

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

ORDINANCE NO. _____

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST AMENDING CHAPTER 14 (LAND DEVELOPMENT) ARTICLE III. (SUBDIVISIONS) DIVISION 1. (GENERALLY), CHAPTER 27 (ZONING ORDINANCE) ARTICLE 2 (DISTRICT REGULATIONS) AND ARTICLE 9 (DEFINITIONS) OF THE CITY OF STONECREST ORDINANCE TO PROVIDE FOR REVISED DEFINITIONS, DISTRICT USES, DESCRIPTIONS, PURPOSE, AND REVISED LAND DEVELOPMENT STANDARDS; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the County; and

WHEREAS, CHAPTER 27 (ZONING ORDINANCE) ARTICLE 9 (DEFINITIONS) of the City of Stonecrest Zoning Ordinance provides for definitions in order to protect and promote the health, safety, welfare, and general well-being of the citizens of Stonecrest County; and

WHEREAS, CHAPTER 27 (ZONING ORDINANCE) ARTICLE 2 (DISTRICT REGULATIONS) of the City of Stonecrest Zoning Ordinance set for the purpose for each zoning district uses and regulations as well as development standards in order to protect and promote the health, safety, welfare, and general well-being of the citizens of Stonecrest; and

WHEREAS, CHAPTER 14 (LAND DEVELOPMENT) ARTICLE III. (SUBDIVISIONS) DIVISION 1. (GENERALLY) of the City of Stonecrest Land Development Ordinance sets for the permitted uses in order to protect and promote the health, safety, welfare, and general well-being of the citizens of Stonecrest; and

WHEREAS, the Mayor and City Council does hereby find that definitions must be established to revise and clarify certain residential uses and the purpose of the district uses and land development requirements must be revised to update single-family and multi-family

residential development standards; and

WHEREAS, the Mayor and City Council does hereby find the following revisions to CHAPTER 14 (LAND DEVELOPMENT) and CHAPTER 27 (ZONING ORDINANCE) of the City of Stonecrest Zoning Ordinance, attached hereto as Exhibit A, to be a reasonable exercise of City of Stonecrest 's police power, and in the best interests of the public health, safety, and welfare;

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

SECTION 1. That CHAPTER 14 (LAND DEVELOPMENT) and CHAPTER 27 (ZONING ORDINANCE) of the City of Stonecrest Zoning Ordinance is hereby amended to revise and clarify certain residential uses, while updating the purpose of the district uses and development requirements to revise single-family and multi-family residential land development standards attached hereto as Exhibit A.

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

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

SECTION 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their 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 Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2022.

CITY OF STONECREST, GEORGIA

George Turner, Mayor Pro Tem

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

DRAFT

DRAFT

EXHIBIT A

CHAPTER 14 – LAND DEVELOPMENT

ARTICLE III. – SUBDIVISIONS

DIVISION 1. – GENERALLY

Sec. 14-55. - Title.

This article shall be known, cited, and referred to as the subdivision regulations of the City of Stonecrest.

Sec. 14-56. - Effective date.

These subdivision regulations shall become effective on adoption.

Sec. 14-57. - Policies and purposes.

(a)

Policies.

(1)

It is declared to be the policy of the City of Stonecrest to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the city pursuant to the city's official comprehensive plan in order to promote the orderly, planned, efficient, and economical development of the city.

(2)

The applicant shall indicate that land to be subdivided **shall be For Sale or For Rent or a combination of thereof.** It shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace.

(3)

The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the comprehensive plan and official maps and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the comprehensive plan, and official map and land use plan.

(b)

These regulations are adopted for the following purposes:

(1)

To protect and provide for the public health, safety, and general welfare of the City of Stonecrest.

(2)

To guide the future growth and development of the city in accordance with the comprehensive plan.

(3)

To protect and conserve the value of land and the economic stability of all communities in the city and to encourage the orderly and beneficial development of the city through appropriate growth management techniques, including consideration of the timing and sequencing of development, consideration of infill development in existing neighborhoods and nonresidential areas with adequate public facilities.

(4)

To guide public policy and both public and private actions in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and public services and support facilities.

(5)

To provide for the safe and efficient circulation of traffic throughout the city, having particular regard to avoidance of congestion in the streets and highways and the pedestrians and bicycle traffic movements appropriate to the various uses of lands and buildings, and to provide for the proper location and width of streets and building lines.

(6)

To ensure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land developments.

(7)

To establish reasonable standards of design and procedures for subdivisions and resubdivisions to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.

(8)

To ensure to the extent legally possible that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision.

(9)

To protect and restore the highest quality of the city's air and water resources; to ensure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability, and beauty of the city and the value of the land.

(10)

To preserve the natural beauty, environment, and topography of the city and to ensure appropriate development with regard to these natural features.

CHAPTER 27 – ZONING ORDINANCE

ARTICLE 2 – DISTRICT REGULATIONS

DIVISION 3. RE (RESIDENTIAL ESTATE) DISTRICT

Sec. 2.3.1.

Statement of purpose and intent.

The purpose and intent of the City Council in establishing the RE (Residential Estate) District is as follows:

- A. To preserve rural and estate residential character and to provide for very low density rural For sale residential ~~uses~~ communities.
- B. To provide for the protection of neighborhoods within the city where lots have a minimum area of one acre;

- C. To provide protections for existing development as new subdivisions are created;
- D. To ensure that the uses and structures authorized in the RE (Residential Estate) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- E. To provide for appropriately sized accessible and useable open space in new developments for the health, recreational and social opportunities for city citizens;
- F. To provide areas for agricultural uses as appropriate;
- G. To implement the future development map of the city's comprehensive plan.

DIVISION 4. RLG (RESIDENTIAL LARGE LOT) DISTRICT

Sec. 2.4.1.

Statement of purpose and intent.

The purpose and intent of the City Council in establishing the RLG (Residential Large Lot) District is as follows:

A. To provide for the development of large lot dwelling, Single Family “For Sale” residential subdivisions and For Sale Communities.

- B.** To provide for the protection of neighborhoods within City of Stonecrest where lots have a minimum area of 20,000 square feet, but may have narrow lot widths;
- C.** To provide for compatible infill development in neighborhoods;
- D.** To provide protections for existing development as new subdivisions are created;
- E.** To respond to existing site development conditions and patterns;
- F.** To ensure that the uses and structures authorized in the RLG (Residential Large Lot) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- G.** To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents;
- H.** To implement the future development map of the city's comprehensive plan.

DIVISION 5. R-100 (RESIDENTIAL MEDIUM LOT-100) DISTRICT

Sec. 2.5.1.

Statement of purpose and intent.

The purpose and intent of the City Council in establishing the R-100 (Residential Medium Lot-100) District is as follows:

- A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 15,000 square feet;
- B. To provide for compatible infill development in neighborhoods;
- C. To provide ~~protections for existing development as new subdivisions are created~~ **“For Sale”, Single family detached residential subdivisions and For Sale Communities;**
- D. To provide flexibility in design on the interior of new development while protecting surrounding development;
- E. To ensure that the uses and structures authorized in the R-100 (Residential Medium Lot-100) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents; and
- G. To implement the future development map of the city's comprehensive plan.

DIVISION 6. R-85 (RESIDENTIAL MEDIUM LOT-85) DISTRICT

Sec. 2.6.1.

Statement of purpose and intent. The purpose and intent of the City Council in establishing the R-85 (Residential Medium Lot-85) District is as follows:

- A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 12,000 square feet;
- B. To provide for compatible infill development in neighborhoods;
- C. ~~To provide protections for existing development as new subdivisions are created~~ **“For Sale”, Single family detached residential subdivisions and For Sale Communities;**

D. To provide flexibility in design on the interior of new development while protecting surrounding development;

E. To ensure that the uses and structures authorized in the R-85 (Residential Medium Lot-85) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;

F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents;

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

DIVISION 7. R-75 (RESIDENTIAL MEDIUM LOT-75) DISTRICT

Sec. 2.7.1.

Statement of purpose and intent. The purpose and intent of the City Council in establishing the R-75 (Residential Medium Lot-75) District is as follows:

A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 10,000 square feet;

B. To provide for compatible infill development in neighborhoods;

C. To provide ~~protections for existing development as new subdivisions are created~~ **“For Sale”, Single family detached residential subdivisions and For Sale Communities**;

D. To provide flexibility in design on the interior of new development while protecting surrounding development;

E. To ensure that the uses and structures authorized in the R-75 (Residential Medium Lot-75) District are those uses and structures designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;

F. To provide for appropriately sized accessible and useable open space in new developments for health, recreational and social opportunities for city residents;

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

DIVISION 8. R-60 (RESIDENTIAL SMALL LOT-60) DISTRICT

Sec. 2.8.1.

Statement of purpose and intent. The purpose and intent of the City Council in establishing the R-60 (Residential Small Lot-60) District is as follows:

- A. To provide for the protection of neighborhoods within the city where lots have a minimum area of 6,000 square feet or 3,500 square feet if developed for cottage houses;
- B. To provide for compatible infill development in neighborhoods;
- C. To provide ~~protections for existing development as new subdivisions are created~~ **“For Sale”, Single family detached residential subdivisions and For Sale Communities-**;
- D. To provide flexibility in design within new development while protecting surrounding development;
- E. To ensure that the uses and structures authorized in the R-60 (Residential Small Lot-60) District are designed to serve the housing, recreational, educational, religious, and social needs of the neighborhood;
- F. To provide for appropriately sized accessible and useable open space in new developments for the health, recreational and social opportunities for city residents;
- G. To implement the future development map of the city's comprehensive plan.

DIVISION 9. MHP (MOBILE HOME PARK) DISTRICT

Sec. 2.9.1.

Statement of purpose and intent. The purpose and intent of the City Council in establishing the MHP (Mobile Home Park) District is as follows:

- A. To provide **For Sale or For Rent residential** locations within the city for the location of mobile home parks.
- B. To provide for the development of accessory uses that are necessary in order to provide appropriate recreational and educational opportunities to residents.

DIVISION 10. RNC (RESIDENTIAL NEIGHBORHOOD CONSERVATION) DISTRICT

Sec. 2.10.1. Scope of provisions.

The provisions contained within this division are the regulations of the RNC (Residential Neighborhood Conservation) **“For Sale”** District. This division establishes the procedures and the criteria that the City Council shall utilize in making a decision on any application to amend the official zoning map so as to change any parcel of land to the RNC (Residential Neighborhood Conservation) District.

Sec. 2.10.2. Statement of purpose and intent.

The purpose and intent of the City Council in the RNC (Residential Neighborhood Conservation) District is as follows:

- A. To encourage creative residential planning and development within the city that will preserve unique environmental features and be consistent with the comprehensive land use plan and preserves existing natural trees and vegetation;
- B. To conserve significant areas of useable greenspace within single-family neighborhoods in the Rural and Suburban character areas of the comprehensive plan;
- C. To provide a residential development that permits flexibility of design in order to promote environmentally sensitive and efficient use of land in compliance with the Code;
- D. To promote construction of accessible landscaped walking trails and bike paths both within subdivisions and, where possible, connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles;
- E. To preserve natural features, specimen trees, historic buildings, archaeological sites and establish a sense of community;
- F. To improve water quality and reduce runoff and soil erosion by reducing the total amount of clearing, grading, and paving, within the total area of a development;
- G. To encourage efficient community design that reduces infrastructure maintenance and public service costs borne by the city; and
- H. To implement the future development map of the city's comprehensive plan.

DIVISION 12. RSM (SMALL LOT RESIDENTIAL MIX) DISTRICT

Sec. 2.12.1. Statement of purpose and intent.

The purpose and intent of the City Council in establishing the RSM (Small Lot Residential Mix) District is as follows:

- A. To provide for the creation of **For Sale** residential neighborhoods that allow a mix of single-family attached and detached housing options;
- B. To provide flexibility in design and product on the interior of new development while protecting surrounding neighborhoods;
- C. To implement the future development map of the city's comprehensive plan.

DIVISION 13. MR-1 (MEDIUM DENSITY RESIDENTIAL-1) DISTRICT

Sec. 2.13.1. Statement of purpose and intent.

The purpose and intent of the City Council in establishing the MR-1 (Medium Density Residential-1) District is as follows:

- A. To encourage primarily **For Sale or For Rent** residential, planned developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of and opportunity for alternative modes of travel;
- D. To implement the future development map of the city's comprehensive plan.

DIVISION 14. MR-2 (MEDIUM DENSITY RESIDENTIAL-2) DISTRICT

Sec. 2.14.1. Statement of purpose and intent.

The purpose and intent of the City Council in establishing the MR-2 (Medium Density Residential-2) District is as follows:

- A. To encourage primarily **For Sale or For Rent** residential, planned developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile uses by increasing the ease of movement and opportunities for alternative modes of travel;
- D. To implement the future development map of the city's comprehensive plan; E. To provide districts that allow appropriate development transitions.

DIVISION 15. HR-1 (HIGH DENSITY RESIDENTIAL-1) DISTRICT

Sec. 2.15.1. Statement of purpose and intent.

The purpose and intent of the City Council in establishing the HR-1 (High Density Residential-

1) District regulations is as follows:

- A. To encourage primarily **For Sale or For Rent** residential, urban-scaled developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for high density, low-rise residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel;
- D. To implement the future development map of the city's comprehensive plan.

DIVISION 16. HR-2 (HIGH DENSITY RESIDENTIAL-2) DISTRICT

Sec. 2.16.1. Statement of purpose and intent.

The purpose and intent of the City Council in establishing the HR-2 (High Density Residential-2) District regulations is as follows:

- A. To encourage primarily **For Sale or For Rent** residential, urban-scaled developments that allow accessory retail, office, institutional, and civic uses;
- B. To provide for high density, mid-rise residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;
- C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel;
- D. To implement the future development map of the city's most current comprehensive plan.

DIVISION 17. HR-3 (HIGH DENSITY RESIDENTIAL-3) DISTRICT

Sec. 2.17.1. Statement of purpose and intent.

The purpose and intent of the City Council in establishing the HR-3 (High Density Residential-3) District regulations is as follows:

- A. To encourage primarily **For Sale or For Rent** residential, urban-scaled developments that allow accessory retail, office, institutional, and civic uses;

B. To provide for high density, high-rise residential neighborhoods with a mix of single-family and multifamily housing types that maintain harmony of scale, intensity, and design with surrounding development;

C. To provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel;

D. To implement the future development map of the city's most current comprehensive plan.

DIVISION 19. MU-1 (MIXED-USE LOW DENSITY) DISTRICT

Sec. 2.19.1. Dimensional requirements.

Dimensional requirements for the MU-1 (Mixed-Use Low Density) District shall be as provided in Table 2.17, Mixed-Use Zoning Districts Dimensional Requirements. Dimensions are established in Table 2.17 for the overall development site (development parcel) and for individual lots intended for **For Sale** single-family detached or single-family attached housing types, when such lots include yards. A mixed-use development may be subject to both the overall development site dimensions and the individual lot dimensions, depending on the mixture of housing types that are proposed for the overall development.

DIVISION 20. MU-2 (MIXED-USE LOW-MEDIUM DENSITY) DISTRICT

Sec. 2.20.1. District requirements, standards and criteria.

All provisions found in the MU-1 (Mixed Use Low Density) District shall apply to the MU-2 (Mixed-Use Low Medium Density) District, except that the maximum allowed dwelling unit density before application of any bonus is 6 dwelling units per acre, and after application of any bonuses is 12 dwelling units per acre.

DIVISION 21. MU-3 (MIXED-USE MEDIUM DENSITY) DISTRICT

Sec. 2.21.1. District requirements, standards and criteria.

All provisions found in the MU-2 (Mixed-Use Medium Density) District shall apply to the MU-3 (Mixed-Use Medium Density) District, except that:

A. The maximum allowed dwelling unit density before application of any bonus is 12 dwelling units per acre, and after application of any bonuses is 24 dwelling units per acre.

B. Section 2.19.8 regarding retail size restrictions shall not apply.

C. Height restrictions apply to the MU-3 (Mixed-Use Low-Medium Density) District based on a relationship of density, as achieved through bonuses, in accordance with Table 2.9 or 2.11, as applicable.

DIVISION 22. MU-4 (MIXED-USE HIGH DENSITY) DISTRICT

Sec. 2.22.1. District requirements, standards and criteria.

All provisions found in the MU-3 (Mixed-Use Medium Density) District shall also apply to the MU-4 (Mixed-Use High Density) District, except that:

A. The maximum allowed dwelling unit density before application of any bonus is 24 dwelling units per acre, and after application of any bonuses is 40 dwelling units per acre.

B. Height restrictions apply to the MU-4 (Mixed-Use High Density) District in accordance with Table 2.9, 2.11, or 2.13, as applicable. (Ord. of 8-2-2017, § 1(2.22.1))

DIVISION 23. MU-5 (MIXED-USE VERY HIGH DENSITY) DISTRICT

Sec. 2.23.1. District requirements, standards and criteria

ARTICLE 9 – DEFINITIONS

Sec. 9.1.3. - Defined terms.

For Rent: Constructed for the express purpose and intent of offering to the general public for lease and not intended For Sale.

For Rent Community: A residential Subdivision or Development with more than ten (10) percent of the Dwellings therein occupied, or intended to be occupied, by tenants rather than owners.

For Sale: Constructed for the express purpose and intent of offering to the general public for purchase.

For Sale Community: A residential Subdivision or Development with no more than ten (10) percent of the Dwellings therein occupied, or intended to be occupied, by tenants rather than owner

