

STATE OF GEORGIA

DEKALB COUNTY

CITY OF STONECREST

ORDINANCE NO. ____ - _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST, GEORGIA ARTICLE IV (USE REGULATIONS), ARTICLE VI (PARKING) AND ARTICLE VIII (DEFINITIONS/MAPS) WITHIN CHAPTER 27 (ZONING ORDINANCE) FOR REVISIONS IMPACTING TRUCK PARKING LOTS; 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 ARTICLE IV (USE REGULATIONS), ARTICLE VI (PARKING) AND ARTICLE VIII (DEFINITIONS/MAPS) WITHIN 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 City's Zoning Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of Georgia's Zoning Procedures Law has been properly held by the City Council 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 by amending ARTICLE IV (USE REGULATIONS), ARTICLE VI (PARKING) AND ARTICLE VIII (DEFINITIONS/MAPS) WITHIN CHAPTER 27 (ZONING ORDINANCE) by adopting the amendment 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 _____, 2023.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

Raymond
White
Director
Planning and
Zoning
Department



Matthew
Williams
Deputy
Director
Planning and
Zoning
Department

TO: City Council

FROM: Planning and Zoning Department

SUBJECT: TMOD-23-001

ADDRESS: City-Wide

WORK SESSION DATE: August 14, 2023

Summary: The intent of the Gravel Parking Text Amendment, TMOD-23-001, is to provide guidelines, requirements and improve the appearance of truck parking lots.

STAFF RECOMMENDATION: APPROVAL

PLANNING COMMISSION RECOMMENDATION: 30 DAY DEFERRAL



FACTS & ISSUES

- Community Information Meeting (CPIM)
 - May 11, 2023
- Planning Commission
 - July 18, 2023
- Staff is proposing changes to Article 6 (Parking) of Chapter 27 (Zoning Ordinance) as well as TMOD21-012 (Gravel Parking)

Attachment(s) Included:

- **Revisions to the Zoning Ordinance**
- **Adopted Ordinance of TMOD21-012 (Gravel Parking)**

TMOD-23-001
STONECREST ZONING ORDINANCE UPDATE

Revision to the Zoning Ordinance, Chapter 27

Article 6. – Parking

Sec. 6.1.3. – Parking Regulations, off-street parking spaces.

B. All parking lots and spaces shall conform to the following requirements:

10. Notwithstanding any other provisions of chapter 27 or chapter 14, parking areas and/or parking on ~~unpaved~~ paved surfaces for **any industrial use for truck parking (commercial truck parking lot) transportation-equipment and storage or maintenance (vehicle), without services provided**, shall be permitted as a principal use on parcels zoned M or M-2, provided that:
 - a. The parking area shall be screened from the view of the public street with an opaque corrugated metal fence or wall minimum of ten (10) feet in height. Chain link and wooden fences along street frontage are prohibited.
 - b. The parking area shall be at least 25 feet from the street right-of-way.
 - c. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least two rows of trees. All trees shall be at least six (6) feet in height and/or two inches in caliber and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched.
 - d. ~~The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met~~ **Paving regulations must be in compliance with Chapter 14 (Land Development Ordinance);**
 - e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality; and
 - f. The **commercial truck** parking lot ~~has~~ shall be a minimum of **one-five (5)** acres.
 - g. **All existing parking lots that have an active business license with the gravel parking are legally nonconforming. Any modification to those parking lots requires compliance with the current ordinance.**

11. **Unpaved Paved** parking areas within the M and M-2 zones permitted under subsection B.10. of this section shall comply with the following specifications:
- a. The parking area shall be at least **750 150** feet from the boundaries of a residentially zoned parcel;
 - b. **The parking area subgrade must meet a minimum compaction of 95 percent as certified by a registered professional engineer Paving regulations must be in compliance with Chapter 14 (Land Development Ordinance);**
 - ~~c. The parking area surface shall be composed of at least eight inches of compacted Graded Aggregate Base;~~
 - ~~d. The Graded Aggregate Base shall be stabilized and treated to control dust through approved means, which may include but is not limited to, the effective design and operation of the facility, the periodic application of dust suppressant materials such as calcium chloride, magnesium chloride, or lignin sulfonate, reduced operating speeds on unpaved surfaces, or the periodic replenishment of gravel surfaces;~~
 - e. Parking areas shall be inspected by the City of Stonecrest, or a third-party inspector approved by the City of Stonecrest every year to ensure continued compliance with the above specifications. Proof of inspection and compliance with the Stonecrest Code of Ordinances is required at the time of annual business license renewal, and this inspection report must be approved by the Building Department prior to issuance or renewal of a business license. Additional maintenance such as grading, Graded Aggregate Base, or surface treatment may be.

Article 9. – Definitions/Maps

Sec. 9.1.3. – Defined Terms.

Commercial parking lot means an uncovered or unsheltered structure of one or more stories designed, constructed and used for the parking of motor vehicles for profit.

***Commercial truck parking lot* means an uncovered or unsheltered surface lot designed, constructed and used for the parking of motor trucks with a minimum of 5-axes or more for profit.**