 | | |
| "Key: P—Permitted use Pa—Permitted as an accessory Use SA—Special administrative permit required SP—Special Land Use Permit (SLUP) required X—Prohibited Use * Note: Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence" | | | | | | | In Mixed Use Development | In Mixed Use Development | In Mixed Use Development | | See Section 4.2 |
| RESIDENTIAL | | | | | | | | | | | |
| Housing and Lodging | | | | | | | | | | | |
| Bed and breakfast homes | | | | | | | | | | P | |
| Bed and breakfast | P | P | SP | P | P | | | | | | ✓ |
| Bed and breakfast, home stay | | P | SP | | | | | | | | ✓ |
| Boarding/Rooming house | P | P | P | | | | | | | | |
| Convents or monasteries | P | P | SP | | | | | | | | ✓ |
| Dormitory | Pa | Pa | Pa | Pa | | | | | | | |
| Extended stay hotel/motel | SP | SP | SP | SP | | | X | X | X | X | ✓ |

| | | | | | | | | | | | |
|------------------------------------|--------------|--------------|--------------|--------------|--------------|---|--------------|--------------|--------------|--|---|
| Fraternity house or sorority house | P | P | P | SP | | | | | | | |
| Hotel or Motel | X | X | X | X | X | | P | P | P | | |
| Hotel | P | SP | X | X | X | X | P | P | P | | ✓ |
| Motel | X | X | X | X | X | X | P | P | P | | ✓ |

Current Definition

Sec.9.1.3. Defined Terms

Hotel/motel means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars, and recreational facilities.

Hotel/motel, extended stay, means any building containing six or more guest rooms rented or leased for sleeping purposes for periods less than one month, but in excess of one week, and that contain kitchen facilities for food preparation, including, but not limited to, refrigerators, stoves, and ovens.

Recommended Definition

Sec.9.1.3. Defined Terms

- ▶ **Hotel** means an establishment providing transient lodging accommodations to the general public, and may provide additional services such as restaurants, in-building check-in/check-out services, meeting rooms and recreation facilities. Held out to the public to be a place where temporary lodging of thirty (30) days or less is offered for pay to guests and is not intended for long term occupancy.
- ▶ **Motel** means an establishment providing transient lodging accommodations containing six (6) or more rooms with at least twenty five percent (25%) of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. Held out to the public to be a place where temporary lodging of thirty (30) days or less is offered for pay to guests and is not intended for long term occupancy.
- ▶ **Extended Stays - hotel or motel** means an establishment providing transient lodging accommodations, generally marketed to long-term visitors on a temporary basis, which contains kitchen facilities within individual units. Kitchens may include, but are not limited to counters, refrigerators, stoves, and ovens.
- ▶ **Bona fide employee** means a person who works in the service of a hotel or motel (the employer) under a contract of hire, whether express or implied, where the employer has the power or right to control or direct the details of what work is to be performed and the manner in which that work is to be performed.

Current Overlay Use Table

Sec. 3.1.6. - Overlay use table

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

Recommended Overlay Use Table

Sec. 3.1.6. - Overlay use table

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

What changed?

- ▶ Extended Stays are prohibited in all Tiers of the Stonecrest Overlay District
- ▶ Motels are prohibited in all Tiers of the Stonecrest Overlay District
- ▶ Hotels are permitted in Stonecrest Tier 1 Overlay District
- ▶ Hotels are permitted with a Special Land Use Permit (SLUP) in Stonecrest Tier 2 Overlay District

Current Sec. 4.2.26. - Extended stay motels/hotels

Sec. 4.2.26. Extended stay motels/hotels.

Extended stay motels/hotels shall meet the following requirements:

- A. Extended-stay motels/hotels shall have no more than 25 guest rooms per acre.
- B. Each guest room must have a minimum of 300 square feet and access with a magnetic keycard entry/locking device.
- C. Extended-stay hotels/motels shall not be more than four stories in height.
- D. Extended-stay hotels/motels must be constructed on a tract of land containing at least two acres.
- E. Extended-stay hotels/motels must contain an enclosed, heated and air-conditioned laundry space containing a minimum of three clothes washers and three clothes dryers for the use of guests.
- F. Extended-stay hotels/motels must provide a minimum of 1,000 square feet for recreational use by guests. In computing the 1,000 square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subsection.
- G. Management must be on the property 24 hours a day, seven days a week.
- H. Daily maid service must be included in the standard room rate.
- I. Parking areas must have security fencing and lighting with a minimum luminescence of one footcandle at pavement level.
- J. No extended stay motel/hotel may be located within 1,000 feet of another extended stay motel/hotel.
- K. Change of location or name.
 1. No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay motel/hotel under any name other than his name and the name of the business as specified on the occupation tax certificate.
 2. Any application for an extension or expansion of a building or other place of business where an extended-stay motel/hotel is located shall require inspection and shall comply with the provisions and regulations of this article.
 3. The applicant shall pay an administrative fee to be set by the city council to apply for a change of name for an extended-stay motel.

(Ord. of 8-2-2017, § 1(4.2.26))

Recommended Sec. 4.2.26. - Extended stay – motels or hotels

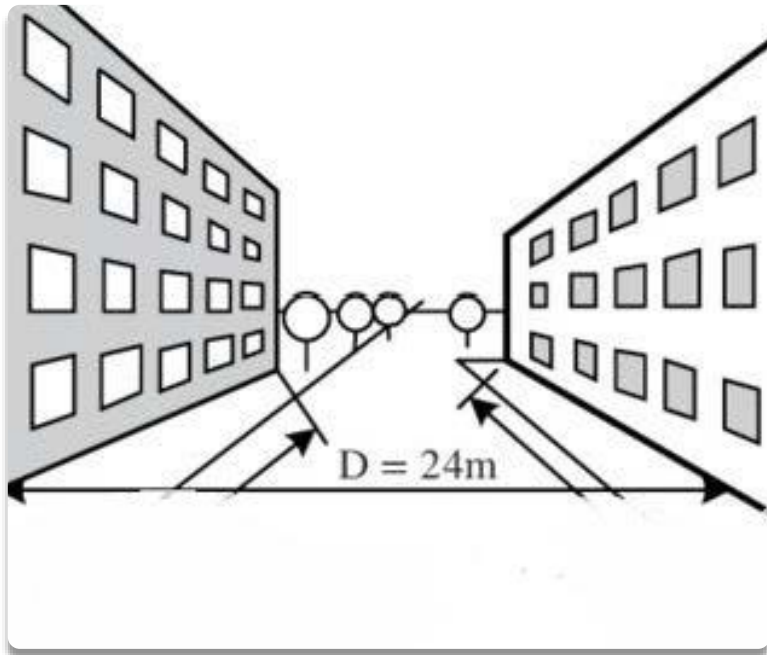
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 2. Any application for an extension or expansion of a building or other place of business where an extended-stay motel/hotel is located shall require inspection and shall comply with the provisions and regulations of this article.
 3. The applicant shall pay an administrative fee to be set by the city council to apply for a change of name for an extended-stay motel.

(Ord. of 8-2-2017, § 1(4.2.26))

What changed?



- ▶ Distance between Extended stay – motels or hotels decreased from 1,000 feet to 500 feet.

Hotels and motels shall meet the following requirements:

- a. Hotels are prohibited from providing lodging at an hourly rate.
- b. No hotel or motel located within the city shall allow any person to occupy such hotel or motel for more than thirty (30) consecutive days, nor more than sixty (60) days during a one hundred eighty-day period. No patron shall begin a new rental agreement with a hotel or motel without at least a two-day vacancy between stays.
- c. Notwithstanding the provisions of subsection 13-202(b), a hotelier may designate no more than three (3) rooms for the purpose of allowing any number of bona-fide employees and their families to reside on the premises. Rooms designated for employee residences must be clearly marked as distinct rooms from those held out for rent to the public and, where practical, must be located adjacent to other rooms designated for employee residences. Rooms designated for employee residences may not be held out for rent to the public.
- d. Notwithstanding the provisions of subsection 13-202(b), a stay more than thirty (30) consecutive days or more than sixty (60) days during a one hundred eighty-day period may occur under the following circumstances:
 1. Where there is a written contract or documented agreement between a hotel or motel and a business, corporation, firm, or governmental agency to house employees or individuals on valid work orders;
 2. Where there is written documentation, consistent with HIPAA privacy rules, that a hotel or motel guest is considered family or is providing care for a patient who is admitted at a local hospital or is undergoing hospice care; or
 3. Where an insurance company or federal, state, or local agency has provided documentation that a hotel or motel guest has been displaced from their home by a natural disaster or fire.
- e. For any hotel or motel permitted for construction after April 11, 2022, any public-facing entry points to the premises must require a magnetic or electronic keycard/locking device for access. Public-facing entry points shall be locked between the hours of 9:00 p.m. and 6:00 a.m. and shall be equipped with an alarm or other device that will alert hotel or motel security or other employees that the door has been opened. These requirements are not applicable to entry points that enter directly into the lobby of the hotel or motel as long as the lobby is manned by a bona fide employee twenty-four (24) hours a day. These requirements are also not applicable to entry points that enter directly into a banquet hall, conference room, or other facility utilized for a special event or meeting hosted by a hotel or motel as long as there is a bona fide employee staffing the banquet hall, conference room, or other facility utilized for the duration of that event.
- f. No hotel or motel may be located within 500 feet of another hotel or motel.

Recommended Sec. 4.2.64. – Hotels and Motels

What changed?

- ▶ Implemented regulations for hotels and motels



CITY COUNCIL AGENDA ITEM

SUBJECT: Major Plat Approval

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

- ORDINANCE RESOLUTION CONTRACT POLICY STATUS REPORT
 OTHER, PLEASE STATE: Plat Approval
-

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

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

Current Council Meeting: Monday, May 22, 2023

SUBMITTED BY: Tre'Jon Singletary, Senior Planner of Planning & Zoning

PRESENTER: Ray White, Director of Planning & Zoning

PURPOSE: To seek approval from Council for a Major Plat Combination.

FACTS: Foxdale Properties is seeking to combine five (5) parcels into one parcel for a future development

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

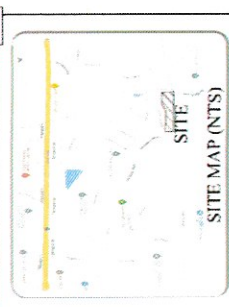
RECOMMENDED ACTION: Denial

ATTACHMENTS:

- (1) Attachment 1 - Staff Report
- (2) Attachment 2 - Lot Consolidation Plat
- (3) Attachment 3 - Proposed Development
- (4) Attachment 4 - Zoning Map
- (5) Attachment 5 - Additional Site Information

Staff Report

The council and Mayor voted to defer the consolidation plat approval on Monday, April 24, 2023. The reason for this deferral was to address the need for more information regarding the development status of the property associated with the plat consolidation. In the staff reviews of parcel consolidation, it has been determined through research of the staff that an egress and ingress problem confront this property. That is, the only point of access to the subject land is by the way of a City of Stonecrest owned parcel of land. This presents a problem for the viability of the property for its intended use, as an apartment development. It negatively affects the ability of this major lot consolidation to result in a final plat which can be certified and recorded according to the Stonecrest Land Department Code Chapter 14; Article III – Subdivision Division 2 – Plat Approval Procedure; Part B – Major – Plats. Sec14-86 Major Plats and Sec; 14-87.



FLOOD HAZARD

The project is located in an area that is not designated as a flood hazard area on the City of Lithonia's Flood Hazard Map. The project is located in an area that is not designated as a flood hazard area on the City of Lithonia's Flood Hazard Map. The project is located in an area that is not designated as a flood hazard area on the City of Lithonia's Flood Hazard Map.

DRAINAGE

The project is located in an area that is not designated as a flood hazard area on the City of Lithonia's Flood Hazard Map. The project is located in an area that is not designated as a flood hazard area on the City of Lithonia's Flood Hazard Map. The project is located in an area that is not designated as a flood hazard area on the City of Lithonia's Flood Hazard Map.

SURVEYOR'S ACKNOWLEDGEMENT

I, the undersigned, being duly qualified and sworn as a Professional Engineer in the State of Georgia, do hereby certify that I am a duly Licensed Professional Engineer in the State of Georgia, and that I am the author of the above described plat.

SURVEYOR'S CERTIFICATION

As required by subsection (c) of O.C.G.A. Section 47-2-47, this plat has been prepared by a duly sworn and approved Professional Engineer, and the information contained herein is true and correct to the best of my knowledge and belief. I am a duly Licensed Professional Engineer in the State of Georgia, and that I am the author of the above described plat.

SEAL

Professional Engineer
State of Georgia
No. 12345
Date of Field Work: 10/20/20

DATE OF FIELD WORK: 10/20/20

DATE OF PREPARATION: 10/20/20

OWNER'S ACKNOWLEDGEMENT

I, the undersigned, being duly qualified and sworn as a Professional Engineer in the State of Georgia, do hereby certify that I am a duly Licensed Professional Engineer in the State of Georgia, and that I am the author of the above described plat.

PLAT APPROVAL

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NOTES

1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY. THE LOCATION OF UTILITIES SHOWN SHOULD BE VERIFIED BY THE OWNER PRIOR TO CONSTRUCTION.
2. THE PROPOSED LOT LINES HAVE BEEN ESTABLISHED BY FIELD SURVEY AND SHOWN ON THIS PLAT. THE PROPOSED LOT LINES HAVE BEEN ESTABLISHED BY FIELD SURVEY AND SHOWN ON THIS PLAT.
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CONTACTS:

FOYDALE PROPERTIES, LLC
6525 WINDYBROOK DR. SUITE 200
LITHONIA, GA 30058
PHONE: 770.488.1234
FAX: 770.488.1235
WWW.FOYDALEPROPERTIES.COM

INDEX

COVER SHEET 1
EXISTING CONDITIONS SHEET 2
PROPOSED CONDITIONS SHEET 3

INDEX

COVER SHEET 1
EXISTING CONDITIONS SHEET 2
PROPOSED CONDITIONS SHEET 3

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COVER SHEET 1
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PROPOSED CONDITIONS SHEET 3

INDEX

COVER SHEET 1
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PROPOSED CONDITIONS SHEET 3

REVISIONS

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811
Call before you dig

Call before you dig
811

PGC+
Professional Geomatics Corporation

Professional Geomatics Corporation
1000 Peachtree Street, N.E.
Atlanta, Georgia 30309
Phone: 404.525.1234
Fax: 404.525.1235
WWW.PGC-CORP.COM

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LOT CONSOLIDATION PLAT

FOR
FOYDALE PROPERTIES, LLC
APP 3124912

CITY OF LITHONIA

DATE OF FIELD WORK: 10/20/20

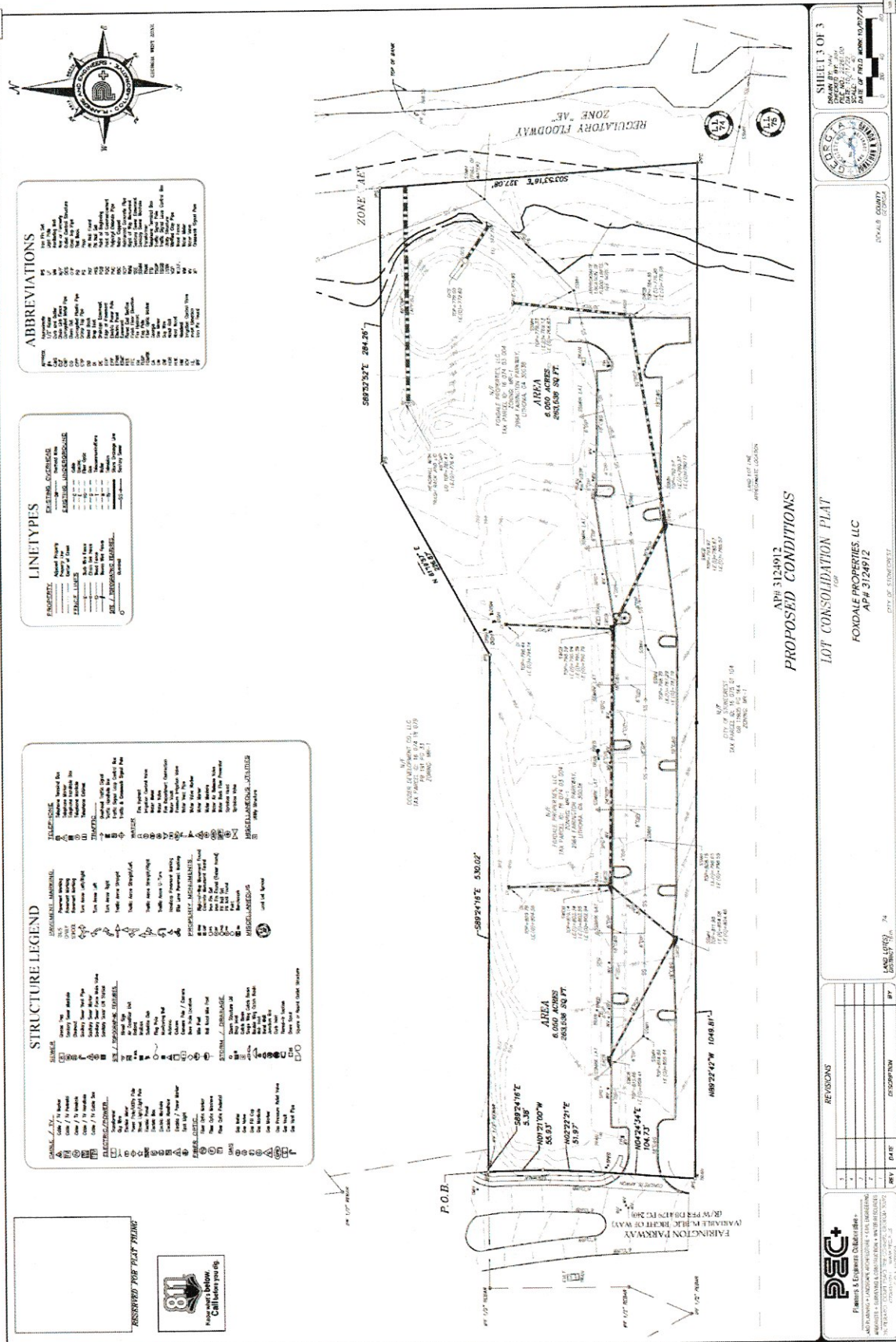
DATE OF PREPARATION: 10/20/20

DATE OF RECORDING: 10/20/20

DATE OF REVISION: 10/20/20

DATE OF FINAL REVIEW: 10/20/20

DATE OF FINAL APPROVAL: 10/20/20



ABBREVIATIONS

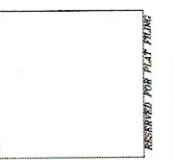
| | |
|---|------------|
| A | Asphalt |
| B | Block |
| C | Concrete |
| D | Ditch |
| E | Easement |
| F | Fence |
| G | Gravel |
| H | Hardwood |
| I | Iron |
| J | Joint |
| K | Kiln |
| L | Lot |
| M | Map |
| N | Natural |
| O | Oil |
| P | Pipe |
| Q | Quarry |
| R | Road |
| S | Soil |
| T | Trench |
| U | Utility |
| V | Valley |
| W | Water |
| X | Excavation |
| Y | Yard |
| Z | Zone |

LINE TYPES

| | |
|---------|---------------------|
| --- | Property Line |
| - - - | Easement Line |
| - · - · | Utility Line |
| ---·--- | Regulatory Floodway |
| --- | Other Line Type |

STRUCTURE LEGEND

| | |
|----------|-----------------|
| [Symbol] | Structure Type |
| [Symbol] | Foundation |
| [Symbol] | Roof |
| [Symbol] | Other Structure |
| [Symbol] | Foundation |
| [Symbol] | Roof |
| [Symbol] | Other Structure |



SHEET 3 OF 3

DESIGNED BY: [Firm Name]
DATE OF FIELD WORK: 10/01/2022

DEKALB COUNTY, GEORGIA

PROPOSED CONDITIONS

FOR

LOT CONSOLIDATION PLAN

FOR

FONDALE PROPERTIES, LLC

AP# 3124912

CITY OF STONEMOUNT

REVISIONS

| No. | Date | Description |
|-----|------|-------------|
| | | |
| | | |
| | | |
| | | |

SCALE: 1" = 100'

P: (707) 451-2241 F: (707) 453-1915
WWW.PEC+US

PEC+
Planners & Engineers Collaborative
300 RESEARCH CENTER, SUITE 200
MADRAS, CALIFORNIA 95521

PROJECT:
FAIRINGTON EAST
AMATED PLANNED RESIDENTIAL
DEVELOPMENT

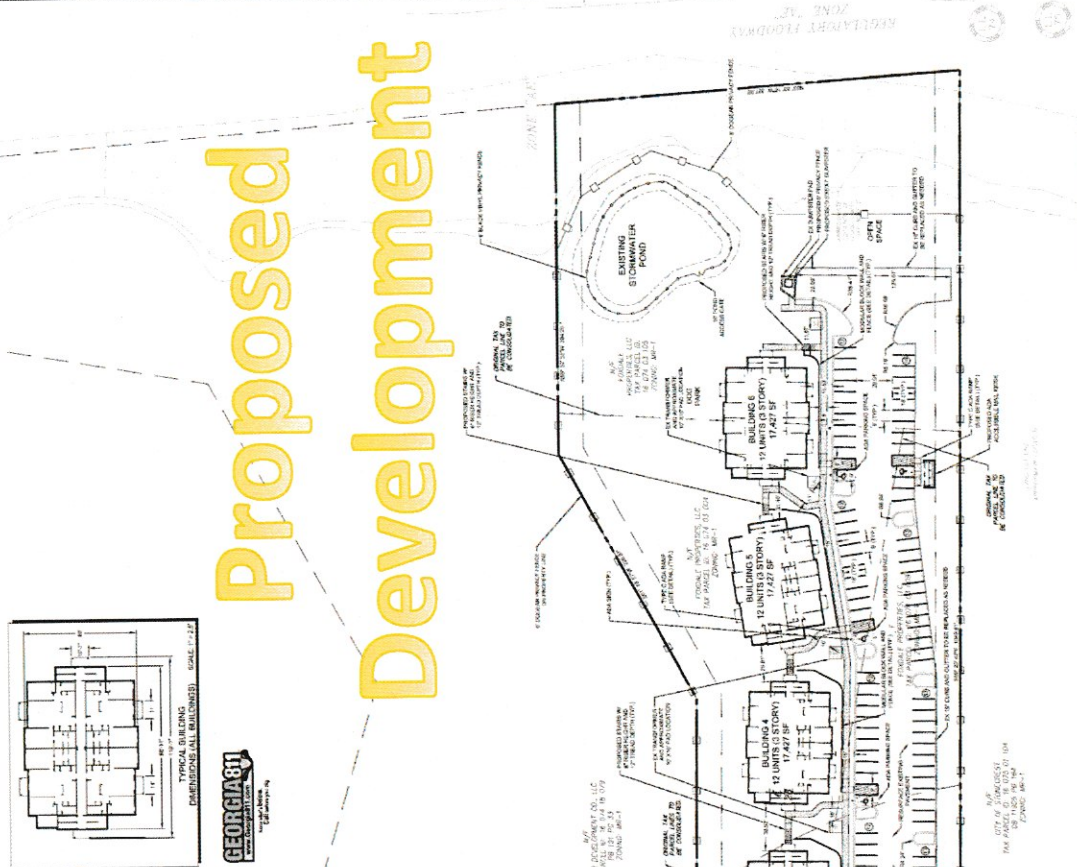
FOR:
MCKINLEY HOMES
SUITE 200R
PACIFIC PALMS, CA 90902
P: (714) 288-4202

MUNICIPALITY PROJECT #

REVISIONS

SITE PLAN
SCALE: 1" = 40'
DATE: 03/02/2023
PROJECT: 2201193

C3.00
SHEET



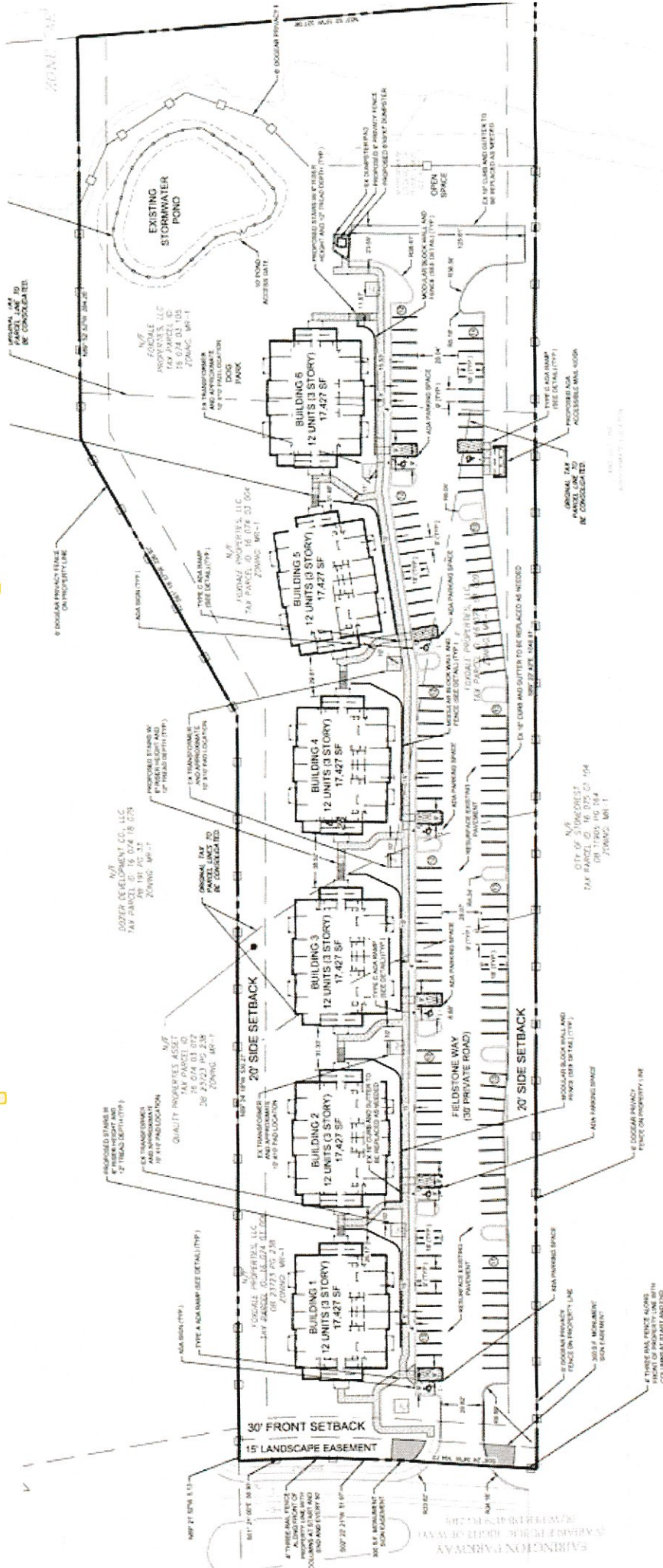
SITE NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE (CBC) AND THE CALIFORNIA ELECTRICAL CODE (CEC).
2. ALL UTILITIES SHALL BE DEPTH MARKED AND LOCATED AS SHOWN ON THE SITE PLAN. ALL UTILITIES SHALL BE DEPTH MARKED AND LOCATED AS SHOWN ON THE SITE PLAN.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTIONS AND AGENCIES.
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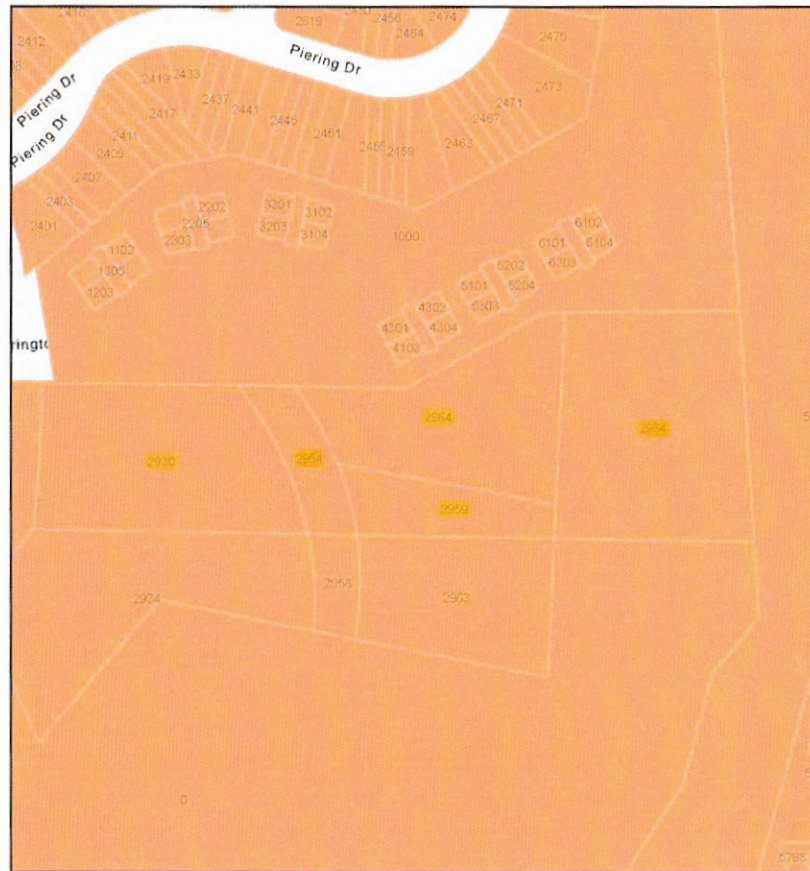
| ITEM | DESCRIPTION | DATE |
|------|-------------|------------|
| 1 | PRELIMINARY | 03/02/2023 |
| 2 | REVISED | 03/02/2023 |
| 3 | REVISED | 03/02/2023 |
| 4 | REVISED | 03/02/2023 |
| 5 | REVISED | 03/02/2023 |
| 6 | REVISED | 03/02/2023 |
| 7 | REVISED | 03/02/2023 |
| 8 | REVISED | 03/02/2023 |
| 9 | REVISED | 03/02/2023 |
| 10 | REVISED | 03/02/2023 |
| 11 | REVISED | 03/02/2023 |
| 12 | REVISED | 03/02/2023 |
| 13 | REVISED | 03/02/2023 |
| 14 | REVISED | 03/02/2023 |
| 15 | REVISED | 03/02/2023 |
| 16 | REVISED | 03/02/2023 |
| 17 | REVISED | 03/02/2023 |
| 18 | REVISED | 03/02/2023 |
| 19 | REVISED | 03/02/2023 |
| 20 | REVISED | 03/02/2023 |

Approved for the City of Fairington, California, on 03/02/2023 by the Planning Commission. The City Engineer has approved the plans for the City of Fairington, California, on 03/02/2023.




Proposed Development

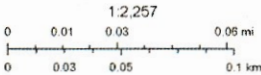


Web AppBuilder for ArcGIS



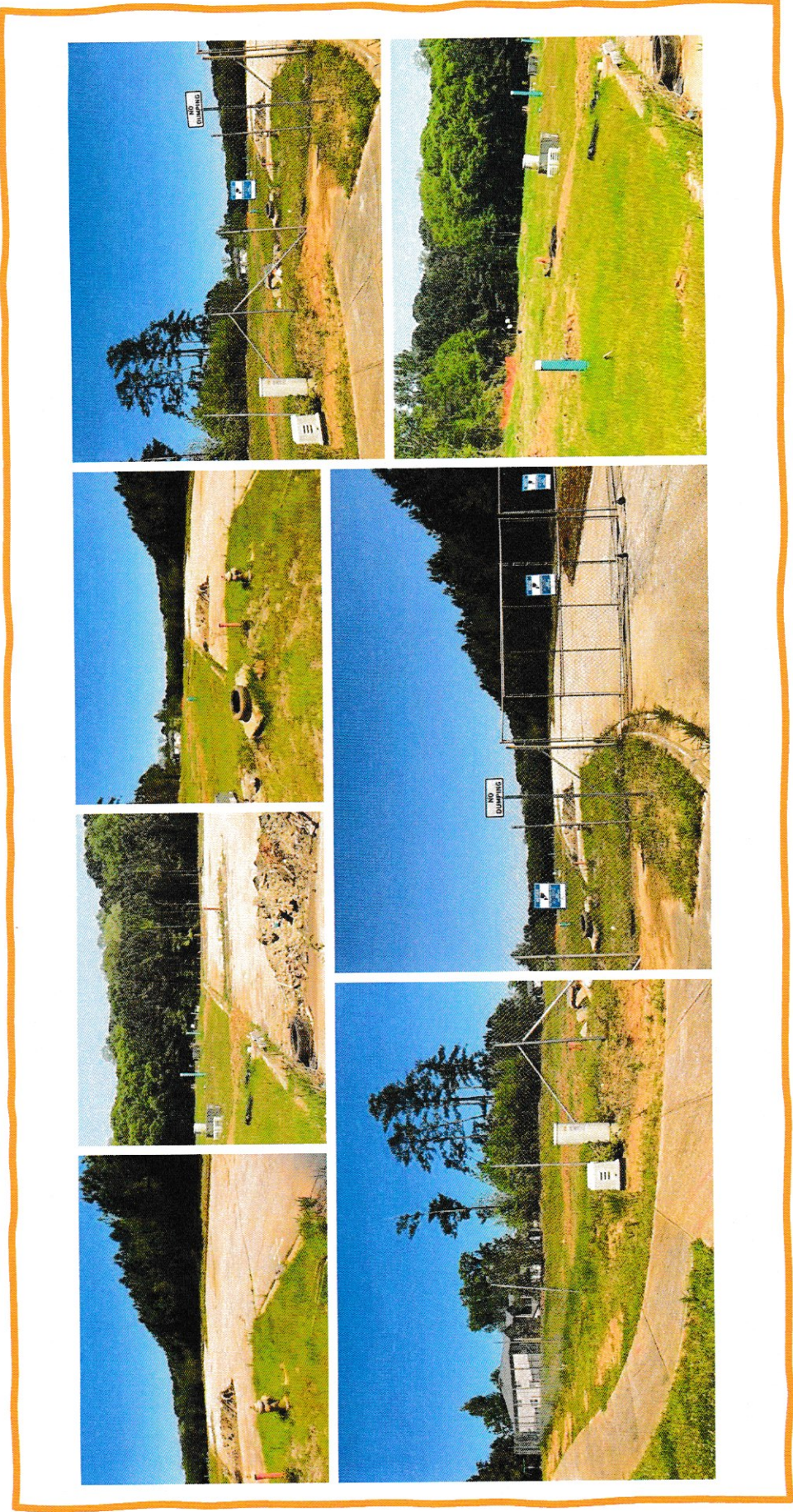
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-  City Limits
-  Stonecrest Parcels
- Zoning**
-  **MR-1 - Med Density Residential**

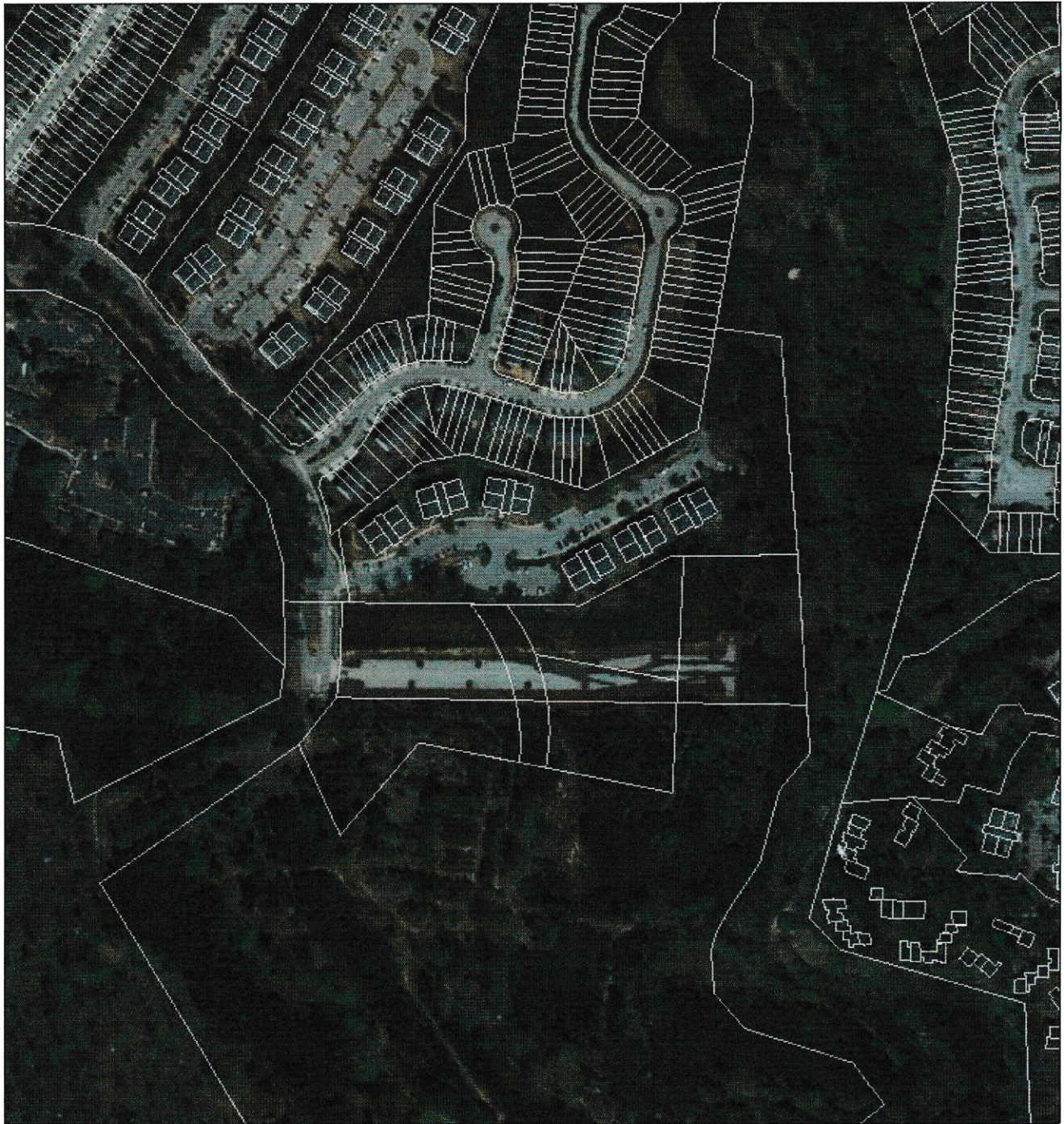


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Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SwireGraph, GeoTechnologies, Inc, METRANSA, USGS, EPA, NPS, US Census Bureau, USDA

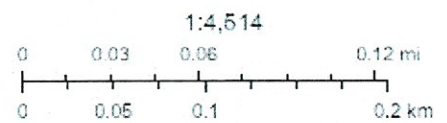


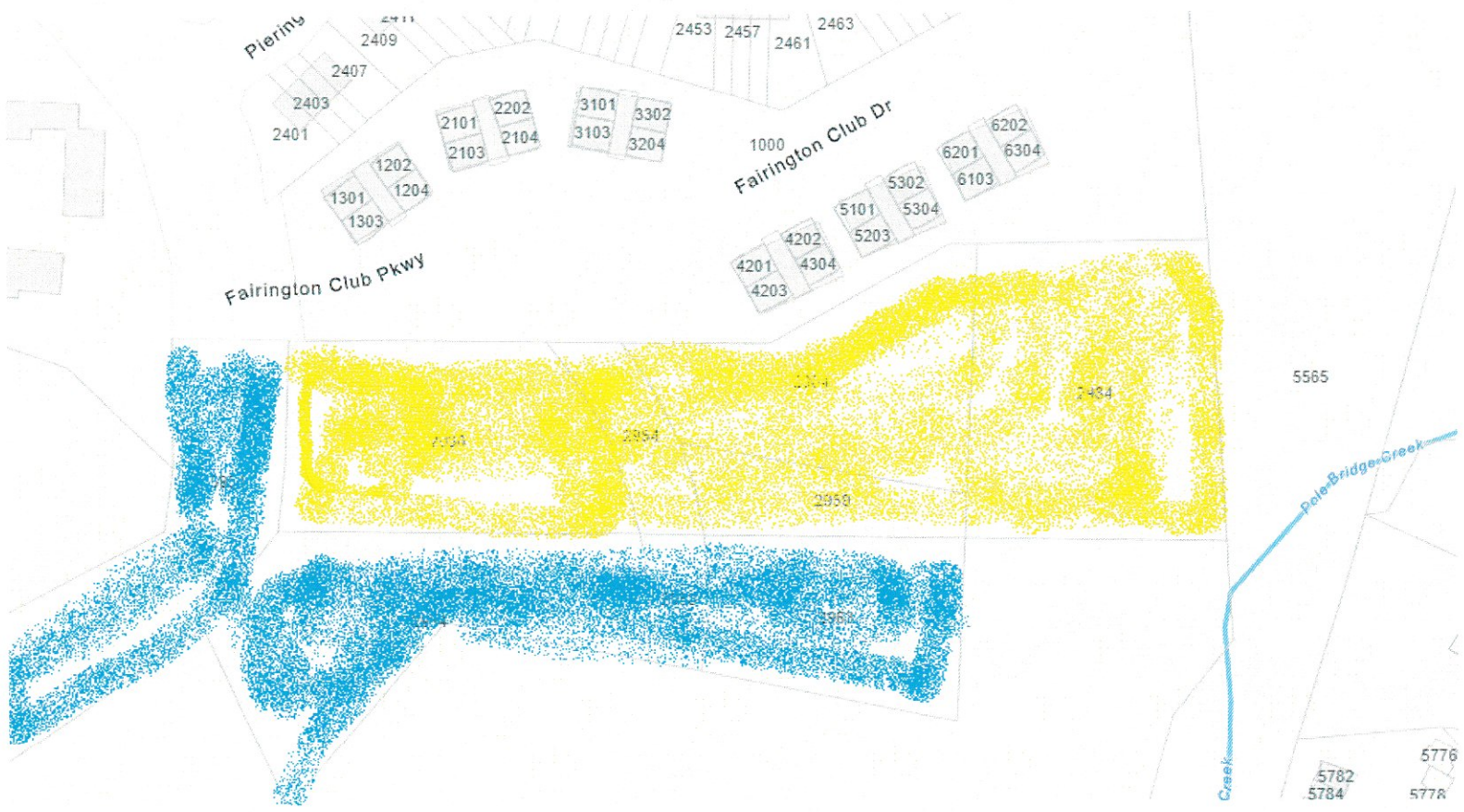
Web AppBuilder for ArcGIS



5/1/2023, 3:23:42 PM

-  City Limits
-  Stonecrest Parcels







CITY COUNCIL AGENDA ITEM

SUBJECT: Truck Parking Gravel Lots Moratorium Resolution

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

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

Current Council Meeting: Monday, May 22, 2023

SUBMITTED BY: Mayor Pro Tem George Turner

PRESENTER: Mayor Pro Tem George Turner

PURPOSE: Truck Parking Moratorium Resolution

FACTS: A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA IMPOSING A MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS FOR BUSINESS LICENSES, LAND DISTURBANCE PERMITS, REZONINGS, SPECIAL LAND USE PERMITS, AND BUILDING APPLICATIONS FOR TRUCK PARKING AND CLEARING AND GRADING TO CREATE TRUCK PARKING FOR A PERIOD NOT TO EXCEED SIXTY (60) DAYS WHILE THE CITY OF STONECREST CONSIDERS CHANGES TO ITS ZONING ORDINANCE.

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

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:



CITY COUNCIL AGENDA ITEM

- (1) Attachment 1 - Truck Parking Moratorium Resolution
- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

STATE OF GEORGIA

CITY OF STONECREST

RESOLUTION NO. _____

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA TO EXTEND THE MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS FOR BUSINESS LICENSES, LAND DISTURBANCE PERMITS, REZONINGS, SPECIAL LAND USE PERMITS, AND BUILDING APPLICATIONS FOR TRUCK PARKING AND CLEARING AND GRADING TO CREATE TRUCK PARKING FOR A PERIOD NOT TO EXCEED SIXTY (60) DAYS WHILE THE CITY OF STONECREST CONSIDERS CHANGES TO ITS ZONING ORDINANCE; TO PROVIDE FOR THE PURPOSE OF THE MORATORIUM, TO PROVIDE FOR FINDINGS OF FACT, IMPOSITION OF MORATORIUM, THE DURATION OF THE MORATORIUM; TO PROVIDE FOR AN APPEAL PROCESS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR A PENALTY; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the City of Stonecrest (“City”) has been vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City of Stonecrest; and

WHEREAS, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, business licenses and other development approvals where exigent circumstances warrant the same, pursuant to case law found at *City of Roswell et al v. Outdoor Systems, Inc.*, 274 Ga. 130, 549 S.E.2d 90 (2001); and

WHEREAS, the Courts take judicial notice of a local government's inherent ability to impose moratoria on an emergency basis; and

WHEREAS, the Georgia Supreme Court, in the case of *DeKalb County v. Townsend*, 243 Ga. 80 (1979), held that, "To justify a moratorium, it must appear first, that the interests of the public generally, as distinguished from those of a particular class, require such interference; and second, that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals." The City of Stonecrest has found that the interests of the public necessitate the enactment of a moratorium for health, safety, morals and general welfare purposes by means which are reasonable and not unduly oppressive; and

WHEREAS, the Mayor and Council of the City of Stonecrest have, as a part of planning, zoning and growth management, been in review of the City's Zoning Ordinances and have been studying the City's best estimates and projections of the type of development which could be anticipated within the City of Stonecrest; and

WHEREAS, the Mayor and Council deem it important to direct economic development in a manner that is consistent with the current Comprehensive Plan which integrates all of these concerns and therefore consider this moratorium a proper exercise of its police powers; and

WHEREAS, the Mayor and Council therefore consider it paramount that land use regulation continue in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City of Stonecrest. The Mayor and Council have always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community; in particular, the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities

of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, it is the belief of the Mayor and Council of the City of Stonecrest that the concept of "public welfare" is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the City "to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled," *Berman v. Parker*, 348 U.S. 26, 75 S.Ct. 98 (1954); *Kelo v. City of New London*, 545 U.S. 469, 125 S. Ct. 2655, 162 L. Ed. 2d 439 (2005). It is also the opinion of the City that "general welfare" includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

WHEREAS, the Mayor and Council are, and have been interested in, developing a cohesive and coherent policy regarding certain uses and businesses in the City, and have intended to promote community development through stability, predictability and balanced growth that is in adherence to the City's Comprehensive Plan which will further the prosperity of the City as a whole; and

WHEREAS, the Director of Planning and Zoning, the City Engineer, the City selected stakeholders, and the City Attorney are reviewing the City's Zoning Ordinance; and

WHEREAS, it is in the best interest of the citizens of Stonecrest to place a moratorium on the application of business licenses, land disturbance permits, rezonings, special land use permits,

and building applications for truck parking and clearing and grading to create truck parking until review is completed; and

WHEREAS, the Mayor and City Council approved a sixty (60) day moratorium on January 31, 2023 ending on April 1, 2023 for the application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for truck parking and clearing and grading to create truck parking; and

WHEREAS, the moratorium ending on April 1, 2023 was extended for an additional sixty (60) day period ending on May 31, 2023; and

WHEREAS, the Mayor and City Council desire to extend the moratorium ending on May 31, 2023 for an additional sixty (60) day period that will end on July 30, 2023 to continue developing cohesive and coherent policy regarding certain uses and businesses in the City.

THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST and by the authority of the same:

SECTION I.

FINDINGS OF FACT

The Mayor and Council of the City of Stonecrest hereby make the following findings of fact:

- (a) It appears that the City’s Zoning requires additional review by the City of Stonecrest as it relates to certain zoning uses permitted throughout the City.
- (b) Substantial disorder, detriment and irreparable harm would result to the citizens, businesses and City of Stonecrest if the current land use regulation scheme in and for the above described uses in the City were to be utilized by property owners prior to a more thorough review;

- (c) The City's ongoing revision of its code and zoning ordinances requires that a limited cessation of the application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for truck parking and clearing and grading to create truck parking be enacted;
- (d) It is necessary and in the public interest to delay, for a reasonable period of time, the processing of any the application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for truck parking and clearing and grading to create truck parking to ensure that the design, development and location of the same are consistent with the long-term planning objectives of the City; and
- (e) That the Georgia Supreme Court has ruled that limited moratoria are reasonable and do not constitute land use when such moratoria are applied throughout the City under *City of Roswell et al v. Outdoor Systems Inc.*, 274 Ga. 130, 549 S.E.2d 90 (2001).

SECTION II.

IMPOSITION OF MORATORIUM

- (a) There is hereby imposed an extension on the moratorium on the acceptance by the staff of the City of Stonecrest of any the application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for truck parking and clearing and grading to create truck parking
- (b) That the moratorium adopted on March 27, 2023 will end on May 31, 2023. This moratorium shall extend the moratorium for a period of sixty (60) days and will end on July 30, 2023.

- (c) This moratorium shall have no effect upon approvals or permits previously issued or applications for application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for truck parking and clearing and grading to create truck parking submitted prior to the adoption of the Moratorium on January 31, 2023. The provisions of this Resolution shall not affect the issuance of application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for truck parking and clearing and grading to create truck parking that have received preliminary or final approval by the City on or before the effective date of the Moratorium adopted on January 31, 2023.
- (d) As of the effective date of this Resolution, no applications for business licenses, land disturbance permits, rezonings, special land use permits, and building applications for truck parking and clearing and grading to create truck parking shall be accepted by any agent, employee or officer of the City with respect to any property in the City of Stonecrest for a sixty (60) day period beginning May 31, 2023 ending July 30, 2023, and any of the aforementioned so accepted for filing will be deemed in error, null and void, and of no effect whatsoever, and shall constitute no assurance whatsoever of any right to engage in any act, and any action in reliance on any such license or permit shall be unreasonable.
- (e) The following procedures shall be put in place immediately. Under *Cannon v. Clayton County*, 255 Ga. 63, 335 S.E.2d 294 (1985); *Meeks v. City of Buford*, 275 Ga. 585, 571 S.E.2d 369 (2002); and *City of Duluth v. Riverbroke Props.*, 233 Ga. App. 46, 502 S.E.2d 806 (1998), the Supreme Court stated, "Where a landowner makes a substantial change in position by expenditures and reliance on the probability of the issuance of a building permit, based upon an existing zoning ordinance and the assurances of zoning officials, he

acquires vested rights and is entitled to have the permit issued despite a change in the zoning ordinance which would otherwise preclude the issuance of a permit." Pursuant to this case, the City of Stonecrest recognizes that, unknown to the City, de facto vesting may have occurred. The following procedures are established to provide exemptions from the moratorium where vesting has occurred:

A written application, including verified supporting data, documents and facts, may be made requesting a review by the Mayor and Council at a scheduled meeting of any facts or circumstances which the applicant feels substantiates a claim for vesting and the grant of an exemption.

SECTION III.

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

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the

express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION IV.

All Resolution or parts of Resolution in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

SECTION V.

The preamble of this Resolution shall be considered to be and is hereby incorporated by reference, as if fully set out herein.

SO RESOLVED AND EFFECTIVE this _____ day of _____, 2023.

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM BY:

City Attorney



CITY COUNCIL AGENDA ITEM

SUBJECT: Public Storage Facilities Moratorium Resolution

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

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

Current Council Meeting: Monday, May 22, 2023

SUBMITTED BY: Mayor Pro Tem George Turner

PRESENTER: Mayor Pro Tem George Turner

PURPOSE: Storage Unit Moratorium Resolution

FACTS: A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA IMPOSING A MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS FOR BUSINESS LICENSES, LAND DISTURBANCE PERMITS, REZONINGS, SPECIAL LAND USE PERMITS, AND BUILDING APPLICATIONS FOR STORAGE UNIT FACILITIES FOR A PERIOD NOT TO EXCEED SIXTY (60) DAYS WHILE THE CITY OF STONECREST CONSIDERS CHANGES TO ITS ZONING ORDINANCE.

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

RECOMMENDED ACTION: Click or tap here to enter text.

ATTACHMENTS:

(1) Attachment 1 - Storage Unit Moratorium Resolution



CITY COUNCIL AGENDA ITEM

- (2) Attachment 2 - Click or tap here to enter text.
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

STATE OF GEORGIA

CITY OF STONECREST

RESOLUTION NO. _____

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST, GEORGIA TO EXTEND THE MORATORIUM ON THE ACCEPTANCE OF NEW APPLICATIONS FOR BUSINESS LICENSES, LAND DISTURBANCE PERMITS, REZONINGS, SPECIAL LAND USE PERMITS, AND BUILDING APPLICATIONS FOR STORAGE UNIT FACILITIES FOR A PERIOD NOT TO EXCEED SIXTY (60) DAYS WHILE THE CITY OF STONECREST CONSIDERS CHANGES TO ITS ZONING ORDINANCE; TO PROVIDE FOR THE PURPOSE OF THE MORATORIUM, TO PROVIDE FOR FINDINGS OF FACT, IMPOSITION OF MORATORIUM, THE DURATION OF THE MORATORIUM; TO PROVIDE FOR AN APPEAL PROCESS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR A PENALTY; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the City of Stonecrest (“City”) has been vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City of Stonecrest; and

WHEREAS, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, business licenses and other development approvals where exigent circumstances warrant the same, pursuant to case law found at *City of Roswell et al v. Outdoor Systems, Inc.*, 274 Ga. 130, 549 S.E.2d 90 (2001); and

WHEREAS, the Courts take judicial notice of a local government's inherent ability to impose moratoria on an emergency basis; and

WHEREAS, the Georgia Supreme Court, in the case of *DeKalb County v. Townsend*, 243 Ga. 80 (1979), held that, "To justify a moratorium, it must appear first, that the interests of the public generally, as distinguished from those of a particular class, require such interference; and second, that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals." The City of Stonecrest has found that the interests of the public necessitate the enactment of a moratorium for health, safety, morals and general welfare purposes by means which are reasonable and not unduly oppressive; and

WHEREAS, the Mayor and Council of the City of Stonecrest have, as a part of planning, zoning and growth management, been in review of the City's Zoning Ordinances and have been studying the City's best estimates and projections of the type of development which could be anticipated within the City of Stonecrest; and

WHEREAS, the Mayor and Council deem it important to direct economic development in a manner that is consistent with the current Comprehensive Plan which integrates all of these concerns and therefore consider this moratorium a proper exercise of its police powers; and

WHEREAS, the Mayor and Council therefore consider it paramount that land use regulation continue in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City of Stonecrest. The Mayor and Council have always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community; in particular, the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities

of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, it is the belief of the Mayor and Council of the City of Stonecrest that the concept of "public welfare" is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the City "to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled," *Berman v. Parker*, 348 U.S. 26, 75 S.Ct. 98 (1954); *Kelo v. City of New London*, 545 U.S. 469, 125 S. Ct. 2655, 162 L. Ed. 2d 439 (2005). It is also the opinion of the City that "general welfare" includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

WHEREAS, the Mayor and Council are, and have been interested in, developing a cohesive and coherent policy regarding certain uses and businesses in the City, and have intended to promote community development through stability, predictability and balanced growth that is in adherence to the City's Comprehensive Plan which will further the prosperity of the City as a whole; and

WHEREAS, the Director of Planning and Zoning, the City Engineer, the City selected stakeholders, and the City Attorney are reviewing the City's Zoning Ordinance; and

WHEREAS, it is in the best interest of the citizens of Stonecrest to place a moratorium on the application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for storage unit facilities until review is completed; and

WHEREAS, the Mayor and City Council approved a sixty (60) day moratorium on January 31, 2023 ending on April 1, 2023 for the application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for storage unit facilities; and

WHEREAS, the moratorium ending on April 1, 2023 was extended for an additional sixty (60) day period ending on May 31, 2023; and

WHEREAS, the Mayor and City Council desire to extend the moratorium ending on May 31, 2023 for an additional sixty (60) day period that will end on July 30, 2023 to continue developing cohesive and coherent policy regarding certain uses and businesses in the City.

THEREFORE, IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST and by the authority of the same:

SECTION I.

FINDINGS OF FACT

The Mayor and Council of the City of Stonecrest hereby make the following findings of fact:

- (a) It appears that the City’s Zoning requires additional review by the City of Stonecrest as it relates to certain zoning uses permitted throughout the City.
- (b) Substantial disorder, detriment and irreparable harm would result to the citizens, businesses and City of Stonecrest if the current land use regulation scheme in and for the above described uses in the City were to be utilized by property owners prior to a more thorough review;
- (c) The City's ongoing revision of its code and zoning ordinances requires that a limited cessation of the application of business licenses, land disturbance permits,

rezonings, special land use permits, and building applications for storage unit facilities be enacted;

- (d) It is necessary and in the public interest to delay, for a reasonable period of time, the processing of any the application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for storage unit facilities to ensure that the design, development and location of the same are consistent with the long-term planning objectives of the City; and
- (e) That the Georgia Supreme Court has ruled that limited moratoria are reasonable and do not constitute land use when such moratoria are applied throughout the City under *City of Roswell et al v. Outdoor Systems Inc.*, 274 Ga. 130, 549 S.E.2d 90 (2001).

SECTION II.

IMPOSITION OF MORATORIUM

- (a) There is hereby imposed an extension on the moratorium on the acceptance by the staff of the City of Stonecrest of any the application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for storage unit facilities.
- (b) That the moratorium adopted on March 27, 2023 will end on May 31, 2023. This moratorium shall extend the moratorium for a period of sixty (60) days and will end on July 30, 2023.
- (c) This moratorium shall have no effect upon approvals or permits previously issued or applications for application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for storage unit facilities submitted prior to the adoption of the Moratorium on January 31, 2023. The provisions of this Resolution

shall not affect the issuance of application of business licenses, land disturbance permits, rezonings, special land use permits, and building applications for storage unit facilities that have received preliminary or final approval by the City on or before the effective date of the Moratorium adopted on January 31, 2023.

- (d) As of the effective date of this Resolution, no applications for business licenses, land disturbance permits, rezonings, special land use permits, and building applications for storage unit facilities shall be accepted by any agent, employee or officer of the City with respect to any property in the City of Stonecrest for a sixty (60) day period beginning May 31, 2023 ending July 30, 2023, and any of the aforementioned so accepted for filing will be deemed in error, null and void, and of no effect whatsoever, and shall constitute no assurance whatsoever of any right to engage in any act, and any action in reliance on any such license or permit shall be unreasonable.
- (e) The following procedures shall be put in place immediately. Under *Cannon v. Clayton County*, 255 Ga. 63, 335 S.E.2d 294 (1985); *Meeks v. City of Buford*, 275 Ga. 585, 571 S.E.2d 369 (2002); and *City of Duluth v. Riverbroke Props.*, 233 Ga. App. 46, 502 S.E.2d 806 (1998), the Supreme Court stated, "Where a landowner makes a substantial change in position by expenditures and reliance on the probability of the issuance of a building permit, based upon an existing zoning ordinance and the assurances of zoning officials, he acquires vested rights and is entitled to have the permit issued despite a change in the zoning ordinance which would otherwise preclude the issuance of a permit." Pursuant to this case, the City of Stonecrest recognizes that, unknown to the City, de facto vesting may have occurred. The following procedures are established to provide exemptions from the moratorium where vesting has occurred:

A written application, including verified supporting data, documents and facts, may be made requesting a review by the Mayor and Council at a scheduled meeting of any facts or circumstances which the applicant feels substantiates a claim for vesting and the grant of an exemption.

SECTION III.

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

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

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases,

clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION IV.

All Resolution or parts of Resolution in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

SECTION V.

The preamble of this Resolution shall be considered to be and is hereby incorporated by reference, as if fully set out herein.

SO RESOLVED AND EFFECTIVE this _____ day of _____, 2023.

[SIGNATURES ON FOLLOWING PAGE]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM BY:

City Attorney



CITY COUNCIL AGENDA ITEM

SUBJECT: 2023 Street Resurfacing – Change Order Request for Shepco Paving

AGENDA SECTION: *(check all that apply)*

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

CATEGORY: *(check all that apply)*

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

ACTION REQUESTED: DECISION DISCUSSION, REVIEW, or UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

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

Current Council Meeting: Monday, May 22, 2023

SUBMITTED BY: Hari Karikaran, City Engineer

PRESENTER: Hari Karikaran, City Engineer

PURPOSE: Shepco Paving has started 2023 Street Resurfacing at Lionshead Subdivision and encountered unsuitable material and require change of specification. Proposed plan is to do full depth Reclamation of several roads and that require a Change Order of \$402,571.73.

FACTS: Click or tap here to enter text.

OPTIONS: Discussion only Click or tap here to enter text.

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

ATTACHMENTS:

- (1) Attachment 1 - Resolution
- (2) Attachment 2 - Proposal
- (3) Attachment 3 - Click or tap here to enter text.
- (4) Attachment 4 - Click or tap here to enter text.
- (5) Attachment 5 - Click or tap here to enter text.

1 **STATE OF GEORGIA**
2 **COUNTY OF DEKALB**
3 **CITY OF STONECREST**

4
5 **RESOLUTION NO. _____**
6

7 **A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF**
8 **STONECREST, GEORGIA AUTHORIZING THE EXECUTION OF A CHANGE**
9 **ORDER WITH SHEPCO PAVING FOR THE 2023 STREET RESURFACING**
10 **PROJECT IN AN AMOUNT NOT TO EXCEED FOUR HUNDRED TWO THOUSAND**
11 **FIVE HUNDRED SEVENTY-ONE DOLLARS AND 73/100 CENTS (\$402,571.73); AND**
12 **FOR OTHER PURPOSES.**

13 **WHEREAS**, the City of Stonecrest, Georgia (the “City”) is a municipal corporation
14 duly organized and existing under the laws of the State of Georgia, and is charged with
15 providing public services to its residents; and

16 **WHEREAS**, the City entered into a contract with ShepCo Paving, Inc. (the
17 "Contractor"), a corporation created and existing under the laws of the State of Georgia for the
18 resurfacing of certain municipal streets within the City of Stonecrest (“Contract”); and

19 **WHEREAS**, Contractor was responsible for providing all labor, materials, and
20 equipment necessary to patch, mill and resurface streets within the City ("Project"); and

21 **WHEREAS**, the total cost of the Project one million Two Hundred Thirty-Nine
22 Thousand Nine Hundred Dollars And 90/100 CENTS. (\$1,239,900.90); and

23 **WHEREAS**, the Contractor encountered unsuitable material that requires change; and

24 **WHEREAS**, the city wishes to enter into a change order with ShepCo Paving, Inc. in
25 an amount not to exceed FOUR HUNDRED TWO THOUSAND FIVE HUNDRED
26 SEVENTY-ONE DOLLARS AND 73/100 CENTS (\$402,571.73); and

27 **WHEREAS**, any contract for work on all or part of the municipal road system shall be
28 in writing and be approved by resolution which shall be entered on the minutes of such
29 municipality pursuant to O.C.G.A. § 32-4-111.

30 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STONECREST,**
31 **GEORGIA, HEREBY RESOLVES**, that the Mayor, on behalf of the City, is hereby authorized
32 to execute a change order with ShepCo Paving, Inc. to patch, mill and resurface streets within the
33 City of Stonecrest.

34 **BE IT FURTHER RESOLVED**, ShepCo Paving, Inc.. shall achieve Substantial Completion of
35 the work by August 18, 2023.

36 **BE IT FURTHER RESOLVED**, that the cost of the work shall not exceed **FOUR HUNDRED**
37 **TWO THOUSAND FIVE HUNDRED SEVENTY-ONE DOLLARS AND 73/100 CENTS**
38 **(\$402,571.73).**

39 **BE IT FURTHER RESOLVED**, that the City Attorney or his designee is directed to negotiate,
40 prepare, and/or review the change order, to affect the intent of this resolution provided that such
41 agreement is in compliance with the conditions set forth herein.

42 **BE IT FURTHER RESOLVED**, that the agreement will not become binding upon the City and
43 the City will incur no obligation or liability under it until it has been executed by the Mayor,
44 attested to by the City Clerk and approved by the City Attorney as to form.

45 **BE IT FURTHER RESOLVED**, to the extent any portion of this Resolution is declared to be

46 invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this
47 Resolution.

48 **BE IT FURTHER RESOLVED**, all City resolutions are hereby repealed to the extent they are
49 inconsistent with this Resolution.

50 **BE IT FINALLY RESOLVED**, this Resolution shall take effect immediately.

51
52 **RESOLVED** this _____ day of _____, 2023.

56 **CITY OF STONECREST, GEORGIA**

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62 **Jazzmin Cobble, Mayor**

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64 **ATTEST:**

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70 **City Clerk**

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74 **APPROVED AS TO FORM:**

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79 **City Attorney**

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ShepCo Paving Change Order Request
05/17/2023

Budget:

| | | |
|---------------------------------|---|-------------|
| 2023 SPLOST Allocation | - | \$1,400,000 |
| 2023 LMIG Received | - | \$530,109 |
| Total 2023 Street Paving Budget | - | \$1,930,109 |

ShepCo Contract

| | | |
|----------------------------------------------------|---|--------------|
| 2023 ShepCo Contract amount awarded by Council | - | \$1,239,900 |
| Balance left on the Budget after awarding contract | - | \$690,209.00 |
| Changer Order Request amount for Lionshead S/D | - | \$402,571.73 |
| Balance after Change Order | - | \$287,637.27 |