

**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,

21 general welfare, or sound zoning practice that justify such action; and

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

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

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

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

30 **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended
31 by amending Division 1 (Overview of Use Categories and Use Table) and Division 2
32 (Supplemental Use Regulations) of Article 4 (Use Regulations) and Article 9 (Definitions)
33 within Chapter 27 (Zoning Ordinance); within Chapter 27 (Zoning Ordinance); by adopting the
34 provisions set forth in Exhibit A attached hereto and made a part hereof by reference.

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

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

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

42 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
43

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

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

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

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

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

64 **Section 8.** It is the intention of the governing body, and it is hereby ordained that the
65 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
66 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
(SEE ATTACHED)

CHAPTER 27: ZONING ORDINANCE

ARTICLE 4 – USE REGULATIONS

DIVISION 1. OVERVIEW OF USE CATEGORIES AND USE TABLE

Sec. 4.1.3. Use table.

Table 4.1 indicates the permitted uses within the base zoning districts. Even though a use is listed as an allowable use within a particular base zoning district, additional use restrictions may apply based on the applicable overlay zoning district requirements specified in article 3 of this chapter, overlay districts.

- A. The uses listed in Table 4.1 shall be permitted only within the zoning districts identified, and no use shall be established and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as:
 1. A permitted use (P);
 2. A special use (SP) subject to the special land use permit application procedures specified in article 7 of this chapter;
 3. An administratively approved use (SA) subject to the special administrative permit procedures specified in article 7 of this chapter;
 4. An accessory use (PA) as regulated by this article 4 of this chapter. Table 4.1 does not list all accessory uses but clarifies uses acceptable as accessory, though not typically considered principal uses for the zoning classification.
 5. Uses lawfully established prior to the effective date of this zoning ordinance.
- B. Any use not listed in Table 4.1, below, or interpreted to be allowed by the director of planning pursuant to section 4.1.2 is prohibited. Any applicant denied a permit to allow a use of property in a zoning district other than as provided in this section may file an appeal before the zoning board of appeals as provided in article 7 of this chapter.
- C. If there is a conflict between Table 4.1 and the text of this chapter, the text shall prevail.

INSTITUTIONAL/PUBLIC																								
Community Facilities																								
<u>Animal Exhibition, Indoor</u>																<u>S</u> <u>P</u>	<u>S</u> <u>P</u>							
<u>Animal Exhibition, Outdoor</u>																<u>S</u> <u>P</u>	<u>S</u> <u>P</u>							
Aquarium/Indoor/Outdoor Exhibition																S P	S P							
																S	S							
Cemetery, columbarium, mausoleum	S P	SP	SP	S P	S P	S P	SP	SP	SP	SP			P	P				P						✓
Club, order or lodge, fraternal, non-commercial													P	P		P	P	P	P		P	P	P	P
Coliseum or stadium/not associated with church or school																P	P	P				SP	P	✓
Cultural facilities								SP	SP	SP			S P	SP		S P	S P	SP	S P		SP	SP	SP	SP
Funeral home, mortuary													P	P		P	P				P	P	P	P
Golf course or clubhouse, public or private	P	P	P	P	P	P	P				P		P	P			P	P	P					✓
Government facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hospital or accessory ambulance service													P	P									P	P
Library or museum								P	P	P			P	P	P	P	P	P			P	P	P	P
Neighborhood or subdivision	P	P	P	P	P	P	P	P	P	P	P	P	P	P							P	P	P	✓

clubhouse or amenities																									
Recreation club	S P	SP	SP	S P	S P	S P	SP	SP	SP	SP		SP						P						SP	✓
Places of worship	S P	SP	SP	S P	S P	S P	SP	SP	SP	SP		SP	P	P	P	P	P	P	P	P	P	P	P	P	✓
Recreation, outdoor																	P	P	P	P				✓	
Swimming pools, commercial	S P	SP	SP	S P	S P	S P	SP	SP	SP	SP	SP	SP	P	P		P	P	P	P			Pa	Pa	Pa	✓
Tennis courts, swimming pools, play or recreation areas, community,	P a	Pa	Pa	P a	P a	P a	Pa	Pa	Pa	Pa	Pa	Pa	P	P		P	P	P	P			Pa	Pa	Pa	✓
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	HR- 1,2, 3	MH P	RN 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

Table 4.1. Use Table

115 CHAPTER 27: ZONING ORDINANCE

116 ARTICLE 4 – USE REGULATIONS

117 DIVISION 2. SUPPLEMENTAL USE REGULATIONS

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

- 119 1. Be conducted entirely within an enclosed building.
- 120 2. Not produce noise, dust, liquids, fumes, odors or other irritants that may affect surrounding residents, business owners
121 or property owners.
- 122 3. Be properly insured and provide proof of such insurance to the City of Stonecrest.
- 123 4. Provide written permission from the owner or property manager of the building to be occupied as an indoor Animal
124 Exhibition to the City.
- 125 5. Display a copy of all required valid licenses and permits in a prominent place on premises.
- 126 6. Be licensed and comply with all rules and regulations for a “Licensed Class C – Exhibitor” under the Animal Welfare
127 Act (7 U.S.C. 2131 et seq.) and as regulated by the United States Department of Agriculture (USDA) regulations
128 established in the most recent issue of “USDA Animal Care – Animal Welfare Act and Animal Welfare Regulations”
129 (aka the USDA Blue Book). https://www.aphis.usda.gov/animal_welfare/downloads/bluebook-ac-awa.pdf).
130 All required licensing shall be renewed prior to expiration and a copy provided to the City. Upon expiration or non-
131 renewal of the license, the use shall immediately cease operations until a copy of a valid license is provided to the City.
- 132 7. Comply with the Georgia Department of Agriculture Animal Health Division regulations as established in the Rules
133 and Regulations of the State of GA Chapter 40-13.
- 134 8. Comply with applicable standards of the Georgia Department of Natural Resources (DNR) for the regulation of non-
135 native species as per the regulated wild animals/exotics types (<https://gadnrle.org/exotics>), and restricted non-native
136 species found in O.C.G.A. §27-5-4.
137

- 138 **9. Comply with applicable regulations and standards for regulated native species as per the Georgia DNR's laws related**
139 **to native wildlife (<https://gadnrle.org/laws-native-wildlife>). The Georgia DNR shall be notified prior to adding**
140 **additional regulated species prior to acquisition. Proof of notification and approval may be required at any time by the**
141 **City of Stonecrest to ensure compatibility.**
- 142 **10. Comply with the Georgia Department of Agriculture (GDA) regulations for general requirements for animal health**
143 **and disease prevention, including following all requirements for importing animals from out of state, for intrastate**
144 **transportation, vaccination and quarantine requirements, as applicable, as per the Rules and Regulations of the State**
145 **of Georgia Chapter 40-13 (<http://rules.sos.state.ga.us/GAC/40-13>).**
- 146 **11. Comply with the Georgia Department of Public Health regulations pertaining to reporting rabies exposure.**
- 147 **12. Comply with DeKalb County requirements for "hazardous animals" as per DeKalb County Code of Ordinances,**
148 **Chapter 5 – Animals.**
- 149 **13. Comply with § 27-5-5 - Wild animals for which license or permit required :: 2010 Georgia Code :: US Codes and**
150 **Statutes :: US Law :: Justia**
- 151 **14. Comply with the National Association of State Public Health Veterinarians (NASPHV) standards for protection of**
152 **human health.**
- 153 **15. The proposed animal exhibition use shall only be allowed in the character areas identified as compatible with the use,**
154 **and only within specified zoning districts that are found in one of those character areas. The following parameters shall**
155 **control the location of the exhibitions:**
- 156
- 157 **A. Indoor Animal Exhibitions shall only be allowed in the City Center Character Area and the Regional Center**
158 **Character Area and on properties zoned C-1 Local Commercial District or C-2 General Commercial District.**
- 159 **B. The Indoor Animal Exhibition use shall be added to the C-1 Local Commercial District and the C-2 General**
160 **Commercial District in Table 4.1. Use Table under the Recreation and Entertainment Use section of Chapter 27 Zoning**
161 **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.

As relates to *Outdoor Animal Exhibitions*, such use shall comply with paragraphs 1. through 15. directly above and the following additional regulations:

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

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

CHAPTER 27: ZONING ORDINANCE

ARTICLE 9 – DEFINITIONS

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, and similar events.

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

190 For purposes of this text modification, carnivals, circuses, and similar venues are not considered outdoor animal exhibitions;
191 rather these temporary events are subject to the regulations of Sec. 4.3.1. Temporary outdoor uses, general requirements; Sec.
192 4.3.2. Duration, frequency and hours of operation of temporary outdoor uses; and Sec. 4.3.5. Temporary outdoor events.