



**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA,
AMENDING CHAPTER 27, ARTICLE III, SECTION 3.5.15**

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

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

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

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

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

WHEREAS, the City of Stonecrest has advertised and held public hearings on November 7, 2018 and November 19, 2018 on the adoption of the amendment to Chapter 27, Article III.

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

Section 1: Chapter 27, Article III, Section 3.5.15 of the Code of the City of Stonecrest, Georgia, is hereby amended to read as follows:

Sec. 3.5.15. - Low-Rise Mixed-Use Zone (Tier III).

A. *Principal uses and structures.* A combination of the following principal uses of land and structures shall be authorized within Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Compatible Use Overlay District:

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

39 5. Buildings that contain a mixture of two (2) or more uses selected from those authorized
40 in this district.

41 6. Single-Family attached or detached units that are part of a planned community so long
42 as such single family attached or detached units are part of a mixed-use development.

43 B. *Prohibited uses.* The following principal uses of land and structures shall be prohibited
44 within Tier III: Low-Rise Mixed Use Zone of the Stonecrest Area Overlay District:

45 1. Kennels.

46 2. Storage yards.

47 3. Tire dealers and tire repair.

48 4. Sexually oriented businesses.

49 5. Reserved.

50 6. Outdoor amusement and recreation services facilities.

51 7. Outdoor storage.

52 8. Appliance and equipment repair shops.

53 9. Motels.

54 10. Used motor vehicle dealers, except those used motor vehicle dealers satisfying the
55 requirements of subsection K, which is also applicable to new auto sales dealerships.

56 11. Temporary and seasonal outdoor sales.

57 12. Automobile title loan establishments.

58 13. Pawn shops.

59 14. Liquor stores.

60 15. Salvage yards and junk yards.

61 16. Self storage facilities.

62 17. Gasoline service stations.

63 18. Major and minor automobile repair and maintenance shops.

64 19. Commercial parking lots.

65 20. Carwashes and detail shops.

66 21. Night clubs and late-night establishments.

67 22. Check cashing establishments.

68 23. Automobile emission testing facilities.

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

72 1. Accessory uses and structures incidental to any authorized use.

73 2. Parking lots and parking garages.

74 3. Clubhouse, including meeting room or recreation room.

75 4. Swimming pools, tennis courts, and other recreation areas and similar amenities.

76 5. Signs, in accordance with the provisions of chapter 21 and this chapter.

77 6. Accessory uses and structures incidental to any authorized new or used motor vehicle
78 dealer; including automobile rental/leasing, major and minor automobile repair, new tire
79 sales, emissions testing, non-public fuel pumps and carwashes, and outdoor storage and
80 automobile display.

- 81 D. *Building setbacks.* The following requirements shall apply to all structures in the Tier III:
 82 Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:
- 83 1. *Minimum front yard setback :* Fifteen (15) feet from right-of-way of public street,
 84 except that front-facing garages of residential units shall be set back a minimum of
 85 twenty (20) feet from rights-of-way.
 - 86 2. *Minimum interior side yard :* Ten (10) feet. There shall be a minimum of fifteen (15)
 87 feet between buildings and structures less than two (2) stories in height and a minimum
 88 of twenty (20) feet between any two (2) buildings and structures when one (1) of them
 89 is greater than two (2) stories in height.
 - 90 3. *Minimum rear yard :* Ten (10) feet.
- 91 E. *Height of buildings and structures.* Maximum height, three (3) stories or forty-five (45) feet,
 92 whichever is less.
- 93 F. *Single -Family attached or detached units may be permitted and shall comply with the*
 94 *following:*
- 95 1. *Lot with and area.* All residential lots shall have at least twenty-five (25) feet of
 96 frontage as measured along the public street frontage
 - 97 2. *Minimum Lot area.* 3000 sq. feet.
 - 98 3. *Setback requirements.*
 - 99 • *Front yard minimum:* fifteen (15) feet.
 - 100 • *Side yard:* ten (10) feet.
 - 101 • *Interior side yard:* three (3) feet with a min. of ten (10) feet separation.
 - 102 • *Rear yard:* ten (10) feet.
 - 103 4. *Required Parking*
 - 104 • Single-family attached or detached units shall have two (2) spaces per unit.
- 105 G. *Density:* No development in the Tier III Zone shall exceed a FAR of one (1); unless it also
 106 provides additional public space or other amenities singly, or in combination as provided in
 107 H., below.
- 108 H. *Bonus density:* The maximum allowable FAR of a building or development in a Tier III
 109 Zone shall be increased to a FAR not to exceed a total of two (2) in exchange for one (1) or
 110 more of the additional amenities provided in the table below:
 111

112 **Table 3.3 Maximum Bonus FAR: Tier III**

Maximum Bonus Floor Area Ratio in Stonecrest Area, Tier III Zone	
Additional Amenity	Increased FAR
Increase public space to 25 percent while providing connectivity	0.5

Increase public space to 30 percent while providing connectivity	1.0
Mixed-use building that combines office-institutional with commercial or retail uses. Each mixed-use building shall include one principal use and at least one secondary use. No primary or secondary use shall constitute less than ten percent of the gross floor area of the building.	0.25
Mixed-use building that includes multifamily residential units constituting at least 8 units per acre of land, and constructed in the same building with office, institutional, commercial or retail uses.	0.5

113

114 I. *Required parking.* Required parking may be provided through a combination of off-street,
 115 on-street, or shared parking provided that all required parking is located within seven
 116 hundred (700) feet of the principal entrance of buildings which it is intended to serve. The
 117 minimum number of required parking spaces shall be as provided in article 6, except as
 118 follows:

- 119 1. Retail uses, personal service uses, and other commercial and general business uses,
 120 including food stores—Minimum of four (4) spaces per one thousand (1,000) square
 121 feet of gross floor area.
- 122 2. Office and clinic uses—Minimum of three (3) spaces per one thousand (1,000) square
 123 feet of gross floor area.
- 124 3. Hotel and motel uses—Minimum of one (1) space per unit.
- 125 4. Multifamily residential uses—Minimum of one and one-half (1.5) spaces per dwelling
 126 unit.

127 J. *Parking space area requirements.* Parking space area requirements shall comply with the
 128 provisions of section 6.1.3.

129 K. *Sidewalks.* Sidewalks at least five (5) feet in width shall be provided on both sides along the
 130 right-of-way of all public streets.

131 L. *New or used motor vehicle dealers.* New or used motor vehicle dealers are authorized in
 132 Tier III of the Stonecrest Overlay District only if they comply with the following
 133 requirements:

- 134 1. New or used motor vehicle dealers must be located on a parcel with a lot area of no less
 135 than three (3) acres, and must contain at least six thousand (6,000) square feet of
 136 building floor space.
- 137 2. New or used motor vehicle dealers must provide vegetative screening along any
 138 automobile display areas that abut a public right-of-way. Said vegetative screening shall
 139 be located outside any guard rails or security fencing abutting such public right-of-way.
 140 Within three (3) years of planting, the vegetative screening must be of sufficient height
 141 to screen all guard rails or security fencing abutting the public right-of-way. Planting
 142 materials shall be subject to the approval of the City of Stonecrest Arborist.

- 143 3. New or used motor vehicle dealers must provide screening of all maintenance areas and
- 144 storage yards for automobiles stored for service. Such screening shall be sufficient to
- 145 shield the maintenance areas and storage yards from visibility from any adjacent
- 146 properties or public rights-of-way. Should vegetative screening be used, planting
- 147 material shall be subject to the approval of the City of Stonecrest Arborist.
- 148 4. No overhead bay doors opening into vehicle service areas shall be visible from a public
- 149 right-of-way.

150
151 **Section 2:**

- 152 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
- 153 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
- 154 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
- 155 constitutional.
- 156
- 157 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
- 158 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
- 159 phrase of this Ordinance is severable from every other section, paragraph, sentence,
- 160 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
- 161 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
- 162 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
- 163 section, paragraph, sentence, clause or phrase of this Ordinance.
- 164
- 165 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
- 166 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
- 167 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
- 168 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
- 169 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
- 170 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
- 171 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
- 172 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
- 173 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
- 174
- 175 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
- 176 are hereby expressly repealed.
- 177
- 178 5. The within ordinance shall become effective upon its adoption.
- 179
- 180 6. The provisions of this Ordinance shall become and be made part of The Code of the City
- 181 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to
- 182 accomplish such intention.

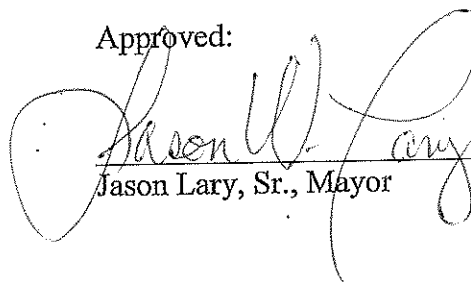
183 **SO ORDAINED AND EFFECTIVE** this the ____ day of _____, 2018.

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018- 12-01

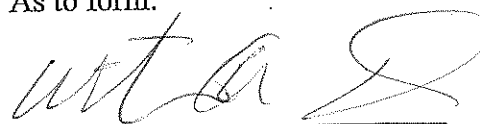
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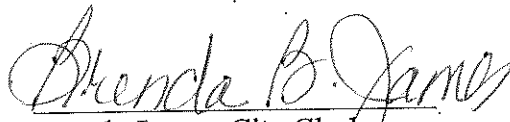
Jason Lary, Sr., Mayor

As to form:



City Attorney

Attest:



Brenda James, City Clerk