

ARTICLE 3. OVERLAY DISTRICT REGULATIONS

DIVISION 1. OVERLAY DISTRICTS

Sec. 3.1.1. Overlay districts generally.

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

- A. All development and building permits for lots located, in whole or in part, within any overlay district shall meet all of the regulations of the underlying zoning district in which they are located as well as all of the regulations of the applicable overlay district.
- B. For new development after the effective date of the ordinance from which this chapter is derived, when no complete application for a land disturbance or building permit has been filed with respect to a property located within an overlay district and the property has conditions of zoning that were approved prior to, and in conflict with the overlay district regulations contained in this article, the overlay district regulations shall prevail. If a condition of zoning does not conflict with the overlay district regulations, the condition of zoning shall remain applicable to the property.
- C. For existing development, if overlay district regulations conflict with the conditions of zoning applicable to property within in an overlay district, the existing zoning conditions remain applicable to the property.
- D. If overlay district regulations conflict with other regulations contained in this chapter, the overlay district regulations shall prevail.
- E. The use of property may be permitted without rezoning if listed as allowed by the overlay. ~~Uses allowed by the underlying zoning in article 4 of this chapter, shall also be permitted in the overlay district, unless they are listed as prohibited within the overlay district.~~
- F. Each application for a business license, land disturbance permit, building permit or sign permit, which involves the development, use, exterior alteration, exterior modification or addition of any structure, must demonstrate compliance with all overlay district regulations, subject to article 8 of this chapter, nonconforming uses, structures and buildings.
- G. The zoning district designations contained in article 3 of this chapter, titled Overlay District Regulations, were not revised to reflect the new zoning district designations utilized in the updated zoning ordinance. Any discontinued zoning district references contained in this article 3 of this chapter shall therefore be construed using the conversion chart contained in Table 1.1 of article 1 of the zoning ordinance, and applied as appropriate to the updated provision of the zoning ordinance.
- H. When a plan package for a proposed development is submitted for conceptual plan review or a final design package approval for a land disturbance or building permit application, the governing district by related to design or dimensional standards by which the development will be reviewed under must be clearly stated. That governing district standards must be associated with either the underlying zoning district, or an authorized district as permitted by the applicable Overlay Tier at the time of application submittal.
- I. If the governing underlying district does not match the existing underlying district, the ~~city~~ applicant shall initiate a rezoning of the underlying property to the governing district, with property owner approval, at any point after final plat approval or the issuance of a Certification of Occupancy.

(Ord. of 8-2-2017, § 1(3.1.1))

Sec. 3.1.2. Purpose and intent.

Each Subarea Overlay has its own purpose and intent based on original overlay requirements.

(Ord. of 8-2-2017, § 1(3.1.2))

Sec. 3.1.3. Plan submittal, review and approval.

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

(Ord. of 8-2-2017, § 1(3.1.3))

Sec. 3.1.4. Conceptual plan package review.

A. The conceptual plan package shall include the following:

1. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this article. The narrative shall include a statement of what governing district review standards will be applied. The narrative shall include a tabulation of the approximate number of acres for each different land use type within the project, the approximate number of dwelling units by type, the approximate gross residential density, the approximate commercial density as well as square feet, the common open space acreage, the approximate open space acreage, the anticipated number, type and size of recreational facilities and other public amenities, and the legal mechanism for protecting and maintaining common/public open, as required in article 5 of this chapter;
2. A site location map showing the proposed development, abutting properties, the access connections of the proposed development to surrounding and existing development, and transitional buffer zones, if required;
3. A multi-modal access plan, prepared at a scale not greater than one inch equals 100 feet, to demonstrate a unified plan of continuous access to and between all structures in the proposed development and adjacent properties where connections are appropriate. The multi-modal access plan shall cover the entire proposed development along with public right-of-way of adjoining streets and any other property lying between the subject property and any primary or secondary streets. Safe and convenient pathways shall be provided from sidewalks along streets to each structure entrance, including pedestrian access routes across parking lots and between adjacent buildings within the same development. Connections to available transportation nodes, such as driveways, sidewalks, and bike paths shall be shown along adjacent streets and those entering adjoining properties. Where an existing or planned public transportation station or stop is within 1,250 feet from the nearest boundary of the subject property, the access plan shall show how pedestrians may safely travel from such station or stop to the subject property. Where an existing or planned bike path is located within 1,500 feet from the nearest boundary of the subject property, the access plan shall show how safe, continuous and convenient bicycle access shall be provided to the subject property.
4. Two copies of a plan drawn to a designated scale of not less than one inch equals 100 feet, certified by a professional engineer or land surveyor licensed by the state, presented on a sheet having a maximum size of 24 inches by 36 inches, and one 8½ inches by 11 inches reduction of the plan. A .jpg copy of the plan shall be e-mailed to the director of planning. If presented on more than one sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:
 - a. Boundaries of the entire property proposed to be included in the development, with bearings and distances of the perimeter property lines;
 - b. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics;
 - c. Location and approximate dimensions in length and width, for landscape strips and required transitional buffers, if any;
 - d. Existing topography with a maximum contour interval of five feet and a statement indicating whether it is an air survey or field run;
 - e. Delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or City of Stonecrest;
 - f. Delineation of any jurisdictional wetlands, as defined by section 404 of the Federal Clean Water Act;

The Code of the City of Stonecrest, Georgia, Chapter 27 ZONING ORDINANCE
ARTICLE 3. OVERLAY DISTRICT REGULATIONS

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

(Ord. of 8-2-2017, § 1(3.1.4))

Sec. 3.1.5. Final design package.

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

(Ord. of 8-2-2017, § 1(3.1.5))

Article 3 – Tier 3

Section 3.5.15 Low-rise mixed use-zone (Tier III).

Prohibited uses. The following principal uses of land and structures are prohibited in Tier III: Low-Rise Mixed-Use Zone of the Stonecrest Area Overlay District:

1.
Kennels.
2.
Junkyard.
3.
Tire retreading and recapping.
4.
Sexually oriented businesses.
5.
Outdoor amusement service facility.
6.
Outdoor storage.
7.
Automobile repair, major and minor.
8.
Hotel/motel.
9.
Automobile sales.
- 10.

The Code of the City of Stonecrest, Georgia, Chapter 27 ZONING ORDINANCE
ARTICLE 3. OVERLAY DISTRICT REGULATIONS

Temporary outdoor sales.

11.

Pawn shops.

12.

Liquor stores.

13.

Nightclubs.

14.

Late-night establishments.

15.

Car wash.

16.

Self-storage.

17.

Funeral home.

18.

Mortuary.

19.

Crematorium.

20.

Farm equipment and supplies sales establishment.

21.

Repair, small household appliance.

22.

Salvage yard.

23.

Automobile service stations, except automobile service stations over 4,000 square feet with special land use permit.

24.

Commercial parking lot.

25.

Check cashing facility.

26.

Automobile emission testing facilities.

27.

Industrial (Light and Heavy)

Sec. 3.5.15.2. - Cluster village mixed-use zone (Tier V).

A.

Statement of purpose and intent. The primary intent of Tier V is to encourage single-family detached residential developments with associated neighborhood commercial and office uses to serve the convenience needs of the local community in a village or cluster concept. This tier provides for the preservation of open space while allowing compatible development that complements the other Stonecrest Overlay District development categories. Tier V also seeks to preserve the rural and scenic beauty of Arabia Mountain Preserve while providing flexibility to allow for creativity in site design and development. The goal of Tier V is to minimize the environmental and visual impacts of new development on natural resources and historically and culturally significant sites and structures while encouraging residential and neighborhood commercial development in a well planned community.

~~B.~~

~~*Permitted principal uses and structures.* All properties in Tier V shall be governed by all of the underlying zoning district regulations and the requirements of this section. In addition, all properties in Tier V may be used for the following principal uses of land and structures:~~

~~1.~~

~~Adult day care facility.~~

~~2.~~

~~Bed and breakfast.~~

~~3.~~

~~Child day care facility.~~

~~4.~~

~~Assembly hall.~~

~~5.~~

~~Cultural facility.~~

~~6.~~

~~Detached single family dwelling.~~

~~7.~~

~~Office uses.~~

~~8.~~

~~Personal care facility.~~

~~9.~~

~~Place of worship.~~

~~10.~~

~~Retail, excluding drive through facilities, automobile service stations, commercial amusements, convenience store, liquor stores, package store, and recreation, indoor.~~

The Code of the City of Stonecrest, Georgia, Chapter 27 ZONING ORDINANCE
ARTICLE 3. OVERLAY DISTRICT REGULATIONS

~~11.~~

~~Office/medical.~~

~~12.~~

~~Personal services establishment.~~

- Sec. 3.5.15.3. - Viewshed zone (Tier VI).

Statement of purpose and intent. The intent of Tier VI is to promote uniform and visually aesthetic development which serves to unify the distinctive visual quality of the Stonecrest Area Overlay District.

B.

~~*Permitted principal uses and structures.* The permitted principal uses of land and structures for property in Tier VI shall be governed by all of the underlying zoning district regulations.~~

C.

Accessory uses and structures. The permitted accessory uses and structures for property in Tier VI shall be governed by the underlying zoning district.