

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

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

**AN ORDINANCE TO AMEND CHAPTER 27 (ZONING ORDINANCE) ARTICLE 2 (DISTRICT REGULATIONS), ARTICLE 3 (OVERLAY DISTRICT REGULATIONS) ARTICLE 4 (USE REGULATIONS) AND ARTICLE 9 (DEFINITIONS/MAPS) TO ADOPT PROVISIONS REGULATING MICRO HOMES IN 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 desires to amend CHAPTER 27 (ZONING ORDINANCE) ARTICLE 2 (DISTRICT REGULATIONS), ARTICLE 3 (OVERLAY DISTRICT REGULATIONS) ARTICLE 4 (USE REGULATIONS) AND ARTICLE 9 (DEFINITIONS/MAPS) to adopt provisions regulating micro homes in CHAPTER 27 (ZONING ORDINANCE); and

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

**WHEREAS**, the Director of Planning and Zoning recommends approval based on the City Staff Report; and

**WHEREAS**, a public hearing and recommendation pursuant to the provisions of the Zoning

Procedures Law has been provided by the Planning Commission; and

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

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

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

**Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended in **CHAPTER 27 (ZONING ORDINANCE)** by adopting the provisions set forth in Exhibit A attached hereto and made a part hereof by reference.

**Section 2.** That text added to current law appears in **red and bold.** 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 \_\_\_\_\_, 2024.**

**[SIGNATURES ON FOLLOWING PAGE]**

**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)**

# **TMOD 23-007 Micro Home Community (MHC) STONECREST ZONING ORDINANCE UPDATE**

## **Revision to the Zoning Ordinance, Chapter 27**

### **ARTICLE 2. – DISTRICT REGULATIONS**

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

##### **Sec. 2.15.2. – Permitted and special land uses.**

###### **A. Permitted Uses. The following uses are permitted as of right under this Code:**

###### **2. Residential.**

- a. Boarding/rooming house.**
- b. Dwelling, apartment.**
- c. Dwelling, cottage home; see section 4.2.**
- d. Dwelling, multifamily.**
- e. Dwelling, single-family (attached).**
- f. Dwelling, single-family (detached).**
- g. Dwelling; three family.**
- h. Dwelling, townhouse; see section 4.2.**
- i. Dwelling, two-family.**

- j. Dwelling, urban single-family; see section 4.2.
- k. Fraternity house or sorority house.
- l. Live/work unit; see section 4.2.
- m. Micro Home Community**

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

### **Sec. 2.16.2. – Permitted and special land uses.**

#### **A. Permitted Uses. The following uses are permitted as of right under this Code:**

##### **2. Residential.**

- a. Boarding/rooming house.
- b. Dwelling, apartment.
- c. Dwelling, cottage home; see section 4.2.
- d. Dwelling, multifamily.
- e. Dwelling, single-family (attached).
- f. Dwelling, single-family (detached).
- g. Dwelling; three family.
- h. Dwelling, townhouse; see section 4.2.
- i. Dwelling, two-family.
- j. Dwelling, urban single-family; see section 4.2.
- k. Fraternity house or sorority house.
- l. Live/work unit; see section 4.2.

**m. Micro Home Community**

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

**Sec. 2.17.2. – Permitted and special land uses.**

**A. Permitted Uses. The following uses are permitted as of right under this Code:**

**A. Residential.**

- a. Boarding/rooming house.**
- b. Dwelling, apartment.**
- c. Dwelling, cottage home; see section 4.2.**
- d. Dwelling, multifamily.**
- e. Dwelling, single-family (attached).**
- f. Dwelling, single-family (detached).**
- g. Dwelling; three family.**
- h. Dwelling, townhouse; see section 4.2.**
- i. Dwelling, two-family.**
- j. Dwelling, urban single-family; see section 4.2.**
- k. Fraternity house or sorority house.**
- l. Live/work unit; see section 4.2.**

**m. Micro Home Community**

## ARTICLE 3. – OVERLAY DISTRICT REGULATIONS

### DIVISION 1. – OVERLAY DISTRICTS

#### Sec. 3.1.6. Overlay use table.

Table 3.1 Overlay Use											
Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	
"Key: P—Permitted use Pa—Permitted as an accessory Use SA—Special administrative permit required SP—Special Land Use Permit (SLUP) required X—Prohibited Use  <b>*If Blank, check underlying zoning use table (4.1.3) *</b>  * Note: Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence"	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
RESIDENTIAL											
Dwellings											
Micro Home Community (MHC)	X					X	X	X	X	X	✓

## **DIVISION 4. – ARABIA MOUNTAIN CONSERVATION OVERLAY DISTRICT**

### **Sec. 3.4.5. – Principal uses and principal structures.**

**B. Prohibited uses. The following principal uses of land and structures shall be prohibited within the AMCOD:**

- 1. Sexually-oriented businesses.**
- 2. Drive-in Theater.**
- 3. Fairground or Amusement Park.**
- 4. Swimming pools as part of a commercial Recreation, Outdoor use or Recreation club; but not including swimming pools incidental to Open space, clubhouse or pool amenity.**
- 5. Coliseum or stadium, except for outdoor Concert Halls.**
- 6. Nightclub or late night establishment.**
- 7. Outdoor storage, mini-warehouses, and storage buildings.**
- 8. Pawn shops.**
- 9. Mortuary or Crematorium.**
- 10. Alcohol Outlets.**
- 11. Salvage yards and junk yards.**
- 12. Motel or Extended Stay Motel.**
- 13. Shelter for homeless persons.**
- 14. Transitional housing facility.**
- 15. Fuel Dealers, Fuel Pumps and Accessory Fuel Pumps.**

16. Automobile and truck rental and leasing, Automobile brokerage, Automobile mall, Automobile recovery and storage, Automobile rental and leasing, Automobile repair and maintenance, major, Automobile repair and maintenance, minor, Automobile sales, Automobile service station, Automobile upholstery shop, Automobile wash/wax service, Recreational vehicle, boat and trailer sales and service, Freight service, Transportation equipment and storage or maintenance (vehicle), and Vehicle storage yard.
17. Commercial parking garage/structure; Commercial parking lots.
18. Convenience store.
19. Drive-through facilities.
20. Personal service establishments.
21. Check cashing facility.
22. Heavy equipment storage.
23. Truck stops.
24. Warehouses.
25. Solid waste disposal, Private industry solid waste disposal facility.
26. Bus station or terminal.
27. Ambulance service facility, Private ambulance service, Dispatch office.
28. **Micro Home Community**

## **DIVISION 5. – STONECREST AREA OVERLAY DISTRICT**

### **Sec. 3.5.13. – High-rise mixed-use zone (Tier I Zone).**

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

- 1. Kennels.**
- 2. Tire retreading and recapping.**
- 3. Sexually oriented businesses.**
- 4. Reserved Micro Home Community**
- 5. Outdoor amusement services facilities.**
- 6. Outdoor storage.**
- 7. Farm equipment and supplies sales establishment.**
- 8. Repair, small household appliance.**
- ~~9. Hotel/motel.~~**
- 9. Automobile sales.**
- 10. Flea Markets**
- 11. Automobile title loan establishments.**
- 12. Pawn shops.**
- 13. Package stores, except package stores located in mixed-use buildings with at least three stories and one non-retail use, and the package store cannot exceed 25 percent of the total heated floor area of the building**
- 14. Salvage yards.**
- 15. Self-storage facilities. Except multi-story climate controlled self-storage facilities, with a minimum of three stories, located at least 1,500 feet from another self-storage facility subject to the following conditions:**

- a. No storage units can be accessible from interior corridors, no outside storage of any kind allowed, including vehicle leasing;
- b. All buildings must contain fenestration or architectural treatments that appear like fenestration;
- c. Storage units may not be used for commercial, residential or industrial uses.

**16. Gasoline service stations.**

**17. Automobile repair and maintenance, major.**

**18. Automobile and truck rental and leasing.**

**19. Commercial parking lots.**

**20. Automobile wash/wax service.**

**21. Check cashing facility.**

**22. Automobile emission testing facilities.**

**23. Small box discount stores.**

**Sec. 3.5.15.3. – Viewshed zone (Tier VI).**

**D. Prohibited uses. The following principal uses of land and structures are prohibited in Tier VI:**  
**Viewshed Zone:**

- 1. Sexually oriented businesses.**
- 2. Pawn shops.**
- 3. Package stores.**
- 4. Check cashing facility.**
- 5. Micro Home Community**

## **DIVISION 33. – INTERSTATE 20 CORRIDOR COMPATIBLE USE OVERLAY DISTRICT**

### **Sec. 3.33.6. – Prohibited uses.**

**A. The following principal uses of land and structures are prohibited within the I-20 Corridor Compatible Use Overlay District:**

- 1. Boarding and breeding kennels as a primary use.**
- 2. Storage yard for damaged automobiles or confiscated automobiles.**
- 3. Tire retreading and recapping.**
- 4. Sexually oriented businesses.**
- 5. Reserved Micro Home Community**
- 6. Go-cart concession.**
- 7. Outdoor equipment and materials storage.**
- 8. Heavy repair shop and trade shop.**
- 9. Extended stay motels.**
- 10. Used cars sales as a primary use.**
- 11. Temporary and/or seasonal outdoor sales.**
- 12. Title and pawn shops.**
- 13. Liquor stores.**
- 14. Night clubs excluded in Tiers 2 and 3.**
- 15. Salvage yards/junkyards.**
- 16. Automobile, wash/Wax.**
- ~~17. Self-storage.~~**
- 17. Small box discount stores**

## ARTICLE 4. – USE REGULATIONS

### Sec. 4.1.3. - Use table.

	KEY: P - Permitted use Pa - Permitted as an accessory use										SA - Special administrative permit from Planning and Zoning Director SP - Special land use permit (SLUP)  <b>BLANK = NOT PERMITTED</b>															
Use	R E	RL G	R- 10 0	R - 8 5	R - 7 5	R - 6 0	RS M	M R- 1	M R- 2	H R- 1,2 ,3	M HP	R N C	O I	OI 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 Secti on 4.2	
RESIDENTIAL																										
Dwellings																										
MICRO HOME COMMU NITY (MHC)										P																✓

## **DIVISION 2. – SUPPLEMENTAL USE REGULATIONS**

### **Sec. 4.2.49. MICRO HOME COMMUNITY (MHC)**

#### **A. Permitted Districts.**

- a. HR-1, HR-2, and HR-3**

#### **B. Site Requirements. No other code shall prevail over this section.**

- a. MHCs shall be on a minimum of two (2) acres of land.**
- b. The minimum building separation is ten (10) feet.**
- c. Minimum setback on all sides shall be twenty (20) feet from property line.**

#### **C. Courtyard/ Amenities Area.**

- a. MHCs shall have a minimum of three (3) of the following amenities:**
  - 1. Gazebo;**
  - 2. Swimming Pool;**
  - 3. Tennis Court;**
  - 4. Walking Trail;**
  - 5. Club House;**
  - 6. Pet-Friendly Amenities;**
  - 7. Children Playground;**
  - 8. Outdoor Recreational Area (basketball court, soccer field, football field, etc.);**  
**and/or**
  - 9. Any other innovative shared social space.**
- b. The courtyard cannot be parked or driven upon, except for emergency access and permitted temporary events.**

- c. The courtyard shall be located outside of stormwater/detention ponds, wetlands, streams, and lakes, and cannot be located on slopes greater than ten percent.

**D. Interior Requirements.**

- a. The living space per residential dwelling unit shall be a minimum of four hundred (400) square feet and a maximum of eight hundred (800) square feet, excluding patios, porches, garages, and similar structures.
- b. A split-level micro home shall include a first floor living space of at least one hundred fifty (150) square feet.
- c. A micro home shall have the following:
  - 1. Dedicated kitchen area with a sink, cooking appliance, refrigerator, and clear working space of not less than thirty (30) linear inches.
  - 2. Separate bathroom with a toilet, lavatory, and shower or bathtub.
  - 3. A separate closet.
  - 4. At least one habitable room containing an openable window and a closet.
  - 5. Ceilings at least 6'8" tall
  - 6. Rooms not meant for sleeping are at least 70 square feet.

**E. General Requirements.**

- a. All micro homes shall be designed, erected, and installed following applicable local, State, and Federal codes, regulations, and standards.
- b. Micro homes shall be placed on a permanent foundation and hooked up to an approved sewage disposal system, potable water service and electrical service.
- c. All units must be within five feet of each common open space/ courtyard. Setbacks cannot be counted toward the open space calculation.
- d. Mandatory HOA (Homeowners Association) is required for maintenance of streets, drainage, and all common areas.

- e. All utilities must be installed underground.
- f. One and half (1.5) parking spaces per dwelling unit shall be provided.
- g. All MHCs shall be governed by the State's Condominium Plat Ordinance.

## **ARTICLE 9. – DEFINITIONS/MAPS**

### **Sec. 9.3.1. – Defined terms.**

***Micro House* means a detached dwelling that is at least 400 square feet and no more than 800 square feet, excluding lofts and subject to zoning requirements and building code regulations.**

***Micro Home Community (MHC)* means any parcel or tract of land on which a maximum of 15 units per acre of micro houses are located or are intended to be located.**

***Site-Built Residential Dwelling (Stick-Built)* means residential buildings or structures that are built on the construction site and not designed or intended to be moved or relocated. Site-Built dwellings shall meet the following codes: International Residential Code (IRC), with Georgia Amendments; International Plumbing Codes (IPC), with Georgia Amendments; International Energy Efficiency Code (IECC) with Georgia Amendments; and the National Electrical Code (NEC).**