

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE NO. 2022-01-06

1 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF
2 STONECREST, GEORGIA, BY AMENDING DIVISION 1 (OVERLAY
3 DISTRICTS) OF ARTICLE 3 (OVERLAY DISTRICT REGULATIONS) AND
4 ARTICLE 9 (DEFINITIONS) WITHIN CHAPTER 27 (ZONING ORDINANCE);
5 TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR
6 REPEAL 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 1 (Overlay Districts) within
16 Article 3 (Overlay District Regulations) and Article 9 (Definitions) of Chapter 27 (Zoning
17 Ordinance) of the City’s 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**, the Director of Planning and the Planning Commission can recommend
21 approval based on the City Staff Report; 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 Division 1 (Overlay Districts) within Article 3 (Overlay District Regulations) and
30 Article 9 (Definitions) of Chapter 27 (Zoning Ordinance) by adopting the provisions set forth in
31 Exhibit A attached hereto and made a part by reference.

32 **Section 2.** That text added to current law appears in bold underlined. Text removed from
33 current law appears struck through.

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

36 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all
37 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
38 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.
39 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
40 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is
41 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is
42 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent

43 allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually
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
47 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
48 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
49 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
50 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to
51 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
52 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
53 effect.

54 **Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
55 repealed.

56 **Section 6.** The Ordinance shall be codified in a manner consistent with the laws of
57 the State of Georgia and the City of Stonecrest.

Section 7. 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 _____, 2022.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

58
59
60
61

George Turner, Mayor Pro Tem

ATTEST:

Sonya Isom, Acting Deputy City Clerk

APPROVED AS TO FORM:

City Attorney

62
63
64
65
66
67
68
69
70
71
72
73

74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99

EXHIBIT A
(SEE ATTACHED)

ARTICLE 3. - OVERLAY DISTRICT REGULATIONS

DIVISION 1. – OVERLAY DISTRICTS

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 overlay district regulations conflict with other regulations contained in this chapter, the overlay district regulations shall prevail.
- E. 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.
- F. 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.
- G. 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.
- H. When a plan package for a proposed development is submitted for conceptual plan review or a final design package approval for a land disturbance or building permit application, the governing district by related to design or dimensional standards by which the development will be reviewed under must be clearly stated. That governing district standards must be associated with either the underlying zoning district, or an authorized district as permitted by the applicable Overlay Tier at the time of application submittal.
- I. If the governing underlying district does not match the existing underlying district, the city may initiate a rezoning of the underlying property to the governing district, with property owner approval, at any point after final plat approval or the issuance of a Certification of Occupancy.

(Ord. of 8-2-2017, § 1(3.1.1))

Sec. 3.1.2. Purpose and intent.

Each Subarea Overlay has its own purpose and intent based on original overlay requirements.
(Ord. of 8-2-2017, § 1(3.1.2))

Sec. 3.1.3. Plan submittal, review and approval.

- A. *Pre-submittal conference.* Prior to the submittal for review of a land disturbance or building permit application for property located within an overlay district, the applicant and the staff shall have a preliminary meeting to discuss the submittal requirements.
- B. *Conceptual plan submittal requirements.* As part of any land-disturbance permit, building permit, or sign permit application, the applicant shall submit to the director of planning a conceptual plan package and a final design package. Each package must include full architectural and landscape plans and specifications. The submitted plans must include a site plan, architectural elevations and sections; renderings depicting the building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all hardscape, landscape and signs, all of which shall demonstrate that the proposed design is in compliance with all the requirements of the applicable overlay district and the underlying zoning classification. **The plans must clearly state the governing district requirements by which the plans will be reviewed.** If the proposed development is also located in an historic district as designated in the Code, the development shall also comply with the regulations established for the historic district in chapter 13.5 of the DeKalb County Code.
- C. *Review by staff.* Staff will review the conceptual plans for compliance with specifications and design guidelines contained in this zoning ordinance **for the governing district requested by the applicant.** If the application fails to comply with any section in this zoning ordinance, the application shall be marked "failed compliance," shall be returned to the applicant with any comments and/or redlines for revisions, and may be re-submitted with corrections addressing the staff's comments and/or redlines for further consideration. Once the application is found to be in compliance, the final design shall be forwarded to the director of planning for approval.
1. Where the director of planning determines that said plans comply with the requirements of the overlay district, the director of planning shall approve the plans for compliance as part of the application for land disturbance, building or signs permits.
 2. Where the director of planning determines that submitted conceptual plans do not comply with the requirements of this chapter, then the director of planning shall notify the applicant in writing of the manner in which the conceptual plans fail to comply with such requirements. All applications shall be considered and decided by the director of planning within 30 days of receipt of a complete application.
 3. Any appeal to vary overlay district development standards shall be to the zoning board of appeals pursuant to article 7 of this chapter.
- D. *Fees.* Plans shall be accompanied by an application and payment of a fee in an amount determined by the city council.

(Ord. of 8-2-2017, § 1(3.1.3))

Sec. 3.1.4. Conceptual plan package review.

- A. The conceptual plan package shall include the following:
1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this article. **The narrative shall include a statement of what governing district review**

standards will be applied. The narrative shall include a tabulation of the approximate number of acres for each different land use type within the project, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density as well as square feet, the common open space acreage, the approximate open space acreage, the anticipated number, type and size of recreational facilities and other public amenities, and the legal mechanism for protecting and maintaining common/public open, as required in article 5 of this chapter;

2. A site location map showing the proposed development, abutting properties, the access connections of the proposed development to surrounding and existing development, and transitional buffer zones, if required;
3. A multi-modal access plan, prepared at a scale not greater than one inch equals 100 feet, to demonstrate a unified plan of continuous access to and between all structures in the proposed development and adjacent properties where connections are appropriate. The multi-modal access plan shall cover the entire proposed development along with public right-of-way of adjoining streets and any other property lying between the subject property and any primary or secondary streets. Safe and convenient pathways shall be provided from sidewalks along streets to each structure entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Connections to available transportation nodes, such as driveways, sidewalks, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Where an existing or planned public transportation station or stop is within 1,250 feet from the nearest boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property. Where an existing or planned bike path is located within 1,500 feet from the nearest boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.
4. Two copies of a plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of 24 inches by 36 inches, and one 8½ inches by 11 inches reduction of the plan. A .jpg copy of the plan shall be e-mailed to the director of planning. If presented on more than one sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:
 - a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines;
 - b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics;
 - c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any;
 - d. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is an air survey or field run;
 - e. Delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or City of Stonecrest;
 - f. Delineation of any jurisdictional wetlands, as defined by section 404 of the Federal Clean Water Act;
 - g. Approximate delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it;
 - h. Delineation of all existing structures and whether they will be retained or demolished;
 - i. General location, in conceptual form, of proposed uses, lots, buildings, building types and building entrances;

- j. Height and setback of all existing and proposed buildings and structures;
 - k. Location, size and number of all on-street and off-street parking spaces, including a shared parking analysis, if shared parking is proposed;
 - l. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;
 - m. Conceptual plans for drainage with approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed;
 - n. Development density and lot sizes for each type of use;
 - o. Areas to be held in joint ownership, common ownership or control;
 - p. Identification of site access points and layout, width of right-of-way and paved sections of all internal streets;
 - q. Location of proposed sidewalks and bicycle facilities, trails, recreation areas, parks, and other public or community uses, facilities, or structures on the site;
 - r. Conceptual layout of utilities and location of all existing and proposed utility easements having a width of ten feet or more;
 - s. Standard details of signs, sidewalks, streetlights, driveways, medians, curbs and gutters, landscaped areas, fencing, street furniture, bicycle lanes, streets, alleys, and other public improvements demonstrating compliance with the design guidelines for the overlay district; and
 - t. Seal and signature of the professional preparing the plan.
- 5. Two copies of the conceptual building designs including elevation drawings drawn to a scale of not less than one-sixteenth-inch equals one foot showing architectural details of proposed building, exterior materials, all of which demonstrate that the proposed design is in compliance with the Subarea Overlay District in which it is located. Drawings shall be presented on a sheet having a maximum size of 24 inches by 36 inches, along with one 8½ inches by 11 inches reduction of each sheet. A .pdf copy of the drawings shall be e-mailed to the director of planning. If the drawings are presented on more than one sheet, match lines shall clearly indicate where the several sheets join.
 - 6. Lighting plan. See article 5 of this chapter.
 - 7. Traffic study. See article 5 of this chapter.
- (Ord. of 8-2-2017, § 1(3.1.4))

Sec. 3.1.5. Final design package.

Upon receiving and addressing the city's comments with respect to the conceptual design package, the applicant must submit the final design package, including color .pdf copies, for review and approval. The final design package **must contain a statement of which governing district standards are being applied**, full architectural and landscape plans, site plan, elevations, section renderings depicting the building design containing elevations and architectural detailing of proposed buildings, exterior materials and color, and plans and elevations of hardscape landscape and signs all of which must demonstrate compliance with overlay district regulations. All items and specifications necessary for obtaining land disturbance and building permits must be submitted with the final design package. The applicant may submit the final design package simultaneously with the land disturbance or building permit application, as applicable.

(Ord. of 8-2-2017, § 1(3.1.5))

270

271 Article 9 – Definitions

272 Section 9.1.3 Defined Terms

273 District, authorized zoning – a zoning district other than the base or underlying zoning district that is called out in
274 the provisions of an overlay zoning district to described what uses are permitted or authorized to be developed
275 within that overlay zoning district.

276 District, base zoning– see Underlying District

277 District, governing zoning – an underlying or authorized zoning district within an overlay zoning district by which
278 the design and dimensional standards of any existing or proposed development must adhere to. Also used to
279 determine site requirements on adjacent properties, such as buffers.

280 District, overlay zoning – a zoning district where certain additional requirements are superimposed upon an
281 underlying or base zoning district and where the requirements of the underlying or base district may or may not
282 be altered.

283 District, underlying zoning – Any zoning district that lies within or under the boundaries of an overlay zoning
284 district, also known as base zoning district.

285 District, Zoning – Any district delineated on the official zoning map under the terms and provisions of this
286 ordinance, or which may be created after the enactment of this ordinance for which regulations governing the
287 area, height, use of buildings, or use of land, and other regulations related to development or maintenance of
288 uses or structures are uniform.

289

290

291

292

293

294

295