



PLANNING COMMISSION AND CITY COUNCIL STAFF REPORT

Planning Commission November 8th, 2022 / Mayor and City Council Meeting February 27, 2023

GENERAL INFORMATION

Petition Number:	TMOD- 22-012
Applicant:	Planning & Zoning Dep
Project Location:	C-1 and C-2 Zoning Districts
Proposed Development/Request:	The purpose is to create a conditional use for outdoor and indoor exhibition as defined by USDA to operate as an animal exhibition
Staff Recommendations:	Deferral
Planning Commission:	Approval on November 8, 2022
City Council:	N/A

Stonecrest Zoning – Indoor Animal Exhibition

The following document includes recommended zoning language developed by the City of Stonecrest to review applications from applicants that desire to operate an “Animal Exhibition” as defined by the USDA “Animal Welfare Act and Animal Welfare Regulations”.

Recommended Use: ***Indoor Animal Exhibition***

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

Outdoor Animal Exhibition means any sanctioned agricultural fair where animals are displayed on the exhibition grounds for physical contact with humans. It involves animal gathering organized for the purpose of comparing and judging the qualities of animals or presenting them for educational purposes and the main

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purpose of which is not to market “for sale”, but for exhibition; facilities shall include zoos, wildlife or fauna parks, aquariums and museums with live exhibits.

Recommended Zoning District: **C-1 and C-2** are the recommended districts as this is the current location where the applicant, Animal Exhibition, has been operating as an aquarium and desires to add additional animals other than aquarium-based wildlife.

Recommended Zoning Classification – **Conditional Use**. A special land use permit will allow the city to prescribe use standards to ensure appropriate operation and location and that it does not negatively impact surrounding businesses and residents.

Recommended Supplemental 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.
4. Provide written permission from the owner or property manager of the building being occupied to the City.
5. Display a copy of all required valid licenses and permits in a prominent place on premises.
6. Be licensed and comply with all rules and regulations for a “Licensed Class C – Exhibitor” under the Animal Welfare Act (7 U.S.C. 2131 et seq.) and as regulated by the United States Department of Agriculture (USDA) regulations established in the most recent issue of “USDA Animal Care – Animal Welfare Act and Animal Welfare Regulations” (aka the USDA Blue Book). https://www.aphis.usda.gov/animal_welfare/downloads/bluebook-ac-awa.pdf).

This license shall be renewed prior to expiration and a copy provided to the City. Upon expiration or non-renewal of the license, the use shall immediately cease operations until a copy of a valid license is provided to the City.

7. The outdoor exhibition shall not exceed 5 hours of display.



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9. Comply with the Georgia The Department of Agriculture Animal Health Division regulations as established in the [Rules and Regulations of the State of GA Chapter 40-13](#).
10. Comply with applicable standards of the Georgia Department of Natural Resources (DNR) for the regulation of non-native species as per the regulated wild animals/exotics types (<https://gadnrle.org/exotics>), and restricted non-native species found in O.C.G.A. §27-5-4.
11. Comply with applicable regulations and standards for regulated native species as per the Georgia DNR's laws related to native wildlife (<https://gadnrle.org/laws-native-wildlife>). The Georgia DNR shall be notified prior to adding additional regulated species prior to acquisition. Proof of notification and approval may be required at any time by the City of Stonecrest to ensure compatibility.
12. Comply with the Georgia Department of Agriculture (GDA) regulations for general requirements for animal health and disease prevention, including following all requirements for importing animals from out of state, for intrastate transportation, vaccination and quarantine requirements, as applicable, as per the Rules and Regulations of the State of Georgia Chapter 40-13 (<http://rules.sos.state.ga.us/GAC/40-13>).
13. Comply with the Georgia Department of Public Health regulations pertaining to reporting rabies exposure.
14. Comply with DeKalb County requirements for "hazardous animals" as per DeKalb County Code of Ordinances, Chapter 5 – Animals (https://library.municode.com/ga/dekalb_county/codes/code_of_ordinances?nodeId=CODECO_CH5AN)