

Technical Memo – Zoning Ordinance Update Direction & Next Steps

To: Chris Wheeler, Planning & Zoning Director
CC: Plez Joyner, City Manager; Annamaria Hazard, City Attorney
From: Michelle M. Alexander
Date: January 27, 2021
Re: Zoning Ordinance Next Steps
Action: Prepare for proceedings

We have attached documents that summarize the final direction the project team received from Council for the zoning ordinance update.

- The first document includes a table of all the key recommended changes to the zoning ordinance discussed with Council at the **December 3rd Workshop**, along with the Council's response to the recommended item.
- The second document lists three policy items discussed at the **January 13th Workshop**; these were items that had not achieved full consensus at the prior workshop.

Based on the direction received at these two Workshops and prior public input, The Collaborative Firm has accordingly prepared a draft zoning update (text amendment).

Work Plan for Establishing Community Councils. While there exists general consensus for a Community Council structure, the need for more in-depth discussion regarding several administrative and legal dimensions necessitate a dedicated effort. Discussion and decisions the City need to consider include the number of Council bodies, the number of appointees, the geographical representation for each Council, and the appropriate location for meetings given some desire to avoid having the City serve as host. Finally, Council will need to determine whether it is appropriate to include the authority within the body of the Zoning Ordinance, based on City Attorney advice.

Please see the **attached Technical Memo with a work plan** that The Collaborative Firm prepared for establishing these Councils over the coming months.

Schedule for Public Hearings and 1st Read

- 1/28 Submit ad request to run for the 2/22 Council public hearing.
- 2/8 Council 1st read
- 2/9 Planning Commission - public hearing
- 2/22 Council meeting - public hearing, consider adoption.

Council Response 12/3/20 Workshop

Substantive Topic Summary	Yes	No	Maybe/Comment	TCF/Staff/Legal Notes
Update w Comprehensive Plan (Art's 1 & 2)	✓			
Zoning Diet: Remove RLG & Mobile Home	✓		Keep OIT as option	Kept OIT in draft
Consolidate 5 MU districts into 3		✓		Kept 5 MU districts in draft
Add Uses to I-20 Overlay (e.g. Film Industry)	✓			
Add Overlay Design Standards into Code	✓			
Require all gas stations obtain SLUP	✓			
M1 - heavy uses adjacent Residential need SLUP			✓ Why not just remove from M1 and only allow M2?	Some are not residentially used; some can provide mitigation that avoids impact on residential. SLUP accomodates or provides for denial.
New Use Regulations: Hookah/Tobacco	✓			
Amend Use Regulations: Towing	✓			
Amend Use Regualtions: BnB and STVR	✓			BnB allowed with owner present; STVR needs SLUP
Amend Use Regulations: Personal Care Homes	✓			
Public Notice: Add Community Meeting to Code			✓ In addition, create a Community Council to also vet application, in addition to the Planning Commission	Community Meetings are currently held in City Hall. Establish fixed date to address concern about predictability. City Attorney recommends against adding Community Meeting to code. Keep as administrative requirement.
Public Notice: Increase distance to 1,000 feet			✓ Consider greater distance - is 1,000 feet enough?	

Administrative and organizational updates:

- Integrating of new ordinances that adopted by the City since incorporation (Articles 3, 4, 7, 8, 10)
- Generating a comprehensive and clickable Table of Contents that was previously lacking
- Removing redundancies throughout but especially in administrative procedures (Articles 3 and 8)
- Creating all-inclusive formatting throughout the entire document for standardization
- Splitting Article 5 into two articles - Article 5: Site Design and Building Form Standards and Article 6: Building Materials, Form, and Configuration to clarify specific design standards for residential and commercial proposals
- Adding and clarifying definitions (formally Article 9, now Article 10)

Other action recommended:

- Maintaining and protecting the character of the AMCOD Overlay
- Reaching out to property owners where zoning does not match Future Land Use policy to help guide development to align with the Future Land Use Map and protect residential from intense uses that may be incompatible.
- Adjusting or removing Tier 5 of the Stonecrest Overlay because the underlying base zoning is residential and that is the desired land use policy in the Comprehensive Plan. The current overlay allows several commercial uses by right that might not be desired in this area.
- Adding a new zoning district: AG – Eco-Agricultural District (created draft ordinance for public consideration) specifically for AMCOD area to incentivize large properties to remain

Meeting Summary: Stonecrest Zoning Ordinance Update – Council Workshop
Date/Time: 01/13/2021
Location: Video Conference (Zoom platform)
Prepared By: Michelle M. Alexander, The Collaborative Firm (TCF); Nicolette Washington (TCF)



Stonecrest Zoning Ordinance Update – Workshop #2 Discussion

The Collaborative Firm reviewed with Council the results of the 12/03/21 Workshop (see attached table). Discussion focused on three items that did not appear to achieve consensus in prior meetings.

Items/Notes

1. **Personal Care Home** requirements related to ownership of property or business: Increase the distance from an existing PCH to any proposed, new location for PCH to 1,500 feet.
2. **Public Notification distances:** debated if 1,000 feet from property was enough. Some felt that large projects impact properties further away, so they should also receive notice. Question for City Attorney inquiry: can the notification distance vary, according to size of project?
3. Discussion regarding whether or not to institute a **Community Council**, similar to DeKalb County, with same criteria as established by DeKalb code and by-laws to regulate the proceedings.
 - Discussion in favor of forming Community Council(s): The thought was expressed that the community owns this meeting and engages with the developer directly, with the Council in control. Community Meetings hosted by the developer feel like the meeting is “developer friendly”. It differs from Planning Commission because there is give-and-take discussion, versus a public hearing with comments only.
 - It was noted that an individual community member may or may not actually get a chance to negotiate with developer, since they have to go through the proceedings and structure of the Community Council. That is, the meeting is owned then by the Council chair and members, not necessarily attendees.
 - Also, the Community Meetings advertising is targeted to that specific area.
 - Discussion in favor of continuing to rely on Planning Commission and a regularized Community Meeting: Not clear how and why a Council, appointed by the elected officials, will function any differently than the Planning Commission, also appointed. The Community Council chairperson will actually decide who gets to speak and for how long, instead of a direct back and forth with the developer, which occurs at Community Meetings. If Community Meeting has a fixed schedule, then residents can always anticipate the meeting and attend.
 - Further, if Community Council relies on the City and Staff to function and record recommendations, it was suggested that this does not sound any different the Planning Commission.
 - Most of the Council wanted some form of a Community Council. Need the administrative structure to be discussed and determined – including venue - before any ordinance language can be drafted.
4. Discussion related to providing larger zoning notice signs (not ordinance related).



Community Council Technical Memo - Discussion Only

To: Chris Wheeler, Planning & Zoning Director
From: Michelle M. Alexander
Date: January 27th, 2021
Re: Community Council
Action: For review and discussion

Stakeholders and staff requested recommendations for a Community Council to be required by the Zoning Code. The intent is to allow for more communication and outreach prior to an application going before Mayor and Council. If the City chooses this option, several administrative and legal steps are required. The following memo offers the city guidance for the next steps needed for adoption and example language to be added to the Zoning Code.

Next Steps to Appoint a Community Council

- Review the Example Language below and make any desired changes.
- Write Community Council Bylaws as a separate document for adoption.
- Establishment administrative instructions and procedures for applicant.
- Hold a Public Hearing for Adoption of the Language and include the effective date of the Community Council.
- Appoint Community Councilmembers (can be at the same meeting as above).
- Establish Schedule for Community Council Meetings.

Draft Zoning Code Language from DeKalb County

Add to Section 8.1.2 – Governing Bodies.

- Community council.
 - There is hereby established a separate volunteer community council for each council district 1 through 5. Each community council shall consist of _____ members, each of whom shall be a resident of The City of Stonecrest, shall reside in the same district for which the community council is established, and who shall be appointed as follows:
 - The district councilperson shall appoint _____ members to the community council located in his or her district;
 - Members of each community council shall serve at the pleasure of the district councilperson making the appointment or until their successor is appointed and qualified, unless such term ends sooner in a manner set forth herein. If the

community council member is still serving at the time the appointing councilperson vacates his/her office, the community council member shall continue to serve until a successor is appointed and qualified by the incoming district councilperson. Community council members may be reappointed to successive terms without limitation. Any vacancy in the membership of the community council shall be filled in the same manner as the initial appointment. If a community council member moves outside the district for which the community council is established, that action shall constitute an immediate resignation from the council, effective immediately.

- The community councils are created to review applications for rezonings, land use plan amendments, special land use permits and text amendments, and to report their recommendations to the planning commission. A community council may consider such ordinances and applications in relation to the applicable standards and criteria contained in this chapter, the adopted comprehensive plan and any of the community's quality of life issues.
- No person shall serve or continue to serve as a community council member until they have been certified by the director as having completed a training session sponsored by the county.

Next Steps to Improve Administrative Processes without a Community Council Appointment

- Establishment of administrative instructions and procedures for applicant.
- Increase public notification to 1,000 feet of surrounding properties.
- The Planning Department currently requires the applicant to conduct a community meeting.
 - Clearly outline this requirement in the application package for applicants seeking a zoning decision (rezoning, SLUP, modification, etc).
 - Require they conduct a community meeting to allow for public participation prior to the submittal of an applications.
 - Require the applicants place a temporary sign on the subject property (or approved alternative site) advertising the date, time, and location of the community meeting.
 - Require the location of the meeting to be at Stonecrest City Hall and coordinated with the Planning Department to be a fixed date monthly.
 - Require a Public Participation Report with a sign-in sheet, count of participants and a summary of comments or concerns received from the community.
 - Require the Public Participation Report to be included with the application.