



PLANNING & ZONING STAFF REPORT

Planning Commission October 4, 2022/ City Council October 24, 2022

GENERAL INFORMATION

Petition Number:	TMOD 22-0013
Applicant:	Planning & Zoning Department
Project Location:	City-Wide
Proposed Amendment:	Text amendment to amend Article 2- District Regulations, Article 4- Permitted Use Table, Article 9- Definitions, and Division 1- Subdivision Ordinance To Provide Descriptions, Purpose, and Revised Standards For Fee Simple and Rental Properties, And For Other Purposes.
Planning Commission:	Approved on October 4, 2022
City Council:	N/A

FACTS AND ISSUES

WHAT IS A RENTAL HOUSING ORDINANCE?

"Rental Housing Ordinance" is a generalized term used to describe provisions applicable specifically to rental housing units. The purpose of an ordinance varies from municipality to municipality; some require registration so that landlords/tenants can be easily contacted in case of emergency; others use it to ensure that interior maintenance and safety standards are met.

WHY DO MUNICIPALITIES IMPLEMENT THEM?

In recent years, the nation has experienced a slight decline in homeownership and an increase in rentership. This trend is driven by economic factors and by changing lifestyle choices, particularly among younger people who are the most likely to rent. With rentals comprising an increasing portion of housing units, many municipalities have enacted a rental housing ordinance.

The need for rental housing rules is greater in urbanized areas where one property owner or tenant's actions can directly affect the quality of life of those living nearby. If your neighbor's house catches on fire, your home could easily catch as well. If one's neighbor's house has a pest infestation, one's house is also at risk.



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Municipalities have implemented rental housing ordinances in order to:

- * Inventory existing rental units in the municipality.
- * Ensure that rental units are receiving regular maintenance;
- * Improve the safety of tenants and first responders in an emergency;
- * Help landlords understand their responsibilities with respect to property maintenance;
- * Help tenants understand expectations in terms of conduct and property maintenance;
- * Protect neighborhoods against disruptive tenants or irresponsible landlords;
- * Provide law enforcement officials with another tool to address disruptive conduct.

Most landlords and property management companies properly maintain their properties, and most tenants are respectful of their neighbors – but where this is not the case, a defined set of rules and standards can help to solve

problems.

WHAT TYPES OF PROVISIONS MIGHT A RENTAL HOUSING ORDINANCE CONTAIN?

- * **Registration of Unit.** Unit registration may be a one-time or an annual requirement, or may be required at the time of sale or transfer of a unit. Registration provides the municipality with basic information, such as the address and location of the unit and contact information for the owner or agent. Registration may be associated with a fee.
- * **Rental Unit Occupancy License.** A rental unit occupancy license may also be required at the time of occupancy and/or annually. The license typically contains information such as the name and contact information of the owner or agent, date and expiration of the license, information about trash and recycling collection, the telephone number for emergency responders, and the number to file a complaint about the unit. Issuance of a license may be associated with a fee.
- * **Display of License.** The rental license may be required to be displayed in the unit so that the tenant or emergency responders have access to all of the applicable contact information.
- * **Designation of Responsible Agent.** If the property owner does not live nearby, the ordinance may require that the owner designate an agent authorized to handle any issues that arise.



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* Designation of Owner and Tenant Duties. These sections can outline the expectations of both the owner and the tenant. This might include complying with applicable laws and occupancy requirements, properly disposing of trash and recycling, or maintaining the unit in good condition.

*Inspections. Inspections of rental units may occur at initial occupancy, at each change of occupancy, at regular intervals, at random, or as a result of a complaint. Municipalities may inspect for one or more of these circumstances.

*Disruptive Conduct/3 Strikes. Disruptive conduct is typically defined as littering, damage to or destruction of property, unreasonable noise, profane language, drunkenness, etc. associated with a dwelling unit. When disruptive conduct occurs, many municipalities documentation by a code official or police officer. Under a “3 Strikes” provision, any tenant who accumulates 3 disruptive conduct reports within a twelve month period must be evicted.

Article 2: District Regulations

District Name	District Type
<i>Residential Single-Family Districts</i>	
RE	Residential Estate
RLG	Residential Large Lot
R-100	Residential Medium Lot-100
R-85	Residential Medium Lot-85
R-75	Residential Medium Lot-75
R-60	Residential Small Lot
MHP	Mobile Home Park
RNC	Neighborhood Conservation
<i>Medium and High Density Residential Districts</i>	
RSM	Small Lot Residential Mix
MR-1	Medium Density Residential-1
MR-2	Medium Density Residential-2
HR-1	High Density Residential-1
HR-2	High Density Residential-2
HR-3	High Density Residential-3
<i>Mixed Use Districts</i>	
MU-1	Mixed-Use Low Density
MU-2	Mixed-Use Low-Medium Density
MU-3	Mixed-Use Medium Density



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MU-4	Mixed-Use High Density
MU-5	Mixed-Use Very High Density
<i>Nonresidential Districts</i>	
NS	Neighborhood Shopping
C-1	Local Commercial
C-2	General Commercial
OD	Office-Distribution
OI	Office-Institutional
OIT	Office-Institutional-Transitional
M	Light Industrial
M-2	Heavy Industrial

PROPOSAL

(Ord. of 8-2-2017, § 1(2.1.1))

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. (Ord. of 8-2-2017, § 1(2.3.1))

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



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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. (Ord. of 8-2-2017, § 1(2.4.1))

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. (Ord. of 8-2-2017, § 1(2.5.1))

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. (Ord. of 8-2-2017, § 1(2.6.1))

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



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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. (Ord. of 8-2-2017, § 1(2.7.1))

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. (Ord. of 8-2-2017, § 1(2.8.1))

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. (Ord. of 8-2-2017, § 1(2.9.1))

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



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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. (Ord. of 8-2-2017, § 1(2.10.1)) 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. (Ord. of 8-2-2017, § 1(2.10.2))

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. (Ord. of 8-2-2017, § 1(2.12.1))

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



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opportunity for alternative modes of travel; D. To implement the future development map of the city's comprehensive plan. (Ord. of 8-2-2017, § 1(2.13.1))

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; The Code of the City of Stonecrest, Georgia, Chapter 27 ZONING ORDINANCE ARTICLE 2. DISTRICT REGULATIONS 37 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. (Ord. of 8-2-2017, § 1(2.14.1))

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. (Ord. of 8-2-2017, § 1(2.15.1))

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



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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. (Ord. of 8-2-2017, § 1(2.16.1))

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. (Ord. of 8-2-2017, § 1(2.17.1))

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 The Code of the City of Stonecrest, Georgia, Chapter 27 ZONING ORDINANCE ARTICLE 2. DISTRICT REGULATIONS 48 overall development site dimensions and the individual lot dimensions, depending on the mixture of housing types that are proposed for the overall development. (Ord. of 8-2-2017, § 1(2.19.1))

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, **"For Sale"** 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. (Ord. of 8-2-2017, § 1(2.20.1))

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, **"For Sale"** shall apply to the MU-3 (Mixed-Use Medium Density) District, except that: The Code of the City of Stonecrest, Georgia, Chapter 27 ZONING ORDINANCE ARTICLE 2. DISTRICT REGULATIONS 52 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



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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. (Ord. of 8-2-2017, § 1(2.21.1))

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, "For Sale" 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

- **DIVISION 1. – Subdivision Ordinance: GENERALLY**

- **Sec. 14-55. - Title.**

This article shall be known, cited, and referred to as the subdivision regulations of the City of Stonecrest. (Ord. No. 2018-06-03, § 14-55, 6-3-2018)

- **Sec. 14-56. - Effective date.**

These subdivision regulations shall become effective on adoption.

(Ord. No. 2018-06-03, § 14-56, 6-3-2018)

- **Sec. 14-57. - Policies and purposes.**

(a)

Policies.

(1)



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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 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.



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(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.

(Ord. No. 2018-06-03, § 14-57, 6-3-2018)

Article 9: Definitions



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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 owners.