



## CITY OF STONECREST, GEORGIA

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*Honorable Mayor Jason Lary, Sr.*

*Council Member Jimmy Clanton, Jr. – District 1*

*Council Member Rob Turner - District 2*

*Council Member Jazzmin Cobble – District 3*

*Council Member George Turner - District 4*

*Council Member Tammy Grimes – District 5*

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### CITY SPECIAL CALLED VIRTUAL PUBLIC HEARING *AGENDA*

Thursday July 22, 2021, at 6:00 P.M.

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

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

**II. ROLL CALL:** Sonya Isom, Acting City Clerk

**III. INVOCATION**

**IV. PLEDGE OF ALLEGIANCE**

**V. APPROVAL OF THE AGENDA**

**VI. PUBLIC HEARINGS**

*There is a three (3) minute time limit for each speaker during all public hearings.*

- a. **Notice** – of Planning and Zoning Ordinance - TMOD-21-001– *Jim Summerbell*
- b. **Notice** – of Planning and Zoning Ordinance - TMOD-21-002 – *Jim Summerbell*
- c. **Notice** – of Planning and Zoning Ordinance - TMOD-21-003 – *Jim Summerbell*
- d. **Notice** – of Planning and Zoning Ordinance - TMOD-21-004 – *Jim Summerbell*

**VII. EXECUTIVE SESSION:**

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

**VIII. 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

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*Honorable Mayor Jason Lary, Sr.*

*Council Member Jimmy Clanton, Jr. – District 1*

*Council Member Rob Turner - District 2*

*Council Member Jazzmin Cobble – District 3*

*Council Member George Turner - District 4*

*Council Member Tammy Grimes – District 5*

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### CITY VIRTUAL ZONING SUMMIT - *AGENDA*

Thursday July 22, 2021, to Follow Public Hearing at 6:00 P.M.

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

- I. CALL TO ORDER:** Jim Summerbell
- II. REVIEW - OF THE PURPOSE AND INTENT OF THE ZONING SUMMIT AND RULES OF CONDUCT** – Jim Summerbell, AICP, Planning & Zoning Director
- III. OLD BUSINESS**
  - a. **Discussion** – of Planning and Zoning Ordinance - TMOD-21-001– Jim Summerbell
  - b. **Discussion** – of Planning and Zoning Ordinance - TMOD-21-002 – Jim Summerbell
  - c. **Discussion** – of Planning and Zoning Ordinance - TMOD-21-003 – Jim Summerbell
  - d. **Discussion** – of Planning and Zoning Ordinance - TMOD-21-004 – Jim Summerbell
- IV. NEW BUSSINESS**
  - a. **Discussion** – TMOD-21-005 Car Dealerships in the Stonecrest Area Overlay
  - b. **Discussion** – Modification of the Arabia Mtn Overlay along Plunkett Road
  - c. **Discussion** – Establishment of the Community Council
  - d. **Discussion** – Other amendments and a schedule to address them
- V. ADJOURNMENT**

## NOTICE

### **CITY OF STONECREST ZONING SUMMIT AND PUBLIC HEARING THURSDAY, JULY 22, 2021 AT 6:00 P.M. \*VIRTUAL MEETING STONECREST CITY HALL, 3120 STONECREST BLVD, SUITE 155 STONECREST, GA 30038**

The Stonecrest City Council and Planning and Zoning Department will be holding a Zoning Summit to educate members of the community about proposed text amendments to the City Zoning Ordinance, to answer any questions regarding the amendments and the text amendment process, and to gather input on any other recommended changes to the Zoning Ordinance.

In addition, the July summit will include a review and **public hearing** of the following petitions/amendments within the City of Stonecrest that are under current consideration by the City Council.

LAND USE PETITION:	TMOD 21-001 Stonecrest Code of Ordinances, Update of Outdated Code References
PROPOSED AMENDMENT:	Text amendments to update outdated code references in the Zoning Ordinance and other city codes in City Code of Ordinances to the former City Comprehensive Plan, to old city staff titles, and certain county boards and committees and the city does not have.
LAND USE PETITION:	TMOD 21-002 Stonecrest Zoning Ordinance, Modifications to Child and Personal Care Home Supplemental Use Regulations
PROPOSED AMENDMENT:	Revision to the Home Occupation- Sec. 4.2.31. Child and Personal Care Home – Sec 4.2.41 regulations and Definitions Article 9
LAND USE PETITION:	TMOD 21-003 Stonecrest Zoning Ordinance, Modification to Gas Service Station Supplemental Use Regulations
PROPOSED AMENDMENT:	Revision to Article 4. Division 2 Supplemental Use Regulations, and to Article 5. Site Design and Building Form Standards, as they relate to the siting, building form, and design of gas service stations.
LAND USE PETITION:	TMOD 21-004 Stonecrest Zoning Ordinance, Deletion of the exemption of Special Land Use Permits in Overlay Zones
PROPOSED AMENDMENT:	Deletion of Sub-Section 3.1.1.D. Overlay Districts generally, that exempts the requirement for a special land use permit in all overlay districts in the City when the underlying district requires a special land use permit for the same use.

Those wishing to actively participate and make a comment during the public hearing portion of the meeting, please submit their request via email address [CityClerk@stonecrestga.gov](mailto:CityClerk@stonecrestga.gov) by noon July 22, 2021, and a zoom link for the meeting will be sent to you. The meeting will also be available for viewing on the City YouTube Channel.



## **CITY COUNCIL AGENDA ITEM**

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**SUBJECT: TMOD-21-001**

**( X ) ORDINANCE                      ( ) POLICY                      ( ) STATUS REPORT**

**( ) DISCUSSION ONLY              ( ) RESOLUTION              ( ) OTHER**

**Date Submitted: 06/17/21      Work Session: 07/22/21 Council Meeting: 07/26/21**

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**SUBMITTED BY: Jim Summerbell, AICP – Planning and Zoning Director**

**PRESENTER: Jim Summerbell**

**PURPOSE:** To update outdated references in the City Code of Ordinances related to Comprehensive Plan (Comp Plan) and outdated staff titles. The current City Code of Ordinances, which includes the Zoning Ordinance, is not in complete compliance with the recently adopted Stonecrest Comprehensive Plan 2038. As a result, the city may not be able to implement all land use and zoning policies identified in the Comp Plan.

**FACTS AND ISSUES** The Zoning Ordinance is a tool to regulate land use in the city and to implement the policies and recommendations of the Comprehensive Plan (Comp Plan). The Zoning Ordinance has not been amended concerning the policies of the current Comp Plan, the 2038 Stonecrest Comprehensive Plan, since its adoption in 2018. Several character areas used in the Comp Plan and referenced by name in the Zoning Ordinance have changed titles and significantly modified. The land use map associated with these character areas has also been revised. Because of these changes, regulations related to allowed densities under revised character areas are invalid. This must be corrected to offer clear guidance regarding zoning districts related to these new character areas.

This problem with how the Comp Plan is referenced in the current code is also the direct result of how character areas are directly referenced in the Code of Ordinances, particularly the Zoning Ordinance. Most Comp Plans do not reference specific character areas by name, rather just the policies of the Comp Plan in general. This is a highly unusual practice in most Zoning ordinances throughout the State. If a Comp Plan is updated and Zoning Ordinance is not immediately revised to reflect those changes, portions of the ordinance may be invalid. To correct this, the staff recommends that all direct references to particular character areas in the code be removed. This will allow future updates to the character



## **CITY COUNCIL AGENDA ITEM**

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areas in the Comp Plan to be made without requiring updates to references to the character areas in the Zoning Ordinance in the future.

It should be noted that removing the character area references in no way minimizes the importance or role of the comp plan in influencing and guiding rezoning decisions. To help clarify this, the provisions of the Zoning Ordinance that describe the relationship between the Comp Plan and the Zoning Ordinance have been updated to what is considered customary and best practice in most Zoning Ordinances in the State.

The attached track changes also highlight the references in the Stonecrest Code of Ordinances to outdated staff titles such as “Director of Planning” and “Community Development Director.” Since 2019 the title for this position is “Director of Planning & Zoning.” The memorandum makes recommendations, by Section, as to where those terms occur, including a universal change to “Director of Planning,” which is used 224 times in the ordinance.

**OPTIONS:** Table, Deny, Approve, Approve with modifications

**RECOMMENDED ACTION:** Approve

**ATTACHMENTS:**

- (1) Ordinance TMOD-21-001
- (2) Staff report related to actions taken by the Planning Commission on June 22, 2021

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**TMOD-21-001 ATTACHMENT 1:**

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**DRAFT Ordinance TMOD-21-001**

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

**ORDINANCE NO. TMOD 21-001**

9    **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF**  
10   **STONECREST, GEORGIA, BY AMENDING CHAPTER 27 (ZONING**  
11   **ORDINANCE) AS IT RELATES TO CERTAIN CHANGES THAT HAVE BEEN**  
12   **MADE TO THE CITY’S COMPREHENSIVE PLAN; TO PROVIDE**  
13   **SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF**  
14   **CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE AN ADOPTION**  
15   **AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

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

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

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

22       **WHEREAS**, the Mayor and Council desire to amend Chapter 27 (Zoning Ordinance) of  
23   the City’s Code to provide updates of outdated code references and certain references to the City’s  
24   Comprehensive Plan; and

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

27           **WHEREAS**, the Director of Planning and Planning Commission recommend approval  
28    based on the City Staff Report and said report is hereby incorporated by reference herein; and  
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30           **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has  
31    been properly held prior to the adoption of this Ordinance; and

32           **WHEREAS**, the health, safety, morals and general welfare of the citizens of the City will  
33    be positively impacted by the adoption of this Ordinance.

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

36           **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended  
37    by amending Chapter 27 (Zoning) to provide updates of outdated code references and certain  
38    references to the City's Comprehensive Plan; and inserting the provisions set forth in Exhibit A  
39    attached hereto and made a part by reference.

40           **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby  
41    incorporated by reference as if fully set out herein.

42           **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
43    sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their  
44    enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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



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

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

60 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly  
61 repealed.

62 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of  
63 the State of Georgia and the City of Stonecrest.

64 **Section 6.** 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  
66 of Stonecrest, Georgia.

(SIGNATURES ON FOLLOWING PAGE)

**ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF STONECREST, GEORGIA**

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**George Turner**, Mayor Pro Tempore

**ATTEST:**

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**Patricia Wheeler**, City Clerk

**APPROVED AS TO FORM:**

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City Attorney

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**EXHIBIT A**

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**(SEE ATTACHMENT 2 for Track changes version sent to PC)**

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**TMOD-21-001 ATTACHMENT 2:**

**Staff report related to actions taken by the  
Planning Commission on June 22, 2021**



## CITY COUNCIL STAFF REPORT

MEETING DATE: June 28, 2021

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### Report on Planning Commission Action Regarding

**Petition Number:** TMOD 21-001

**Applicant:** Stonecrest Planning & Zoning Department

**Project Location:** City-Wide

**Proposed Amendment:** Text amendment to modify Articles 4 and 9 of the Zoning Ordinance to address Child and Personal Care Home definitions and use regulations.

### Planning Commission Recommendation:

The Stonecrest Planning Commission met on June 22, 2021 at a Special Called Meeting to take action on four text amendments to the City Code of Ordinances, including TMOD-21-001. After presentation by staff, the Planning Commission took action to **recommend approval of TMOD-21-001** to the City Council as presented by staff.

The staff report presented to the Planning Commission is attached for reference.



## PLANNING COMMISSION STAFF REPORT

MEETING DATE: June 22, 2021

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### GENERAL INFORMATION

**Petition Number:** TMOD 21-001

**Applicant:** Stonecrest Planning and Zoning Department

**Project Location:** City-Wide

**Proposed amendment:** Text amendments to update outdated code references in the Zoning Ordinance and other city codes in City Code of Ordinances to the former City Comprehensive Plan, and to old city staff titles.

**FACTS AND ISSUES** The Zoning Ordinance is a tool to regulate land use in the city and to implement the policies and recommendations of the Comprehensive Plan (Comp Plan). The Zoning Ordinance has not been amended with respect to the policies of the current Comp Plan, the 2038 Stonecrest Comprehensive Plan, since its adoption in 2018. Several of the character areas used in the Comp Plan and referenced by name in the Zoning Ordinance have changed titles and significantly modified. The land use map associated with these character areas has also been revised. Because of these changes, regulations related to allowed densities under revised character areas are invalid. This must be corrected to offer clear guidance as what is allowed in zoning districts related to these new character areas.

This problem with how the Comp Plan is referenced in the current code is also the direct result of how character areas are directly referenced in the Code of Ordinances, particularly the Zoning Ordinance. This is a highly unusual practice in most Zoning Ordinance throughout the State. Most Comp Plans do not reference specific character areas by name, rather just the policies of the Comp Plan in general. If a Comp Plan is updated and Zoning Ordinance is not immediately revised to reflect those changes, portions of the ordinance may be invalid. To correct this, staff is recommending that all direct references to particular character areas in the code be removed. This will allow future updates to the character areas in the Comp Plan to be made without requiring updates to references to the character areas in the Zoning Ordinance in the future.



## PLANNING COMMISSION STAFF REPORT

It should be noted that the removal of the character area references in no way minimizes the importance or role of the comp plan in influencing and guiding rezoning decisions. To help clarify this, the provisions of the Zoning Ordinance that describe the relationship between the Comp Plan and the Zoning Ordinance have been updated to what is considered customary and best practice in most Zoning Ordinances in the State.

The attached track changes also highlight, the references in the Stonecrest Code of Ordinances to outdated staff titles such as “Director of Planning” and “Community Development Director.” Since 2019 the title for this position is “Director of Planning & Zoning.” The memorandum makes recommendations, by Section, as to where those terms occur, including a universal change to “Director of Planning” which is used 224 times in the ordinance.

**OPTIONS:** Table, Deny, Approve, Approve with modifications

**RECOMMENDED ACTION:** Recommend Approval to the City Council

**ATTACHMENTS:**

(1) Track Changes version of the City Code Ordinances as they relate to TMOD-21-001



## **CITY COUNCIL AGENDA ITEM**

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**SUBJECT: TMOD-21-002**

**( X ) ORDINANCE**                      **( ) POLICY**                      **( ) STATUS REPORT**

**( ) DISCUSSION ONLY**              **( ) RESOLUTION**              **( ) OTHER**

**Date Submitted: 06/17/21**      **Work Session:**                      **Council Meeting: 07/26/21**

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**SUBMITTED BY:**      **Jim Summerbell, AICP – Planning and Zoning Director**

**PRESENTER:**      Jim Summerbell

**PURPOSE:** To update the Zoning Ordinance provisions related to Child and Personal Care Home definitions and regulations.

**FACTS AND ISSUES:** A text amendment approved by Mayor and City Council in 2018 modified the Child Care Home and Personal Care Home definitions and regulations in the City's Zoning Ordinance. Since that amendment, Council and staff have identified other necessary changes for these uses. These changes include:

- An updated definition of Child Care Home that includes 24-hour care
- Updated supplemental regulations require the business owner to reside at the home where the childcare home or personal care home is being operated.
- Distance separation requirement for Child Care Homes.
- Updated Use Table to reflect 2018 language, supplemental regulations, and to require a SLUP in more zoning districts.

The definitions and regulations related to these state-permitted uses can often be confusing. Following is a table that helps summarize the capacity, hours of operation, and permitted districts of these uses to explain and clarify the differences.





## CITY COUNCIL AGENDA ITEM

### Differences between Personal Care and Child Care Facilities in the proposed changes

	Number of residents	Hours of Care	State Licensure Required	Permitted with a SLUP		Permitted by right	
				Residential*	Non-residential	Residential*	Non-residential
Personal Care Facilities							
Personal Care Home	7 or more	24-hour	✓	RSM, MR-1, MR-2, HR-1,2,3	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2
Personal Care Home, Group	6 or less	24-hour	✓	RE, RLG, R-100, R-85, R-75, R-60, RSM, MR-1, MR-2, HR-1,2,3, RNC	NS	--	OI, OIT, C-1, C-2
Child Care Facilities							
Child Care Home	5 or less	24-hour	✓	RE, RLG, R-100, R-85, R-75, R-60, RSM, RNC	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2,
Child Care Facility	6 or more	24-hour	✓	--	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2
Child Day Care Center	7 or more	Less than 24-hours	✓	--		--	OI, OIT NS, C-1, C-2, MU-1,2,3,4,5

\*Considered a home-based business



## **CITY COUNCIL AGENDA ITEM**

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There has been public concern expressed about the number and quality of Child Care Homes and Personal Care Homes in the City and their impact on the neighborhoods where they are located. These updated regulations allow Planning Commission and City Council more opportunities to review Special Land Use Permits on a case-by-case basis for these uses. The updates also ensure that every part of the Zoning Ordinance referencing these uses is cohesive and aligns with state regulations regarding these state-permitted uses.

**OPTIONS:** Table, Deny, Approve, Approve with modifications

**RECOMMENDED ACTION:** Approve

**ATTACHMENTS:**

- (1) Ordinance TMOD-21-002
- (2) Staff report related to actions taken by the Planning Commission on June 22, 2021

**TMOD-21-002 ATTACHMENT 1:**

**DRAFT Ordinance TMOD-21-002**

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

**ORDINANCE NO. TMOD 21-002**

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

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

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

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

13 **WHEREAS,** the Mayor and Council desire to amend Article 4 (Use Regulations) and 9  
14 (Definitions) of Chapter 27 (Zoning Ordinance) of the City’s Code related to Child and Personal  
15 Care Home definitions and use regulations; and

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

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

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

24           **WHEREAS**, the health, safety, morals and general welfare of the citizens of the City will be  
25   positively impacted by the adoption of this Ordinance.

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

28           **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended by  
29   amending the following sections of Chapter 27 (Zoning): Section 4.1.3 (Table of Uses), Section  
30   4.2.31 (Home Occupations and Private Education Uses), Article 9 (Definitions), and Section 4.2.41  
31   (Personal Care Homes and Child Caring Institutions), and inserting the provisions set forth in Exhibit  
32   A attached hereto and made a part by reference.

33           **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby  
34   incorporated by reference as if fully set out herein.

35           **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
36   sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their  
37   enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

45   (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for  
46   any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid  
47   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 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 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

**Section 6.** 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 \_\_\_\_\_, 2021.

**CITY OF STONECREST, GEORGIA**

\_\_\_\_\_  
**George Turner, Mayor Pro Tempore**

**ATTEST:**

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**Patricia Wheeler, City Clerk**

**APPROVED AS TO FORM:**

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City Attorney

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**EXHIBIT A**  
**(SEE ATTACHED)**

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Excerpt from Table 4.1 Use Table

KEY: P - Permitted use Pa - Permitted as an accessory use												SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)													
Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Personal care home, <del>community</del> , 7 or more							SP	SP	SP	SP			P	SP	P	P	P	P			SP	SP	SP	SP	✓
Personal care home, group, <del>upto</del> 6 or less	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	SP	P	SP	SP	P	P				P	P	P	P	✓
Child caring home, <del>up to</del> 5 or less	SP	SP	SP	SP	SP	SP	SP	SP	P	P	P	SP	P	P	P	P	P				SP	SP	SP	SP	✓
Child caring facility, 6 or more								SP	P	SP			P	SP	SP	P	P	P			SP	SP	SP	SP	✓
Child day care center							SP	SP					SP	SP	P	P	P				P	P	P	P	

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**Sec. 4.2.31. - Home occupations and private educational uses.**

The following provisions apply to home occupations:

- A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning and zoning.
  1. The owner/operator of the business must reside on the premise.
  2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- B. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
  1. Customer contact is allowed for Type II home occupations.
  2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- C. All home occupations shall meet the following standards:
  1. There shall be no exterior evidence of the home occupation.
  2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
  3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
  4. No more than twenty-five (25) percent of the dwelling unit and/or five hundred (500)square feet, whichever is less, may be used for the operation of the home occupation.
  5. No more than one (1) business vehicle per home occupation is allowed.
  6. No home occupation shall be operated so as to create or cause a nuisance.
  7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
  8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with section 6.1.3, and is limited to one (1) business vehicle per occupation.
- D. Private educational services shall comply with home occupation standards and no more than three (3) students shall be served at a time. Family members residing in the home are not counted towards the three (3) students allowed.

- E. Child Care Homes and Personal Care Homes are considered Home Occupations and must adhere to these provisions in addition to Section 4.2.41.

**Sec. 4.2.41. - Personal care homes and child caring institutions.**

A. *Personal care homes, general requirements.*

1. The owner of a group personal care home cannot be a corporation, partnership, Limited Liability Company or any entity other than a natural person. The owner of the business must own and reside in the group personal care home.
- ~~1.2.~~ 2. Each personal care home must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia before beginning ~~in order to~~ operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
- ~~2.3.~~ 3. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
4. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.
- ~~3.5.~~ 5. No city permit for the operation of the personal care home shall be transferable.

B. *Personal care home, group (up to six (6) persons).*

1. Two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6.
3. The home must be at least 1800 sq. ft in size.
4. ~~3.~~ In order to prevent institutionalizing residential neighborhoods, no group personal care home located in ~~the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1~~ a residential zoning district may be operated within one thousand five hundred (1,500) feet of any other group personal care home. The one-thousand-five-hundred-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the group personal care homes are located.

C. *Personal care home, ~~community~~ (seven (7) or more persons).*

1. Two (2) copies of complete architectural plans for the subject community personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each community personal care home must provide at least one-half (0.50) parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

D. *Child Care ~~home~~ Home, and Child Care ~~facility~~ Facility general requirements.*

1. The owner of a child care home or child care facility cannot be a corporation, partnership, Limited Liability Company or any entity other than a natural person. The owner of the business must own and reside in the child care home, or child care facility.
2. No child ~~day~~ care home, or child care facility shall be located within 1,000-1,500 feet of another child care home or child care facility. The one-thousand-five-hundred-foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the child care homes, or child care facilities are located.
3. Each child caring home, and child care facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring institution must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
4. ~~Child care~~ Care homes and Child Care facilities are not permitted in Multi-family dwellings.
5. No child caring home, facility may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
- 4-6. Each child care home, facility shall meet the minimum state requirements for playground size, location, and fencing. with 3 or more children over the age of 3 under the age of 15 must provide a fenced outdoor play area the equivalent of 50 sq. ft per child in the rear of the property.

E. *Child Care Homes, ~~group~~ (up to five (5) children).*

1. Each group child care home must provide at least four (4) parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in article 6.

F. *Child Care Facility (six (6) or more children).*

1. Two (2) copies of the complete architectural plans of the subject community child caring institution, signed and sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each community child caring institution must provide at least one-half (0.50) parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

## **Article 9: Definitions**

*Child Care Facility:* A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight of six (6) or more children under the age of eighteen (18) are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia. ~~The term "child caring institution" shall not include a "child day care center or child care facility."~~

*Child Care Home:* A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight for up to five (5) children under the age of eighteen (18) are provided. ~~The term "child caring institution" shall not include a "child day care center or facility."~~

*Child Day Care Center:* An establishment operated by any person with or without compensation providing for the care, supervision, and protection of seven (7) or more children who are under the age of eighteen (18) years for less than twenty-four (24) hours per day, without transfer of legal custody. ~~The term "child caring institution" shall not include a "child day care center or child care facility."~~

*Personal Care Home, Group:* A personal care home that offers care to up to six (6) persons.

*Personal Care Home:* A building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to seven (7) or more persons are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care home" shall not include a ~~"child care institution,"~~ "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases.

**TMOD-21-002 ATTACHMENT 2:**

**Staff report related to actions taken by the  
Planning Commission on June 22, 2021**



## CITY COUNCIL STAFF REPORT

MEETING DATE: July 26, 2021

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### Report on Planning Commission Action Regarding

**Petition Number:** TMOD 21-002

**Applicant:** Stonecrest Planning & Zoning Department

**Project Location:** City-Wide

**Proposed Amendment:** Text amendment to modify Articles 4 and 9 of the Zoning Ordinance to address Child and Personal Care Home definitions and use regulations.

### Planning Commission Recommendation:

The Stonecrest Planning Commission met on June 22, 2021 at a Special Called Meeting to take action on four text amendments to the City Code of Ordinances, including TMOD-21-002. After presentation by staff, the Planning Commission took action to **recommend approval of TMOD-21-002** to the City Council as presented by staff with one modification. Planning Commission increased the recommended distance requirement between a child day care home, or child care facility, from the staff recommended 1,250 feet to 1,500 feet of another child care home or child care facility as stated in Sub-Section 4.2.41.D.2.

After presentation of the PC recommendation at the July 12 City Council Work Session, the distance requirements for child day care homes and facilities, as well as personal care homes were increased to 1,500 feet. Also, the ownership requirements for these types of facilities were changed to exclude corporations.

The staff report presented to the Planning Commission is attached for reference.



## PLANNING COMMISSION STAFF REPORT

**MEETING DATE: June 22, 2021**

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### GENERAL INFORMATION

**Petition Number:** TMOD 21-002

**Applicant:** Stonecrest Planning & Zoning Department

**Project Location:** City-Wide

**Proposed Amendment:** Text amendment to modify Articles 4 and 9 of the Zoning Ordinance to address Child and Personal Care Home definitions and use regulations.

**FACTS AND ISSUES:** A text amendment approved by Mayor and City Council in 2018 modified the Child Care Home and Personal Care Home definitions and regulations in the City's Zoning Ordinance. Since that amendment, Council and staff have identified other necessary changes for these uses. These changes include:

- An updated definition of Child Care Home that includes 24-hour care
- Updated supplemental regulations that require the business owner to reside at the home where the child care home or personal care home is being operated.
- Distance separation requirement for Child Care Homes.
- Updated Use Table to reflect 2018 language, supplemental regulations, and to require a SLUP in more zoning districts.

The definitions and regulations related to these state permitted uses is can often be confusing. Following is a table that helps summarizes the capacity, hours of operation and permitted districts of these uses in an attempt to explain and clarify the differences.



## PLANNING COMMISSION STAFF REPORT

### Differences between Personal Care and Child Care Facilities in the proposed changes

	Number of residents	Hours of Care	State Licensure Required	Permitted with a SLUP		Permitted by right	
				Residential*	Non-residential	Residential*	Non-residential
Personal Care Facilities							
Personal Care Home	7 or more	24-hour	✓	RSM, MR-1, MR-2, HR-1,2,3	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2
Personal Care Home, Group	6 or less	24-hour	✓	RE, RLG, R-100, R-85, R-75, R-60, RSM, MR-1, MR-2, HR-1,2,3, RNC	NS	--	OI, OIT, C-1, C-2
Child Care Facilities							
Child Care Home	5 or less	24-hour	✓	RE, RLG, R-100, R-85, R-75, R-60, RSM, RNC	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2,
Child Care Facility	6 or more	24-hour	✓	--	NS, MU-1,2,3,4,5	--	OI, OIT, C-1, C-2
Child Day Care Center	7 or more	Less than 24-hours	✓	--		--	OI, OIT NS, C-1, C-2, MU-1,2,3,4,5

\*Considered a home-based business





## PLANNING COMMISSION STAFF REPORT

There has been public concern expressed about the number and quality of Child Care Homes and Personal Care Homes in the City and their impact on the neighborhoods they are located in. These updated regulations allow Planning Commission, and City Council more opportunities to review Special Land Use Permits on a case-by-case basis for these uses. The updates also ensure that every part of the Zoning Ordinance referencing these uses is cohesive and are in line with state regulations regarding these state permitted uses.

**OPTIONS:** Table, Deny, Approve, Approve with modifications

**RECOMMENDED ACTION:** Approve

### **ATTACHMENTS:**

- (1) Track Changes version of the City Code Ordinances as they relate to TMOD-21-002 with summarizing tables, and a map showing known locations of existing personal care homes.

## Track Changes summary of Proposed Amendments to the Zoning Ordinance related to TMOD-21-002 and personal care home map

Article	Section	Change
4	Table 4.1 Use Table	Removed 'community' from personal care home line item to reflect the use title in the text of the Zoning Ordinance
4	Table 4.1 Use Table	Required a SP in all residential districts for personal care homes and child care homes; removed allowance of personal care homes in mixed use districts
4	Table 4.1 Use Table	Removed allowance of child care homes in multi family districts to reflect supplemental regulations
4	4.2.31	Clarification of Director title, and owner of the business requirement for Home Occupation
4	4.2.41.A	Added requirement regarding the business owner residing at the personal care home
4	4.2.41.A	Edited wording of provision #2
4	4.2.41.A	Added provision that permits for personal care homes are nontransferable
4	4.2.41.B	Edited wording of provision #4
4	4.2.41.C	Removed 'community' from title of this section. It was removed in the previous text amendment, so that is now reflected
4	4.2.41.D	Added requirement regarding the business owner residing at the personal care home
4	4.2.41.D	Added 1,250 foot distance separation requirement for child care homes
4	4.2.41.D	Edited wording of provision #3
4	4.2.41.D	Edited wording of provision #6
4	4.2.41.D	Removed 'group' from title of this section. It was removed in the previous text amendment, so that is now reflected
9	9.1.3	Edited definition of Child Care Home to include 24-hour care provision

Excerpt from Table 4.1 Use Table

<b>KEY:</b> P - Permitted use Pa - Permitted as an accessory use SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)																									
Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
Personal care home, <del>community</del> , 7 or more							SP	SP	<del>SP</del>	<del>SP</del>			P	<del>SP</del>	SP	P	P	<del>P</del>			<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	✓
Personal care home, group, <del>up to 6 or less</del>	SP	SP	SP	SP	SP	SP	SP	SP	<del>SP</del>	<del>SP</del>	<del>P</del>	SP	P	<del>SP</del>	SP	P	P				<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	✓
Child caring home, <del>up to 5 or less</del>	SP	SP	SP	SP	SP	SP	SP	<del>SP</del>	<del>P</del>	<del>P</del>	<del>P</del>	SP	P	P	P	P	P				<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	✓
Child caring facility, 6 or more								<del>SP</del>	<del>SP</del>	<del>SP</del>			P	<del>SP</del>	SP	P	P	<del>P</del>			<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	✓
Child day care center							<del>SP</del>	<del>SP</del>					<del>SP</del>	<del>SP</del>	P	P	P				P	P	P	P	

**Sec. 4.2.31. - Home occupations and private educational uses.**

The following provisions apply to home occupations:

- A. A home occupation where no customer contact occurs shall be considered a Type I home occupation and may be conducted with administrative approval by the director of planning [and zoning](#).
  - 1. The owner/operator [of the business](#) must reside on the premise.
  - 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- C. All home occupations other than Type I home occupations shall be considered a Type II home occupation and shall require a special land use permit (SLUP). Additional conditions may be placed on the approval of a Type II home occupation in order to ensure the home occupation will not be a detriment to the character of the residential neighborhood.
  - 1. Customer contact is allowed for Type II home occupations.
  - 2. Up to two (2) full-time residents of the premises are allowed to conduct separate home occupations in the same dwelling. In reviewing such a request, the local government may consider the reason, potential residential impact, parking needs, hours of operation and other relevant factors.
- D. All home occupations shall meet the following standards:
  - 1. There shall be no exterior evidence of the home occupation.
  - 2. No use shall create noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit.
  - 3. The use shall be conducted entirely within the dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation.
  - 4. No more than twenty-five (25) percent of the dwelling unit and or five hundred (500) square feet, whichever is less, may be used for the operation of the home occupation.
  - 5. No more than one (1) business vehicle per home occupation is allowed.
  - 6. No home occupation shall be operated so as to create or cause a nuisance.
  - 7. Home occupation shall not include the use of a dwelling unit for the purpose of operating any automobile repair establishment, or car wash.
  - 8. Occupations that are mobile or dispatch-only may be allowed, provided that any business vehicle used for the home occupation complies with section 6.1.3, and is limited to one (1) business vehicle per occupation.
- E. Private educational services shall comply with home occupation standards and no more than three (3) students shall be served at a time. Family members residing in the home are not counted towards the three (3) students allowed.

- F. Child Care Homes and Personal Care Homes are considered Home Occupations and must adhere to these provisions in addition to Section 4.2.41.

**Sec. 4.2.41. - Personal care homes and child caring institutions.**

A. *Personal care homes, general requirements.*

1. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the personal care home. If owned by an individual, the individual owner must reside in the group personal care home.

1.2. Each personal care home must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia before beginning in order to operate. Each personal care home licensed and/or permitted by the State of Georgia must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.

2.3. No personal care home may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.

4. Personal care homes may apply for an FHA Accommodation Variance as provided for in section 7.5.9 of this chapter.

3.5. No city permit for the operation of the personal care home shall be transferable.

B. *Personal care home, group (up to six (6) persons).*

1. Two (2) copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

2. Each group personal care home must provide at least four (4) parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article 6.

3. The home must be at least 1800 sq. ft in size.

4. 3.—In order to prevent institutionalizing residential neighborhoods, no group personal care home located in the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1 a residential zoning district may be operated within one thousand (1,000) feet of any other group personal care home. The one-thousand-foot distance requirement is measured by a straight line which is the shortest distance (i.e., “as the crow flies”) between the property lines of the two (2) tracts of land on which the group personal care homes are located.

C. *Personal care home, ~~community~~ (seven (7) or more persons).*

1. Two (2) copies of complete architectural plans for the subject community personal care home, signed or sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.

2. Each community personal care home must provide at least one-half (0.50) parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

D. *Child Care ~~home~~Home, and Child Care ~~facility~~Facility general requirements.*

1. If owned by a corporation, partnership, Limited Liability Company or any entity other than a natural person, the administrator identified in the state license application must reside in the child care home, facility. If owned by an individual, the individual owner must reside in the child care home, or child care facility.
2. No child ~~day~~-care home, or child care facility shall be located within ~~1,000~~1,250 feet of another child care home or child care, facility. The one-thousand ~~two hundred and fifty-~~foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two (2) tracts of land on which the child care homes, or child care facilities are located.
3. Each child caring home, and child care facility must obtain all license(s) and/or permit(s) required by the State of Georgia in order to operate. Each child caring institution must display its state-issued and city-issued license(s) and/or permit(s) in plain view, visible from the front doorway of the facility.
4. Child ~~care~~-Care homes and Child Care facilities are not permitted in Multi-family dwellings.
5. No child caring home, facility may display any exterior signage that violates the sign ordinance in chapter 21 of the Code or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.
- 4.6. Each child care home, facility shall meet the minimum state requirements for playground size, location, and fencing. with 3 or more children over the age of 3 under the age of 15 must provide a fenced outdoor play area the equivalent of 50 sq. ft per child in the rear of the property.

E. *Child Care Homes, ~~group~~(up to five (5) children).*

1. Each group child care home must provide at least four (4) parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in article 6.

F. *Child Care Facility (six (6) or more children).*

1. Two (2) copies of the complete architectural plans of the subject community child caring institution, signed and sealed by a registered architect, shall be submitted to the director of planning prior to issuance of a building permit or business license.
2. Each community child caring institution must provide at least one-half (0.50) parking spaces for each employee and resident and must comply with any applicable requirements in article 6.

## **Article 9: Definitions**

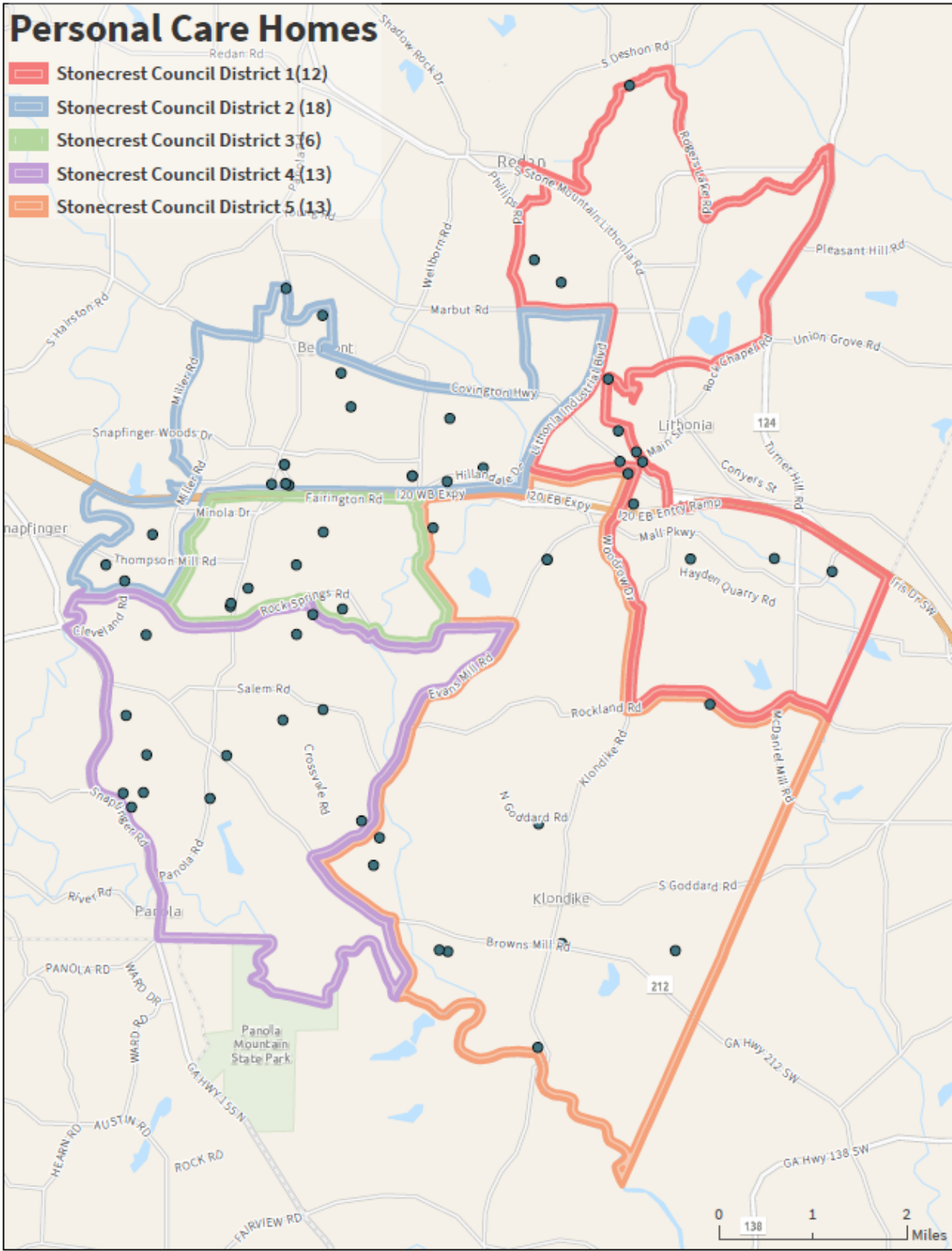
*Child Care Facility:* A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight of six (6) or more children under the age of eighteen (18) are provided and which facility is licensed or permitted as a child caring institution by the State of Georgia. The term "child caring institution" shall not include a "child day care center or [child care](#) facility."

*Child Care Home:* A building(s) in which housing, meals, and twenty-four-hour continuous watchful oversight for up to five (5) children under the age of eighteen (18) are provided. The term "child caring institution" shall not include a "child day care center or facility."

*Child day care center:* An establishment operated by any person with or without compensation providing for the care, supervision, and protection of seven (7) or more children who are under the age of eighteen (18) years for less than twenty-four (24) hours per day, without transfer of legal custody. [The term "child caring institution" shall not include a "child day care center or child care facility."](#)

*Personal care home, group:* A personal care home that offers care to up to six (6) persons.

*Personal care home:* A building(s) in which housing, meals, personal assistance services, and twenty-four-hour continuous watchful oversight to seven (7) or more persons are provided and which facility is licensed or permitted as a personal care home by the State of Georgia. The term "personal care home" shall not include a "child care institution," "transitional housing," a "rehabilitation housing facility," a "rooming house," or a "boarding house." "Personal care home" includes a "community living arrangement," which is an establishment licensed by the State of Georgia and providing a residence for adults receiving care for mental health, development disabilities, and/or addictive diseases.







## **CITY COUNCIL AGENDA ITEM**

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**SUBJECT: TMOD-21-003**

☒ **ORDINANCE**                      ☐ **POLICY**                      ☐ **STATUS REPORT**

☐ **DISCUSSION ONLY**              ☐ **RESOLUTION**              ☐ **OTHER**

**Date Submitted: 06/17/21      Work Session:                      Council Meeting: 07/26/21**

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**SUBMITTED BY: Jim Summerbell, AICP – Planning and Zoning Director**

**PRESENTER:**      Jim Summerbell

**PURPOSE:** To update the provisions of the Zoning Ordinance related to Gas Service Station regulations.

**FACTS AND ISSUES:** Amendments to the City’s supplemental use regulations regarding gas service stations have been openly debated and discussed since 2019, when the City updated the Stonecrest Overlay District. Based on addressing concerns that there has been an over-proliferation of such uses, staff has offered the following recommended changes:

- Removing the exemption for a Special Land Use permit for Alcohol outlets accessory to convenience stores and gas pumps.
- Modifying the location criteria for facilities with fuel pumps, requiring that they be located at the corner of arterial roadways designated on the City’s functional classification map in the comprehensive plan.
- Requiring that such facilities include at least 5,000 SF of retail space.

There has been concern about the proliferation of gas service stations in the City and their negative impacts on adjacent neighborhoods. These updated regulations allow Planning Commission and City Council more opportunities to review Special Land Use Permits on a case by case basis for these uses. The updates also ensure tighten up the location criteria for such uses restricting where they can be placed.



## **CITY COUNCIL AGENDA ITEM**

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**OPTIONS:** Table, Deny, Approve, Approve with modifications

**RECOMMENDED ACTION:** Approve

**ATTACHMENTS:**

(1) Ordinance TMOD-21-003

(2) Staff report related to actions taken by the Planning Commission on June 22, 2021

**TMOD-21-003 ATTACHMENT 1:**

**DRAFT Ordinance TMOD-21-003**

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

**ORDINANCE NO. TMOD 21-003**

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

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

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

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

15           **WHEREAS**, the Mayor and Council desire to amend Division 2 (Supplemental Use  
16   Regulations) within Article 4 (Use Regulations) of Chapter 27 (Zoning Ordinance) of the City’s  
17   Code; and

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

20           **WHEREAS**, national studies show that certain land uses—including alcohol outlets,  
21   automobile gas stations, check cashing establishments, and convenience stores—often  
22   negatively impact the health, safety, welfare, economic development, and social vitality of  
23   communities and neighborhoods; and

24           **WHEREAS**, local studies show that the concentration of certain land uses in DeKalb  
25   County and the City of Stonecrest—including alcohol outlets, gas service stations, and fast-food  
26   restaurants—are associated with increased crime and lower median household income; and

27           **WHEREAS**, the courts specifically recognize that a concentration of the same or similar  
28   business in close proximity increases the probability of business failure, which leads to  
29   abandoned property and diminished aesthetic and commercial appeal; and

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

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

34           **WHEREAS**, the health, safety, morals and general welfare of the citizens of the City will  
35   be positively impacted by the adoption of this Ordinance.

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

38           **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended  
39   by amending Division 2 (Supplemental Use Regulations) within Article 4 (Use Regulations) of  
40   Chapter 27 (Zoning Ordinance) as it relates to alcohol outlets and fuel pumps, and inserting the  
41   provisions set forth in Exhibit A attached hereto and made a part by reference.

42           **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby  
43 incorporated by reference as if fully set out herein.

44           **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
45 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their  
46 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

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

62           **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly  
63 repealed.

**Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

**Section 6.** 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 \_\_\_\_\_, 2021.

# CITY OF STONECREST, GEORGIA

## George Turner, Mayor Pro Tempore

**ATTEST:**

**Patricia Wheeler, City Clerk**

**APPROVED AS TO FORM:**

City Attorney

**EXHIBIT A**  
**(SEE ATTACHED)**

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101                               **Sec. 4.2.8. - Alcohol outlets, retail, package liquor store.**

- 102       A. Package stores, ~~unless part of a mixed-use development,~~ shall not be located:
- 103           1. Within 1,000 feet of an existing package store or alcohol outlet;
- 104           2. Within 600 feet of any residence, church, school, school building or grounds,
- 105               educational facility, college campus, or sexually oriented business; or
- 106           3. Within 600 feet of a substance abuse treatment center owned, operated or approved by
- 107               the state or any county or municipal government.
- 108       B. Alcohol outlets shall not be located:
- 109           1. Within ~~300-600~~ feet of any school building, school grounds, educational facility,
- 110               college campus, or sexually oriented business; or
- 111           2. Within 600 feet of a substance abuse treatment center owned, operated, or approved by
- 112               the state or any county or municipal government.
- 113       C. For the purpose of this section, distance shall be measured according to chapter 4.
- 114       D. For alcohol sales as an accessory use to retail, the area devoted to the sale and storage of
- 115           alcohol shall not exceed twenty (20%) percent of gross floor area.
- 116       E. The sale or distribution of individual cups and individual servings of ice at package stores is
- 117           prohibited.
- 118       F. Alcohol outlets accessory to convenience stores with gas pumps ~~do not~~ require a special
- 119           land use permit ~~if the convenience store and gas pumps meet the criteria of section 4.2.28D.~~
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- 121

122                               **Sec. 4.2.28. - Fuel pumps, accessory.**

- 123       A. Upon the minor redevelopment of existing structures or buildings, as defined in section 28-
- 124           8.1.16, that also requires a land disturbance permit or building permit, the director may
- 125           require additional improvements to landscaping, signage, parking lots, sidewalks, or
- 126           building facades. Any minor redevelopment of existing structures, buildings, and physical
- 127           appurtenances is permitted by right if such changes result in greater conformity with the
- 128           specifications of this section.
- 129       B. Gas station and convenience store design shall comply with the design standards and
- 130           transitional buffer requirements set forth in article 5 of this chapter.
- 131       C. The following standards apply to all gas pumps:
- 132           (1) ~~The primary building (i.e., convenience store or automobile service station) shall be~~
- 133               ~~exempt from primary building setbacks if located in activity centers. All associated light~~
- 134               fixtures shall be directed away from surrounding residential neighborhoods.
- 135           (2) Canopies covering gasoline dispensers shall be set back not less than 15 feet from all
- 136               street rights-of-way.
- 137           (3) Canopy height shall not exceed the greater of 20 feet or the height of the principal
- 138               building.

- (4) Canopies and their columns shall be complementary to the overall color scheme and building materials scheme of the building facade to which the canopy is necessary.
- (5) Canopy lighting shall not extend beyond the area immediately beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than 30 minutes after closure of the facility.
- (6) Automobile service stations with gas sales shall have a capacity to store one car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow.
- (7) A minimum of 30 feet is required between a property line and the nearest gasoline pump.
- (8) Owner and operator are responsible for daily litter clean-up to ensure that property remains free of litter, trash, and debris.
- (9) When a separate retail or restaurant use is located on the same property as fuel pumps, there shall be separate and distinct parking spaces for each use.
- (10) The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building is not prohibited, but must not be visible from or face adjacent residential uses.

D. Location criteria. Fuel pumps associated with convenience stores, gas stations, and service stations ~~require a special land use permit in activity centers. In all other character areas a special land use permit is required unless that facility can~~ must meet at least three of the following criteria:

1. Facility is located within ~~400-100~~ feet of an intersection of a major arterial street and a major or minor arterial street, or located within ~~1,000-500~~ feet of ~~an intersection within an interstate highway~~ intersection with an arterial street as designated on the Functional Classification Map in the City Comprehensive Plan.
2. Facility is accessible via direct ~~and~~ or secondary access ~~to two roads, either through a secondary street or by interparcel or other shared access.~~
3. Facility ~~is a new building of~~ includes at least 5,000 square feet of retail space. ~~or facility is part of a major redevelopment, as defined in section 27-8.1.16.~~
4. No more than two facilities may be located at any given intersection. Facility includes at least two bathrooms capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.
5. Except for facilities located at the same roadway intersection, facilities cannot be located closer than 1,500 feet apart.

E. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.

F. Facility includes must include at least two bathrooms, each capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities

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Act.

~~F~~G. If a reverse frontage design is proposed, the primary building shall be located close to the street to define street edge. Pump islands shall not be located between the building and the street, but shall be placed behind or to the side of the primary building. The facade of the primary building located closest to the street shall include architectural features and shall have an active entrance either on the side or rear, with clear unobstructed pedestrian access from the public sidewalk. The street facade shall have at least 25 percent fenestration or faux fenestration.

~~G~~H. Service areas, storage areas, and trash enclosures shall be oriented away from public view and screened from adjacent properties.

~~H~~I. Facilities must provide a two-foot-high masonry wall with landscaping and/or an evergreen hedge to help screen the pumps from view from a public right-of-way.

**TMOD-21-003 ATTACHMENT 2:**

**Staff report related to actions taken by the  
Planning Commission on June 22, 2021**



## CITY COUNCIL STAFF REPORT

MEETING DATE: July 26, 2021

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### Report on Planning Commission Action Regarding

**Petition Number:** TMOD 21-003

**Applicant:** Stonecrest Planning & Zoning Department

**Project Location:** City-Wide

**Proposed Amendment:** Text amendment to modify Chapter 27 of the Zoning Ordinance to address Gas Service Stations.

### Planning Commission Recommendation:

The Stonecrest Planning Commission met on June 22, 2021 at a Special Called Meeting to take action on four text amendments to the City Code of Ordinances, including TMOD-21-003. After presentation by staff, the Planning Commission took action to **recommend approval of TMOD-21-003** to the City Council as presented by staff with one minor modification. Planning Commission inserted the word “each” in subsection 4.2.28. F. to read as follows:

- F. Facility must include at least two bathrooms, each capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.

The staff report presented to the Planning Commission is attached for reference.



## PLANNING COMMISSION STAFF REPORT

**MEETING DATE: June 22, 2021**

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### GENERAL INFORMATION

**Petition Number:** TMOD 21-003

**Applicant:** Stonecrest Planning & Zoning Department

**Project Location:** City-Wide

**Proposed Amendment:** Text amendment to modify Chapter 27 of the Zoning Ordinance to address Gas Service Stations.

**FACTS AND ISSUES:** Amendments to the City's supplemental use regulations regarding gas service stations have been openly debated and discussed since at least 2019 when the city updated the Stonecrest Overlay District. Based on addressing concerns that there has been an over proliferation of such uses, staff has offered the following recommended changes:

- Removing the exemption for a Special Land Use permit for Alcohol outlets accessory to convenience stores and gas pumps.
- Modifying the location criteria for facilities with fuel pumps, requiring that they be located at the corner of arterial roadways as designated on the City's functional classification map in the comprehensive plan.
- Requiring that such facilities include at least a 5,000 sf of retail space.

There has been concern about the proliferation of gas service stations in the City, and their negative impacts on adjacent neighborhoods. These updated regulations allow Planning Commission, and City Council more opportunities to review Special Land Use Permits on a case by case basis for these uses. The updates also ensure tighten up the location criteria for such uses restricting where they can be placed.

**OPTIONS:** Table, Deny, Approve, Approve with modifications



## PLANNING COMMISSION STAFF REPORT

**RECOMMENDED ACTION:** Recommend Approval to the City Council

**ATTACHMENTS:**

- (1) Track Changes version of the City Code Ordinances as they relate to TMOD-21-003

## Track Changes summary of Proposed Amendments to the Zoning Ordinance related to TMOD-21-003

### Sec. 4.2.8. - Alcohol outlets, retail, package liquor store.

- A. Package stores, ~~unless part of a mixed used development,~~ shall not be located:
  - 1. Within 1,000 feet of an existing package store or alcohol outlet;
  - 2. Within 600 feet of any residence, church, school, school building or grounds, educational facility, college campus, or sexually oriented business; or
  - 3. Within 600 feet of a substance abuse treatment center owned, operated or approved by the state or any county or municipal government.
- B. Alcohol outlets shall not be located:
  - 1. Within ~~300-600~~ feet of any school building, school grounds, educational facility, college campus, or sexually oriented business; or
  - 2. Within 600 feet of a substance abuse treatment center owned, operated, or approved by the state or any county or municipal government.
- C. For the purpose of this section, distance shall be measured according to chapter 4.
- D. For alcohol sales as an accessory use to retail, the area devoted to the sale and storage of alcohol shall not exceed 20 percent of gross floor area.
- E. The sale or distribution of individual cups and individual servings of ice at package stores is prohibited.
- F. Alcohol outlets accessory to convenience stores with gas pumps ~~do not~~ require a special land use permit ~~if the convenience store and gas pumps meet the criteria of section 4.2.28D.~~

### Sec. 4.2.28. - Fuel pumps, accessory.

- A. Upon the minor redevelopment of existing structures or buildings, as defined in section 28-8.1.16, that also requires a land disturbance permit or building permit, the director may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.
- B. Gas station and convenience store design shall comply with the design standards and transitional buffer requirements set forth in article 5 of this chapter.
- C. The following standards apply to all gas pumps:
  - (1) ~~The primary building (i.e., convenience store or automobile service station) shall be exempt from primary building setbacks if located in activity centers. All associated light fixtures shall be directed away from surrounding residential neighborhoods~~
  - (2) Canopies covering gasoline dispensers shall be set back not less than 15 feet from all street rights-of-way.
  - (3) Canopy height shall not exceed the greater of 20 feet or the height of the principal building.
  - (4) Canopies and their columns shall be complementary to the overall color scheme and building materials scheme of the building facade to which the canopy is necessary.
  - (5) Canopy lighting shall not extend beyond the area immediately beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than 30 minutes after closure of the facility.



- (6) Automobile service stations with gas sales shall have a capacity to store one car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow.
- (7) A minimum of 30 feet is required between a property line and the nearest gasoline pump.
- (8) Owner and operator are responsible for daily litter clean-up to ensure that property remains free of litter, trash, and debris.
- (9) When a separate retail or restaurant use is located on the same property as fuel pumps, there shall be separate and distinct parking spaces for each use.
- (10) The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building is not prohibited, but must not be visible from or face adjacent residential uses.

D. Location criteria. Fuel pumps associated with convenience stores, gas stations, and service stations ~~require a special land use permit in activity centers. In all other character areas a special land use permit is required unless that facility can~~ must meet ~~at least three of the~~ following criteria:

1. Facility is located within ~~400-100~~ feet of an intersection of a major arterial street and a major or minor arterial street, or located within ~~1,000~~500 feet of ~~an intersection within an interstate highway intersection with an arterial street as designated on the Functional Classification Map in the City Comprehensive Plan.~~
2. Facility is accessible via direct ~~and or~~ secondary access ~~to two roads, either through a secondary street or by interparcel or other shared access.~~
3. Facility ~~is a new building or~~ includes at least 5,000 square feet of retail space. ~~or facility is part of a major redevelopment, as defined in section 27-8.1.16.~~
4. ~~No more than two facilities may be located at any given intersection. Facility includes at least two bathrooms capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.~~
5. Except for facilities located at the same roadway intersection, facilities cannot be located closer than 1,500 feet apart.

E. Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.

~~F. Facility includes~~ must include at least two bathrooms capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.

~~FG.~~ FG. If a reverse frontage design is proposed the primary building shall be located close to the street to define street edge. Pump islands shall not be located between the building and the street, but shall be placed behind or to the side of the primary building. The facade of the primary building located closest to the street shall include architectural features and shall have an active entrance either on the side or rear, with clear unobstructed pedestrian access from the public sidewalk. The street facade shall have at least 25 percent fenestration or faux fenestration.

~~GH.~~ GH. Service areas, storage areas, and trash enclosure shall be oriented away from public view and screened from adjacent properties.

~~HI.~~ HI. Facilities must provide a two-foot-high masonry wall with landscaping and/or an evergreen hedge to help screen the pumps from view from a public right-of-way.



## **CITY COUNCIL AGENDA ITEM**

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**SUBJECT: TMOD-21-004**

☒ **ORDINANCE**                      ☐ **POLICY**                      ☐ **STATUS REPORT**

☐ **DISCUSSION ONLY**              ☐ **RESOLUTION**              ☐ **OTHER**

**Date Submitted: 6/17/2021    Work Session:                      Council Meeting: 7/26/2021**

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**SUBMITTED BY:              Jim Summerbell, AICP – Planning and Zoning Director**

**PRESENTER:** Jim Summerbell

**PURPOSE:** To remove the exemption for the requirement of SLUPs within the City Overlay Districts

**FACTS AND ISSUES:** Subsection 3.1.1.D. of the Zoning Ordinance currently allows an exemption from requiring a SLUP for any parcels within Overlay Districts when the base zoning the particular use in question would typically require one. This exemption has allowed specific uses that typically go through the SLUP approval process, such as Senior Housing developments, to be permitted. This exemption applies to all of the city's overlay districts, the Stonecrest Overlay, I-20 Overlay, and the Arabia Mountain Overlay.

Removing this exemption would allow the public, the planning commission, and the city council greater oversight and control over uses allowed in the overlay districts and more transparency in the planning process. The overlays occupy over a third of the city's land area, so this amendment could have a significant impact on controlling the city's future development.

To help in zoning administration regarding the Overlays and the use of SLUPs, the staff is also recommending the insertion of a new Overlay Use Table.

**OPTIONS:** Table, Deny, Approve, Approve with modifications

**RECOMMENDED ACTION:** Approve



## **CITY COUNCIL AGENDA ITEM**

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### **ATTACHMENTS:**

- (1) Ordinance TMOD-21-004
- (2) Staff report related to actions taken by the Planning Commission on June 22, 2021
- (3) Overlay District Maps by Council District for reference

**TMOD-21-004 ATTACHMENT 1:**

**DRAFT Ordinance TMOD-21-004**

STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF STONECREST

ORDINANCE NO. TMOD 21-004

1 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF  
2 STONECREST, GEORGIA, BY AMENDING AND ADDING A NEW  
3 SECTION TO DIVISION 1 OF ARTICLE 3 (OVERLAY DISTRICT  
4 REGULATIONS) WITHIN CHAPTER 27 (ZONING ORDINANCE); TO  
5 PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL  
6 OF CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE AN  
7 ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL  
8 PURPOSES.

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

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

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

15 WHEREAS, the Mayor and Council desire to amend and add a new section to Division 1  
16 of Article 3 (Overlay District Regulations) of Chapter 27 (Zoning Ordinance) of the City’s Code;  
17 and

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

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

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

24           **WHEREAS**, the health, safety, morals and general welfare of the citizens of the City will  
25 be positively impacted by the adoption of this Ordinance.

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

28           **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended  
29 by amending and adding a new section to Division 1 of Article 3 (Overlay District Regulations)  
30 of Chapter 27 (Zoning), and inserting the provisions set forth in Exhibit A attached hereto and  
31 made a part by reference.

32           **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby  
33 incorporated by reference as if fully set out herein.

34           **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
35 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their  
36 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

37 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent  
38 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is  
39 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is  
40 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent  
41 allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually  
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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 sections 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 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

**Section 6.** 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.

**(SIGNATURES ON FOLLOWING PAGE)**

**ORDAINED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF STONECREST, GEORGIA**

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**George Turner**, Mayor Pro Tempore

**ATTEST:**

\_\_\_\_\_  
**Patricia Wheeler**, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

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**EXHIBIT A**  
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98 **Sec. 3.1.1. - Overlay districts generally.**

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100 Overlay districts are supplemental to the zoning district classifications established in article  
101 2 of this chapter. This section shall supersede the applicability statements in each overlay  
102 district except as provided in subsection (F) of this section, and are applicable as follows:

- 103 A. All development and building permits for lots located, in whole or in part, within any  
104 overlay district shall meet all of the regulations of the underlying zoning district in  
105 which they are located as well as all of the regulations of the applicable overlay district.
- 106 B. For new development after the effective date of the ordinance from which this chapter  
107 is derived, when no complete application for a land disturbance or building permit has  
108 been filed with respect to a property located within an overlay district and the property  
109 has conditions of zoning that were approved prior to, and in conflict with the overlay  
110 district regulations contained in this article, the overlay district regulations shall  
111 prevail. If a condition of zoning does not conflict with the overlay district regulations,  
112 the condition of zoning shall remain applicable to the property.
- 113 C. For existing development, if overlay district regulations conflict with the conditions  
114 of zoning applicable to property within in an overlay district, the existing zoning  
115 conditions remain applicable to the property.
- 116 ~~D. If a use is permitted in the overlay district, but the underlying zoning requires a special~~  
117 ~~land use permit for the same use, the overlay shall govern, and no special land use~~  
118 ~~permit is required.~~
- 119 ED. If overlay district regulations conflict with other regulations contained in this chapter,  
120 the overlay district regulations shall prevail.
- 121 FE. The use of property may be permitted without rezoning if listed as allowed by the  
122 overlay. Uses allowed by the underlying zoning in article 4 of this chapter, shall also be  
123 permitted in the overlay district, unless they are listed as prohibited within the overlay  
124 district.
- 125 GF. Each application for a business license, land disturbance permit, building permit or  
126 sign permit, which involves the development, use, exterior alteration, exterior  
127 modification or addition of any structure, must demonstrate compliance with all  
128 overlay district regulations, subject to article 8 of this chapter, nonconforming uses,  
129 structures and buildings.
- 130 HG. The zoning district designations contained in article 3 of this chapter, titled Overlay  
131 District Regulations, were not revised to reflect the new zoning district designations  
132 utilized in the updated zoning ordinance. Any discontinued zoning district references  
133 contained in this article 3 of this chapter shall therefore be construed using the  
134 conversion chart contained in Table 1.1 of article 1 of the zoning ordinance, and  
135 applied as appropriate to the updated provision of the zoning ordinance.
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141 Sec. 3.1.6. – Overlay Use table.

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143 Table 3.1 indicates the permitted uses within the overlay zoning districts. Even though  
144 a use is listed as an allowable use within a particular base zoning district, additional use  
145 restrictions may apply based on the applicable overlay zoning district requirements specified  
146 in this article.

147  
148 A. The uses listed in Table 3.1 shall be permitted only within the zoning overlay districts  
149 identified, and no use shall be established and no structure associated with such use shall  
150 be erected, structurally altered or enlarged unless the use is permitted as:

- 151  
152 1. A permitted use (P);  
153 2. A special use (SP) subject to the special land use permit application  
154 procedures specified in article 7 of this chapter;  
155 3. An administratively approved use (SA) subject to the special administrative  
156 permit procedures specified in article 7 of this chapter;  
157 4. An accessory use (PA) as regulated by article 4 of this chapter. Table 3.1 does not list  
158 all accessory uses but clarifies uses acceptable as accessory, though not typically  
159 considered principal uses for the zoning classification.
- 160 5. Uses lawfully established prior to the effective date of this zoning ordinance.

161  
162 B. Any use not listed in Table 3.1, below, or interpreted to be allowed by the director  
163 of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to  
164 allow a use of property in a zoning district other than as provided in this section may  
165 file an appeal before the zoning board of appeals as provided in article 7 of this chapter.

166  
167 C. If there is a conflict between Table 3.1 and the text of this chapter, the text shall prevail.  
168

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"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"							T1	T2	T3		
	T1	T2	T3	T4	T5*	T6*	In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
AGRICULTURAL											
Agriculture and Forestry											
Commercial greenhouse or plant nursery	P	P		P	P						✓
Temporary or portable sawmill				P							✓
Urban, community garden, up to 5 ac.	P			P	P					P	✓
Urban, community garden, over 5 ac.	P	P		P	P					P	
Animal Oriented Agriculture											
Dairy				P							✓
Keeping of livestock				P							✓
Keeping of poultry/pigeons				P							✓
Livestock sales pavilion											✓
Riding academies or stables											✓
RESIDENTIAL											
Dwellings											
Dwelling, cottage home	P	P									✓
Dwelling, mobile home				P							✓
Dwelling, multi-family	P	P		P		X		P	P	P	
Dwelling, multi-family (supportive living)	P	P		P		X					✓
Dwelling, townhouse	P	P		P							✓
Dwelling, urban single-family	P	P		Pa							✓
High-rise apartment	SP	SP		P	SP						
Dwelling, single-family (attached)	P	P		P				P	P	P	
Dwelling, single-family (detached)	P	P		P		P					
Dwelling, three-family	P	P		P							
Dwelling, two-family	P	P		P							
Dwelling, single-family, accessory (guesthouse, in-law suite)				Pa							✓
Home occupation, no customer contact	P	P									✓
Home occupation, with customer contact	P	P									✓
Live/work unit	P	P		P	P						✓
Mobile home park											

Table 3.1 Overlay Use

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		
<b>"Key: P - Permitted use</b> <b>Pa - Permitted as an accessory Use</b> <b>SA - Special administrative permit required</b> <b>SP - Special Land Use Permit (SLUP) required</b> <b>X - Prohibited Use</b>											
<b>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</b>											
Accessory uses or structures	Pa	Pa	Pa	Pa							✓
<b>Housing and Lodging</b>											
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/Motel	X	X	X	X	X		P	P	P		
Short Term Vacation Rental											
Nursing care facility or hospice	P	P	P	P							
Personal care facility, 7 or more	P	P	P	P	P						✓
Personal care home, up to 6	P	P	P	P	P						✓
Child caring home, up to 5	P	P	P	P							✓
Child caring facility, 6 or more	P	P	P	P							✓
Child day care center	P	P	P	P	P						
Senior housing	P	P	P	P							✓
Shelter for homeless persons, 7-20	SP	SP	SP	P						X	✓
Shelter for homeless persons for no more than six (6) persons	SP	SP	SP	SP						X	✓
Transitional housing facility, 7-20	SP	SP	SP	P						X	✓
<b>INSTITUTIONAL/PUBLIC</b>											
<b>Community Facilities</b>											
Cemetery, columbarium,mausoleum	P	P	P	P							✓
Club, order or lodge, fraternal, non-commercial	P	P	P	P			P	P	P		
Coliseum or stadium/not associated with church or school	P	P	P	P						X	✓
Dog Park										P	
Funeral home, mortuary	P	P	X	X	X		P	P	P	P	
Golf course or clubhouse, public or private	P	P	P	P							✓
Government facilities	P	P	P	P							

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Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
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<b>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</b>							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
Hospital or accessory ambulance service	P	P	P	P							
Library or museum	P	P	P	P							
Cultural Facilities	SP	SP	SP	SP	P		P	P	P		
Recreation Club	P	P	P								
Neighborhood or subdivision clubhouse or amenities	P	P	P	P							
Places of Worship	P	P	P	P	P		P	P	P		
Recreation, outdoor	P	P	P	P							
Swimming pools, commercial	P	P	P	P						X	✓
Tennis center, club and facilities							P	P	P		
Tennis courts, swimming pools, play or recreation areas, community	P	P	P	P			Pa	Pa	Pa		✓
Utility structure necessary for the transmission or distribution of services							P	P	P		
<b>Education</b>											
Colleges, universities, research and training facilities	P	P	P	P							
Private educational services, home occupation	P	P									✓
Private kindergarten, elementary, middle or high schools	P	P	P	P			P	P	P		✓
Vocational schools	P	P	P	P			P	P	P		✓
Specialized schools	P	P	P	P			P	P	P		✓
<b>COMMERCIAL</b>											
<b>Automobile, boat and trailer sales and service</b>											
Automobile or truck rental or leasing facilities	X	X	P	P						X	✓
Automobile brokerage	P	P	P	P						X	✓
Auto recovery, storage										X	✓
Auto mobile emission testing facility	X	X	X	X							
Automobile repair or maintenance, minor	P	X	X	P			P	P	P	X	✓
Automobile repair, major	X	X	X	X	X					X	✓
Automobile sales, used							X	X	X		
Automobile sales or truck sales	X	X	X	P	X					X	✓
Automobile service stations	SP	SP	X	SP						X	✓
Automobile service stations over 4,000 square feet			SP								
Automobile upholstery shop	P	P	P	P						X	
Automobile wash/wax service	X	X	X	X	X		X	X	X	X	✓

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Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
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<b>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</b>											
Boat sales	P	P	P	P						X	✓
Retail automobile parts or tire store	P	P	P	P			P	P	P		✓
Service area, outdoor	Pa	Pa	Pa	Pa							✓
Trailer or RV salesroom and lot	P	P	P	P						X	✓
<b>Office</b>											
Accounting office	P	P	P	P			P	P	P		
Building or construction office	P	P	P	P			P	P	P		✓
Building, landscape, heavy construction contractor office (material, equipment, storage)	P	P	P	P							✓
Engineering or architecture office	P	P	P	P			P	P	P		
Finance office or banking	P	P	P	P			P	P	P		
General Business Office	P	P	P	P	P						
Insurance Office	P	P	P	P	P		P	P	P		
Legal Office	P	P	P	P	P		P	P	P		
Medical Office	P	P	P	P	P		P	P	P		
Real Estate Office	P	P	P	P	P		P	P	P		
<b>Recreation and Entertainment</b>											
Sexually Oriented Business	X		X	X		X	X	X	X	X	✓
Drive-in theater	P	P	P	P						X	✓
Fairground or amusement park		P		P						X	✓
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoor)	P	P	P	P			P	P	P		
Nightclub or late night establishment (maximum 10,000 square feet)	SP	X	X	X	X			X	X	X	✓
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activities)	P	P	P	P	X		X	X	X		✓
Special events facility	P	P	P	P							
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building	P	P	P	P	P						
Outdoor concert hall										P	
Recreation, passive										P	
<b>Retail</b>											
Alcohol outlet- package store, primary	P	P		SP		X				X	✓
Alcohol outlet- beer and/or wine store, beer growler, primary	P	P	P	SP						X	✓
Alcohol outlet- beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F))	P	P	P	SP						X	✓

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							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
Apparel or accessories store	P	P	P	P	P		P	P	P		
Art gallery	P	P	P	P	P		P	P	P		
Art supply store							P	P	P		
Book, greeting card, or stationery store	P	P	P	P	P		P	P	P		
Camera or photography	P	P	P	P	P		P	P	P		
Commercial greenhouse or plant nursery	P	P	P	P	P						✓
Computer or computer software store	P	P	P	P	P		P	P	P		
Convenience store (see alcohol outlet or fuel pumps accessory)	P	P	P	P			P	P	P	X	✓
Drive-through facilities (other than restaurants)			P							X	✓
Electrical supply store							P	P	P		
Farm or garden supply store	X	X					P	P	P		
Farmer's market, permanent	P	P	P	P	P						✓
Farmer's market, temporary/seasonal	P	P	P	P	P						✓
Florist	P	P	P	P	P		P	P	P		
Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet)	P	P	P	P	P		P	P	P		
Fuel dealers, manufacturers or wholesalers	P	P	P	P	P					X	
Fuel pumps	X	X	X	X	X					X	✓
Furniture, home furnishings and equipment store							P	P	P		
General merchandise store							P	P	P		
Gift, novelty, or souvenir store	P	P	P	P	P		P	P	P		
Gold buying, precious metals	P	P	P	P	P						
Grocery stores (see alcohol outlet)	P	P	P	P	P						
Hardware store or other building materials store	P	P	P	P	P		P	P	P		
Hobby, toy or game store	P	P	P	P	P						
Jewelry store	P	P	P	P	P		P	P	P		
Music or music equipment store (retail)	P	P	P	P	P		P	P	P		
Liquor store (see alcohol outlet)	P	P	X	X	X		X	X	X		✓
News dealer or news store	P	P	P	P	P		P	P	P		
Office supplies and equipment store	P	P	P	P	P		P	P	P		
Paint, glass and wallpaper store							P	P	P		
Pawn shop, title loan	X	X	X	X	X	X	X	X	X	X	



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Pet supply store	P	P	P	P	P		P	P	P		
Pharmacy or drug store (see alcohol outlet)	P	P	P	P	P		P	P	P		
Radio, television or consumer electronics store	P	P	P	P	P		P	P	P		
Retail, 5,000 sf or less	P	P	P	P	P						
Retail, over 5,000 sf (see also shopping center)	P	P	P	P	P						
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage	P	P	P	P	P						
Shopping center	P	P	P	P	P		P	P	P		
Specialty store	P	P	P	P	P		P	P	P		
Sporting goods or bicycle sale	P	P	P	P	P		P	P	P		
Thrift, secondhand, antique store	P	P	P	P	P						
Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage	P	P	P	P	P						
Variety store	P	P	P	P	P		P	P	P		
Videotape sales and rental store							P	P	P		
<b>Temporary Commercial Uses</b>											
Temporary outdoor sales, seasonal	P	P	X	P	X		X	X	X		✓
Temporary produce stand	P	P	P	P							✓
Temporary outdoor retail sales	P	P		P							✓
Temporary outdoor events	P	P	P	P							✓
Temporary trailer, as home sales office or construction trailer	P	P	P	P							✓
<b>Restaurant/Food establishments</b>											
Brewpub/Beer Growler	P	P	P	P							
Catering establishments	P	P	P	P							
Restaurants (acc. to hotel/motel)	P	P	P	P							
Restaurants (non-drive-thru)	P	P	P	P			P	P	P		
Restaurants with a drive-thru configuration	SP	SP	SP	SP							✓
<b>Transportation and Storage</b>											
Bus or rail stations or terminals for passengers	SP	SP	SP	SP						X	
Heliport	SP	SP	SP	SP			SP	SP	SP		✓
Parking, commercial lot	X	X	X	P			Pa	Pa	Pa	X	✓
Parking, commercial garage	P	P	P	P			Pa	Pa	Pa	X	
Taxi, ambulance or limousine service, dispatching or storage.	P	P	P	P						X	✓

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Taxi, ambulance, limousine dispatch office only (no vehicle parking)	P	P	P	P			P	P	P		
Taxi stand	P	P	P	P			P	P	P		
<b>Services</b>											
Adult day care center - 7 or more	P	P	P	P	P						✓
Adult day care facility - up to 6	P	P	P	P	P						✓
Animal grooming											
Animal hospitals, veterinary clinic	P	P	P	P			P	P	P		✓
Animal shelter/rescue center	P	P	P	P							✓
Banks, credit unions or other similar financial institutions	P	P	P	P			P	P	P		
Barber shop/ beauty salon or similar establishments	P	P	P	P			P	P	P		
Business service establishment							P	P	P		
Check cashing establishment,primary	X	X	X	X		X				X	✓
Check cashing establishment,accessory	X	X	X	X		X				X	✓
Child day care center (Kindergarten) - 7 or more	P	P	P	P			P	P	P		✓
Child day care facility - up to 6	P	P	P	P			P	P	P		✓
Coin laundry	P	P	P	P							
Dog day care	P	P	P	P							
Dog grooming	P	P	P	P							
Dry cleaning agencies, pressing establishments , or laundry pick up stations	P	P	P	P			P	P	P		
Fitness center	P	P	P	P			P	P	P		
Kennel, breeding or boarding	X	X	X	X	X		X	X	X		
Kennel, commercial	X	X	X	X	X		X	X	X		
Kennel, noncommercial	X	X	X	X	X		X	X	X		
Landscape business	P	P	P	P							
Linen and diaper service, garment pressing, alterations and repair							P	P	P		
Mini-warehouse	P	P	P	P						X	✓
Outdoor storage, commercial	X	X	X	X	X		X	X	X	X	✓
Personal services establishment	P	P	P	P	P					X	
Photoengraving, typesetting, electrotyping	P	P	P	P							
Photographic studios	P	P	P	P			P	P	P		
Plumbing, HV/AC equipment establishments with no outdoor storage	P	P	P	P							

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Publishing or printing establishments	P	P	P	P							
Quick copy printing store	P	P	P	P			P	P	P		
<b>Services, Medical and Health</b>											
Ambulance service or emergency medical services, private	P	P	P	P			P	P	P	X	
Health services clinic	P	P	P	P	P		P	P	P		
Home healthcare service	P	P	P	P							
Kidney dialysis center	P	P	P	P							
Medical or dental laboratories	P	P	P	P			P	P	P		
<b>Services, Repair</b>											
Furniture upholstery or repair; home appliance repair or service	X	X	X	X							
Radio, television and similar home appliance repair service							P	P	P		
Personal service, repair (watch, shoes, jewelry)	P	P	P	P			P	P	P		
Service area, outdoor	Pa	Pa	Pa	Pa							✓
<b>INDUSTRIAL</b>											
Alcohol or alcoholic beverage manufacturing											
Alternative energy production	SP	SP	SP								
Automobile/truck manufacturing											
Brick, clay, tile, or concrete products terra cotta manufacturing											
Building materials or lumber supply establishment	P	P	P	P							
Cement, lime, gypsum, or plaster of Paris manufacturing											
Compressed gas fuel station	SP	SP	SP	P							
Chemical manufacture, organic or inorganic											
Contractor, general (See also Building or Construction Office)	P	P	P	P							✓
Contractor, heavy construction, outside storage	P	P	P	P						X	
Contractor, special trade	P	P	P	P							
Crematoriums	SP	SP	X	X	X					X	
Distillation of bones or glue manufacture											
Dry cleaning plant			P								
Dye works											
Explosive manufacture or storage											
Fabricated metal manufacture											

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Fat rendering or fertilizer manufacture											
Fuel dealers, manufactures or wholesalers			P								
General aviation airport			P								✓
Heavy equipment repair service or trade	P	P	P	P			X	X	X		
Ice manufacturing plant			P								
Incidental retail sales of goods produced or processed on the premises			Pa								
Incineration of garbage or refuse when conducted within an enclosed plant											
Industrial, heavy											
Industrial, light			P								
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal											
Leather manufacturing or processing											
Light malt beverage manufacturer(See also Brewpub)	Pa	Pa	P	Pa							
Light manufacturing			P								
Manufacturing, heavy											✓
Manufacturing operations not housed within a building											✓
Mines or mining operations,quarries, asphalt plants, gravel pits or soil pits											✓
Outdoor storage, industrial	X	X	X	X	X		X	X	X		✓
Paper or pulp manufacture											✓
Petroleum or inflammable liquids production, refining											✓
Radioactive materials: utilization, manufacture, processing or emission											✓
Railroad car classification yards or team truck yards			P								✓
Recovered materials facility wholly within a building			P								✓
Recovered materials processing wholly within a building			P								✓
Recycling collection	Pa	Pa	Pa	Pa							
Recycling plant			P								
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic, light sheet			P								
Research, experimental or testing laboratories			P								
Rubber or plastics manufacture			P								
Salvage yard (Junkyard)	X	X	X	X	X		X	X	X	X	✓
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials										X	✓

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Smelting: copper, iron, zinc, or ore											
Storage yard, except vehicle											
Storage yard for damaged or confiscated vehicles		X					X	X	X		
Sugar refineries		X									
Tire retreading and recapping	X	X	X	X	X		X	X	X		
Towing or wreckage service			P								
Transportation equipment storage or maintenance (vehicle)										X	✓
Truck stop or terminal										X	
Vehicle storage yard										X	
Warehousing or Storage	P	P	P							X	
<b>COMMUNICATION – UTILITY</b>											
Amateur radio service or antenna											✓
Electric transformer station, gas regulator station or telephone exchange											
Radio or television broadcasting studio	P	P	P	P			P	P	P		
Radio or television broadcasting transmission facility	P	P	P	P							
Satellite television antennae	P	P	P	P							✓
<b>WIRELESS TELECOMMUNICATION (cell tower)</b>											
New support structure from 51 feet to 150 feet											✓
New support structure from 50 feet up to 199 feet	P	P	P	P							✓
COW's (non-emergency or event, no more than 120 days)	P	P	P	P							✓
COW's (declared emergency)	P	P	P	P							✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)											
Attached wireless telecommunication facility	P	P	P	P							✓
Small cell installations (new support structures or collocation) on private property or ROW	P	P	P	P							✓

**TMOD-21-004 ATTACHMENT 2:**

**Staff report related to actions taken by the  
Planning Commission on June 22, 2021**



## CITY COUNCIL STAFF REPORT

MEETING DATE: July 26, 2021

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### Report on Planning Commission Action Regarding

**Petition Number:** TMOD 21-004

**Applicant:** Stonecrest Planning & Zoning Department

**Project Location:** City-Wide

**Proposed Amendment:** Text amendment to delete Subsection 3.1.1.D of the Zoning Ordinance and to insert a new overlay use table

### Planning Commission Recommendation:

The Stonecrest Planning Commission met on June 22, 2021 at a Special Called Meeting to take action on four text amendments to the City Code of Ordinances, including TMOD-21-004. After presentation by staff, the Planning Commission took action to **recommend approval of TMOD-21-004** to the City Council as presented by staff with no modifications.

The staff report presented to the Planning Commission is attached for reference.



## PLANNING COMMISSION STAFF REPORT

MEETING DATE: June 22, 2021

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### GENERAL INFORMATION

**Petition Number:** TMOD 21-004

**Applicant:** Stonecrest Planning & Zoning Department

**Project Location:** City-Wide

**Proposed Amendment:** Text amendment to delete Subsection 3.1.1.D of the Zoning Ordinance and to insert a new overlay use table

**PURPOSE:** To remove the exemption for the requirement of SLUPs within the City Overlay Districts

**FACTS AND ISSUES:** Subsection 3.1.1.D. of the Zoning Ordinance currently allows an exemption from requiring a SLUP for any parcels within Overlay Districts when the base zoning the particular use in question would normally require one. This exemption has allowed certain uses that typically would go through SLUP approval process, such as Senior Housing developments, be permitted. This exemption applies to all of the city's overlay districts, the Stonecrest Overlay, I-20 Overlay, and the Arabia Mountain Overlay.

Removing this exemption would allow the public, the planning commission and the city council greater oversight and control over uses allowed in the overlay districts, and more transparency in the planning process. The overlays occupy over a third of the land area of the city, so this amendment could have significant impact on controlling the future development of the city.

To help in zoning administration regarding the Overlays and the use of SLUPs, staff is also recommending the insertion of a new Overlay Use Table.

**OPTIONS:** Table, Deny, Approve, Approve with modifications





## PLANNING COMMISSION STAFF REPORT

**RECOMMENDED ACTION:** Recommend approval to the City Council

**ATTACHMENTS:**

- (1) Track Changes version of the City Code Ordinances as they relate to TMOD-21-004
- (2) Overlay District Maps by Council District for reference.

## Track Changes summary of Proposed Amendments to the Zoning Ordinance related to TMOD-21-004

### Sec. 3.1.1. - Overlay districts generally.

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

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

### **Sec. 3.1.6. - Overlay Use table.**

Table 3.1 indicates the permitted uses within the overlay zoning districts. Even though a use is listed as an allowable use within a particular base zoning district, additional use restrictions may apply based on the applicable overlay zoning district requirements specified in this article.

A. The uses listed in Table 3.1 shall be permitted only within the zoning overlay districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:

1. A permitted use (P);
2. A special use (SP) subject to the special land use permit application procedures specified in article 7 of this chapter;
3. An administratively approved use (SA) subject to the special administrative permit procedures specified in article 7 of this chapter;
4. An accessory use (PA) as regulated by article 4 of this chapter. Table 3.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
5. Uses lawfully established prior to the effective date of this zoning ordinance.

B. Any use not listed in Table 3.1, below, or interpreted to be allowed by the director of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article 7 of this chapter.

C. If there is a conflict between Table 3.1 and the text of this chapter, the text shall prevail.

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2		
"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"	T1	T2	T3	T4	T5*	T6*	T1	T2	T3				
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development				
AGRICULTURAL													
Agriculture and Forestry													
Commercial greenhouse or plant nursery	P	P	P	P							✓		
Temporary or portable sawmill			P								✓		
Urban, community garden, up to 5 ac.	P		P	P						P	✓		
Urban, community garden, over 5 ac.	P	P	P	P						P			
Animal Oriented Agriculture													
Dairy			P								✓		
Keeping of livestock			P								✓		
Keeping of poultry/pigeons			P								✓		
Livestock sales pavilion											✓		
Riding academies or stables											✓		
RESIDENTIAL													
Dwellings													
Dwelling, cottage home	P	P									✓		
Dwelling, mobile home			P								✓		
Dwelling, multi-family	P	P	P		X		P	P	P				
Dwelling, multi-family (supportive living)	P	P	P		X						✓		
Dwelling, townhouse	P	P	P								✓		
Dwelling, urban single-family	P	P	Pa								✓		
High-rise apartment	SP	SP	P	SP									
Dwelling, single-family (attached)	P	P	P				P	P	P				
Dwelling, single-family (detached)	P	P	P		P								
Dwelling, three-family	P	P	P										
Dwelling, two-family	P	P	P										
Dwelling, single-family, accessory (guesthouse, in-law suite)			Pa								✓		
Home occupation, no customer contact	P	P									✓		
Home occupation, with customer contact	P	P									✓		
Live/work unit	P	P	P	P							✓		
Mobile home park													

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		
<b>"Key: P - Permitted use</b> <b>Pa - Permitted as an accessory Use</b> <b>SA - Special administrative permit required</b> <b>SP - Special Land Use Permit (SLUP) required</b> <b>X - Prohibited Use</b>  <b>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</b>											
Accessory uses or structures	Pa	Pa	Pa	Pa							✓
<b>Housing and Lodging</b>											
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/Motel	X	X	X	X	X		P	P	P		
Short Term Vacation Rental											
Nursing care facility or hospice	P	P	P	P							
Personal care facility, 7 or more	P	P	P	P	P						✓
Personal care home, up to 6	P	P	P	P	P						✓
Child caring home, up to 5	P	P	P	P							✓
Child caring facility, 6 or more	P	P	P	P							✓
Child day care center	P	P	P	P	P						
Senior housing	P	P	P	P							✓
Shelter for homeless persons, 7-20	SP	SP	SP	P						X	✓
Shelter for homeless persons for no more than six (6) persons	SP	SP	SP	SP						X	✓
Transitional housing facility, 7-20	SP	SP	SP	P						X	✓
<b>INSTITUTIONAL/PUBLIC</b>											
<b>Community Facilities</b>											
Cemetery, columbarium,mausoleum	P	P	P	P							✓
Club, order or lodge, fraternal, non-commercial	P	P	P	P			P	P	P		
Coliseum or stadium/not associated with church or school	P	P	P	P						X	✓
Dog Park										P	
Funeral home, mortuary	P	P	X	X	X		P	P	P	P	
Golf course or clubhouse, public or private	P	P	P	P							✓
Government facilities	P	P	P	P							

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
<b>"Key: P - Permitted use</b> <b>Pa - Permitted as an accessory Use</b> <b>SA - Special administrative permit required</b> <b>SP - Special Land Use Permit (SLUP) required</b> <b>X - Prohibited Use</b>	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
<b>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</b>											
Hospital or accessory ambulance service	P	P	P	P							
Library or museum	P	P	P	P							
Cultural Facilities	SP	SP	SP	SP	P		P	P	P		
Recreation Club	P	P	P								
Neighborhood or subdivision clubhouse or amenties	P	P	P	P							
Places of Worship	P	P	P	P	P		P	P	P		
Recreation, outdoor	P	P	P	P							
Swimming pools, commercial	P	P	P	P						X	
Tennis center, club and facilities							P	P	P		
Tennis courts, swimming pools, play or recreation areas, community	P	P	P	P			Pa	Pa	Pa		
Utility structure necessary for the transmission or distribution of services							P	P	P		
<b>Education</b>											
Colleges, universities, research and training facilities	P	P	P	P							
Private educational services, home occupation	P	P									
Private kindergarten, elementary, middle or high schools	P	P	P	P			P	P	P		
Vocational schools	P	P	P	P			P	P	P		
Specialized schools	P	P	P	P			P	P	P		
<b>COMMERCIAL</b>											
<b>Automobile, boat and trailer sales and service</b>											
Automobile or truck rental or leasing facilities	X	X	P	P						X	
Automobile brokerage	P	P	P	P						X	
Auto recovery, storage										X	
Auto mobile emission testing facility	X	X	X	X							
Automobile repair or maintenance, minor	P	X	X	P			P	P	P	X	
Automobile repair, major	X	X	X	X	X					X	
Automobile sales, used							X	X	X		
Automobile sales or truck sales	X	X	X	P	X					X	
Automobile service stations	SP	SP	X	SP						X	
Automobile service stations over 4,000 square feet			SP								
Automobile upholstery shop	P	P	P	P						X	
Automobile wash/wax service	X	X	X	X	X		X	X	X	X	

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"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"	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
Boat sales	P	P	P	P						X	✓
Retail automobile parts or tire store	P	P	P	P			P	P	P		✓
Service area, outdoor	Pa	Pa	Pa	Pa							✓
Trailer or RV salesroom and lot	P	P	P	P						X	✓
Office											
Accounting office	P	P	P	P			P	P	P		
Building or construction office	P	P	P	P			P	P	P		✓
Building, landscape, heavy construction contractor office (material, equipment, storage)	P	P	P	P							✓
Engineering or architecture office	P	P	P	P			P	P	P		
Finance office or banking	P	P	P	P			P	P	P		
General Business Office	P	P	P	P	P						
Insurance Office	P	P	P	P	P		P	P	P		
Legal Office	P	P	P	P	P		P	P	P		
Medical Office	P	P	P	P	P		P	P	P		
Real Estate Office	P	P	P	P	P		P	P	P		
Recreation and Entertainment											
Sexually Oriented Business	X		X	X		X	X	X	X	X	✓
Drive-in theater	P	P	P	P						X	✓
Fairground or amusement park		P		P						X	✓
Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors)	P	P	P	P			P	P	P		
Nightclub or late night establishment (maximum 10,000 square feet)	SP	X	X	X	X			X	X	X	✓
Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activities)	P	P	P	P	X		X	X	X		✓
Special events facility	P	P	P	P							
Theaters with live performance, assembly or concert halls, or similar entertainment within enclosed building	P	P	P	P	P						
Outdoor concert hall										P	
Recreation, passive										P	
Retail											
Alcohol outlet- package store,primary	P	P		SP		X				X	✓
Alcohol outlet- beer and/or wine store, beer growler, primary	P	P	P	SP						X	✓
Alcohol outlet- beer and wine, accessory to retail less than 12,000 sf (see also 4.1.3 (F))	P	P	P	SP						X	✓

Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
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							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
Apparel or accessories store	P	P	P	P	P		P	P	P		
Art gallery	P	P	P	P	P		P	P	P		
Art supply store							P	P	P		
Book, greeting card, or stationerystore	P	P	P	P	P		P	P	P		
Camera or photography	P	P	P	P	P		P	P	P		
Commercial greenhouse or plantnursery	P	P	P	P	P						✓
Computer or computer softwarestore	P	P	P	P	P		P	P	P		
Convenience store (see alcohol outlet or fuel pumps accessory)	P	P	P	P			P	P	P	X	✓
Drive-through facilities (other than restaurants)			P							X	✓
Electrical supply store							P	P	P		
Farm or garden supply store	X	X					P	P	P		
Farmer's market, permanent	P	P	P	P	P						✓
Farmer's market, temporary/seasonal	P	P	P	P	P						✓
Florist	P	P	P	P	P		P	P	P		
Specialty food stores (e.g., coffee, ice cream) (see alcohol outlet)	P	P	P	P	P		P	P	P		
Fuel dealers, manufacturers orwholesalers	P	P	P	P	P					X	
Fuel pumps	X	X	X	X	X					X	✓
Furniture, home furnishings and equipment store							P	P	P		
General merchandise store							P	P	P		
Gift, novelty, or souvenir store	P	P	P	P	P		P	P	P		
Gold buying, precious metals	P	P	P	P	P						
Grocery stores (see alcohol outlet)	P	P	P	P	P						
Hardware store or other building materials store	P	P	P	P	P		P	P	P		
Hobby, toy or game store	P	P	P	P	P						
Jewelry store	P	P	P	P	P		P	P	P		
Music or music equipment store (retail)	P	P	P	P	P		P	P	P		
Liquor store (see alcohol outlet)	P	P	X	X	X		X	X	X		✓
News dealer or news store	P	P	P	P	P		P	P	P		
Office supplies and equipment store	P	P	P	P	P		P	P	P		
Paint, glass and wallpaper store							P	P	P		
Pawn shop, title loan	X	X	X	X	X	X	X	X	X	X	



Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
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							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
Pet supply store	P	P	P	P	P		P	P	P		
Pharmacy or drug store (see alcohol outlet)	P	P	P	P	P		P	P	P		
Radio, television or consumer electronics store	P	P	P	P	P		P	P	P		
Retail, 5,000 sf or less	P	P	P	P	P						
Retail, over 5,000 sf (see also shopping center)	P	P	P	P	P						
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage	P	P	P	P	P						
Shopping center	P	P	P	P	P		P	P	P		
Specialty store	P	P	P	P	P		P	P	P		
Sporting goods or bicycle sale	P	P	P	P	P		P	P	P		
Thrift, secondhand, antique store	P	P	P	P	P						
Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage	P	P	P	P	P						
Variety store	P	P	P	P	P		P	P	P		
Videotape sales and rental store							P	P	P		
Temporary Commercial Uses											
Temporary outdoor sales, seasonal	P	P	X	P	X		X	X	X		✓
Temporary produce stand	P	P	P	P							✓
Temporary outdoor retail sales	P	P		P							✓
Temporary outdoor events	P	P	P	P							✓
Temporary trailer, as home salesoffice or construction trailer	P	P	P	P							✓
Restaurant/Food establishments											
Brewpub/Beer Growler	P	P	P	P							
Catering establishments	P	P	P	P							
Restaurants (acc. to hotel/motel)	P	P	P	P							
Restaurants (non-drive-thru)	P	P	P	P			P	P	P		
Restaurants with a drive-thru configuration	SP	SP	SP	SP							✓
Transportation and Storage											
Bus or rail stations or terminals for passengers	SP	SP	SP	SP						X	
Heliport	SP	SP	SP	SP			SP	SP	SP		✓
Parking, commercial lot	X	X	X	P			Pa	Pa	Pa	X	✓
Parking, commercial garage	P	P	P	P			Pa	Pa	Pa	X	
Taxi, ambulance or limousine service, dispatching or storage.	P	P	P	P						X	✓

Table 3.1 Overlay Use Table

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

Table 3.1 Overlay Use Table

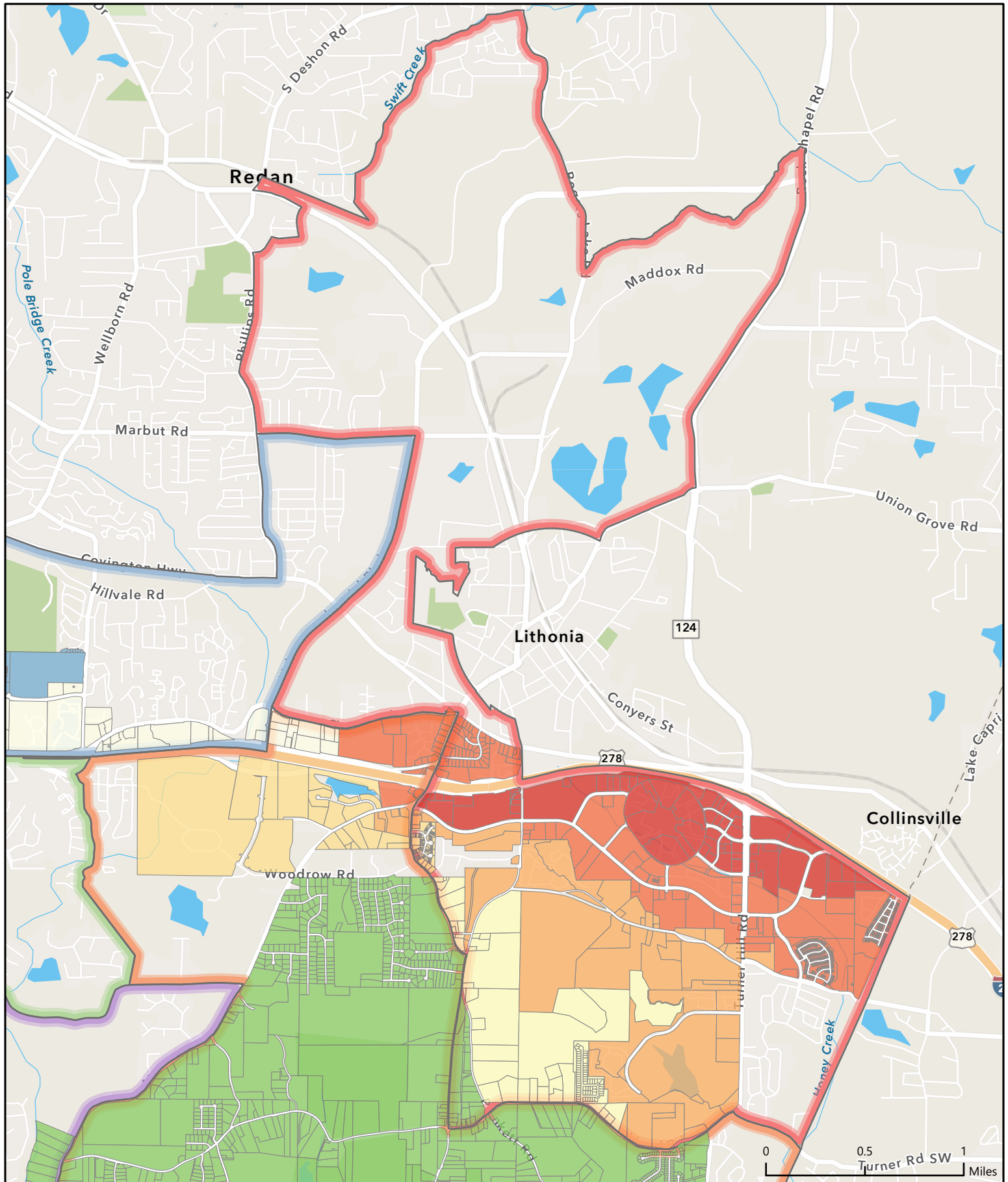
Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1 In Mixed Use Development	T2 In Mixed Use Development	T3 In Mixed Use Development		
<b>"Key: P - Permitted use</b> <b>Pa - Permitted as an accessory Use</b> <b>SA - Special administrative permit required</b> <b>SP - Special Land Use Permit (SLUP) required</b> <b>X - Prohibited Use</b>  <b>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</b>											
Publishing or printing establishments	P	P	P	P							
Quick copy printing store	P	P	P	P			P	P	P		
<b>Services, Medical and Health</b>											
Ambulance service or emergency medical services, private	P	P	P	P			P	P	P	X	
Health services clinic	P	P	P	P	P		P	P	P		
Home healthcare service	P	P	P	P							
Kidney dialysis center	P	P	P	P							
Medical or dental laboratories	P	P	P	P			P	P	P		
<b>Services, Repair</b>											
Furniture upholstery or repair; home appliance repair or service	X	X	X	X							
Radio, television and similar home appliance repair service							P	P	P		
Personal service, repair (watch, shoes, jewelry)	P	P	P	P			P	P	P		
Service area, outdoor	Pa	Pa	Pa	Pa							✓
<b>INDUSTRIAL</b>											
Alcohol or alcoholic beverage manufacturing											
Alternative energy production	SP	SP	SP								
Automobile/truck manufacturing											
Brick, clay, tile, or concrete products terra cotta manufacturing											
Building materials or lumber supply establishment	P	P	P	P							
Cement, lime, gypsum, or plaster of Paris manufacturing											
Compressed gas fuel station	SP	SP	SP	P							
Chemical manufacture, organic or inorganic											
Contractor, general (See also Building or Construction Office)	P	P	P	P							✓
Contractor, heavy construction, outside storage	P	P	P	P						X	
Contractor, special trade	P	P	P	P							
Crematoriums	SP	SP	X	X	X					X	
Distillation of bones or glue manufacture											
Dry cleaning plant			P								
Dye works											
Explosive manufacture or storage											
Fabricated metal manufacture											

Table 3.1 Overlay Use Table










Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
<b>"Key: P - Permitted use</b> <b>Pa - Permitted as an accessory Use</b> <b>SA - Special administrative permit required</b> <b>SP - Special Land Use Permit (SLUP) required</b> <b>X - Prohibited Use</b>	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
<b>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"</b>											
Fat rendering or fertilizer manufacture											
Fuel dealers, manufactures or wholesalers			P								
General aviation airport			P								✓
Heavy equipment repair service or trade	P	P	P	P			X	X	X		
Ice manufacturing plant			P								
Incidental retail sales of goodsproduced or processed on the premises			Pa								
Incineration of garbage or refusewhen conducted within an enclosed plant											
Industrial, heavy											
Industrial, light			P								
Intermodal freight terminal, bus orrail freight or passenger terminal, or truck terminal											
Leather manufacturing orprocessing											
Light malt beverage manufacturer(See also Brewpub)	Pa	Pa	P	Pa							
Light manufacturing			P								
Manufacturing, heavy											✓
Manufacturing operations not housed within a building											✓
Mines or mining operations,quarries, asphalt plants, gravel pits or soil pits											✓
Outdoor storage, industrial	X	X	X	X	X		X	X	X		✓
Paper or pulp manufacture											✓
Petroleum or inflammable liquids production, refining											✓
Radioactive materials: utilization, manufacture, processing or emission											✓
Railroad car classification yards orteam truck yards			P								✓
Recovered materials facility whollywithin a building			P								✓
Recovered materials processing wholly within a building			P								✓
Recycling collection	Pa	Pa	Pa	Pa							
Recycling plant			P								
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic, light sheet			P								
Research, experimental or testing laboratories			P								
Rubber or plastics manufacture			P								
Salvage yard (Junkyard)	X	X	X	X	X		X	X	X	X	✓
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials										X	✓

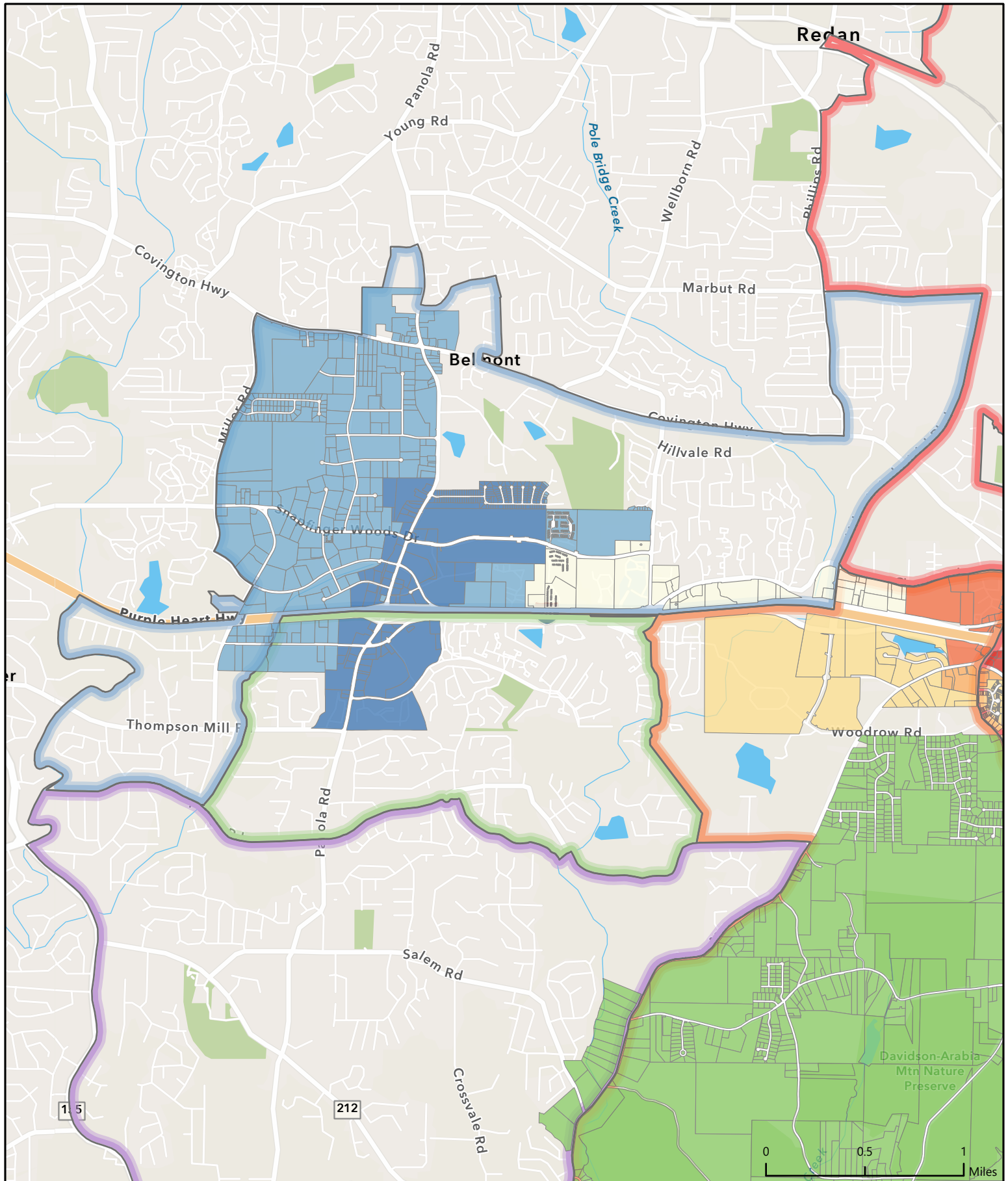
Table 3.1 Overlay Use Table

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
"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"	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
Smelting: copper, iron, zinc, or ore											
Storage yard, except vehicle											
Storage yard for damaged or confiscated vehicles		X					X	X	X		
Sugar refineries		X									
Tire retreading and recapping	X	X	X	X	X		X	X	X		
Towing or wreckage service			P								
Transportation equipment storage or maintenance (vehicle)										X	✓
Truck stop or terminal										X	
Vehicle storage yard										X	
Warehousing or Storage	P	P	P							X	
COMMUNICATION – UTILITY											
Amateur radio service or antenna											✓
Electric transformer station, gas regulator station or telephone exchange											
Radio or television broadcasting studio	P	P	P	P			P	P	P		
Radio or television broadcasting transmission facility	P	P	P	P							
Satellite television antennae	P	P	P	P							✓
WIRELESS TELECOMMUNICATION (cell tower)											
New support structure from 51 feet to 150 feet											✓
New support structure from 50 feet up to 199 feet	P	P	P	P							✓
COW's (non-emergency or event, no more than 120 days)	P	P	P	P							✓
COW's (declared emergency)	P	P	P	P							✓
Attached wireless telecommunication facility, used for non-residential purposes (prohibited if used as residential)											
Attached wireless telecommunication facility	P	P	P	P							✓
Small cell installations (new support structures or collocation) on private property or ROW	P	P	P	P							✓



## District 1 Zoning Overlays

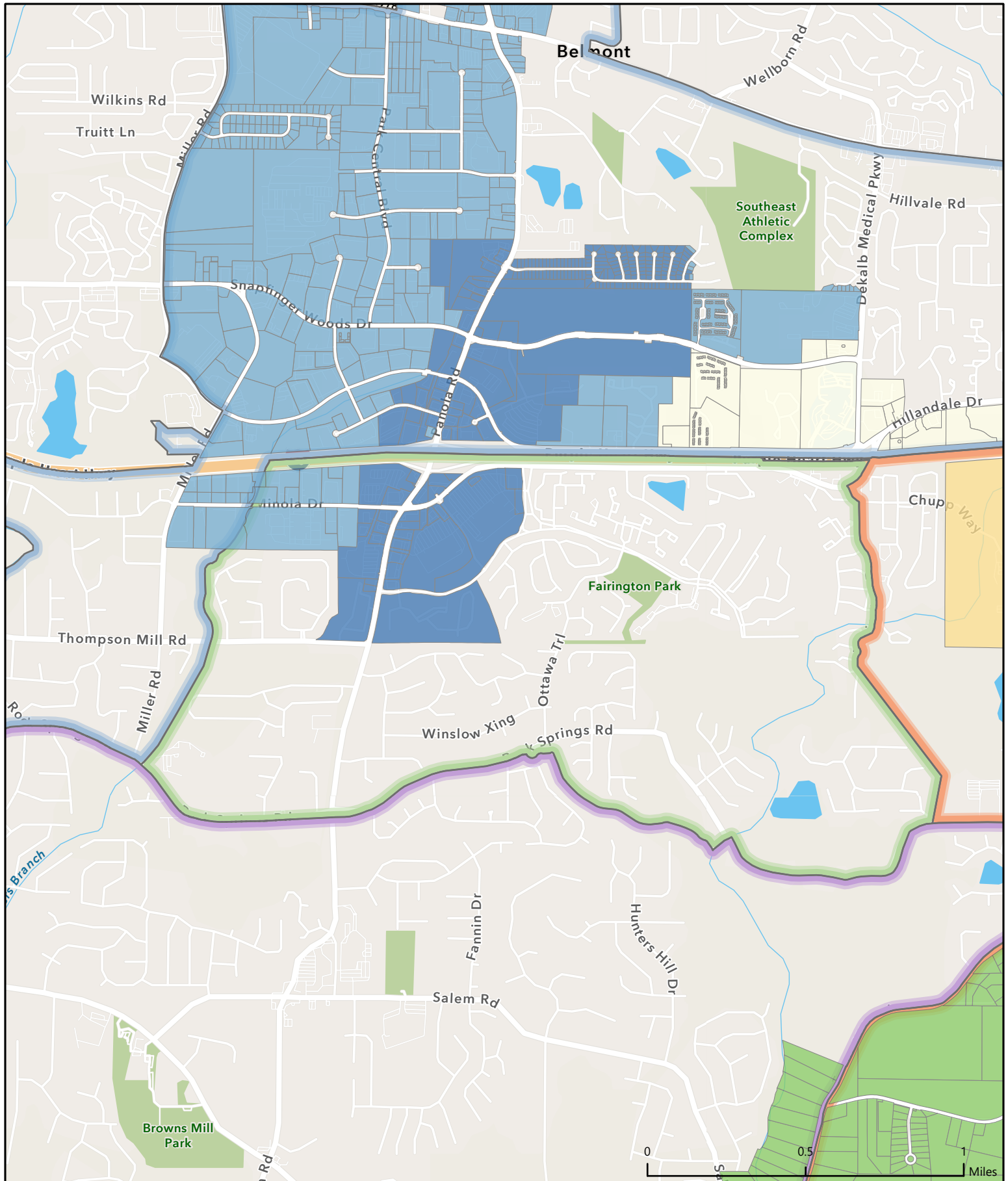
	ARABIA MOUNTAIN OVERLAY DISTRICT		STONECREST   TIER 1		STONECREST   TIER 4
	I-20 OVERLAY DISTRICT TIER 1		STONECREST   TIER 2		STONECREST   TIER 5
	I-20 OVERLAY DISTRICT TIER 2		STONECREST   TIER 3		STONECREST   TIER 6 - VIEWSHED












## District 2 Zoning Overlays

<span style="color: green;">■</span> ARABIA MOUNTAIN OVERLAY DISTRICT	<span style="color: red;">■</span> STONECREST   TIER 1	<span style="color: orange;">■</span> STONECREST   TIER 4
<span style="color: blue;">■</span> I-20 OVERLAY DISTRICT TIER 1	<span style="color: orange;">■</span> STONECREST   TIER 2	<span style="color: yellow;">■</span> STONECREST   TIER 5
<span style="color: lightblue;">■</span> I-20 OVERLAY DISTRICT TIER 2	<span style="color: orange;">■</span> STONECREST   TIER 3	<span style="color: lightyellow;">■</span> STONECREST   TIER 6 - VIEWSHED

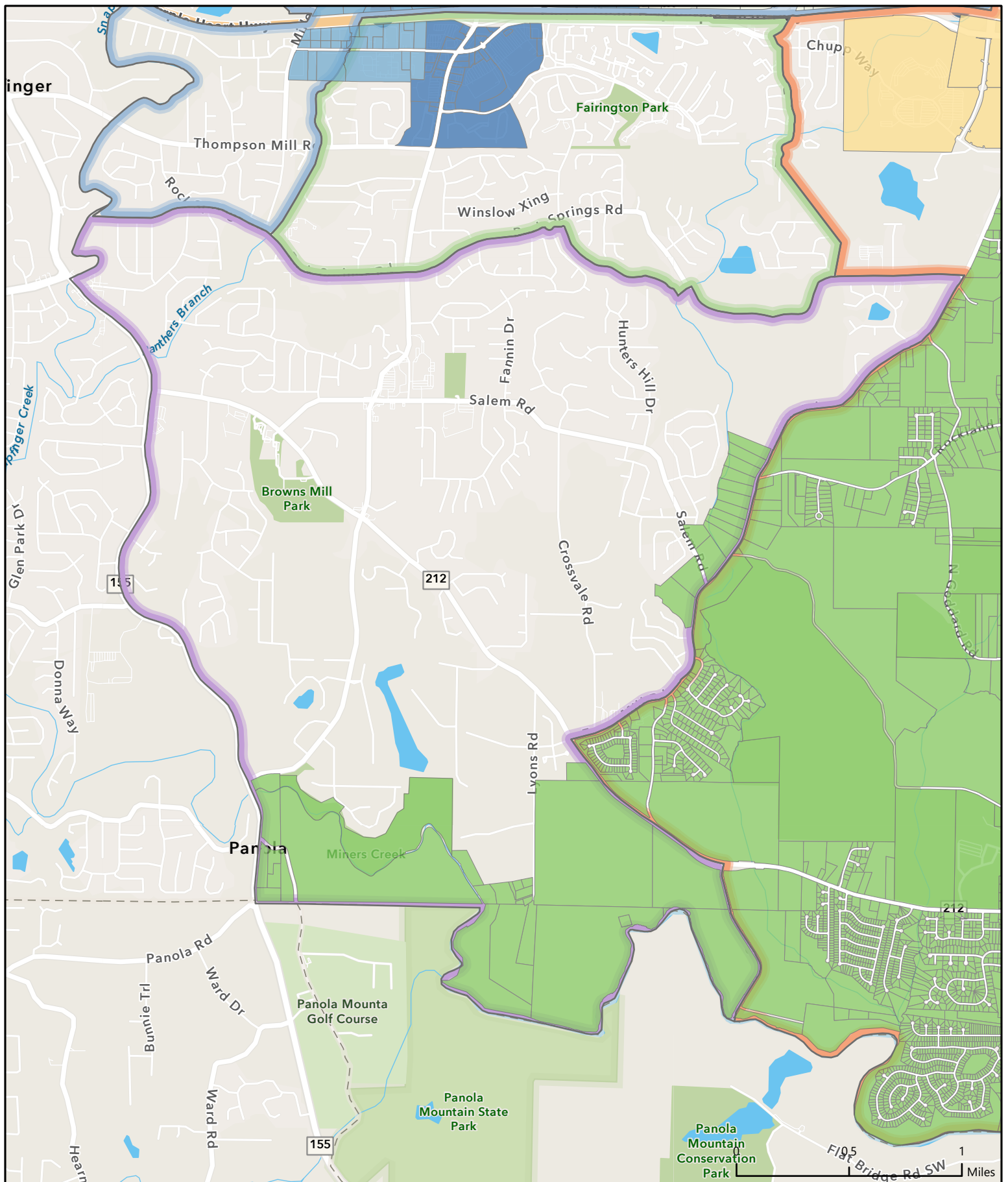




## District 3 Zoning Overlays

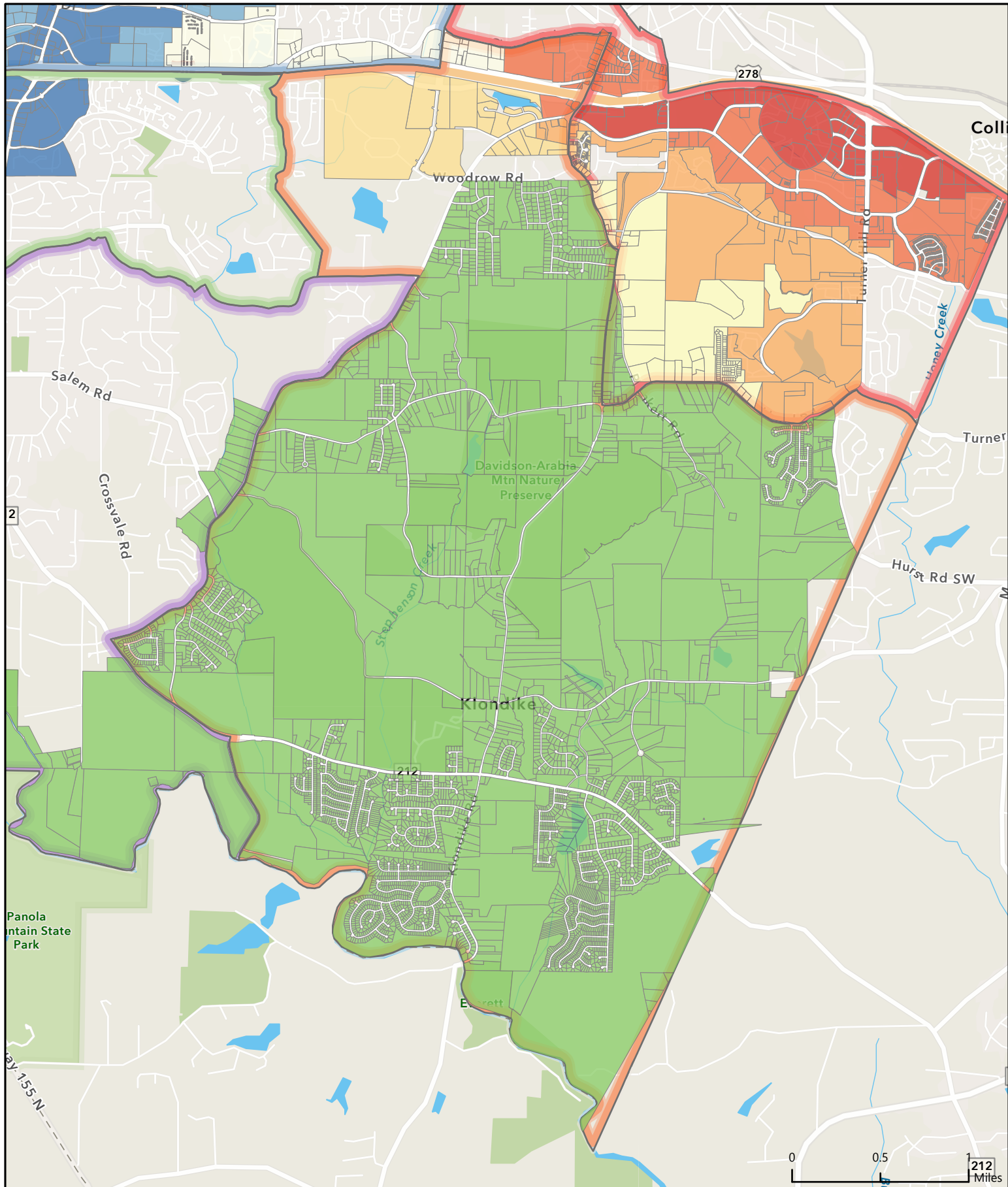
 ARABIA MOUNTAIN OVERLAY DISTRICT	 STONECREST   TIER 1	 STONECREST   TIER 4
 I-20 OVERLAY DISTRICT TIER 1	 STONECREST   TIER 2	 STONECREST   TIER 5
 I-20 OVERLAY DISTRICT TIER 2	 STONECREST   TIER 3	 STONECREST   TIER 6 - VIEWSHED





## District 4 Zoning Overlays

<span style="display:inline-block; width:15px; height:15px; background-color:lightgreen; border:1px solid black;"></span> ARABIA MOUNTAIN OVERLAY DISTRICT	<span style="display:inline-block; width:15px; height:15px; background-color:lightcoral; border:1px solid black;"></span> STONECREST   TIER 1	<span style="display:inline-block; width:15px; height:15px; background-color:lightorange; border:1px solid black;"></span> STONECREST   TIER 4
<span style="display:inline-block; width:15px; height:15px; background-color:lightblue; border:1px solid black;"></span> I-20 OVERLAY DISTRICT TIER 1	<span style="display:inline-block; width:15px; height:15px; background-color:orange; border:1px solid black;"></span> STONECREST   TIER 2	<span style="display:inline-block; width:15px; height:15px; background-color:yellow; border:1px solid black;"></span> STONECREST   TIER 5
<span style="display:inline-block; width:15px; height:15px; background-color:mediumslateblue; border:1px solid black;"></span> I-20 OVERLAY DISTRICT TIER 2	<span style="display:inline-block; width:15px; height:15px; background-color:lightyellow; border:1px solid black;"></span> STONECREST   TIER 3	<span style="display:inline-block; width:15px; height:15px; background-color:lightyellow; border:1px solid black;"></span> STONECREST   TIER 6 - VIEWSHED

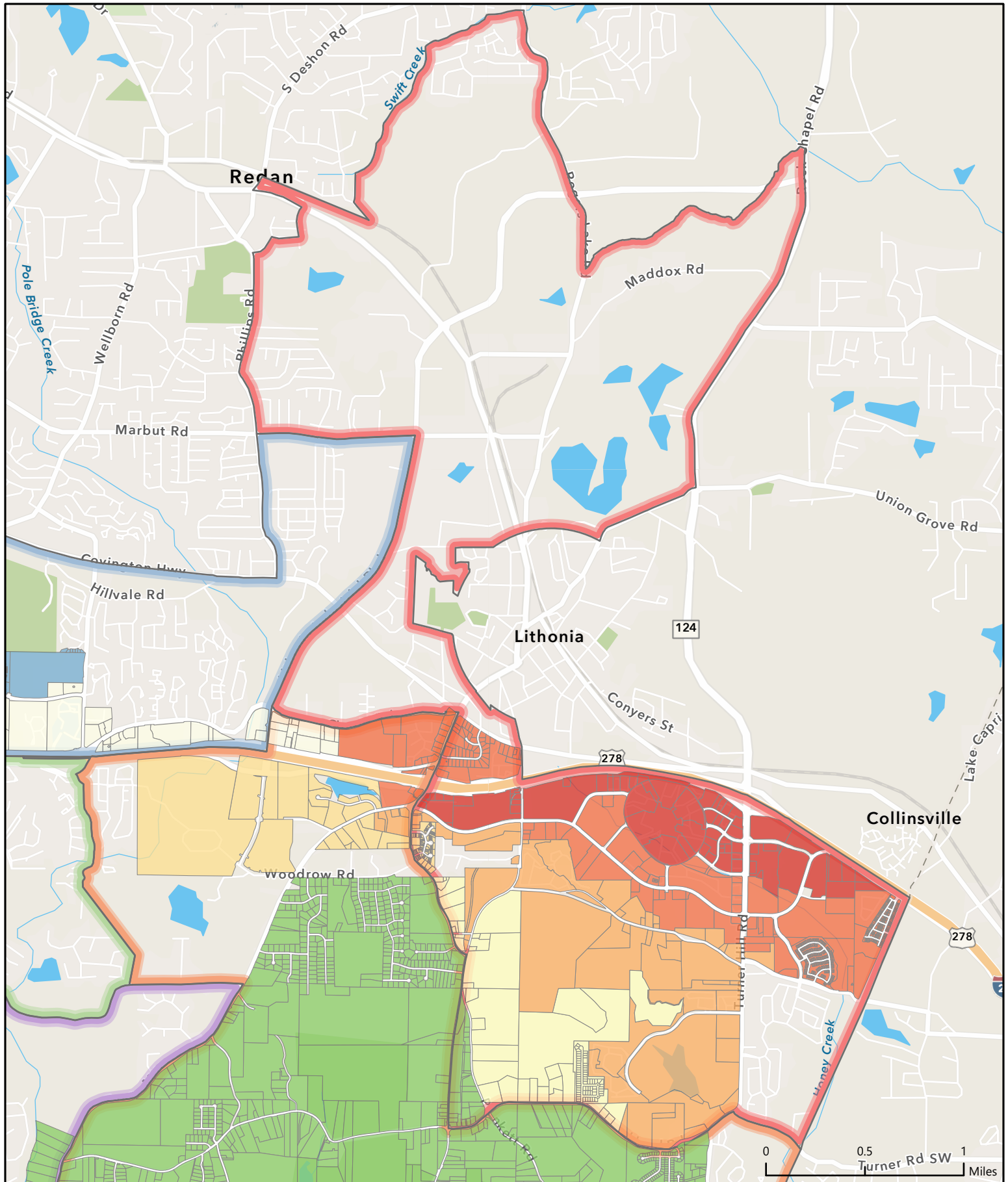


### District 5 Zoning Overlays

- |  |   |  |
|--|---|--|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #4CAF50; border: 1px solid black;"></span> ARABIA MOUNTAIN OVERLAY DISTRICT | <span style="display: inline-block; width: 15px; height: 10px; background-color: #D32F2F; border: 1px solid black;"></span> STONECREST   TIER 1 | <span style="display: inline-block; width: 15px; height: 10px; background-color: #FFB74D; border: 1px solid black;"></span> STONECREST   TIER 4            |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #2196F3; border: 1px solid black;"></span> I-20 OVERLAY DISTRICT TIER 1     | <span style="display: inline-block; width: 15px; height: 10px; background-color: #FF9800; border: 1px solid black;"></span> STONECREST   TIER 2 | <span style="display: inline-block; width: 15px; height: 10px; background-color: #FFF176; border: 1px solid black;"></span> STONECREST   TIER 5            |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #BBDEFB; border: 1px solid black;"></span> I-20 OVERLAY DISTRICT TIER 2     | <span style="display: inline-block; width: 15px; height: 10px; background-color: #FFCC80; border: 1px solid black;"></span> STONECREST   TIER 3 | <span style="display: inline-block; width: 15px; height: 10px; background-color: #FFF9C4; border: 1px solid black;"></span> STONECREST   TIER 6 - VIEWSHED |

**TMOD-21-004 ATTACHMENT 3:**

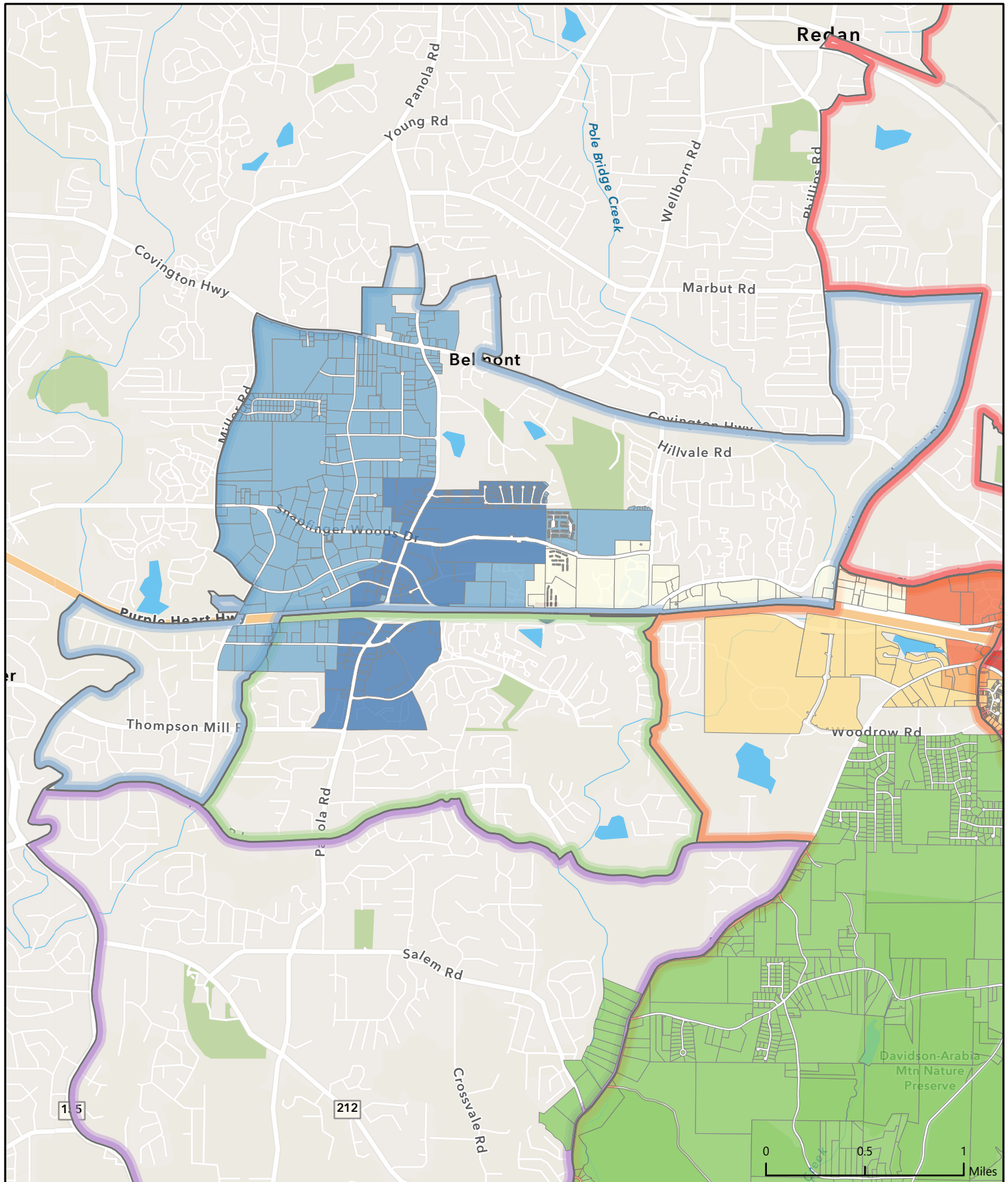
**Overlay District Maps by Council District for reference**












## District 1 Zoning Overlays

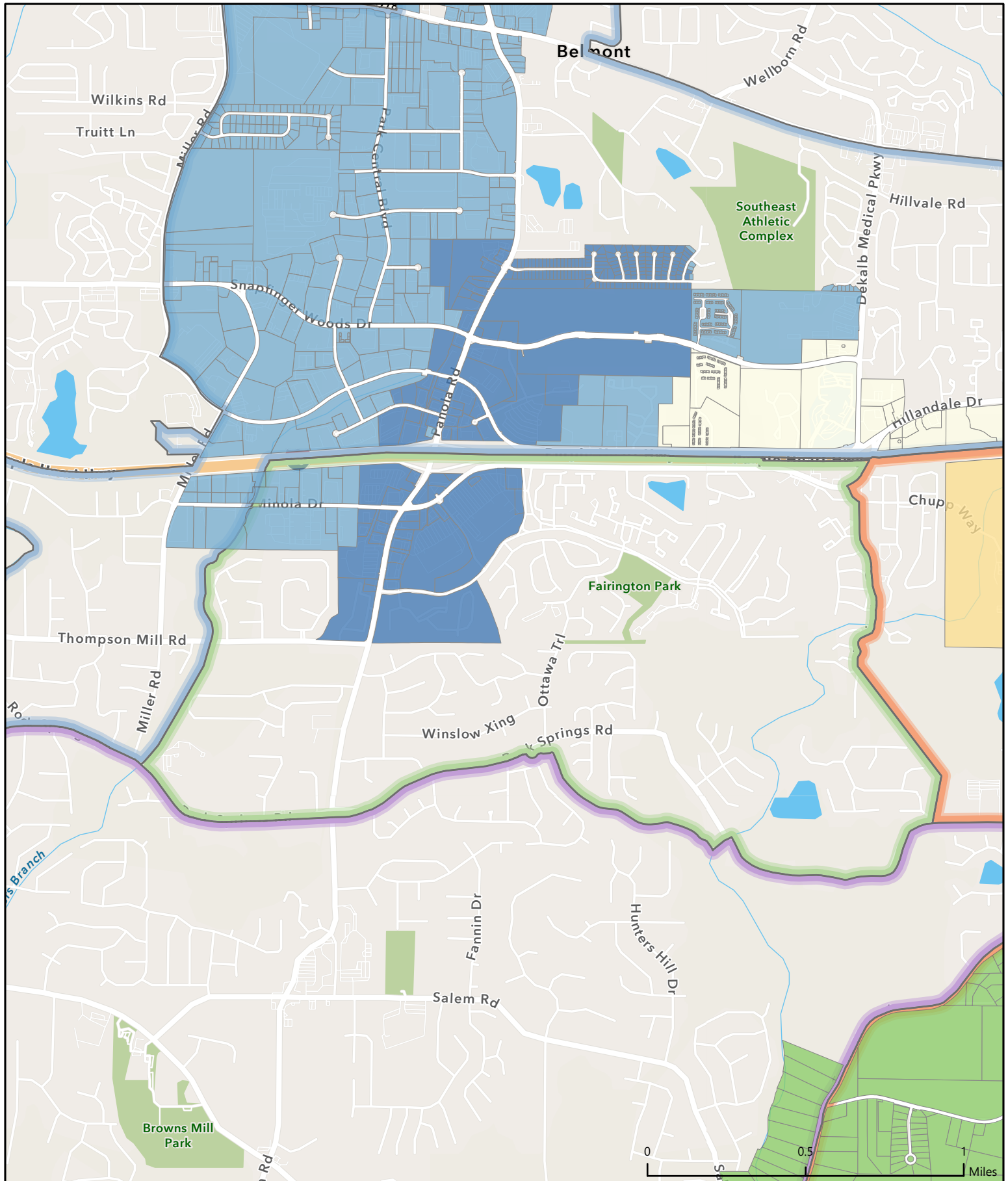
<span style="color: green;">■</span> ARABIA MOUNTAIN OVERLAY DISTRICT	<span style="color: red;">■</span> STONECREST   TIER 1	<span style="color: orange;">■</span> STONECREST   TIER 4
<span style="color: blue;">■</span> I-20 OVERLAY DISTRICT TIER 1	<span style="color: orange;">■</span> STONECREST   TIER 2	<span style="color: yellow;">■</span> STONECREST   TIER 5
<span style="color: lightblue;">■</span> I-20 OVERLAY DISTRICT TIER 2	<span style="color: orange;">■</span> STONECREST   TIER 3	<span style="color: yellow;">■</span> STONECREST   TIER 6 - VIEWSHED














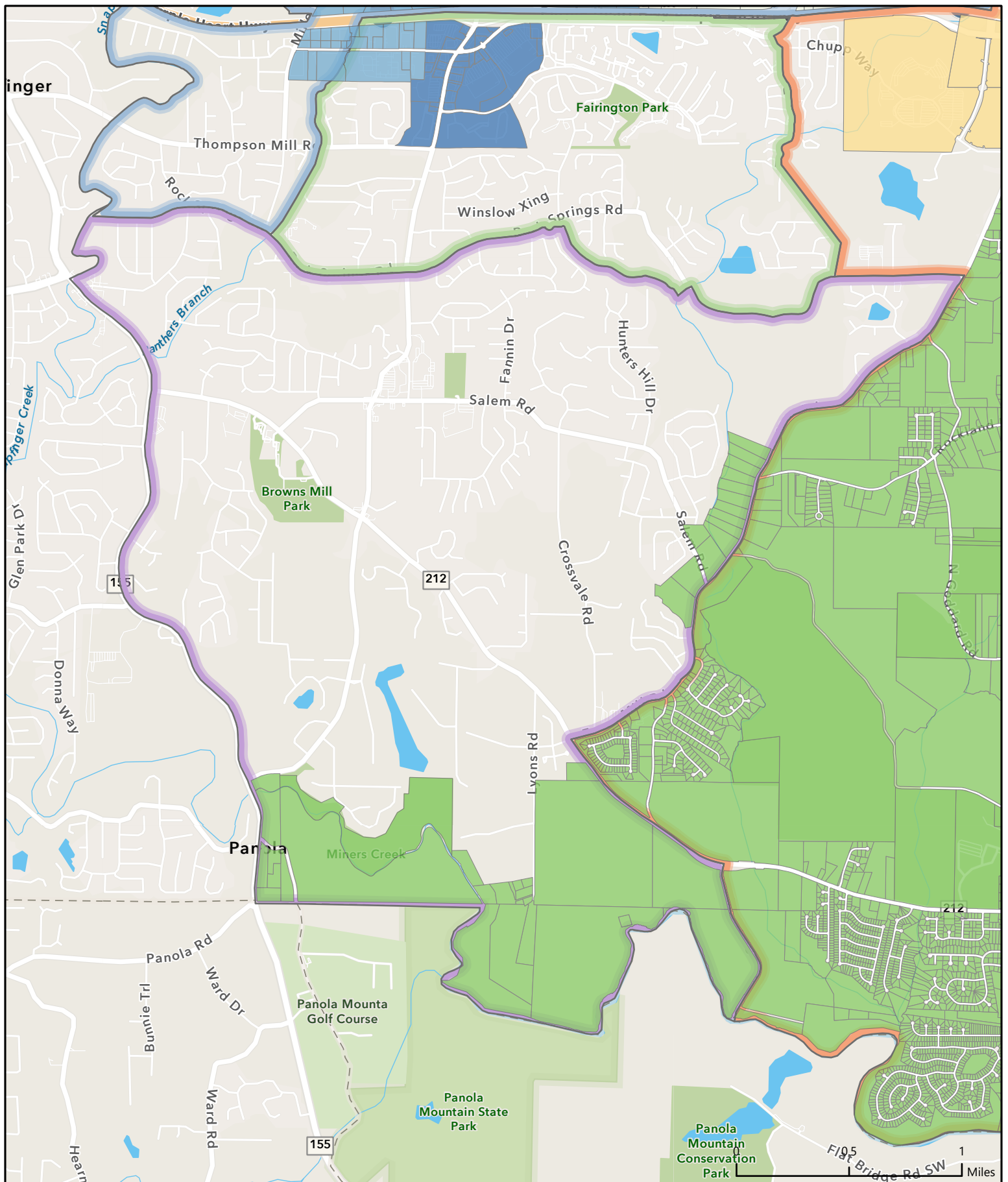
## District 2 Zoning Overlays

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












## District 3 Zoning Overlays

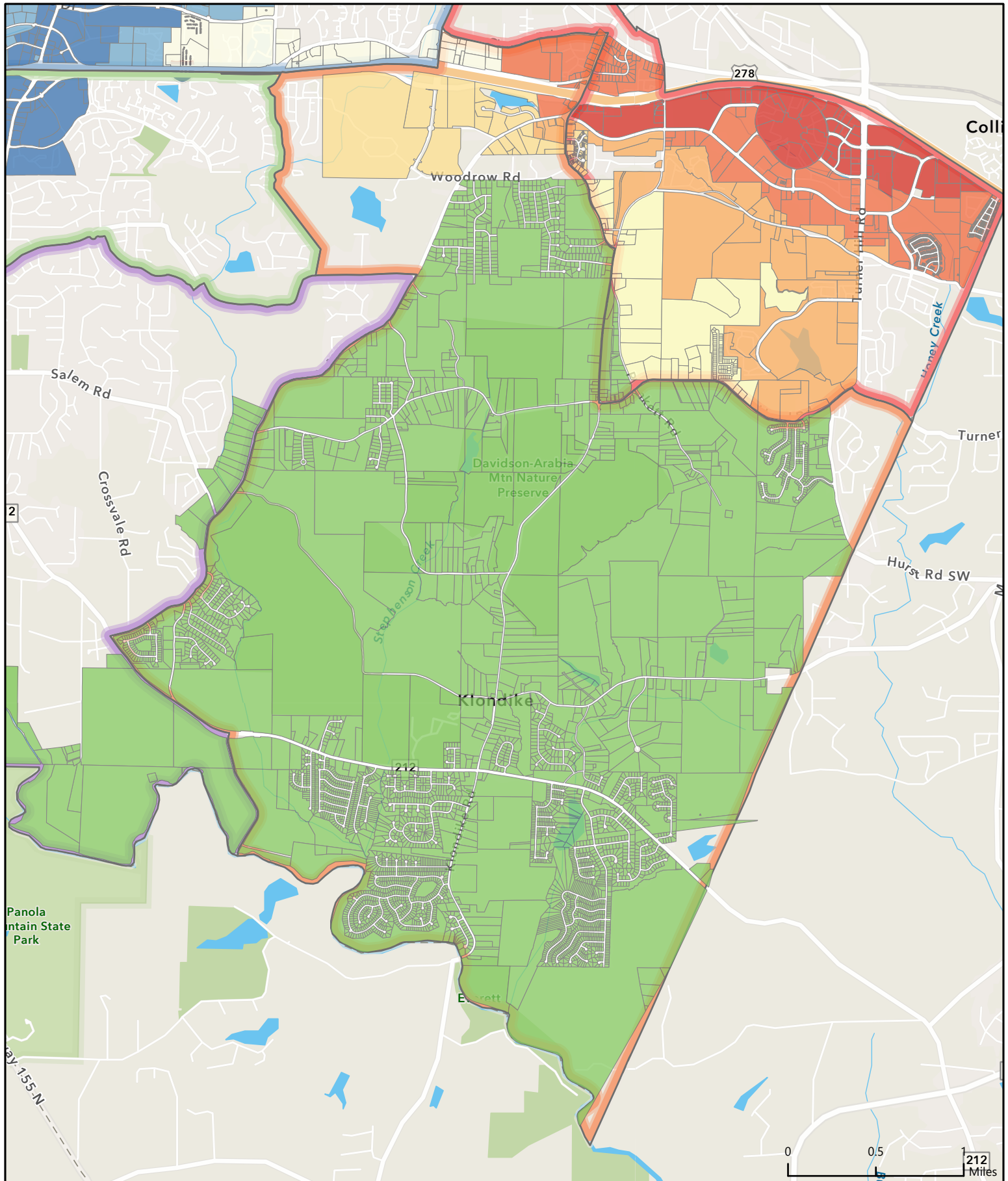
 ARABIA MOUNTAIN OVERLAY DISTRICT	 STONECREST   TIER 1	 STONECREST   TIER 4
 I-20 OVERLAY DISTRICT TIER 1	 STONECREST   TIER 2	 STONECREST   TIER 5
 I-20 OVERLAY DISTRICT TIER 2	 STONECREST   TIER 3	 STONECREST   TIER 6 - VIEWSHED



## District 4 Zoning Overlays

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





# District 5 Zoning Overlays

- |   |   |  |
|---|---|--|
| <span style="color: green;">■</span> ARABIA MOUNTAIN OVERLAY DISTRICT | <span style="color: red;">■</span> STONECREST   TIER 1    | <span style="color: orange;">■</span> STONECREST   TIER 4            |
| <span style="color: blue;">■</span> I-20 OVERLAY DISTRICT TIER 1      | <span style="color: orange;">■</span> STONECREST   TIER 2 | <span style="color: yellow;">■</span> STONECREST   TIER 5            |
| <span style="color: lightblue;">■</span> I-20 OVERLAY DISTRICT TIER 2 | <span style="color: orange;">■</span> STONECREST   TIER 3 | <span style="color: yellow;">■</span> STONECREST   TIER 6 - VIEWSHED |