



## CITY COUNCIL AGENDA ITEM

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**SUBJECT: TMOD-22-012 Animal Exhibition**

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**AGENDA SECTION:** *(check all that apply)*

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

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**CATEGORY:** *(check all that apply)*

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

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**ACTION REQUESTED:** ☒ DECISION    ☐ DISCUSSION,    ☐ REVIEW, or    ☐ UPDATE ONLY

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**Previously Heard Date(s):** 02/27/23 & 03/27/23

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

**Current Council Meeting:** Monday, April 24, 2023

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**SUBMITTED BY:** Raymond White, Planning & Zoning Director

**PRESENTER:** Raymond White, Planning & Zoning Director

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

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

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

**RECOMMENDED ACTION:** Approval

**ATTACHMENTS:**

- (1) Attachment 1 - Staff Report
- (2) Attachment 2 - Background & Approach Summary
- (3) Attachment 3 - Proposal
- (4) Attachment 4 - Click or tap here to enter text.

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

**ORDINANCE NO. \_\_\_\_ - \_\_\_\_\_**

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

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

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

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

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

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

36  
37 general welfare, or sound zoning practice that justify such action; and  
38

39 **WHEREAS**, the Director of Planning and Planning Commission recommend approval  
40  
41 based on the City Staff Report and said report is hereby incorporated by reference herein; and  
42

43 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Law  
44 has  
45  
46 been properly held prior to the adoption of this Ordinance; and  
47

48 **WHEREAS**, the health, safety, and welfare of the citizens of the city will be positively  
49  
50 impacted by the adoption of this Ordinance.  
51

52 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL**  
53  
54 **OF THE CITY OF STONECREST, GEORGIA**, and by the authority thereof:  
55

56 **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended by  
57  
58 amending Division 1 (Overview of Use Categories and Use Table) and Division 2 (Supplemental  
59  
60 Use Regulations) of Article 4 (Use Regulations) and Article 9 (Definitions) within Chapter 27  
61  
62 (Zoning Ordinance); within Chapter 27 (Zoning Ordinance); by adopting the provisions set forth  
63  
64 in Exhibit A attached hereto and made a part hereof by reference.  
65

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

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

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

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

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

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

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

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

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

111 Stonecrest, Georgia.

**ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**[SIGNATURES TO FOLLOW]**

**CITY OF STONECREST, GEORGIA**

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**Jazzmin Cobble, Mayor**

**ATTEST:**

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**City Clerk**

**APPROVED AS TO FORM:**

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**City Attorney**

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







Recreation club	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P		S P					P						S P	✓	
Places of worship	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P		S P	P	P	P	P	P	P	P	P	P	P	P	✓	
Recreation, outdoor																	P	P	P	P				✓	
Swimming pools, commercial	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P	P	P		P	P	P	<del>P</del>			P a	P a	P a	✓
Tennis courts, swimming pools, play or recreation areas, community,	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	P	P		P	P	P	P			P a	P a	P a	✓
Use	R E	R L G	R - 1 0 0	R - 8 5	R - 7 5	R - 6 0	R S M	M R - 1	M R - 2	H R - 1 , 2 , 3	M H P	R N C	O I	O I T	N S	C - 1	C - 2	O D	M	M - 2	M U - 1	M U - 2	M U - 3	M U - 4 , 5	See Section 4.2

Table 4.1. Use Table

CHAPTER 27: ZONING ORDINANCE

ARTICLE 4 – USE REGULATIONS

DIVISION 2. SUPPLEMENTAL USE REGULATIONS

As relates to Indoor Animal Exhibitions, such use shall:

1. Be conducted entirely within an enclosed building.
2. Not produce noise, dust, liquids, fumes, odors or other irritants that may affect surrounding residents, business owners or property owners.
3. Be properly insured and provide proof of such insurance to the City of Stonecrest.

- 153 4. Provide written permission from the owner or property manager of the building to  
154 be occupied as an indoor Animal Exhibition to the City.
- 155 5. Display a copy of all required valid licenses and permits in a prominent place on  
156 premises.
- 157 6. Be licensed and comply with all rules and regulations for a “Licensed Class C –  
158 Exhibitor” under the Animal Welfare Act (7 U.S.C. 2131 et seq.) and as regulated  
159 by the United States Department of Agriculture (USDA) regulations established in  
160 the most recent issue of “USDA Animal Care – Animal Welfare Act and Animal  
161 Welfare Regulations” (aka the USDA Blue Book).  
162 [https://www.aphis.usda.gov/animal\\_welfare/downloads/bluebook-ac-awa.pdf](https://www.aphis.usda.gov/animal_welfare/downloads/bluebook-ac-awa.pdf).  
163 All required licensing shall be renewed prior to expiration and a copy provided to  
164 the City. Upon expiration or non-renewal of the license, the use shall immediately  
165 cease operations until a copy of a valid license is provided to the City.
- 166 7. Comply with the Georgia Department of Agriculture Animal Health Division  
167 regulations as established in the Rules and Regulations of the State of GA Chapter  
168 40-13.
- 169 8. Comply with applicable standards of the Georgia Department of Natural Resources  
170 (DNR) for the regulation of non-native species as per the regulated wild  
171 animals/exotics types (<https://gadnrle.org/exotics>), and restricted non-native species  
172 found in O.C.G.A. §27-5-4.
- 173 9. Comply with applicable regulations and standards for regulated native species as  
174 per the Georgia DNR's laws related to native wildlife ([https://gadnrle.org/laws-](https://gadnrle.org/laws-native-wildlife)  
175 native-wildlife). The Georgia DNR shall be notified prior to adding additional  
176 regulated species prior to acquisition. Proof of notification and approval may be  
177 required at any time by the City of Stonecrest to ensure compatibility.
- 178 10. Comply with the Georgia Department of Agriculture (GDA) regulations for general  
179 requirements for animal health and disease prevention, including following all  
180 requirements for importing animals from out of state, for intrastate transportation,  
181 vaccination and quarantine requirements, as applicable, as per the Rules and  
182 Regulations of the State of Georgia Chapter 40-13  
183 (<http://rules.sos.state.ga.us/GAC/40-13>).
- 184 11. Comply with the Georgia Department of Public Health regulations pertaining to  
185 reporting rabies exposure.
- 186 12. Comply with DeKalb County requirements for "hazardous animals" as per DeKalb  
187 County Code of Ordinances, Chapter 5 – Animals  
188 ([https://library.municode.com/ga/dekalb\\_county/codes/code\\_of\\_ordinances?nodeId](https://library.municode.com/ga/dekalb_county/codes/code_of_ordinances?nodeId=CODECO_CH5AN)  
189 =CODECO\_CH5AN).

191 13. Comply with § 27-5-5 - Wild animals for which license or permit required :: 2010  
192 Georgia Code :: US Codes and Statutes :: US Law :: Justia

193  
194 As relates to *Outdoor Animal Exhibitions*, such use shall comply with paragraphs 1.  
195 through 13 directly above and the following additional regulations:

196 1. Outdoor animal exhibitions shall only be operated between the hours of 8:00 AM and  
197 8:00 PM.

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

201  
202 CHAPTER 27: ZONING ORDINANCE

203 ARTICLE 9 – DEFINITIONS

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

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

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



## PLANNING COMMISSION AND CITY COUNCIL STAFF REPORT

Planning Commission November 8th, 2022 / Mayor and City Council Meeting April 24, 2023

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### GENERAL INFORMATION

<b>Petition Number:</b>	TMOD- 22-012
<b>Applicant:</b>	Planning & Zoning Department
<b>Project Location:</b>	C-1 and C-2 Zoning Districts
<b>Proposed Development/Request:</b>	The purpose is to create a conditional use for outdoor and indoor exhibition as defined by USDA to operate as an animal exhibition
<b>Staff Recommendations:</b>	Approval
<b>Planning Commission:</b>	Approval on November 8, 2022
<b>City Council:</b>	April 24, 2023

### Stonecrest Zoning – Indoor Animal Exhibition

The following document includes recommended zoning language developed by the City of Stonecrest to review applications of those who “Animal Exhibition” as defined by the USDA “Animal Welfare Act and Animal Welfare Regulations”.

Recommended Use: ***Indoor Animal Exhibition***

Recommended Definition: An ***Indoor Animal Exhibition*** shall be any person, company or organization displaying any animals in an enclosed structure or building, to the public, for compensation, whether operating for profit or not. This use includes, but is not limited to indoor zoos, petting zoos, educational centers, carnivals, circuses and animal sanctuaries. This use shall not include retail pet stores, owners of domesticated household pets for personal enjoyment, county fairs, livestock shows, purebred dog or cat shows, or other similar events.

**Outdoor Animal Exhibition** means any sanctioned agricultural fair where animals are displayed on the exhibition grounds for physical contact with humans. It involves animal gathering organized for the purpose of comparing and judging the qualities of animals or presenting them for educational purposes and the main

TMOD-22-012



## PLANNING COMMISSION AND CITY COUNCIL STAFF REPORT

purpose of which is not to market “for sale”, but for exhibition; facilities shall include zoos, wildlife or fauna parks, aquariums and museums with live exhibits.

Recommended Zoning District: **C-1 and C-2** are the recommended districts as this is the current location where the applicant, Animal Exhibition, has been operating as an aquarium and desires to add additional animals other than aquarium-based wildlife.

Recommended Zoning Classification – **Conditional Use**. A special land use permit will allow the city to prescribe use standards to ensure appropriate operation and location and that it does not negatively impact surrounding businesses and residents.

Recommended Supplemental Regulations:

As it relates to **Indoor Animal Exhibitions**, such use shall:

1. Be conducted wholly within an enclosed building or structure.
2. Not produce noise, liquids or odors that affects surrounding businesses or property owners.
3. Be properly insured and provide proof of that insurance to the City.
4. Provide written permission from the owner or property manager of the building being occupied to the City.
5. Display a copy of all required valid licenses and permits in a prominent place on premises.
6. Be licensed and comply with all rules and regulations for a “Licensed Class C – Exhibitor” under the Animal Welfare Act (7 U.S.C. 2131 et seq.) and as regulated by the United States Department of Agriculture (USDA) regulations established in the most recent issue of “USDA Animal Care – Animal Welfare Act and Animal Welfare Regulations” (aka the USDA Blue Book). [https://www.aphis.usda.gov/animal\\_welfare/downloads/bluebook-ac-awa.pdf](https://www.aphis.usda.gov/animal_welfare/downloads/bluebook-ac-awa.pdf)).

This license shall be renewed prior to expiration and a copy provided to the City. Upon expiration or non-renewal of the license, the use shall immediately cease operations until a copy of a valid license is provided to the City.

7. The outdoor exhibition shall not exceed 5 hours of display.



## PLANNING COMMISSION AND CITY COUNCIL STAFF REPORT

9. Comply with the Georgia The Department of Agriculture Animal Health Division regulations as established in the [Rules and Regulations of the State of GA Chapter 40-13](#).
10. Comply with applicable standards of the Georgia Department of Natural Resources (DNR) for the regulation of non-native species as per the regulated wild animals/exotics types (<https://gadnrle.org/exotics>), and restricted non-native species found in O.C.G.A. §27-5-4.
11. Comply with applicable regulations and standards for regulated native species as per the Georgia DNR's laws related to native wildlife (<https://gadnrle.org/laws-native-wildlife>). The Georgia DNR shall be notified prior to adding additional regulated species prior to acquisition. Proof of notification and approval may be required at any time by the City of Stonecrest to ensure compatibility.
12. Comply with the Georgia Department of Agriculture (GDA) regulations for general requirements for animal health and disease prevention, including following all requirements for importing animals from out of state, for intrastate transportation, vaccination and quarantine requirements, as applicable, as per the Rules and Regulations of the State of Georgia Chapter 40-13 (<http://rules.sos.state.ga.us/GAC/40-13>).
13. Comply with the Georgia Department of Public Health regulations pertaining to reporting rabies exposure.
14. Comply with DeKalb County requirements for "hazardous animals" as per DeKalb County Code of Ordinances, Chapter 5 – Animals ([https://library.municode.com/ga/dekalb\\_county/codes/code\\_of\\_ordinances?nodeId=CODECO\\_CH5AN](https://library.municode.com/ga/dekalb_county/codes/code_of_ordinances?nodeId=CODECO_CH5AN))

**CITY OF STONECREST, GEORGIA 30038****REVIEW AND RECOMMENDATIONS RE: TMOD 22-012****Background**

The Mayor and City Council of the City of Stonecrest desire a review of TMOD 2022-012, which concerns an Ordinance text modification that would allow consideration of “animal exhibitions” as regulated by the USDA “Animal Welfare Act and Animal Welfare Regulations” in appropriate locations in the city. Identification of these locations is based on compatibility of animal exhibitions with the intent of the character areas reflected on the Future Development Map and goals and policies adopted in the City of Stonecrest Comprehensive Plan 2038.

This review also examines development standards designed to minimize potentially adverse impacts of such a use on the Stonecrest community and surrounding uses. These standards are proposed for incorporation into Division 2. Supplemental Use Regulations of the Stonecrest Zoning Ordinance. Finally, review of TMOD 2022-012 seeks to establish procedures for Mayor and Council in determining the appropriateness of animal exhibitions.

**Approach**

The approach to identifying those character areas most appropriate to the proposed animal exhibition use is proposed as an analysis using the standards of review of the Ordinance. These standards are found in Sec. 7.3.5. *Standards and factors governing review of proposed amendments to the official zoning map.* The standards have been used to assess (1) the compatibility of the proposed animal exhibitions with the comprehensive plan, specifically compatibility with the chosen character areas for which the exhibitions are proposed, (2) consistency with the purpose and intent of the underlying zoning districts associated with those character areas, (3) similarity of the proposed use with uses allowed in the selected zoning districts and (4) compatibility of the use as concerns impact on street network and other public infrastructure.

In considering potential locations for animal exhibitions based on compatibility with certain character areas and zoning districts, it was quickly acknowledged that animal exhibitions were a commercial use not compatible with residential districts. Animal exhibitions were determined to be equally incompatible with industrial uses at the other end of the land use spectrum. Guidance for evaluating locations for animal exhibitions came from the statements of intent of the character areas identified in the Comprehensive Plan 2038.

An important consideration in identifying appropriate locations for animal exhibitions, particularly indoor animal exhibitions, is the transportation network. Another consideration was the location of those character areas planned for commercial development. These character areas are found primarily along I-20.

Animal exhibitions are characterized as either “Indoor Animal Exhibitions” or “Outdoor Animal Exhibitions.” These exhibitions are associated with different impacts on surrounding uses and are defined below:



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

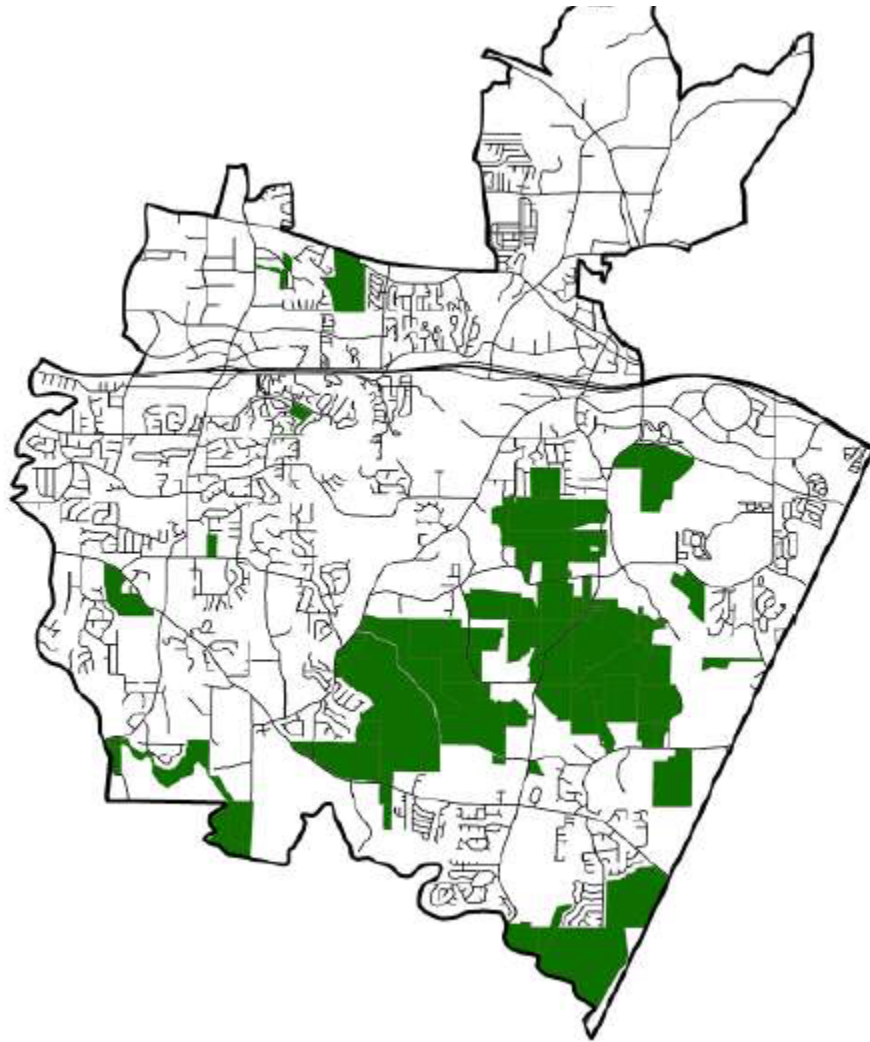
*Outdoor Animal Exhibitions* means the display of any animal to the public in an open-air structure such as a corral or other fenced area. Outdoor animal exhibitions may include, but are not limited to, outdoor zoos, outdoor petting zoos, wildlife or fauna parks and similar venues. This use shall not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

The character areas depicted on the 2038 Future Land Use Map were examined to identify any consistency among the Comprehensive Plan policies, the statement of intent of the several relevant character areas and the proposed animal exhibitions. Only those character areas considered compatible with the exhibitions were the subject of this review. That meant that no residential districts, including the mixed use districts, were reviewed for compatibility with the proposed use. Nor were the industrial character areas considered as conflicts between visitors to the attraction and large trucks was considered a public safety concern. The limited inventory of available industrial land was also an expressed concern. These concerns and guidance for rendering zoning decisions surrounding such uses as animal exhibitions are found in the City of Stonecrest Comprehensive Plan 2038 “Light Industrial Development Policies,” Zoning Compatibility – which states, “Protect existing and zoned undeveloped industrial land from unnecessary intrusion by conflicting land uses.” This caution against promoting non-industrial uses in the M-LI Light Industrial Character Area is also found in the M-HI Character Area.

### **Conservation/Open Space (COS) Character Area**

The City of Stonecrest Comprehensive Plan 2038 states, “The intent of the **Conservation and Open Space** Character Area is to preserve areas in the city with significant natural and ecological features, as well as environmentally sensitive recreational facilities for public enjoyment. These areas consist of undeveloped natural lands, environmentally sensitive and conservation areas that are not suitable for development. It also includes land used for active recreational purposes that provide for a wide range of activities with some land designated for cultural and historic preservation.”

“All zoning districts” identified in the Ordinance are considered compatible with the Conservation and Open Space (COS) Character Area. The zoning district specifically recommended here for the (COS) Character Area is the Arabia Mountain Conservation Overlay District (AMCOD). The COS Character Area and the Overlay share a substantial portion of the geography of the city itself.



### Conservation and Open Space Character Area

Sec. 3.4.5. Principal uses and principal structures establishes that “The principal uses of land and structures which are allowed in the Arabia Mountain Conservation Overlay District (AMCOD) are as provided by the applicable underlying zoning district.” The following additional uses are permitted in the AMCOD, with Outdoor Animal Exhibitions added as a desirable complement to the trail network, creating educational and recreational opportunities, a stop along the trail as an attractive draw for hikers, and a point of interest for children.

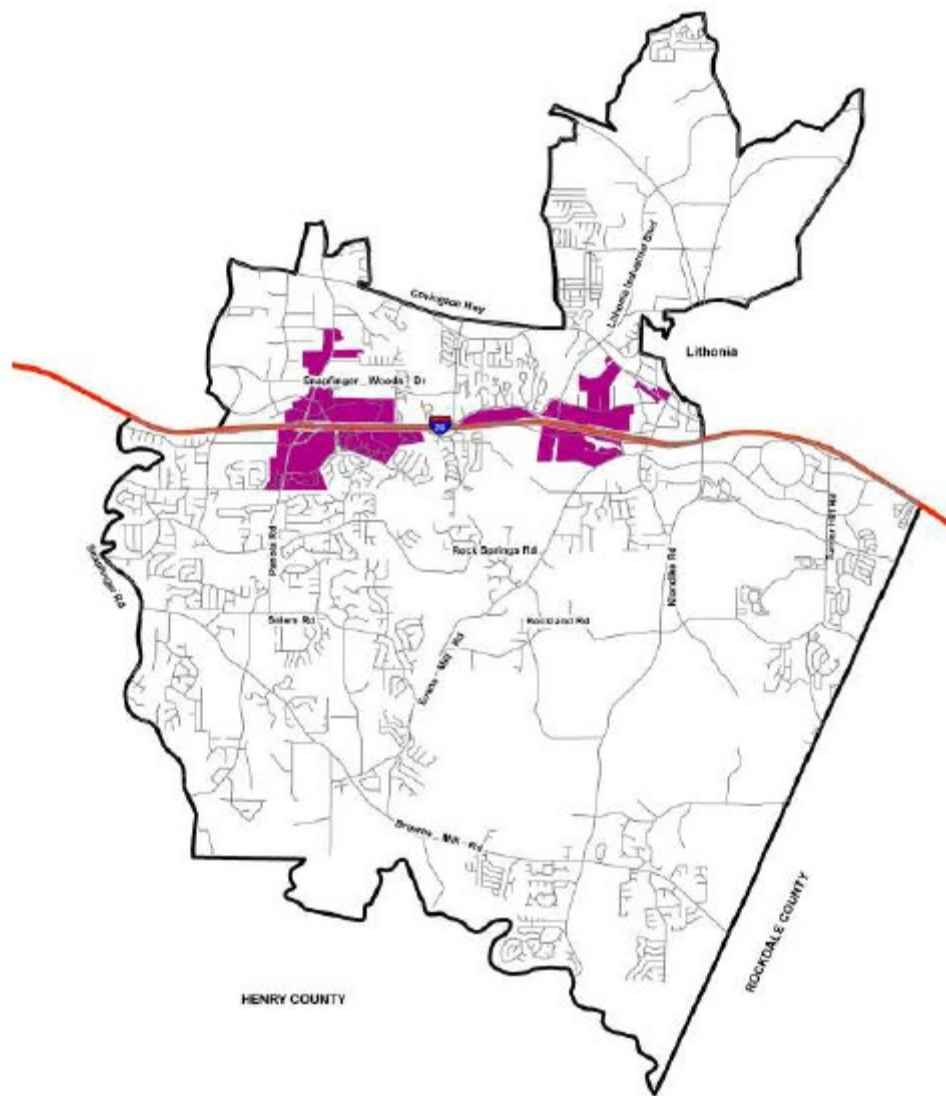
1. Recreation, passive and nature preserve.
2. Dog parks.
3. Bed and breakfast homes.
4. Outdoor concert halls.
5. Urban Gardens.
6. Outdoor animal exhibitions.

An important policy of the Plan found in the Conservation/Open Space Development Policies states “Promote conservation and greenspace areas as passive use and recreation destinations.” Outdoor animal exhibitions may be considered recreation destinations.

Among the community goals and policies adopted in the Comprehensive Plan 2038 is Policy ED-4 that states, “Promote the city’s historic and natural resources as an attraction for tourists and visitors. Facilitate the development of commercial facilities that enhance these resources—i.e. bike shops and eateries along the Arabia Mountain PATH.” An outdoor animal exhibit could conceivably be such an attraction.

### **City Center Character Area**

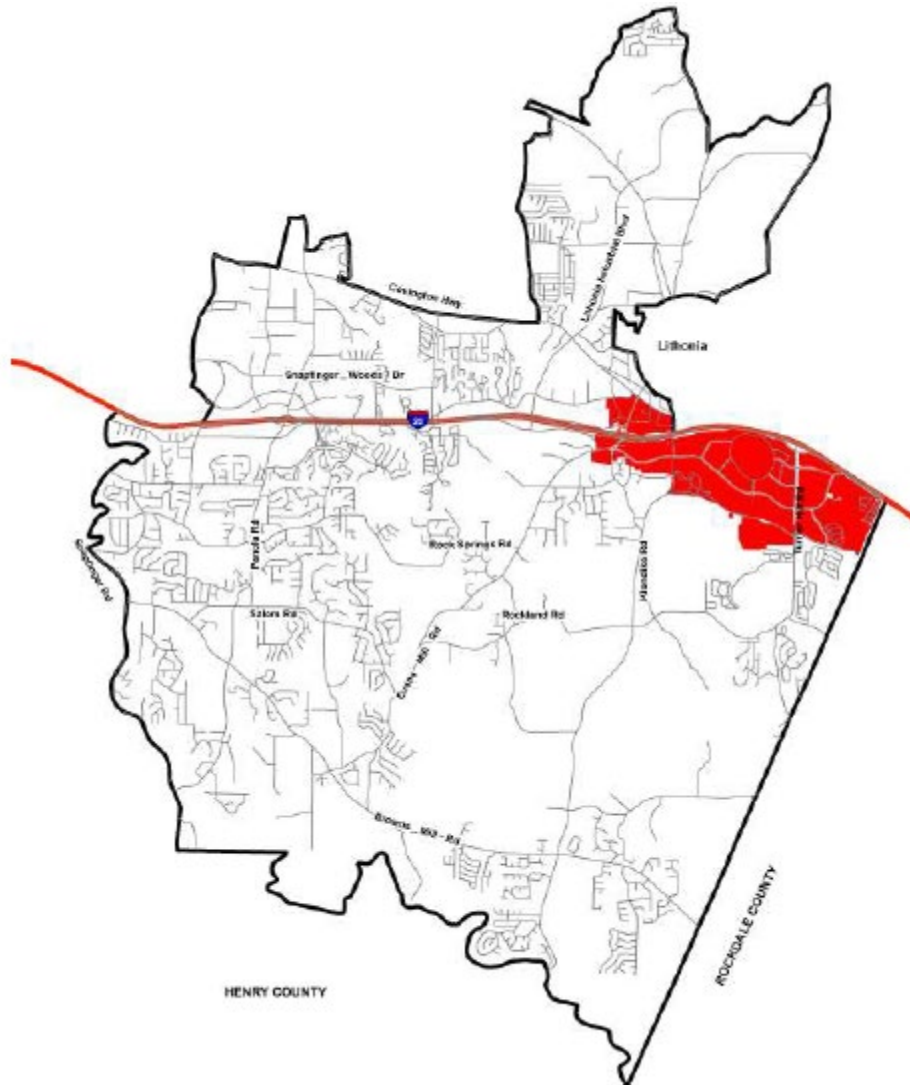
The City of Stonecrest Comprehensive Plan 2038 states, “The intent of the **City Center** Character Area is to promote the concentration of residential and commercial uses, which serve surrounding communities in order to reduce automobile travel, promote walkability and increase transit usage. The areas should be a focal point for several neighborhoods with a variety of activities such as general retail, commercial, professional office, high-density housing, entertainment and recreational uses and appropriate public open spaces that are easily accessible by pedestrians. This character area is similar to neighborhood center, but at a larger scale. The preferred density for areas of this type is up to 40 dwelling units per acre.



## City Center Character Area

## Regional Center Character Area

The City of Stonecrest Comprehensive Plan 2038 states, “The intent of the **Regional Center** Character Area is to promote the concentration of regional service activities to a centralized location that allow for a variety of uses while reducing automobile travel, promoting walkability and increased transit usage. These areas consist of a high intensity of regional commercial, office, employment areas, high density residential and higher-education facilities. These areas are characterized by high vehicular traffic, and high transit use, including stops, shelters and transfer points. The proposed density for areas of this type allows up to 120 dwelling units per acre.



## Regional Center Character Area

## **Appropriate Zoning and Overlay Districts**

The majority of commercially zoned properties in the city of Stonecrest is located along the I-20 Corridor and consists primarily of the C-1 Local Commercial District and the C-2 General Commercial District.

Given the overlap of the Arabia Mountain Conservation Overlay District by incorporating the outdoor animal exhibition use into the range of uses that may be allowed in this Overlay District. This will enable the City to capitalize on outdoor activities such as hiking and biking this venue accommodates.

Each character area depicted on the Future Development Map is associated with zoning districts deemed compatible with the respective character area. The zoning districts within each character area. The character areas are an established guide for the future use of property throughout Stonecrest.

### ***C-1 Local Commercial District Purpose and Intent***

- A. To provide convenient local retail shopping and service areas within the city for all residents;
- B. To provide for auto-oriented needs outside of the Neighborhood Center, Town Center and Regional Center character areas, but to focus on the pedestrian oriented development within these districts;
- C. To provide for quality control in development through materials and building placement;
- D. To ensure that the uses authorized within the C-1 (Local Commercial) District are those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods;
- E. To implement the future development map of the city's comprehensive plan.

### ***C-1 Local Commercial District Permitted and Special Uses***

- A. Urban, community garden, up to five (5) acres as a permitted use.
- B. Urban, community garden, over five (5) acres, subject to a special administrative permit.
- C. Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors)

### ***C-2 General Commercial District Purpose and Intent***

- A. To provide convenient general business and commercial service areas within the city for all residents;
- B. To provide for the development of new general commercial districts where so designated on the comprehensive plan;
- C. To provide for auto-oriented needs outside of the Neighborhood Center, Town Center and Regional Center character areas, but to focus on the pedestrian oriented development which in these districts;
- D. To provide for quality control in development through materials and building placement;

E. To ensure that the uses authorized within the C-2 (General Commercial) District are those uses which are designed to serve the general business and commercial service needs of the city;

F. To implement the future development map of the city's comprehensive plan.

***C-2 General Commercial District Permitted Uses and Special Uses***

A. Indoor recreation (bowling alleys, movie theatres and other activities conducted wholly indoors)

B. Outdoor recreation (miniature golf, batting cages, tennis, Go-cart and other outdoor activities)

***Arabia Mountain Conservation Overlay District Purpose and Intent***

A. To provide for the protection of natural resources and of scenic views of areas within the boundaries of the AMCOD, so as to protect and enhance the public welfare associated with these natural resources and the aesthetic qualities within this area, consistent with the policies of the Stonecrest Comprehensive Plan;

B. To provide reasonable and creative planning and development within the AMCOD while preserving the natural land form and features, trees and tree canopy, and the views to and from Arabia Mountain as indicated on the adopted map;

C. To assure that all activities and authorized uses of land allowed within the AMCOD, whether allowed uses or permitted uses, are activities or uses which are designed so as not to detract from or damage the protected natural resources and scenic beauty of this district;

D. To encourage and promote the dedication of conservation easements to appropriate public and not-for-profit entities established and authorized to hold easements in perpetuity pursuant to the Georgia Uniform Conservation Easement Act (O.C.G.A. 44-10 and 12-6A), for the purposes of protecting historical and [archaeological] areas, the habitat of endangered or threatened animal and plant species (as defined in the federal Endangered Species Act U.S.C. 1531 and the Endangered Wildlife Act of 1973), providing passive recreational and educational opportunities, preserving the cultural history of the area, protecting open space within the city, and protecting scenic views to and from Arabia Mountain; and

E. To provide consistent development standards that will adhere to common design characteristics that include but are not limited to deep setbacks from the main road; strategic buffer zones; home "clustering"; shorter streets within a development and shared open spaces connected by trails, walkways and paths.

***Arabia Mountain Conservation Overlay District Permitted Uses***

A. Recreation, passive and nature preserve.

B. Dog Parks.

C. Bed and Breakfast homes.

D. Outdoor Concert halls.

E. Urban Gardens.

#### **F. Outdoor Animal Exhibition**

As seen on the Future Land Use Map as Exhibit F. Stonecrest Future Land Use Map which depicts the character areas of the Comprehensive Plan, specifically the Conservation/Open Space Character Area, and the geography of the Arabia Mountain Conservation Overlay District designated on the Stonecrest Overlay Map as Exhibit G. Stonecrest Overlay Zoning Map, these areas are relatively less developed compared to the remainder of the city. This has likely facilitated dedications and acquisitions that may not otherwise have been economically feasible. This circumstance also bodes well for the location of an Outdoor Animal Exhibit, as densities are low and the potential for conflicts between residents and such a commercial use is also low. The Arabia Mountain Conservation Overlay District tracks the Conservation/Open Space Character Area geography and the Rural Residential Character Area accounts for much of the remainder of that Overlay.

#### **Analysis of Text Modification 22-012; Criteria to be applied to Zoning Petitions**

*Sec. 7.3.5. Standards and factors governing review of proposed amendments to the official zoning map* establishes that “The following standards and factors are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the official zoning map:

*A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.*

Conformity of the zoning proposal with the policy and intent of the several character areas of the comprehensive plan that are the focus of this analysis is as follows:

##### **Conservation/Open Space (COS) Character Area**

The intent of the **Conservation and Open Space Character Area** is to preserve areas in the city with significant natural and ecological features, as well as environmentally sensitive recreational facilities for public enjoyment. These areas consist of undeveloped natural lands, environmentally sensitive and conservation areas that are not suitable for development. It also includes land used for active recreational purposes that provide for a wide range of activities with some land designated for cultural and historic preservation.

The intent of the **City Center Character Area** is to promote the concentration of residential and commercial uses, which serve surrounding communities in order to reduce automobile travel, promote walkability and increase transit usage. The areas should be a focal point for several neighborhoods with a variety of activities such as general retail, commercial, professional office, high-density housing, entertainment and recreational uses and appropriate public open spaces that are easily accessible by pedestrians. This character area is similar to neighborhood center, but at a larger scale. The preferred density for areas of this type is up to 40 dwelling units per acre.



The intent of the **Regional Center Character Area** is to promote the concentration of regional service activities to a centralized location that allows for a variety of uses while reducing automobile travel, promoting walkability and increased transit usage. These areas consist of a high intensity of regional commercial, office, employment areas, high density residential and higher-education facilities. These areas are characterized by high vehicular traffic, and high transit use, including stops, shelters and transfer points. The proposed density for areas of this type allows up to 120 dwelling units per acre.

The purpose and intent of the city council in establishing the **Arabia Mountain Conservation Overlay District (AMCOD)** is as follows:

- A. To provide for the protection of natural resources and of scenic views of areas within the boundaries of the AMCOD, so as to protect and enhance the public welfare associated with these natural resources and the aesthetic qualities within this area, consistent with the policies of the Stonecrest Comprehensive Plan;
- B. To provide reasonable and creative planning and development within the AMCOD while preserving the natural land form and features, trees and tree canopy, and the views to and from Arabia Mountain as indicated on the adopted map;
- C. To assure that all activities and authorized uses of land allowed within the AMCOD, whether allowed uses or permitted uses, are activities or uses which are designed so as not to detract from or damage the protected natural resources and scenic beauty of this district;
- D. To encourage and promote the dedication of conservation easements to appropriate public and not-for-profit entities established and authorized to hold easements in perpetuity pursuant to the Georgia Uniform Conservation Easement Act (O.C.G.A. 44-10 and 12-6A), for the purposes of protecting historical and [archaeological] areas, the habitat of endangered or threatened animal and plant species (as defined in the federal Endangered Species Act U.S.C. 1531 and the Endangered Wildlife Act of 1973), providing passive recreational and educational opportunities, preserving the cultural history of the area, protecting open space within the city, and protecting scenic views to and from Arabia Mountain; and
- E. To provide consistent development standards that will adhere to common design characteristics that include but are not limited to deep setbacks from the main road; strategic buffer zones; home "clustering"; shorter streets within a development and shared open spaces connected by trails, walkways and paths.

The Davidson-Arabia Mountain Nature Preserve a part of the geography of the Arabia Mountain Conservation Overlay District is described in the Comprehensive Plan as an historic and recreation resource, "Today, the Davidson-Arabia Mountain Nature Preserve is a great place to hike, bike, and explore the fantastic natural wonders of a monadnock."

The zoning proposal is in conformity with the policy and intent of the comprehensive plan which encompasses recreational policies and fostering a variety of uses.

*B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.*

The proposed text modification will not pertain to a specific property, as this modification will merely add the “animal exhibition” use as an opportunity to apply for approval of a special land use permit for a specific property going forward. The special land use permit process will afford Mayor and Council the opportunity to evaluate all applications for such venues in the context of surrounding uses, that is, on a case-by-case basis. The standards proposed for assignment to this venue in Division 2. Supplemental Use Regulations of the ordinance, and any additional standards Mayor and Council deem appropriate, will serve to protect the Stonecrest community and surrounding uses.

*C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*

The existing zoning is considered presumptively valid. The proposed text modification will not be applicable to a specific property upon adoption. Rather, the finding as to whether a particular property has a reasonable economic use as currently zoned would be the subject of an analysis of the property for which an application for assignment of the Arabia Mountain Conservation Overlay District to the property is submitted.

*D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.*

As the assignment of the Arabia Mountain Conservation Overlay District is subject to approval of a special land user permit, the supplemental use standards Division 2. Supplemental Use Regulations and any reasonable conditions City Council may choose, mitigation measures could be adopted to minimize the adverse impacts. Substantial buffering to protect less intense uses is one example of such measures.

*E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*

As the population of Stonecrest increases, demand for attractions such as animal exhibits may be expected to increase as well. This is a changing condition affecting the use and development of the property that gives supporting grounds for approval of the zoning proposal.

*F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.*

The special land use permit process will afford Mayor and Council the opportunity to evaluate all applications for such venues in the context of surrounding uses and site historic or archaeological resources on a case-by-case

basis. The standards proposed for assignment to such exhibitions in Division 2. Supplemental Use Regulations of the ordinance, and any additional standards Mayor and Council deem appropriate, will serve to protect the Stonecrest community and surrounding uses.

*G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*

A maximum of five (5) acres applicable to outdoor animal exhibitions will tend to prevent excessive or burdensome use of existing streets, transportation facilities, and utilities. While the TMOD 22-012 establishes a minimum floor area, City Council would have the opportunity to control the scale of any indoor animal exhibition facility during the SLUP process. Such factors as proximity to residential uses, locations limited to arterial streets and maximum floor area could be referenced during that process. Given the development standards recommended for placement in Division 2. Supplemental Use Regulations, and any conditions Mayor and Council may deem appropriate to the context and the specific proposal, the zoning proposal will not result in a use that will or could cause a burdensome use of existing streets, transportation facilities, or utilities.

No impact on schools will be associated with the proposed use.

*H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.*

Standards to be adopted within Division 2. Supplemental Use Regulations will be protective of the environment and surrounding natural resources.

The possibility of visitor contamination by animal wastes and disease vectors could impact human health. Such policies as hand sanitizing stations at entrances and exits, timely waste removal, and other measures published by the Arizona Department of Health Services and the National Association of State Public Health Veterinarians (NASPHV) are proposed for adoption. These measures will tend to minimize adverse impacts on the environment and the public.

### **Animal Exhibition Approval Process**

Given the potentially adverse impacts of animal exhibitions on surrounding uses, establishment of such exhibitions should be subject to a Special Land Use Permit. Sec. 7.4.1. Special land use permits generally of Division 4. Special Land Use Permits provides guidance for consideration of a SLUP. Importantly, Sec. 7.4.2. Initiation of applications and public hearing requires a public hearing prior to a decision on any use subject to a special land use permit.

Sec. 7.4.6. Special land use permit; criteria to be considered establishes the criteria that shall be considered by the planning department, planning commission, and city council in deciding any application for a special land use permit. These criteria are intended to ensure that the proposed use can be accommodated at a particular location without creating unacceptable impacts and in compliance with the adopted supplemental use

regulations of Article 4. Use Regulations, Division 2. Supplemental Use Regulations. Sec. 7.4.9. Action by the city council, subsection B authorizes city council to “impose conditions based upon the facts of a particular application.”

### **Incorporation of Regulations in Division 2. Supplemental Use Regulations**

A new Sec. 4.2.62 *Indoor Animal Exhibitions* shall comply with the following regulations:

The following “Supplemental Use Regulations” are proposed for the purpose of mitigating potentially adverse impacts on the Stonecrest community and surrounding properties. All Animal Exhibitions shall comply with the following development standards:

1. Be conducted entirely within an enclosed building.
2. Not produce any noise, dust, liquids, fumes, odors or other irritants that may affect surrounding residents, business owners or property owners.
3. Be properly insured and provide proof of such insurance to the City of Stonecrest.
4. Provide written permission from the owner or property manager of the building being occupied as an Indoor Animal Exhibition to the City.
5. Display a copy of all required valid licenses and permits in a prominent place on the premises, including a current Occupational Tax Certificate.
6. Be licensed and comply with all rules and regulations for a “Licensed Class C – Exhibitor” under the Animal Welfare Act (7 U.S.C. 2131 et seq.) and as regulated by the United States Department of Agriculture (USDA) regulations established in the most recent issue of “USDA Animal Care – Animal Welfare Act and Animal Welfare Regulations” (aka the USDA Blue Book). [https://www.aphis.usda.gov/animal\\_welfare/downloads/bluebook-acawa.pdf](https://www.aphis.usda.gov/animal_welfare/downloads/bluebook-acawa.pdf). All required licensing shall be renewed prior to expiration and a copy provided to the City. Upon expiration or nonrenewal of such license, the use shall immediately cease operations until a copy of a valid license is provided to the City.
7. Comply with the Georgia Department of Agriculture Animal Health Division regulations as established in the [Rules and Regulations of the State of GA Chapter 40-13](#).
8. Comply with applicable standards of the Georgia Department of Natural Resources (DNR) for the regulation of non-native species as per the regulated wild animals/exotics types (<https://gadnrle.org/exotics>), and restricted non-native species found in O.C.G.A. §27-5-4.
9. Comply with applicable regulations and standards for regulated native species as per the Georgia DNR's laws related to native wildlife (<https://gadnrle.org/laws-native-wildlife>). The Georgia DNR shall be notified prior to adding additional regulated species prior to acquisition. Proof of notification and approval may be required at any time by the City of Stonecrest to ensure compatibility.

10. Comply with the Georgia Department of Agriculture (GDA) regulations for general requirements for animal health and disease prevention, including following all requirements for importing animals from out of state, for intrastate transportation, vaccination and quarantine requirements, as applicable, as per the Rules and Regulations of the State of Georgia Chapter 40-13 (<http://rules.sos.state.ga.us/GAC/40-13>).

11. Comply with the Georgia Department of Public Health regulations pertaining to reporting rabies exposure.

12. Comply with DeKalb County requirements for "hazardous animals" as per DeKalb County Code of Ordinances, Chapter 5 – Animals  
([https://library.municode.com/ga/dekalb\\_county/codes/code\\_of\\_ordinances?nodeId=CODECO\\_CH5AN](https://library.municode.com/ga/dekalb_county/codes/code_of_ordinances?nodeId=CODECO_CH5AN))

13. Comply with [§ 27-5-5 - Wild animals for which license or permit required :: 2010 Georgia Code :: US Codes and Statutes :: US Law :: Justia](#)

14. Comply with Measures to Protect Human Health “Tips for Making Your Petting Zoo Safe for the Public” found in Exhibit H.

Sec. 4.2.63 *Outdoor Animal Exhibitions* shall comply with Sec. 4.2.62 Indoor Animal Exhibitions as appropriate to the use and the following additional standards:

1. Outdoor animal exhibitions shall only operate between the hours of 8:00 AM and 8:00 PM.
2. No building that houses animals or enclosure that contains animals shall be placed less than one hundred (100) feet from a common property boundary with a residential use or a residential zoning district.

#### **Criteria to be applied in considering Animal Exhibitions Applications**

The mechanism recommended for decision applications for Animal Exhibitions is the Special Land Use Permit. The SLUP is already well established in the zoning ordinance and grants wide latitude to City Council in deciding such applications, as provided below:

*Sec. 7.4.6. Special land use permit; criteria to be considered.*

The following criteria shall be considered by the planning department, the planning commission, and the city council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the city council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations in article 4 of this chapter:

A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.

- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
- C. Adequacy of public services, public facilities, and utilities to serve the proposed use.
- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.
- E. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.
- F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.
- G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.
- H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.
- I. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.
- J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.
- K. Whether the proposed use is consistent with the policies of the comprehensive plan.
- L. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.
- M. Whether there is adequate provision of refuse and service areas.
- N. Whether the length of time for which the special land use permit is granted should be limited in duration.
- O. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.
- P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.
- Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.
- R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

### **Authority of City Council in deciding Animal Exhibition Applications**

Sec. 7.4.9. *Action by the city council* establishes the following authority:

A. The city council, after conducting the public hearing with public notice as required by this chapter, shall vote to approve the application, **approve the application with conditions**, deny the application, defer the application, or, upon request of the applicant, to permit withdrawal of the application without prejudice.

B. The **city council may impose conditions** based upon the facts of a particular application in accordance with section 7.4.9.

C. The decision of the city council on each application for special land use permit shall be based on a determination as to whether or not the application satisfies the criteria contained in section 7.4.6, the criteria contained in section 7.4.7 where applicable to the use proposed, and the requirements of the zoning district in which such use is proposed to be located.

D. The city council may specify the duration of each such special land use permit approved.

### **Recommendations**

The recommendations concern (1) which character areas are appropriate for the animal exhibitions, (2) which zoning districts and (3) what conditions of approval should be assigned to this use. The latter should be development standards to be placed in Division 2. Supplemental Use Regulations.

The proposed animal exhibition use would only be allowed in the character areas identified as compatible with the use, and only within specified zoning districts that are in one of those character areas. The following parameters would control the location of the exhibitions:

A. Indoor Animal Exhibitions shall only be allowed in the City Center Character Area and the Regional Center Character Area and on properties zoned C-1 Local Commercial District or C-2 General Commercial District.

B. The Indoor Animal Exhibition use shall be added to the C-1 Local Commercial District and the C-2 General Commercial District in Table 4.1. Use Table under the Recreation and Entertainment Use section of Chapter 27 Zoning Ordinance Article 4. Use Regulations as a use subject to Mayor and Council approval of a Special Land Use Permit.

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

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

### **Existing Dimensional Standards to Remain Intact**

As the USDA are expert in animal husbandry and that federal agency regulates such uses, the dimensional standards for the respective C-1 Local Commercial District, the C-2 General Commercial District found in Table 2.24. Nonresidential Zoning Districts Dimensional Requirements, as appropriate, would be unchanged by adoption of this TMOD 22-012. These are the dimensional standards of the underlying zoning district, applicable to all other permitted uses; and no justification for amending these was found.

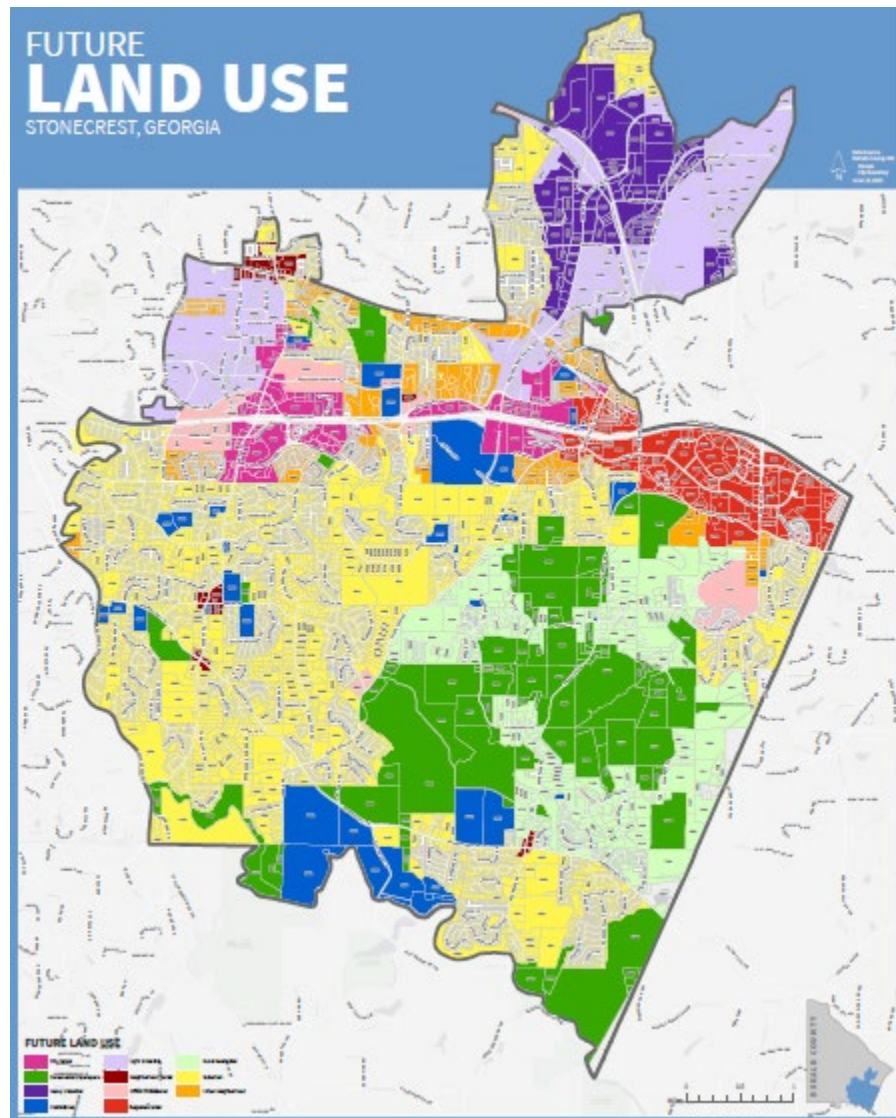
The dimensional standards of the underlying zoning district as pertains to the Arabia Mountain Conservation Overlay District will be determined by the underlying zoning as indicated on the Official Zoning Map, City of Stonecrest, Georgia.

### **Guidance for Other Events**

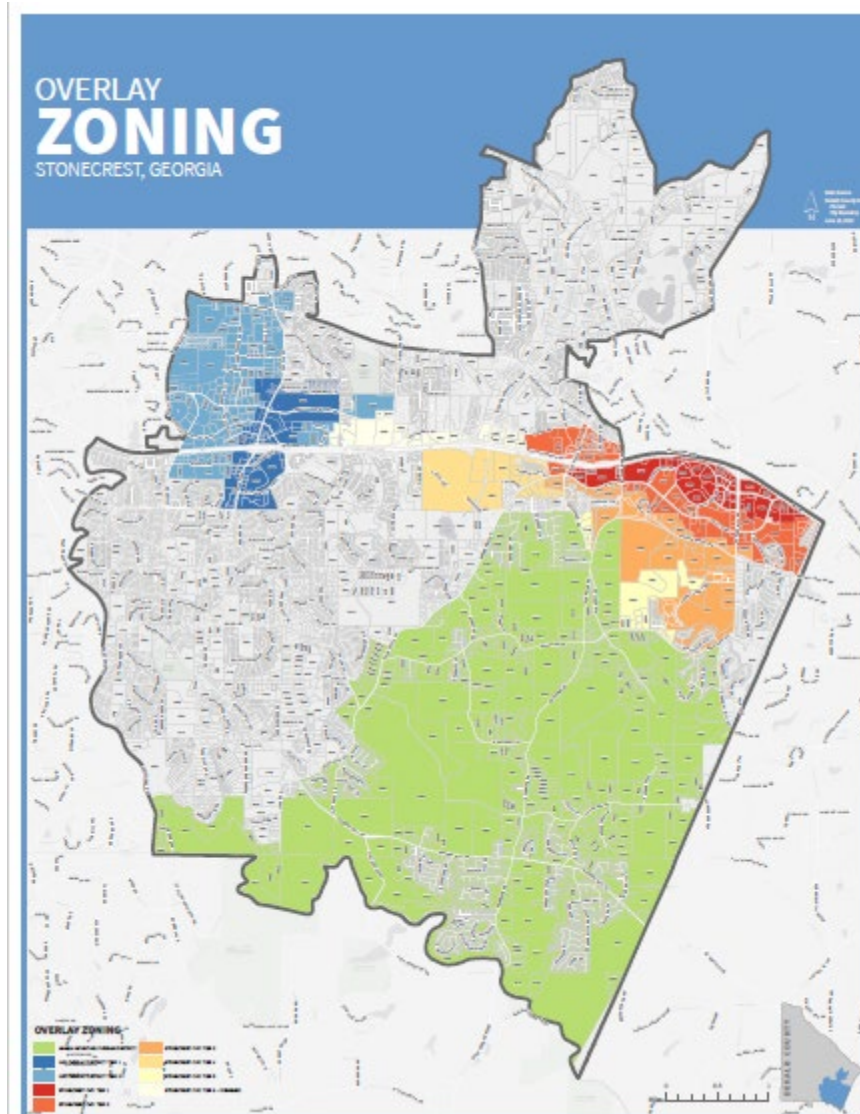
For purposes of this review of TMOD 2022-012, carnivals, circuses, and similar venues are not considered outdoor animal exhibitions, rather these temporary events are regarded by the Ordinance as temporary outdoor events, akin to “special events.” Such temporary events are subject to the regulation of temporary outdoor events found in Sec. 4.3.1. Temporary outdoor uses, general requirements; Sec. 4.3.2. Duration, frequency and hours of operation of temporary outdoor uses; and Sec. 4.3.5. Temporary outdoor events which provides that “Temporary outdoor events may include temporary art shows, carnival rides, special outdoor social or religious event, entertainment, athletic events, rodeos, horse shows, and other events of community interest.”



## Exhibit F. Stonecrest Future Land Use Map



## Exhibit G. Stonecrest Overlay Zoning Map



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Institutional/Public																										
Community Facilities																										
Animal Exhibitio n, Indoor																	S P	S P								
Animal Exhibitio n, Outdoor																	S P	S P								
Aquarium /Indoor/ Outdoor Exhibitio n																	S P	S P								



Recreation club	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P		S P					P						S P	✓	
Places of worship	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P		S P	P	P	P	P	P	P	P	P	P	P	P	✓	
Recreation, outdoor																	P	P	P	P				✓	
Swimming pools, commercial	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P	P	P		P	P	P	<del>P</del>			P a	P a	P a	✓
Tennis courts, swimming pools, play or recreation areas, community,	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	P	P		P	P	P	P			P a	P a	P a	✓
Use	R E	R L G	R - 1 0 0	R - 8 5	R - 7 5	R - 6 0	R S M	M R - 1	M R - 2	H R - 1 , 2 , 3	M H P	R N C	O I	O I T	N S	C - 1	C - 2	O D	M	M - 2	M U - 1	M U - 2	M U - 3	M U - 4 , 5	See Section 4.2

Table 4.1. Use Table

## CHAPTER 27: ZONING ORDINANCE

### ARTICLE 4 – USE REGULATIONS

#### DIVISION 2. SUPPLEMENTAL USE REGULATIONS

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

1. Be conducted entirely within an enclosed building.
2. Not produce noise, dust, liquids, fumes, odors or other irritants that may affect surrounding residents, business owners or property owners.
3. Be properly insured and provide proof of such insurance to the City of Stonecrest.

- 153 4. Provide written permission from the owner or property manager of the building to  
154 be occupied as an indoor Animal Exhibition to the City.
- 155 5. Display a copy of all required valid licenses and permits in a prominent place on  
156 premises.
- 157 6. Be licensed and comply with all rules and regulations for a “Licensed Class C –  
158 Exhibitor” under the Animal Welfare Act (7 U.S.C. 2131 et seq.) and as regulated  
159 by the United States Department of Agriculture (USDA) regulations established in  
160 the most recent issue of “USDA Animal Care – Animal Welfare Act and Animal  
161 Welfare Regulations” (aka the USDA Blue Book).  
162 [https://www.aphis.usda.gov/animal\\_welfare/downloads/bluebook-ac-awa.pdf](https://www.aphis.usda.gov/animal_welfare/downloads/bluebook-ac-awa.pdf).  
163 All required licensing shall be renewed prior to expiration and a copy provided to  
164 the City. Upon expiration or non-renewal of the license, the use shall immediately  
165 cease operations until a copy of a valid license is provided to the City.
- 166 7. Comply with the Georgia Department of Agriculture Animal Health Division  
167 regulations as established in the Rules and Regulations of the State of GA Chapter  
168 40-13.
- 169 8. Comply with applicable standards of the Georgia Department of Natural Resources  
170 (DNR) for the regulation of non-native species as per the regulated wild  
171 animals/exotics types (<https://gadnrle.org/exotics>), and restricted non-native species  
172 found in O.C.G.A. §27-5-4.
- 173 9. Comply with applicable regulations and standards for regulated native species as  
174 per the Georgia DNR's laws related to native wildlife ([https://gadnrle.org/laws-](https://gadnrle.org/laws-native-wildlife)  
175 native-wildlife). The Georgia DNR shall be notified prior to adding additional  
176 regulated species prior to acquisition. Proof of notification and approval may be  
177 required at any time by the City of Stonecrest to ensure compatibility.
- 178 10. Comply with the Georgia Department of Agriculture (GDA) regulations for general  
179 requirements for animal health and disease prevention, including following all  
180 requirements for importing animals from out of state, for intrastate transportation,  
181 vaccination and quarantine requirements, as applicable, as per the Rules and  
182 Regulations of the State of Georgia Chapter 40-13  
183 (<http://rules.sos.state.ga.us/GAC/40-13>).
- 184 11. Comply with the Georgia Department of Public Health regulations pertaining to  
185 reporting rabies exposure.
- 186 12. Comply with DeKalb County requirements for "hazardous animals" as per DeKalb  
187 County Code of Ordinances, Chapter 5 – Animals  
188 ([https://library.municode.com/ga/dekalb\\_county/codes/code\\_of\\_ordinances?nodeId](https://library.municode.com/ga/dekalb_county/codes/code_of_ordinances?nodeId=CODECO_CH5AN)  
189 =CODECO\_CH5AN).

191 13. Comply with § 27-5-5 - Wild animals for which license or permit required :: 2010  
192 Georgia Code :: US Codes and Statutes :: US Law :: Justia

193 14. Comply with the National Association of State Public Health Veterinarians  
194 (NASPHV) standards for protection of human health.

196 As relates to *Outdoor Animal Exhibitions*, such use shall comply with paragraphs 1.  
197 through 14 directly above and the following additional regulations:

198 1. Outdoor animal exhibitions shall only be operated between the hours of 8:00 AM and  
199 8:00 PM.

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

204 CHAPTER 27: ZONING ORDINANCE

205 ARTICLE 9 – DEFINITIONS

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

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

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