

**STATE OF GEROGIA
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
PUPOSES.**

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,

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37 general welfare, or sound zoning practice that justify such action; and
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39 **WHEREAS**, the Director of Planning and Planning Commission recommend approval
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41 based on the City Staff Report and said report is hereby incorporated by reference herein; and
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43 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has
44
45 been properly held prior to the adoption of this Ordinance; and
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47 **WHEREAS**, the health, safety, and welfare of the citizens of the City will be positively
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49 impacted by the adoption of this Ordinance.
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51 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL**
52
53 **OF THE CITY OF STONECREST, GEORGIA**, and by the authority thereof:
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55 **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended by
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57 amending Division 1 (Overview of Use Categories and Use Table) and Division 2 (Supplemental
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59 Use Regulations) of Article 4 (Use Regulations) and Article 9 (Definitions) within Chapter 27
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61 (Zoning Ordinance); within Chapter 27 (Zoning Ordinance); by adopting the provisions set forth
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63 in Exhibit A attached hereto and made a part by reference.
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65 **Section 2.** That text added to current law appears in **red, bold and underlined**. Text
66 removed from current law appears as **red, bold and strikethrough**.

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

69 **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all
70 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
71 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

110 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																			
Aquarium /Indoor/ Outdoor Exhibitio n																	SP	SP	
Cemetery , columbar ium, mausoleu m	SP	SP	SP	SP	SP	SP	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					S P	P	✓
Cultural facilities								S P	S P	S P			S P	S P		S P	S P	S P	S P		S P	S P	S P	S P		
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	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 clubhouse or amenities	P	P	P	P	P	P	P	P	P	P	P	P	P	P							P	P	P	P		✓
Recreation club	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P		S P						P						S P		✓

Places of worship	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P		S P	P	P	P	P	P	P	P	P	P	P	P	✓	
Recreation, outdoor																P	P	P	P					✓	
Swimming pools, commercial	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P	S P	P	P		P	P	P	P			P a	P a	P a	✓
Tennis courts, swimming pools, play or recreation areas, community,	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	P a	P	P		P	P	P	P			P a	P a	P a	✓
Use	R E	R L G	R - 1 0 0	R - 8 5	R - 7 5	R - 6 0	R S M	M R - 1	M R - 2	H R - 1 , 2 , 3	M H P	R N C	O I	O I 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 Section 4.2

Table 4.1. Use Table

CHAPTER 27: ZONING ORDINANCE

ARTICLE 4 – USE REGULATIONS

DIVISION 2. SUPPLEMENTAL USE REGULATIONS

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

1. Be conducted wholly within an enclosed building or structure.
2. Not produce noise, liquids or odors that affects surrounding businesses or property owners.
3. Be properly insured and provide proof of that insurance to the City.

- 152 4. Provide written permission from the owner or property manager of the building
153 being occupied to the City.
- 154 5. Display a copy of all required valid licenses and permits in a prominent place on
155 premises.
- 156 6. Be licensed and comply with all rules and regulations for a “Licensed Class C –
157 Exhibitor” under the Animal Welfare Act (7 U.S.C. 2131 et seq.) and as regulated
158 by the United States Department of Agriculture (USDA) regulations established in
159 the most recent issue of “USDA Animal Care – Animal Welfare Act and Animal
160 Welfare Regulations” (aka the USDA Blue Book).
161 https://www.aphis.usda.gov/animal_welfare/downloads/bluebook-ac-awa.pdf).
162 This license shall be renewed prior to expiration and a copy provided to the City.
163 Upon expiration or non-renewal of the license, the use shall immediately cease
164 operations until a copy of a valid license is provided to the City.
- 165 7. The outdoor exhibition shall not exceed 5 hours of display.
166

167 CHAPTER 27: ZONING ORDINANCE

168 ARTICLE 9 – DEFINITIONS

169 An Indoor Animal Exhibition means any person, company or organization displaying any
170 animals in an enclosed structure or building, to the public, for compensation, whether
171 operating for profit or not. This use includes, but is not limited to indoor zoos, petting zoos,
172 educational centers, carnivals, circuses and animal sanctuaries. This use shall not include
173 retail pet stores, owners of domesticated household pets for personal enjoyment, county
174 fairs, livestock shows, purebred dog or cat shows, or other similar events.

175 Outdoor Animal Exhibition means any sanctioned agricultural fair where animals are
176 displayed on the exhibition grounds for physical contact with humans. It involves
177 animal gathering organized for the purpose of comparing and judging the qualities
178 of animals or presenting them for educational purposes and the main purpose of which is
179 not to market “for sale”, but for exhibition; facilities shall include zoos, wildlife or fauna
180 parks, aquariums and museums with live exhibits.

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EXHIBIT B

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