

**AN ORDINANCE TO AMEND APPENDIX A (ZONING) OF THE CODE
OF THE CITY OF STONE MOUNTAIN, GEORGIA**

WHEREAS, pursuant to its Charter and other laws of the State of Georgia, the City of Stone Mountain, Georgia (the “City”), has the power to adopt reasonable ordinances, resolutions and regulations for the protection and preservation of the public health, safety and welfare of its citizens; and

WHEREAS, the City Council desires to update and amend the Stone Mountain Zoning Ordinance, codified at Appendix A (Zoning) of The Code of the City of Stone Mountain, Georgia (the “Zone Code”); and

WHEREAS, pursuant to Section 2-1.3 of the Zone Code, the Mayor and City Council may initiate zoning text amendments whenever the public necessity, public convenience, general welfare or good zoning practice justify such action; and

WHEREAS, in accordance with state law and pursuant to Section 2-1.4 of the Zone Code, the Mayor and City Council conducted an appropriately noticed public hearing regarding this zoning decision.

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Stone Mountain as follows:

SECTION 1. Appendix A (Zoning) of The Code of the City of Stone Mountain, Georgia, is hereby amended as set out in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 2. All ordinances, parts of ordinances, or regulations in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall become effective upon its adoption.

SECTION 4. This Ordinance was proposed by Council Member _____ with a motion to adopt. Thereafter, the motion was seconded by Council Member _____. _____ Council Members voted in favor of the motion and _____ Council Members voted against the motion.

SO ORDAINED this ____ day of _____, 2023.

Beverly Jones, Mayor

Attest:

City Clerk

Approved as to form: _____
City Attorney

APPENDIX A – ZONING¹

ARTICLE I: PREAMBLE

Section 1-1. Enactment, short title, jurisdiction.

1-1.1 Enactment. Pursuant to the authority conferred by HB 51 amending title 36 of the Official Code of Georgia Annotated [O.C.G.A.] to include chapter 66, "The Zoning Procedures Law" and for several purposes of promoting the health, safety, aesthetics, convenience, order, prosperity and the general welfare of the present and future inhabitants of the City of Stone Mountain, Georgia; of improving the city's appearance; lessening congestion in the streets; furthering traffic safety, securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of land, avoiding both undue concentration of population and urban sprawl; facilitating the adequate provision of transportation, water, sewer, schools, parks and other public requirements; protecting property against blight and depreciation; encouraging the most appropriate use of land, buildings, and other structures throughout the city; securing economy in government expenditures; and for other purposes, all in accordance with a land use plan for the development of the city, the mayor and city council of the city, hereby ordains and enacts into law the following articles and sections of the zoning ordinance of the city, and the official zoning map for the city, with all explanatory matter thereon, is hereby made part of this ordinance, said map being certified and on file in the office of the city clerk where said zoning map shall be available for public display. The official zoning map shall have marked upon it the following: "Official Zoning Map of the City of Stone Mountain." The official zoning map shall be signed by the city clerk and shall include the date of its adoption.

1-1.2 Short title. This ordinance shall be known and may be cited as "Stone Mountain Zoning Ordinance", or "Zoning Ordinance."

1-1.3 Jurisdiction. These regulations shall govern the use of all land and the developments and redevelopments thereof within the incorporated areas of the city.

¹Editor's note(s)—This appendix contains the Ord. No. 2008-16, adopted December 2, 2008. Future amendments will be indicated by history notes in parentheses () following new or amended sections. A uniform system of capitalization and punctuation has been used. Any material in brackets [] has been added by the editor for clarity. Obviously misspelled words have been corrected.

Charter reference(s)—Municipal powers, § 1.12.

Cross reference(s)—Alcoholic beverages, ch. 3; animals, ch. 4; buildings, ch. 5; cemeteries, ch. 6; environment and land development, ch. 8; drainage under environment and land development ordinance, § 8-12; erosion and sediment control, ch. 9; licenses and business regulations, ch. 12; certain transient or temporary retail and wholesale sales, § 12-3; noise disturbances, § 15-5; signs, ch. 23; exempt signs, § 23-5; permitted signs, § 23-7; subdivision regulations, ch. 26; definitions for land subdivision regulations, § 26-2; policy and purpose of land subdivision regulations, § 26-6; final plat specifications under land subdivision regulations, § 26-47; sewerage facilities under land subdivision regulations, § 26-83.

State constitution reference(s)—Planning and zoning, Art. IX, § II, Par. IV.

State law reference(s)—Zoning procedures, O.C.G.A. § 36-66-1 et seq.; conflict of interest in zoning actions, O.C.G.A. § 36-67A-1 et seq.

ARTICLE II: ADMINISTRATION

Section 2-1. Administration and procedure.

2-1.1. Administration of zoning ordinance. It shall be the duty of the city manager or their designee to interpret and enforce this zoning ordinance and to carry out the duties required. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered, except in conformity with the regulations of this zoning ordinance.

2-1.2 Pre-application meeting. Applications to amend the zoning ordinance, applications to amend the zoning map, and applications to vary the terms of the zoning ordinance shall not be submitted or accepted by the city until a pre-application meeting is held with the zoning administrator or their designee.

The purpose of the pre-application meeting is to assist in the applicant's understanding of this zoning ordinance and its requirements; to educate the applicant on community design policies and standards; and to inform the applicant of all necessary application materials required by the zoning ordinance. No final decision on the application or assurances that a particular proposal will be approved shall be made.

2-1.3 Procedure for amending the zoning ordinance. Whenever the public necessity, public convenience, general welfare, or good zoning practice justify such action, this zoning ordinance, including the official zoning map, may be amended by the mayor and city council. The procedures for amending this zoning ordinance and making quasi-judicial and zoning decisions, shall be as provided in this article.

Initiation of amendments. Amendments to this zoning ordinance may be initiated by one of the following:

- A. The mayor and city council may initiate zoning text or zoning map amendments. The requirements for applications in section 2-1.2 shall not apply to amendments initiated by the mayor and city council.
- B. Any person, firm, corporation, or agency may initiate applications to amend the zoning map, provided that said person, firm, corporation, or agency is the owner or the authorized agent of the owner of all of the property involved.

Initiation of variances. Variances may be initiated by any person, firm, corporation, or agency provided that said person, firm, corporation, or agency is the owner or the authorized agent of the owner of all of the property involved.

Applications for map amendments and variances. Each application to amend the official zoning map, vary the terms of this zoning ordinance shall be filed with the city clerk and shall include the following information:

- A. A pre-application form signed and dated by the zoning administrator or their designee stating that a pre-application meeting took place pursuant to section 2-1.2.
- B. A legal description of the tract(s) that are the subject of the application.
- C. The name and address of the owner(s) of the tract and agent(s), if any.
- D. Whenever the applicant is not the property owner, the owner shall certify by notarized signature that (s)he has given authority to the applicant to file the application. When properties have more than one owner, the notarized signature of all property owners shall be required.
- E. An application fee established by the city.
- F. The present and proposed zoning classification for the tract(s) and the land use classification for the tract(s), as shown on the future development map.

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- G. Zoning application disclosure forms.
 - H. Copy of the paid tax receipt for the property or a statement signed by an official in the tax commissioner's office indicating the taxes have been paid.
 - I. A written analysis of the impact of the proposal with respect to the relevant criteria as follows:
 - 1. For map amendments, section 2-1.5.
 - 2. For variances, section 2-1.11; 2-1.12.
 - J. Preliminary plans that demonstrate how the application adheres to the requirements of this zoning ordinance
 - K. Other materials reasonably required by the city necessary to the analysis of the application.

No application shall be deemed accepted and filed until all required forms have been completed and all required materials have been submitted, including fees. The date an application is complete and hence accepted and filed shall be noted on the application form by the zoning administrator or his/her designee, and any subsequent deadlines tied to date of application shall begin to run as of said date.

Review by planning commission. Once an application is deemed complete and accepted, the zoning administrator or his/her designee shall schedule a meeting of the planning commission to review the application and provide a recommendation to the mayor and city council. This recommendation may be in the form of a motion duly passed by the planning commission at their meeting and contained in their minutes. The review by planning commission shall be held as a public meeting, and not in an executive session. No public hearings are required for planning commission to make recommendations to the mayor and city council.

2-1.4 Public hearing and decision. This section outlines the proper process for zoning hearings and decisions.

Authority. The mayor and city council shall make all final zoning decisions. The mayor and city council shall hold the public hearing required by this article prior to said zoning decisions following the public notice requirements herein. The term "zoning ordinance" shall mean this zoning ordinance (known as appendix A to the City Code of Ordinances) as well as the official zoning map adopted herewith and made a part thereof, as amended.

The term "zoning decision" shall mean final legislative action by the mayor and city council which results in:

- A. The adoption or repeal of a zoning ordinance;
- B. The adoption of an amendment to the zoning ordinance which changes the text of the zoning ordinance;
- C. The adoption or denial of an amendment to the zoning ordinance to rezone property from one zoning classification to another;
- D. The adoption or denial of an amendment to the zoning ordinance to zone property to be annexed to the city;
- E. The grant or denial of a permit relating to a special use of property; or
- F. The grant or denial of a variance or conditions concurrent and in conjunction with a decision pursuant to subparagraphs (C) or (E) of this paragraph.

Public hearing. Before a zoning decision is made, the mayor and city council shall hold a public hearing on the proposed action.

- A. At least 30 but not more than 45 days prior to the date of the hearing, the mayor and city council shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city a notice of the hearing before the mayor and city council. The notice shall state the time, place, and purpose of the hearing.

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- B. If a proposed zoning decision is for the rezoning of property and the rezoning is initiated by a party other than the mayor and council, then
1. The notice, in addition to the requirements of this section, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and
 2. The city shall post one or more signs in a location that is noticeable from street view, at least 30 days but not more than 45 days prior to the date of the hearing. At least one sign shall be posted along each street on which the subject property has frontage. Each sign shall contain the time and place of the public hearing before the mayor and city council and the nature of the proposed change.
- C. Additional notice. Mailed notice shall be made via USPS at least 30 days but not more than 45 days before the date of the public hearing to the following:
1. Owner(s) of record on the current tax records of the city as retrieved by the tax records;
 2. The appellant (for appeals); and
 3. The original applicant (for appeals, if the appellant was not the original applicant).
- D. When any of the following actions are proposed, reference the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., for additional hearing notice and procedural requirements:
1. City- initiated rezoning and/or text amendment to revise a zoning classification related to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning. See O.C.G.A. § 36-66-4-(h)(1);
 2. Zoning decisions which relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency. See O.C.G.A. § 36-66-4(f); or
 3. Zoning for property to be annexed into a municipality. See O.C.G.A. § 36-66-4(d).
- E. The following policies and procedures shall govern the conduct of the public hearing held by the Mayor and City Council pursuant to this section. Printed copies of these policies and procedures shall be made available to the general public.
1. The hearing shall be presided over by the mayor. After calling the hearing to order, the mayor shall request that the parcels of property which are the subject of the zoning proposal be identified and read. Following such identification and reading, the zoning administrator or their designee's recommendation shall be presented. The mayor and city council shall cause the zoning administrator's written recommendation to be made part of the record.
 2. Proponents of each proposed zoning decision shall then be allowed a total of ten minutes for presentation of data, evidence and opinion concerning the zoning decision. If all ten minutes are not used, the proponents' remaining time may be reserved for rebuttal. Opponents of each proposed zoning decision shall then be allowed a total of ten minutes for presentation of data, evidence and opinion concerning each zoning decision. The presentation times may not be reduced but may be extended by majority vote, provided they are expanded equally for proponents and opponents.

Zoning decision. Before a zoning decision is made, the mayor and city council shall hold a meeting for review and recommendation purposes prior to a final decision on the proposed action.

- A. A meeting of the mayor and city council for the purposes of reviewing and making final decisions on zoning proposals shall be conducted following the public hearing at the regularly scheduled meeting of the mayor and city council. At said meeting, the mayor and city council shall review the analysis and materials submitted by the initiating party, the recommendations of the zoning administrator or their designee and the planning commission, other matters of record and materials, data, evidence and opinion submitted, and the corresponding review standards and criteria set forth in section 2-1.5 (review standards for zoning proposals) in making a final decision on each zoning proposal. At this meeting the mayor and city council may approve, deny, or defer the proposal, add or delete conditions to the proposal, or allow a proposal to be withdrawn with or without prejudice. An application allowed to be withdrawn with prejudice may not be resubmitted except in compliance with section 2-1.7 (resubmittal of rezoning application).
- B. An action by the mayor and city council to defer a final decision on the zoning proposal shall include a statement of the date and time of the next meeting at which the proposal will be considered.

(Ord. No. 2014-06, Pt. I, 9-2-14)

2-1.5 Review Standards for Zoning Proposals.

Review Standards. The zoning administrator, planning commission, and mayor, and city council shall consider the below listed standards governing the exercise of the zoning power whenever deliberating over any zoning decision pursuant to this article. Printed copies of these standards shall be available for distribution to the general public.

- A. The following is a list of standards that should be used in all zoning proposal reviews:
 - 1. The existing uses and zoning of nearby property;
 - 2. The extent to which property values are diminished by their particular zoning restrictions;
 - 3. The extent to which the possible reduction of property values of the subject property promotes the health, safety, morals or general welfare of the public;
 - 4. The relative harm to the public as compared to the hardship imposed upon the individual property owner;
 - 5. The suitability of the subject property for the zoning proposed;
 - 6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property;
 - 7. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
 - 8. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
 - 9. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
 - 10. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
 - 11. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan and future development map;

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12. Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal;
 13. The impact upon the appearance of the city;
 14. The impact upon the provision of water, sewage, transportation and other urban services;
 15. The impact upon population density and the potential for overcrowding and urban sprawl;
 16. The impact upon thoroughfare congestion and traffic safety; and
 17. The protection of property against blight and depreciation.

2-1.6 Application Withdrawal. An application may not be withdrawn or amended by the applicant after the legal advertising as required by this article shall have first appeared; however, the mayor and city council may allow an application to be withdrawn with or without prejudice. A withdrawal without prejudice authorized by the mayor and city council shall not be considered a denial for purposes of section 2.1-7 (Resubmittal of rezoning application).

2-1.7 Resubmittal of rezoning application. If the zoning decision of the mayor and city council is for the purpose of the rezoning of property and the amendment to the zoning ordinance to accomplish the rezoning is denied by the mayor and city council, then the same property may not again be considered for rezoning until the expiration of at least six months following the denial of the rezoning by the mayor and city council; however, an application that was withdrawn without prejudice shall not be considered a denial in accordance with section 2.1-6. If the zoning request is approved by the mayor and city council then the same property may not again be considered for rezoning until the expiration of at least twenty-four (24) months from the date of council action.

2-1.8 Zoning map amendment and boundary changes. If, in accordance with the applicable provisions of this zoning ordinance, changes are made in district boundaries or other subject matter portrayed on the official zoning map, such change shall be made and indicated on the official zoning map promptly after the amendment has been approved by the mayor and city council.

2-1.9 Conditional zoning. In approving an amendment to the zoning map, the zoning administrator or their designee may recommend and the city council may impose special conditions which it deems necessary in order to mitigate impacts which may be expected without the imposition of those conditions.

- A. Such conditions may consist of a variety of requirements, including, but not limited to the following:
 1. Setbacks from any lot line;
 2. Specified or prohibited locations for buildings, parking, loading or storage areas or other land uses;
 3. Restrictions in the location of driveways and curb cuts;
 4. Restrictions regarding what land uses or other activities may be permitted;
 5. Maximum building heights and other dimensions;
 6. Landscaping requirements which may include location, type and maintenance of plant materials, fences, walls, earth berms or other buffer provisions;
 7. Screening or other protective measures; preservation of existing trees and other vegetation;
 8. Special measures to alleviate undesirable views, light, glare, noise, dust or odor;
 9. Permitted hours of operation;
 10. Architectural style;
 11. A requirement that the existing building(s) be retained;
 12. A requirement that development take place according to a site plan;

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13. Limitation on exterior modifications to existing buildings;
 14. Public facility improvements by the owner; a time limit within which the property must either be used as rezoned or revert to the prior to other appropriate zoning status; or
 15. Any other requirement deemed appropriate and necessary as a condition of rezoning.
- B. Additional requirements and procedures.
1. Whenever an application for amending the official zoning map is accompanied or supported by specific plans and designs or other written requirements for a particular use and its development, the mayor and city council may approve the amendment as "conditional." It shall be the duty of the zoning administrator to ensure that the eventual development of the property is in strict compliance with the plans, designs and other written requirements submitted as part of the rezoning application and approved as conditional.
 2. Upon approval by the mayor and city council, said "conditional" plans shall bear a certificate by the city clerk indicating said approval. One copy of said plan shall be maintained by the city clerk as a part of the record of rezoning, one copy filed with the zoning administrator or their designee and one copy returned to the applicant.
 3. If for any reason, development and use of the property approved in accordance with the procedure outlined in this section (section 2.1-9) above cannot be accomplished, such conditions shall not be altered, changed or varied, except after approval by the mayor and city council.
 4. Modification of final "conditional" plans: The city manager shall have sole authority to approve minor changes to final "conditional" plans that were approved by the mayor and city council. For the purposes of this section, a minor change in the final "conditional" plans, means a slight alteration to a final "conditional" plan or change in layout that does not result in the visible intrusion of any building, structure, driveway, walkway, parking lot, plaza, wall or similar built element into any open space, yard, landscaped buffer, undeveloped space, or any similar space, when any such space is shown on the final "conditional" plan as being next to and visible from a property line or street.
 5. Requirements imposed as a condition to rezoning shall be required of the property owner and all subsequent owners as a condition of the use of the property as rezoned.
 6. Requirements imposed as a condition to rezoning shall be interpreted and continuously enforced by the zoning administrator in the same manner as any other provision of the zoning ordinance.
 7. A conditional zoning shall be noted on the zoning map by adding the suffix "C" to the zoning district designation for the property so zoned.

2-1.10 Procedures for appeal of administrative decision.

Appeal to mayor and city council. The following serves as the official procedure for appeals made to mayor and city council:

- A. Where it is alleged by any aggrieved person, firm, or corporation that there is an error in any order, requirement, decision or determination made by the zoning administrator, or other authorized city official in the performance of duties under this zoning ordinance, such person, firm or corporation may seek a review of such order, requirement, decision or determination by the mayor and city council. Said appeals shall be filed with the city clerk in writing within 30 days following the date of the order, requirement, decision or determination.
- B. An appeal stays all legal proceedings in furtherance of the action appealed unless the official from whom the appeal is taken certifies to the mayor and city council, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent

peril to life and property. In such case, proceedings shall be stayed only by a restraining order granted by the superior court of the county on notice to the officer from whom the appeal is taken and on due cause shown.

- C. The mayor and city council shall fix a reasonable time for the public hearing of the appeal and provide notice in accordance with Section 2-1.4 (public hearing and decision) above and Georgia law. Any party may appear at the hearing in person, by an agent or by an attorney. The mayor shall request that the appeal be identified and read. Following such identification and reading, the mayor shall cause the action being appealed to be identified and read. The aggrieved party shall then be allowed a total of ten minutes for presentation of data, evidence and opinion concerning the appeal. If all ten minutes are not used, the aggrieved party's remaining time may be reserved for rebuttal. The acting party and those in opposition to the appeal shall then be allowed a total of ten minutes for presentation of data, evidence and opinion concerning the order, requirement, decision or determination. The presentation times may not be reduced but may be extended by majority vote of the mayor and city council, provided they are expanded equally for the aggrieved party and the acting party.
- D. Following the consideration of all testimony, documentary evidence, and matters of record, the mayor and city council shall make a determination on each appeal. The mayor and city council shall decide the appeal within a reasonable time but in no event more than 60 days from the date of the filing of the appeal. The mayor and city council shall reverse, defer, affirm, or modify any order, requirement, decision or determination made by the city manager, or other authorized city official and to that end shall have all the powers of the administrative official from whom the appeal was taken. An appeal shall be sustained or the decision below modified only upon an expressed finding by the mayor and city council that the authorized city official's action was based on an erroneous finding of a material of fact, or that said official's action was arbitrary.

2-1.11 Variance Standards and Procedures. The mayor and city council may authorize upon proper application in specific cases, variance from the terms of this zoning ordinance. Request for variance applications shall be filed with the city clerk. All filed applications shall be reviewed by the zoning administrator or their designee and the zoning administrator shall provide a written recommendation to the mayor and city council for a final decision.

General standards for application and approval.

- A. No variance shall be granted to allow a building, structure or use not authorized in the applicable zoning district or a density of development not authorized with such development.
- B. Applications for variances shall adhere to the provisions as set forth in section 2-1.3 (procedure for amending the zoning ordinance). The mayor and city council shall authorize variances from the terms of this zoning ordinance only upon making all of the following findings:
 - 1. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography;
 - 2. The application of this zoning ordinance to the particular piece of property would create an unnecessary hardship;
 - 3. Such conditions are peculiar to the particular piece of property involved;
 - 4. Such conditions are not the result of any actions of the property owner; and
 - 5. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.

Mayor and city council hearings.

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- A. Before deciding a variance application in accordance with this zoning ordinance, the mayor and city council shall provide for a hearing on the proposed action as set forth in section 2-1.4 (public hearing and decision).
 - B. The provisions regarding public notice as set forth in section 2-1.4 (public hearing and decision) regarding publication, sign postings, and regarding written notice shall apply to variance applications.
 - C. The mayor and city council shall make a "variance decision" for each application. For purposes of this article the term "variance decision" means final action by the mayor and city council which results in a variance approval or a variance denial. No application shall be filed for any variance for the same parcel(s) within six months from the date the "variance decision".
 - D. Said final action shall be made no later than 60 days following filing of a complete application, unless extended by agreement of the applicant.
 - E. The mayor and city council may require accompanying written requirements as part of a "variance decision", thereby approving the variance as "conditional."
 - F. An application may be withdrawn by the applicant prior to the "variance decision."
 - G. Appeals of a "variance decision" of the mayor and city council by an aggrieved party to the superior court shall be authorized pursuant to section 2-1.20 (appeals of mayor and council decisions).

2-1.12 Administrative variances. The city manager or their designee shall have the authority to grant limited minor administrative variances from certain provisions of this zoning ordinance, where the city manager determines that:

- A. The strict application of the requirements of this zoning ordinance would cause undue and unnecessary hardship to the property owner or authorized agent; and
- B. The intent and continued integrity of the zoning ordinance can be achieved with equal performance and protection of public interests through grant of the administrative variance.
- C. All applications for administrative variances shall be submitted to the city clerk. The authority to grant such administrative variances shall be limited to variance from the following requirements:
 - 1. Front yard or yard abutting a public street not to exceed 20 percent from the required setback.
 - 2. Side yard—Variance not to exceed three feet deducted from the required setback.
 - 3. Rear yard—Variance not to exceed five feet deducted from the required setback.
- D. The city manager or their designee shall make an "administrative variance decision" for the application. For purposes of this article the term "administrative variance decision" means final action by the city manager or their designee which results with an administrative variance approval or an administrative variance denial.
- E. The decision of the city manager or their designee regarding an administrative variance decision shall be considered the "final decision."
- F. Appeals from a final decision on an administrative variance by an aggrieved party shall first follow the appeals procedure of section 2-1.10 (procedures for appeal of administrative decision).

2-1.13 Special permits. Special event and temporary permits shall meet the regulations provided in this section.

- A. All applications for special permits shall be made to the city manager. Special permits shall include all special events and temporary events including art shows, carnival rides and special events of community interest.

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- B. The city manager or their designee shall have the authority to grant special permits upon a determination that the special events, if granted, would not cause substantial detriment to the public good, would not negatively affect the safety and welfare of pedestrian and vehicular traffic, nor impair the purposes or intent of this zoning ordinance. The city manager shall have up to seven days to make a decision on the issuance of the permit. If the city manager or their designee fails to act on the issuance within this time frame, the city manager shall be deemed to have approved the submitted special permit.

2-1.14 Building permits required. No building or other structure, except those exempted in the International Building Code, latest edition, shall be erected, moved, added to or structurally altered without a building permit issued by the city. No building permit shall be issued except in conformance with the provisions of this ordinance.

All applications for building permits for uses other than one-family and duplex dwellings shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the sizes and the locations on the lot of any existing buildings or structures, the shape, size, height, use and the location on the lot of the building or structure to be erected, moved, added to or structurally altered and such other information as may be necessary to provide for the enforcement of this ordinance.

2-1.15 Exempt buildings and structures. All buildings or other structures exempted under section 2.1-1.4 shall comply with all other applicable regulations and ordinances of the city.

2-1.16 Expiration of building permit. If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire.

If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be canceled by the city manager or their designee. Written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

2-1.17 Reserved.

2-1.18 Conditional Use Permits. The mayor and city council may authorize upon proper application in specific cases, a conditional use permit. Any property owner desiring to use their property in a manner which would otherwise not be a permitted use within a zoning classification nor special use. Request for conditional use permits shall be filed with the city clerk. All filed applications shall be reviewed by the zoning administrator or their designee and the planning commission and both shall provide a written recommendation to the mayor and city council for a final decision. No decision shall be made by the mayor and council prior to the holding of a public hearing in accordance with the provisions of this ordinance. Any conditional use permit granted shall remain in effect at that location until that use is discontinued for a period of six months. Conditional use permits shall be processed pursuant to other quasi-judicial decisions as set out in section 2-1.11 (variance standards and procedures).

2-1.19 Special Use Permits. The mayor and city council may authorize upon proper application in specific cases, a special use permit. Special use permit requests are limited to the uses authorized by the zoning district standards found in Article 5: District Regulations. Requests for special use permits shall be filed with the city clerk. All filed applications shall be reviewed by the zoning administrator or their designee and the planning commission and both shall provide a written recommendation to the mayor and city council for a final decision. No decision shall be made by the mayor and council prior to the holding of a public hearing in accordance with the provisions of this ordinance. Special use permits shall be processed pursuant to other zoning decisions in 2-1.3 (procedure for amending the zoning ordinance).

2-1.20 Appeals of mayor and council decisions.

A. Authority to file.

1. Any person aggrieved by a final decision of the mayor and city council may seek review in the Superior Court of DeKalb County within 30 days of the date of the decision.

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2. A person is considered aggrieved for purposes of this section only if the person or their property was the subject of the action appealed from, or the person has a substantial interest in the action being appealed that is in danger of suffering special damage or injury not common to all property owners similarly situated.

B. Application filing.

1. In compliance with O.C.G.A. § 36-66-5.1(a)(2), appeals of final quasi-judicial decisions, as categorized by Georgia law, shall be subject to appellate or on the record review, and shall be brought by petition for review as provided for in Title 5 of the Official Code of Georgia Annotated, to the DeKalb County Superior Court. Such petition shall be brought within 30 days of the decision, and following the statutory procedures to file said appeal.
2. In compliance with O.C.G.A. § 36-66-5.1(a)(1), all other final zoning decisions of the city council shall be appealed to the DeKalb County Superior Court within 30 days of the date of the decision and in accordance with the procedures established by Title 9 and Title 23 of the Official Code of Georgia Annotated.

C. Authority to accept service.

The City Manager or City Clerk shall be authorized, without additional board or agency action, to accept service and/or to approve or issue any form or certificate necessary to perfect the petition described in the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-5.1(c)(1)-(2), for review of lower judicatory bodies and upon whom service of such petition may be effected or accepted on behalf of the lower judicatory board or agency, during normal business hours, at the City of Stone Mountain City Hall.

2-1.21 Provisions of Zoning Ordinance to be Minimum Requirements. In their interpretation and application, the provisions of this zoning ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Whenever the provisions of any other ordinance, statute or covenants require more restrictive standards than those of this zoning ordinance, the provisions of such standards shall govern.

2-1.22 Penalties for violation. All uses of land, buildings or structures shall be completed in accordance with approved development plans and permits, including any conditions attached thereto. The building inspector shall make periodic field inspections as required. When a violation is found to exist, the building inspector shall immediately advise the zoning administrator of the violation, so that appropriate action may be taken to ensure compliance.

The zoning administrator or their designee shall order discontinuance of illegal use of land, buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this zoning ordinance to ensure compliance with or to prevent violation of its provisions. If it is found that any of the provisions of this zoning ordinance are being violated, the zoning administrator shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Such written notice shall not be a necessary condition precedent to enforcement of the zoning ordinance.

Any person, business, or corporate entity who shall violate a provision of this zoning ordinance, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor punishable in municipal court and subject to a fine, imprisonment, and/or conditions relating to compliance with the terms of this zoning ordinance, upon conviction in the city municipal court, and each and every day that the property shall remain in a condition in violation of the terms of this zoning ordinance shall constitute a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

2-1.23 Remedies. If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or if any building, structure or land is used in violation of this zoning ordinance, the mayor and city council, the city manager, the city attorney or any adjacent or other property owner or anyone else who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to stop, prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

2-1.24 Severability Clause. Should any section or provision of this zoning ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the zoning ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. The mayor and city council hereby declares that it would have adopted the remaining parts of the zoning ordinance if it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional.

(Ord. No. 2016-08, Pt. I, 2-2-16; Ord. No. 2020-06, Pt. I, 7-7-20)

2-1.25 Georgia Zoning Procedures Law. The review and approval procedures of this Zoning Ordinance are intended to comply with the provisions of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., which is incorporated herein by reference in its entirety. If any provision of this Zoning Ordinance is in conflict with any provision of the Zoning Procedures Law or if this Zoning Ordinance fails to incorporate a provision required for the implementation of the Zoning Procedures Law, the Zoning Procedures Law controls. This does not apply to procedures that are more restrictive than those established by the Georgia Zoning Procedures Law.

ARTICLE III: DEFINITION OF TERMS USED IN THE ORDINANCE

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purpose of this ordinance, certain words or terms used herein are defined as follows:

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word "shall" is always mandatory.

The word "person" includes a firm, association, organization, partnership, trust company or corporation as well as an individual.

The word "lot" includes the words "plot" or "parcel".

The word "building" includes the word "structure".

The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged or designated to be used or occupied".

The word "map" or "zoning map" means the "Zoning Map of the City of Stone Mountain, Georgia."

Accessory use: A use customarily incidental and subordinate to the principal use of building and located on the same lot with such principal use of building.

Aggrieved person: An applicant or owner of property within 300 feet of the property in question or city-sanctioned groups including the historic preservation committee, planning commission, downtown development authority or citizen groups such as the Women's Club, Veterans of Foreign Wars or Rotary Club.

Alteration; building and structural: Any change in the supporting members of a building (such as any type of supporting structural member) except such change as may be required for its safety; any addition to a building; any change in use from that of one district classification to another or of a building from one location to another.

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Alley: A private or public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

Buffer strip: A strip of land planted with evergreen shrubbery so as to form a solid barrier to vision from the ground to a height of six feet.

Building: Any structure permanently attached to the ground and intended for shelter, housing or enclosure of persons, animals or chattels.

Building, accessory: A subordinate building, the use of which is incidental to that of a principal building on the same lot.

Building, height of: The vertical distance from the mean finished ground level at the front of the building to the highest point of a roof.

Building line: A line establishing the minimum allowable distance between the nearest portion of any building (excluding the outermost three feet of any uncovered porches, steps, gutters and similar fixtures) and the centerline of the street.

Building, principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Commercial vehicle: Any vehicle designed, used or maintained for the transportation of persons, goods, or things used in trade, services, or commerce in general. For the purposes of this ordinance, buses, vans and other vehicles seating more than nine persons used for transportation of people shall be considered a commercial vehicle.

Cultural exhibit: An exhibition of cultural or historical property where collected objects are put on display to the public.

Dwelling unit: A dwelling or portion thereof providing facilities for one or more persons living as a nonprofit single housekeeping unit.

Dwelling, multi-family: A dwelling unit contained within a building or set of buildings on a common lot containing separate living units for four or more families, having separate or joint entrances, and including apartments and condominiums. These are specifically distinguished from units defined as single-family attached dwellings.

Dwelling, single-family, attached (townhouse): A residential structure designed to house a single-family dwelling from the lowest level to the roof, with a private outside entrance, but not necessarily occupying an individual lot, and sharing a common wall with adjoining dwelling units.

Dwelling, single-family, detached: A residential structure designed to house a single-family dwelling unit located on an individual lot, which is not attached to any other dwelling unit by any means.

Family day care home is operated in a private residential home to provide child care for children less than 18 years of age for less than 24 hours per day. Family day care home providers care for three, but no more than six children for a fee.

Group Day Care Home is operated by a person, corporation, or institution, to provide child care for children less than 18 years of age for less than 24 hours per day. Group Day Care Homes are licensed for 7-18 children.

Lot: A portion of land devoted to a common use or occupied by a building or group of buildings devoted to a common use by a legal subdivision process based on an approved plat of record, together with the customary accessories and open spaces belonging to the same.

Lot width: The shortest distance between the side lot lines, measured at the midpoint of the building line.

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Manufactured home means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Nonconforming use: Any building or land lawfully occupied by a use at the time of passage of the ordinance or amendment thereto which does not conform after the passage of this ordinance or amendment thereto with the use regulations of the district in which it is situated. Existing improvements which do not meet required parking and loading regulations, height regulations, area regulations, and residential floor area regulations for the district in which they are located are not nonconforming uses as defined above.

Sign: Shall mean a device, structure or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others. For purposes of this ordinance, the term "sign" shall include the structure upon which a sign face is located. Any device, structure or representation for visual communications which is used for the purpose of bringing the subject thereof to the attention of others that is wholly located within a completely enclosed building and is located a minimum of three feet away from any opening or exterior window or and seasonal holiday decorations shall not be included within the definition of "sign" and regulated as such.

Sign, area of: Shall mean the total area upon which a message is displayed on any sign consisting of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the entire sign, inclusive of any border and trim, but excluding the base, apron, supports, and other structural members.

Sign, free-standing: Any sign which is not supported by a wall or roof of a building, or which extends more than three feet horizontally from the wall of a building.

Street: A public or private thoroughfare, not less than 40 feet wide, which is open to the general public and which affords the principal means of access to abutting property.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard (front): A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of uncovered steps, uncovered balconies or uncovered porches. On multi-frontage lots all yards fronting on a public street shall be considered front yards.

Yard (side): A yard between the main building and the side line of the lot; extending from the front lot line to the rear yard; being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto.

Yard (rear): A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof, other than the projections of uncovered steps, unenclosed balconies or unenclosed porches, provided that said projections be at least 20 feet from the rear lot lines. On all corner lots the rear yard shall be at the opposite end of the lot from the front yard.

(Ord. No. 2020-06, Pt. I, 7-7-20)

ARTICLE IV: ESTABLISHMENT OF DISTRICTS

Section 4-1. District names.

4-1.1 *Conventional districts.* For the purpose of this ordinance, the city shall have the following use districts:

R-1	<i>Single-family residential</i>
	A district providing for single-family detached dwellings of a low density character.
R-2	<i>Traditional residential</i>
	Predominantly single-family detached dwellings with low to medium densities. Also includes incidental commercial uses.
R-3	<i>In-town Neighborhood residential</i>
	Predominantly a medium density, single-family residential district with occasional two-family structures and appurtenant buildings. Also includes incidental commercial/retail uses.
R-4	<i>Shermantown residential</i>
	Predominantly a single-family residence district but including mixed-use structures.
VCM	<i>Village Center Mixed-use</i>
	A district providing for a healthy mix of residential and commercial/retail uses within the downtown.
MR-1	<i>Multi-family residential</i>
	Predominantly condominiums, townhouses and apartment buildings. Also includes mixed-use structures for residential and commercial/retail development.
GC	<i>General Commercial</i>
	Primarily for the conduct of retail trade, with emphasis on daily necessities for the convenience of surrounding community.
OPI	<i>Office/Professional/Institutional</i>
	A district providing for development of office and institutional land use. Also includes complementary commercial/retail uses.
I	<i>Industrial</i>
	Primarily for manufacturing, fabricating, processing, assembly, wholesaling or storage of goods or materials and for research, evaluation, development and office activity and facilities.
GS	<i>Green Space</i>
	A district that is set aside for the permanent protection of natural, archeological or historical resources with uses being limited to natural and passive recreational activities..

4-1.2 *Special district.* The special FL and BB districts are superimposed on the conventional districts and are designated as follows:

FL	<i>Flood hazard</i>
	Areas subject to frequent periodic flooding, wherein structures and land uses are restricted in order to preserve storm water flow capacity and minimize property damage.
BB	<i>Bed and breakfast district</i>
	Real property within conventional districts that meets the requirements of article XV may also be zoned BB to permit land use as a bed and breakfast facility.

Section 4-2. District boundaries.

4-2.1 The boundaries of each district are hereby established as shown on a map entitled "Zoning Map, City of Stone Mountain, Georgia", adopted in 2007, and certified by the city clerk.

Said map and all explanatory matter thereon accompanies and is hereby made a part of this ordinance; it shall be on file in the office of the city clerk.

4-2.2 *Amendment to official zoning map.* If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the mayor and city council, with an entry in the minutes of such council meeting as follows:

"On _____, 20__ by official action of the Mayor and City Council, the following change/changes was/were made to the Official Zoning Map: (brief description of nature of change/changes)"

Said entry shall be signed by the Mayor and attested by the city clerk or designee. No amendment of this ordinance is official until such change and entry is made on said map. No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the city clerk or designee shall be the final authority as to the current zoning status of the city.

4-2.3 *Replacement of official zoning map.* In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the mayor and city council may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map, and said map shall be identified by the signature of the mayor, attested by the city clerk or designee and bearing the seal of the city under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____, 20__, as part of the Zoning Ordinance of the City of Stone Mountain, Georgia".

Unless the previous official zoning map has been lost, or has been totally destroyed, the prior map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.

4-2.4 *Rules for interpretation of district boundaries.* Where uncertainty exists with respect to the location of the boundaries of any zoning district in the city, the following rules shall apply:

- A. Where a zoning district boundary line is shown as approximately following a corporate limits line, a militia district line, a land lot line, a lot line or the center line of a street, a county road, a state highway, an interstate highway, or a railroad right-of-way or such lines extended, then such lines shall be construed to be the zoning district boundary lines.
- B. Where a zoning district boundary line is shown as being set back from a street, a county road, a state highway, an interstate highway or a railroad right-of-way, and approximately parallel thereto, then such zoning district boundary line shall be construed as being at the scaled distance from the center line of the street, county road, state highway, interstate highway or railroad right-of-way and as being parallel thereto.

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- C. Where a zoning district boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines.
 - D. In the case of a double frontage lot fronting on two approximately parallel streets that is divided by a zoning district boundary line paralleling the streets, the restrictions of the zoning district in which each frontage of the double frontage lot lies shall apply to that portion of the double frontage lot.
 - E. Where zoning district boundaries are in doubt, the planning commission shall make such interpretation using the appropriate scale from the official zoning map.

4-2.5 Annexation.

- A. Any land subsequently annexed to the city shall be annexed in accordance with the procedures adopted by mayor and council that are based upon state law and are part of the City Code. It shall, immediately upon annexation, be classified into a zoning category compatible with adjacent zoning and land uses, and sound planning principles in accordance with the procedure in section 2-1.4, 2-1.5, and applicable state law.

(Ord. No. 2020-06, Pt. I, 7-7-20)

ARTICLE V: DISTRICT REGULATIONS

Section 5-1. Single-family residential (R-1) district.

5-1.1 Intent and where permitted. This district (hereafter referred to as R-1) is created to establish a plan implementation zone that:

- Recognizes the existence of previously established low density residential districts in communities;
- Encourages clustering of development and provision of location, environmental and development amenities;
- Provides for low density residential development in cul-de-sac neighborhoods, community areas and the urban area; and
- Enhances the community's character through the promotion of high quality design.

Uses are limited to single-family dwellings served by public sewers, some residentially related institutions, to certain incidental uses intended primarily to provide service to a dwelling or a residential neighborhood.

5-1.2. Permitted uses by right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
 1. Detached single-family dwellings, excluding manufactured homes.
 2. Community parks and recreation (publicly owned).
 3. Conservation and passive recreation areas.
 4. Conservation/open space development of permitted residential uses, provided that conditions outlined in Article VII (Conservation/open space development) are met.
 5. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.

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6. Guest house or pool house on a lot containing a single-family residence limited to one on each lot and shall not include cooking facilities and shall not exceed the square footage of the principal structure.
 7. Swimming pool for a single-family residential dwelling, that is completely enclosed by an opaque fence or wall at least four (4) feet in height, but not over eight (8) feet in height. Swimming pools shall meet all the requirements of the International Building Code and applicable local health department rules and regulations.
 8. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed a total of 400 square feet of gross floor area.
 9. Temporary construction uses.
 10. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations.
 11. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
 12. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or woven wire fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.
 - e. No vehicles or equipment are stored on the premises.
 13. Stormwater management facilities shown on an approved final site plan or subdivision plat.
 14. Schools offering traditional core educational courses similar to the public elementary, middle and high schools, provided:
 - a. Any school be on a lot at least of 400 feet wide and containing six acres of lot area;
 - b. All buildings be at least 60 feet from every property line.
 15. Existing cemeteries.

5-1.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
 1. Cultural exhibits and libraries.
 2. Religious institutions, provided:
 - a. The lot abuts upon an arterial or collector street or state highway.
 - b. The lot is at least three acres in size.

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- c. All buildings are located at least 50 feet from all property lines.
 - d. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - e. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - f. A circular drive for off-street loading is provided.
3. Family day care center, provided
- a. It is an owner-occupied establishment;
 - b. Must obtaining signatures from neighboring lots
 - c. No more than six individuals are kept.
4. Group day care facilities including private kindergartens and playschools, provided:
- a. The lot abuts upon a major or collector street or a state highway.
 - b. A circular drive for off-street loading and unloading of children is provided.
 - c. At least 35 square feet of indoor play area for each child at maximum enrollment is provided.
 - d. At least 100 square feet of outdoor play area for each child at maximum enrollment is provided.
 - e. The outdoor play area is enclosed by a fence at least four feet in height but not over eight feet in height.
 - f. A circular drive for off-street loading is provided.
 - g. If a special use permit is approved, comply with all state day care requirements and health regulations.
4. Parks, private, provided:
- a. All buildings are located at least 100 feet from any property line.
5. Neighborhood recreation centers, provided:
- a. All buildings are located at least 100 feet from any property line.
6. Bed and breakfast.

5-1.4 Prohibited uses. All uses not listed in the permitted or special use sections are considered prohibited, unless a conditional use is otherwise authorized.

5-1.5 District development regulations.

- A. The following contain the development regulations for the R-1 district. Any exceptions to the following must be approved by the planning commission upon recommendation from staff.
1. Minimum lot size: 10,000 square feet.
 2. Minimum lot width: 100 feet.
 3. Minimum road frontage (measured at property line): 40 feet.
 4. Minimum setback to a public street: 50 feet (from property line).

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5. Minimum side yard: Ten feet.
 6. Minimum rear yard: 40 feet.
 7. Total maximum height: 30 feet.
 8. Minimum heated floor area: 1,250 square feet.
 9. Minimum buffer area between adjacent, dissimilar districts: none.
 10. Minimum separation between buildings on same lot: Ten feet.
 11. Maximum building height: 30 feet or 2 stories.
 12. Maximum lot coverage: 40 percent.

5-1.6 Additional District Development Regulations.

- A. The following contain the development regulations for the R-1 District. Any variance to the following must be approved by the mayor and council upon recommendation from planning commission.
 1. Lighting.
 - a. Lighting, other than landscape lighting, if provided, shall be dark sky compliant and reflect away from residential areas and public streets.
 2. Trash disposal.
 - a. Each property shall provide adequate and accessible trash disposal areas. Said disposal area shall be screened from public view.
 3. Connectivity and site design requirements.
 - a. The R-1 district should incorporate multi-modal transportation (applicable modes consisting of pedestrian, bicycle, and vehicular) elements in the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large.
 - b. A grid system of streets, where feasible given the topography, is preferred over cul-de-sac designs. Block length should be conducive to pedestrian traffic.
 - c. Traffic calming methods should be incorporated to promote pedestrian accessibility and safety.

5-1.7 Minimum parking requirements.

- A. The following serves as a minimum requirement, specifically intended for this district. Please refer to article VII off-street parking and loading requirements for additional standards.
 1. Each single-family dwelling shall have two garage or carport parking spaces; such parking spaces shall be prohibited in required front yards or corner lot side yards.
 2. A minimum driveway length of 20 feet shall be required between said parking and any street right-of-way line.
 3. Parking shall only be allowed on areas surfaced with all-weather materials such as concrete, asphalt, brick, stone, or decorative gravel.
 4. Automobiles parked in front yards cannot consume more than 20 percent or 400 square feet, whichever is less.
 5. Minimum off-street parking spaces required.

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- a. Off-street parking and loading shall be provided as stated in article VII.
 6. The parking or storage of any commercial vehicle is prohibited except when any of the following provisions apply:
 - a. A commercial vehicle temporarily parked or standing in a residential zoning district for less than eight hours.
 - b. An automobile, pickup truck, van or sport utility vehicle used to provide daily transportation to and from work.
 7. A maximum of one piece of major recreational equipment may be parked or stored on a single-family residential lot provided that it is parked in compliance with section 5-267 of the Code of Ordinances. Additional major recreational equipment may only be parked or stored in enclosed buildings or in a carport provided that said recreational equipment fits entirely within the carport. However, such equipment may be parked on residential premises for a period of not more than 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

5-1.8 Streetscape requirements. Sidewalks shall be built along both sides of all public and private streets in the district, pursuant to chapter 25, streets and sidewalks. The following provisions shall be required in storefront areas, as defined, and may be considered appropriate in other parts of the R-1 district:

A. *Sidewalks and streetscape zone.*

1. All sidewalks shall have a minimum width of five feet with a minimum clear zone of five feet. Alongside the sidewalk and integrated there with shall be a continuous streetscape zone for street trees and street furniture adjacent to the curb which shall not be less than five feet in width.

B. *Pedestrian crossings of driveways and intersections.*

1. The color and composition of sidewalk shall be continued as it crosses vehicular driveways and street intersections. Where the sidewalk color and composition of the sidewalk is not otherwise distinguishable from the driveway or roadway composition and color, the sidewalk shall be composed of material with color and texture that distinguishes the pedestrian crossing. This provision is required to promote safety of pedestrians, as different textures or colors of pedestrian crossings alert or remind the motorist pedestrians are present.

(Ord. No. 2018-07, Pt.III(§§ 1, 2), 8-7-18; Ord. No. 2020-06, Pt. I, 7-7-20)

Section 5-2. Traditional residential (R-2) district.

5-2.1 Intent and where permitted. This district (hereafter referred to as (R-2) is created to establish a plan implementation zone that:

- Promotes the preservation of historic and architectural integrity of Stone Mountain's residential neighborhoods;
- Restricts properties and structures to predominantly low density single-family residential uses;
- Requires low densities that are similar to the established neighborhoods within the R-2 district;
- Protects the established neighborhoods from encroachment of uses not performing a function necessary to the single-family residential environment.

Uses are limited to single-family detached dwellings, two-family dwellings upon condition, some residentially related institutions, to certain incidental uses intended primarily to provide service to a dwelling or a residential neighborhood.

5-2.2 Permitted Uses by Right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
1. Detached single-family dwellings, excluding manufactured homes provided the development is compatible to the scale and architectural style of the surrounding neighborhood.
 2. Swimming pool for a single-family residential dwelling, that is completely enclosed by an opaque fence or wall at least four feet in height, but not over eight feet in height. Swimming pools shall meet all the requirements of the International Building Code and applicable local health department rules and regulations.
 3. Community parks and recreation (publicly owned).
 4. Conservation and passive recreation areas.
 5. Conservation/open space development of permitted residential uses, provided that conditions outlined in article VII (conservation/open space development) are met.
 6. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
 7. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations.
 8. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
 9. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or opaque fence at least but not greater than eight feet in height.
 - c. Ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.
 - e. No vehicles or equipment are stored on the premises.
 10. Stormwater management facilities shown on an approved final site plan or subdivision plat.
 11. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 400 square feet of gross floor area.
 12. Existing cemeteries.
 13. Temporary construction uses.

5-2.3 Permitted by special use.

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- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
1. Single- and two- family attached dwellings, provided the dwelling is owner-occupied.
 2. Cultural exhibits and libraries.
 3. Religious institutions, provided:
 - a. The lot abuts upon an arterial or collector street or state highway.
 - b. The lot is at least three acres in size.
 - c. All buildings are located at least 50 feet from all property lines.
 - d. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - e. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - f. A circular drive for off-street loading is provided.
 4. Bed and breakfast.
 5. Guest house or pool house on a lot containing a single-family residence limited to one on each lot and shall not include cooking facilities and shall not exceed the square footage of the principal structure.
 6. Accessory dwelling units and garage apartments provided that:
 - a. The minimum lot area required for any lot containing an accessory dwelling unit or garage apartment shall be the minimum lot size required by R-2 district regulations, and the guest house shall not exceed the square footage of the principal structure.
 - b. The primary building/residence is not rented.
 - c. The accessory dwelling unit shall contain 400 or less square feet, with the maximum lot coverage with the principal and accessory structures combined not to exceed the maximum lot coverage as specified in the R-2 District Regulations.
 - d. The accessory dwelling unit shall meet the requirements as provided in Article VI Supplemental, Section 6-8 Accessory Uses.
 7. Family day care center, provided
 - a. It is an owner-occupied establishment;
 - b. Must receive approval by:
 - i. Obtaining signatures from neighboring lots; and
 - ii. Receive approval through a public hearing.
 - c. No more than six individuals are kept.
 8. Group day care facilities including private kindergartens and playschools, provided:
 - a. The lot abuts upon a major or collector street or a state highway.
 - b. A circular drive for off-street loading and unloading of children is provided.

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- c. If a special use permit is approved, comply with all state day care requirements and health regulations.
 - d. At least 35 square feet of indoor play area for each child at maximum enrollment is provided.
 - e. At least 100 square feet of outdoor play area for each child at maximum enrollment is provided.
 - f. The outdoor play area is enclosed by a fence at least four feet in height but not over eight feet in height.
 - g. A circular drive for off-street loading is provided.
9. Neighborhood recreation centers, provided:
 - a. All buildings are located at least 100 feet from any property line.
 10. Schools offering traditional core educational courses similar to the public elementary, middle and high schools, provided:
 - a. Any school be on a lot at least of 400 feet wide and containing six acres of lot area;
 - b. All buildings be at least 60 feet from every property line.
 11. Planned community including single-family residential units, multi-family residential units with or without individual cooking facilities and complimentary uses primarily to provide services to the planed community, provided:
 - a. The minimum parcel size for the development is five acres.
 - b. A master plan for the entire development is approved.
 - c. Commercial or other non-residential uses shall be incidental to the primary use.
 12. Parks (private).
 - a. All buildings are located at least 100 feet from any property line.

5-2.4 Prohibited uses.

- A. All uses not listed in the permitted or special use sections are considered prohibited, unless a conditional use is otherwise authorized.

5-2.5 District Development Regulations.

- A. The following contain the development regulations for the R-2 district. Any exceptions to the following must be approved by the planning commission upon recommendation from staff.
 1. Minimum lot size: 15,000 feet.
 2. Minimum lot width: 100 feet.
 3. Minimum road frontage (measured at property line): 30 feet.
 4. Minimum yard abutting a public street: Ten feet (from property line).
 5. Minimum side yard: Ten feet.
 6. Minimum rear yard: 30 feet.
 7. Maximum height (of living space, not including attic and basement): 30 feet.
 8. Minimum heated floor area: 1,500 square feet.
 9. Maximum floor area: None.

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10. Minimum buffer area between adjacent, dissimilar districts: None.
 11. Minimum separation between buildings on same lot: Ten feet.
 12. Maximum building height: 30 feet or 2 stories.
 - a. Bonus: 35 feet or three stories, provided:
 - i. The principle dwelling is a part of a conservation/open space development;
 - ii. The principal dwelling promotes sustainable building practices as outlined by LEED or EARTH CRAFT building standards.
 13. Maximum lot coverage: 40 percent, including off-street parking.

5-2.6 Additional district development regulations.

- A. The following contain the development regulations for the R-2 district. Any variance to the following must be approved by the mayor and council upon recommendation from the planning commission.
 1. Base density.
 - a. One to two dwelling units per acre.
 2. Maximum density.
 - a. Two dwelling units per acre.
 3. Minimum density.
 - a. none.
 4. Setback requirements for mixed-use development.
 - a. None.
 5. Lighting.
 - a. Lighting other than landscape lighting, if provided, shall be dark sky compliant and reflect away from residential areas and public streets.
 6. Trash disposal.
 - a. Each property shall provide adequate and accessible trash disposal areas. Said disposal area shall be screened from public view.
 7. Connectivity and site design requirements.
 - a. The R-2 district should incorporate multi-modal transportation (applicable modes consisting of pedestrian, bicycle, and vehicular) elements in the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large.
 - b. A grid system of streets, where feasible given the topography, is preferred over cul-de-sac designs. Block length should be conducive to pedestrian traffic.
 - c. Traffic calming methods should be incorporated to promote pedestrian accessibility and safety.

5-2.7 Minimum parking requirements.

- A. The following serves as a minimum requirement, specifically intended for this district. Please refer to article VII off-street parking and loading requirements for additional standards.

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1. Each single-family dwelling shall have two garage or carport parking spaces; such parking spaces shall be prohibited in required front yards or corner lot side yards.
 2. A minimum driveway length of 20 feet shall be required between said parking and any street right-of-way line.
 3. Parking shall only be allowed on areas surfaced with all-weather materials such as concrete, asphalt, brick, stone, or decorative gravel.
 4. Automobiles parked in front yards cannot consume more than 20 percent or 400 square feet, whichever is less.
 5. Minimum off-street parking spaces required.
 - a. Off-street parking and loading shall be provided as stated in article VII.
 6. Decorative fences or walls, plantings, berms, or other similar features should be used to screen surface parking lots from public view or soften their visual impact.
 7. Surface parking lots should be oriented behind or to the side of a building when possible. Surface parking lots should not be located on street corners.
 8. Parallel parking is permitted along all streets within the development provided the street construction specifications meet the required city code regarding parallel parking.
 9. The parking or storage of any commercial vehicle is prohibited except when any of the following provisions apply:
 - a. A commercial vehicle temporarily parked or standing in a residential zoning district for less than eight hours.
 - b. An automobile, pickup truck, van or sport utility vehicle used to provide daily transportation to and from work.
 10. A maximum of one piece of major recreational equipment may be parked or stored on a single-family residential lot provided that it is parked in compliance with section 5-267 of the Code of Ordinances. Additional major recreational equipment may only be parked or stored in enclosed buildings or in a carport provided that said recreational equipment fits entirely within the carport. However, such equipment may be parked on residential premises for a period of not more than 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

5-2.8 Streetscape requirements. Sidewalks shall be built along both sides of all public and private streets in the district, pursuant to chapter 25, streets and sidewalks. The following provisions shall be required in storefront areas, as defined, and may be considered appropriate in other parts of the R-2 district:

A. *Sidewalks and streetscape zone.*

1. All sidewalks shall have a minimum width of five feet with a minimum clear zone of five feet. Alongside the sidewalk and integrated there with shall be a continuous streetscape zone for street trees and street furniture adjacent to the curb which shall not be less than five feet in width.

B. *Pedestrian crossings of driveways and intersections.*

1. The color and composition of sidewalk shall be continued as it crosses vehicular driveways and street intersections. Where the sidewalk color and composition of the sidewalk is not otherwise distinguishable from the driveway or roadway composition and color, the sidewalk shall be composed of material with color and texture that distinguishes the pedestrian crossing. This

provision is required to promote safety of pedestrians, as different textures or colors of pedestrian crossings alert or remind the motorist pedestrians are present.

(Ord. No. 2018-01, Pt. I (§§ 1, 2), 3-6-18 Ord. No. 2018-07, Pt. III (§§ 3, 4), 8-7-18; Ord. No. 2020-06, Pt. I, 7-7-20)

Section 5-3. In-town neighborhood (R-3) district.

5-3.1 Intent and where permitted. This district (hereafter referred to as (R-3) is created to establish a plan implementation zone that:

- Promotes the preservation of historic and architectural integrity of Stone Mountain's residential neighborhoods;
- Encourages and allows for cluster development;
- Encourage the preservation of functional open space in and around the R-3 district;
- Encourages infill development;
- Provides for compact single-family and two-family residential development;
- Promotes more efficient use of land and utilities;
- Accommodates moderate- density residential development adjacent to small-scale commercial uses;
- Encourage pedestrian-oriented development within walking distance of transit opportunities;
- Enhance the community's character through the promotion of high quality urban design.

Uses are limited to single-family dwellings, two-family dwellings, some residentially related institutions, to certain incidental uses intended primarily to provide service to a dwelling or a residential neighborhood.

5-3.2 Permitted uses by right.

A. The following uses shall be permitted subject to requirements and limitations of this ordinance:

1. Single- and two- family attached dwellings, provided the dwelling is owner occupied.
2. Detached single-family dwellings, excluding manufactured homes.
3. Conservation/open space development of permitted residential uses, provided that conditions outlined in article VII (conservation/open space development) are met.
4. Community parks and recreation (publicly owned).
5. Conservation and passive recreation areas.
6. Fire and police protection services.
7. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
8. Temporary construction uses.
9. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations.
10. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.

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11. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or woven wire fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.
 - e. No vehicles or equipment are stored on the premises.
 12. Stormwater management facilities shown on an approved final site plan or subdivision plat.
 13. Schools offering traditional core educational courses similar to the public elementary, middle and high schools, provided:
 - a. Any school be on a lot at least of 400 feet wide and containing six acres of lot area;
 - b. All buildings be at least 60 feet from every property line.
 14. Existing cemeteries.

5-3.3 Permitted by special use. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:

1. Cultural exhibits and libraries.
2. Lodges and buildings of fraternal and civic assembly, provided that:
 - a. The lot abuts upon an arterial or collector street or state highway.
 - b. The lot is at least three acres in size.
 - c. All buildings are located at least 50 feet from all property lines.
 - d. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - e. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - f. A circular drive for off-street loading is provided.
2. Bed and breakfast provided that it is owner-occupied and that conditions outlined in article XV (bed and breakfast facilities) are met.
3. Accessory dwelling units or guest houses on a lot containing a single-family residence limited to one on each lot and provided further that the minimum lot area shall be the minimum lot size required by R-3 district regulations.
 - a. The accessory dwelling unit shall contain not less than 400 or less square feet, with the maximum lot coverage with the principal and accessory structures combined not to exceed the maximum lot coverage as specified in the R-3 district regulations.
 - b. The accessory dwelling unit shall meet the requirements as provided in article VI supplemental, section 6-8 accessory uses.

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4. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 400 square feet of gross floor area.
 5. Rental of permitted accessory dwelling units and guest cottages, provided that:
 - a. Yard, area, and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out;
 - b. The primary building/residence is not rented.
 6. Eating and drinking establishments.
 7. Food and beverage retail sales.
 8. Retail sales and services, provided:
 - a. A use does not exceed 2,500 square feet of gross floor area per parcel.
 - b. The lot must abut a major street as defined by the official zoning map.
 9. Planned community including single-family residential units, multi-family residential units with or without individual cooking facilities and complimentary uses primarily to provide services to the planned community, provided:
 - a. The minimum parcel size for the development is five acres.
 - b. A master plan for the entire development is approved.
 - c. Commercial or other non-residential uses shall be incidental to the primary use.

5-3.4 Prohibited uses.

- A. All uses not listed in the permitted or special use sections are considered prohibited, unless a conditional use is otherwise authorized.

5-3.5 District development regulations.

- A. The following contain the development regulations for the R-3 district. Any variance to the following must be approved by the mayor and council upon recommendation from the planning commission.
 1. Minimum lot size:
 - a. 7,000 feet (detached residential);
 - b. 5,000 feet (attached residential);
 - c. No minimum (commercial).
 2. Minimum lot width: 30 feet.
 3. Minimum road frontage (measured at property line): 30 feet.
 4. Minimum yard abutting a public street (from property line):
 - a. 20 feet (detached residential);
 - b. 20 feet (attached single-family residential);
 - c. No minimum (commercial).
 5. Minimum side yard: Ten feet.
 6. Minimum rear yard:

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- a. 20 feet (detached residential);
 - b. 20 feet (attached single- and two-family residential);
 - c. 30 feet (commercial).
7. Maximum height (of living space, not including attic and basement): 30 feet.
 8. Minimum heated floor area:
 - a. 1,250 square feet (detached residential).
 - b. 1,000 square feet (attached single- and two-family residential).
 - c. No minimum (commercial).
 9. Maximum floor area.
 - a. 10,000 square feet (detached residential).
 - b. 2,000 square feet (attached single- and two-family residential).
 - c. 1,000 square feet (commercial).
 10. Minimum buffer area between adjacent, dissimilar districts: None.
 11. Minimum separation between buildings on same lot: None.
 12. Maximum building height: 30 feet or two stories.

Bonus: 50 feet or three stories, provided:

 - a. The principal dwelling is a part of a conservation/open space development;
 - b. The principal dwelling promotes sustainable building practices as outlined by LEED or EARTH CRAFT building standards.
 13. Maximum lot coverage: 60 percent, including off-street parking.

5-3.6 Additional district development regulations.

- A. The following contain the development regulations for the R-3 district. Any variance to the following must be approved by the mayor and council upon recommendation from the planning commission.
 1. Base density.
 - a. Four to ten dwelling units per acre.
 2. Maximum density.
 - a. Ten dwelling units per acre.
 3. Minimum density.
 - a. Four dwelling units per acre.
 4. Setback requirements for mixed-use development.
 - a. Front setbacks may vary from a minimum of 15 feet to a maximum of 25 feet to accommodate for outdoor retail and dining.
 5. Lighting.
 - a. Lighting other than landscape lighting, if provided, shall be dark sky compliant and reflect away from residential areas and public streets.

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6. Trash disposal.
 - a. Each property shall provide adequate and accessible trash disposal areas. Said disposal area shall be screened from public view.
 7. Connectivity and site design requirements.
 - a. The R-3 district should incorporate multi-modal transportation (applicable modes consisting of pedestrian, bicycle, and vehicular) elements in the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large.
 - b. A grid system of streets, where feasible given the topography, is preferred over cul-de-sac designs. Block length should be conducive to pedestrian traffic.
 - c. Traffic calming methods should be incorporated to promote pedestrian accessibility and safety.

5-3.7 Minimum parking requirements.

- A. The following serves as a minimum requirement, specifically intended for this district. Please refer to article VII off-street parking and loading requirements for additional standards.
 1. Each single-family dwelling shall have two garage or carport parking spaces; such parking spaces shall be prohibited in required front yards or corner lot side yards.
 2. A minimum driveway length of 20 feet shall be required between said parking and any street right-of-way line.
 3. Parking shall only be allowed on areas surfaced with all-weather materials such as concrete, asphalt, brick, stone, or decorative gravel.
 4. Automobiles parked in front yards cannot consume more than 20 percent or 400 square feet, whichever is less.
 5. Minimum off-street parking spaces required.
 - a. Off-street parking and loading shall be provided as stated in article VII.
 6. Decorative fences or walls, plantings, berms, or other similar features should be used to screen surface parking lots from public view or soften their visual impact.
 7. Surface parking lots should be oriented behind or to the side of a building when possible. Surface parking lots should not be located on street corners.
 8. Underground or within the building parking is encouraged to maximize green space.
 9. Shared parking should be utilized to reduce surface parking as outlined in article VII: off-street parking and loading requirements.
 10. Parallel parking is permitted along all streets within the development provided the street construction specifications meet the required city code regarding parallel parking.
 - a. The parking or storage of any commercial vehicle is prohibited except when any of the following provisions apply:
 - i. A commercial vehicle temporarily parked or standing in a residential zoning district for less than eight hours.
 - ii. An automobile, pickup truck, van or sport utility vehicle used to provide daily transportation to and from work.

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11. A maximum of one piece of major recreational equipment may be parked or stored on a single-family residential lot provided that it is parked in compliance with section 5-267 of the Code of Ordinances. Additional major recreational equipment may only be parked or stored in enclosed buildings or in a carport provided that said recreational equipment fits entirely within the carport. However, such equipment may be parked on residential premises for a period of not more than 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

5-3.8 Streetscape requirements. Sidewalks shall be built along both sides of all public and private streets in the district, pursuant to chapter 25, streets and sidewalks. The following provisions shall be required in storefront areas, as defined, and may be considered appropriate in other parts of the R-3 district:

A. *Sidewalks and streetscape zone.*

1. All sidewalks shall have a minimum width of five feet with a minimum clear zone of five feet. Alongside the sidewalk and integrated there with shall be a continuous streetscape zone for street trees and street furniture adjacent to the curb which shall not be less than five feet in width.

B. *Pedestrian crossings of driveways and intersections.*

1. The color and composition of sidewalk shall be continued as it crosses vehicular driveways and street intersections. Where the sidewalk color and composition of the sidewalk is not otherwise distinguishable from the driveway or roadway composition and color, the sidewalk shall be composed of material with color and texture that distinguishes the pedestrian crossing. This provision is required to promote safety of pedestrians, as different textures or colors of pedestrian crossings alert or remind the motorist pedestrians are present.

(Ord. No. 2018-01, Pt. I (§§ 3, 4), 3-6-18; Ord. No. 2018-07, Pt. III (§§ 5, 6), 8-7-18; Ord. No. 2020-06, Pt. I, 7-7-20)

Section 5-4. Shermantown residential (R-4) district.

5-4.1 Intent and where permitted. This district (hereafter referred to as (R-4) is created to establish a plan implementation zone that:

- Recognizes the existence of a previously established medium density residential district in communities and the urban area;
- Retains and protects the historic Shermantown neighborhood;
- Encourages infill development;
- Provides for compact single-family residential development;
- Promotes more efficient use of land and utilities;
- Accommodates moderate- density residential development above small-scale ground-floor commercial uses;
- Encourage pedestrian-oriented development within walking distance of transit opportunities;
- Enhance the community's character through the promotion of high quality urban design.

Uses are limited to single-family dwellings, two-family dwellings, some residentially related institutions, mixed-use developments to certain enumerated complimentary uses intended primarily to provide service to a dwelling or a residential neighborhood.

5-4.2 Permitted uses by right.

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- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
1. Detached single-family dwellings, excluding manufactured homes.
 2. Attached single- and multi-family dwellings, provided:
 - a. Residential units are not on the ground floor;
 - b. Are a part of a residential/commercial mixed-use building.
 3. Conservation/open space development of permitted residential uses, provided that conditions outlined in article VII (conservation/open space development) are met.
 4. Rental of permitted residential uses or guest cottages, provided that either the principal residence or guest cottage is owner occupied; that yard, area, and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
 5. Community parks and recreation (publicly owned).
 6. Conservation and passive recreation areas.
 7. Fire and police protection services.
 8. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
 9. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; except that not more than two automobiles in operating condition belonging to residents of a dwelling shall be parked between a dwelling and the street or streets it adjoins. All cars in excess of two and all cars not in operating condition any truck, boat or unoccupied travel trailer shall be parked in the rear yard or in a garage or carport. All automobile parts shall be stored within a garage or storage building. Any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 800 square feet of gross floor area.
 10. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations.
 11. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
 12. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or opaque fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.
 - e. No vehicles or equipment are stored on the premises.
 13. Stormwater management facilities shown on an approved final site plan or subdivision plat.
 14. Schools offering traditional core educational courses similar to the public elementary, middle and high schools, provided:

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- a. Any school be on a lot at least of 400 feet wide and containing six acres of lot area;
 - b. All buildings be at least 60 feet from every property line.
15. Existing cemeteries.
 16. Retail sales and services, provided:
 - a. A use is a part of a residential/commercial mixed-use building;
 - b. A use does not exceed 1,000 square feet of gross floor area per parcel;
 - c. A use does not provide for or serve alcohol.
 17. Religious institutions, provided:
 - a. The lot abuts upon an arterial or collector street or state highway.
 - b. The lot is at least three acres in size.
 - c. All buildings are located at least 50 feet from all property lines.
 - d. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - e. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - f. A circular drive for off-street loading is provided.

5-4.3 Permitted by special use

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
 1. Cultural exhibits and libraries.
 2. Lodges and buildings of fraternal and civic assembly, provided that:
 - a. Such use is currently underserved by existing use.
 - b. The lot abuts upon an arterial or collector street or state highway.
 - c. The lot is at least three acres in size.
 - d. All buildings are located at least 50 feet from all property lines.
 - e. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - f. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - g. A circular drive for off-street loading is provided.
 3. Bed and breakfast facilities.
 4. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 400 square feet of gross floor area.

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- a. Accessory dwelling units shall contain 400 or less square feet, with the maximum lot coverage with the principal and accessory structures combined not to exceed the maximum lot coverage as specified in the R-4 district regulations.
 - b. The accessory dwelling unit shall meet the requirements as provided in article VI supplemental, section 6-8 accessory uses.
 5. Eating and drinking establishments (with alcohol).
 6. Food and beverage retail sales (with alcohol).

5-4.4 Prohibited uses.

- A. All uses not listed in the permitted or special use sections are considered prohibited, unless a conditional use is otherwise authorized..

5-4.5 District development regulations.

- A. The following contain the development regulations for the R-4 district. Any variance to the following must be approved by the mayor and council upon recommendation from the planning commission.
 1. Minimum lot size:
 - a. 5,000 feet (detached residential);
 - b. No minimum (attached single/multi-family dwellings as a part of a mixed-use building);
 - c. No minimum (commercial).
 2. Minimum lot width: 50 feet.
 3. Minimum road frontage (measured at property line): 30 feet
 4. Minimum yard abutting a public street (measured from property line):
 - a. 15 feet (detached residential);
 - b. No minimum (attached single/multi-family dwellings as a part of a mixed-use building);
 - c. No minimum (commercial).
 5. Minimum side yard:
 - a. Ten feet (detached residential);
 - b. No minimum (attached single/multi-family dwellings as a part of a mixed-use building);
 - c. No minimum (commercial);
 - d. If mixed-use building is detached from neighboring parcel buildings, there must be a 12-foot alleyway from the street to behind the building.
 - i. Alleyway must be maintained in order to promote the health, safety and welfare of visitors, employees and residences.
 6. Minimum rear yard:
 - a. 20 feet (detached residential);
 - b. 20 feet (attached single/multi-family dwellings as a part of a mixed-use building);
 - c. 30 feet (commercial).
 7. Maximum height (of living space, not including attic and basement): 30 feet.

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8. Minimum heated floor area:
 - a. 1,000 square feet (detached residential).
 - b. 600 square feet (attached single/multi-family dwellings as a part of a mixed-use building).
 - c. No minimum (commercial).
 9. Maximum floor area:
 - a. 2,500 square feet (detached residential).
 - b. 1,500 square feet (attached single/multi-family dwellings as a part of a mixed-use building).
 - c. 2,500 square feet (commercial).
 10. Minimum buffer area between adjacent, dissimilar districts: None.
 11. Minimum separation between buildings on same lot: None.
 12. Maximum building height: 30 feet or two stories.
Bonus: 50 feet or three stories, provided:
 - a. The principle dwelling is a part of a conservation/open space development;
 - b. The principal dwelling promotes sustainable building practices as outlined by LEED or EARTH CRAFT building standards.
 13. Maximum lot coverage: 60 percent, including off-street parking.
 - a. 50 percent (detached residential); ten percent parking.
 - b. 40 percent (attached single/multi-family dwellings as a part of a mixed-use building; 20 percent parking).
 - c. 40 percent (commercial); 20 percent parking.

5-4.6 Additional District Development Regulations.

- A. The following contain the development regulations for the R-4 district. Any variance to the following must be approved by the mayor and council upon recommendation from the planning commission.
 1. Base density.
 - a. Four to eight dwelling units per acre.
 2. Maximum density.
 - a. Eight dwelling units per acre.
 3. Minimum density.
 - a. Four dwelling units per acre.
 4. Maximum nonresidential.
 - a. None.
 5. Setback requirements for mixed-use development.
 - a. Setbacks may vary from 15 to 25 feet to accommodate for outdoor retail and dining.
 6. Lighting.

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- a. Lighting, other than landscape lighting if provided, shall be dark sky compliant and reflect away from residential areas and public streets.
 - b. Lighting must be pedestrian-oriented and included in alleyways.
 7. Trash disposal.
 - a. Each property shall provide adequate and accessible trash disposal areas. Said disposal area shall be screened from public view.
 8. Connectivity and site design requirements.
 - a. The R-4 district should incorporate multi-modal transportation (applicable modes consisting of pedestrian, bicycle, and vehicular) elements in the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large.
 - b. A grid system of streets, where feasible given the topography, is preferred over cul-de-sac designs. Block length should be conducive to pedestrian traffic.
 - c. Traffic calming methods should be incorporated to promote pedestrian accessibility and safety.

5-4.7 Minimum Parking Requirements.

- A. The following serves as a minimum requirement, specifically intended for this district. Please refer to article VII off-street parking and loading requirements for additional standards.
 1. Each single-family dwelling shall have two garage or carport parking spaces; such parking spaces shall be prohibited in required front yards or corner lot side yards.
 2. A minimum driveway length of 20 feet shall be required between said parking and any street right-of-way line.
 3. Parking shall only be allowed on areas surfaced with all-weather materials such as concrete, asphalt, brick, stone, or decorative gravel.
 4. Automobiles parked in front yards cannot consume more than 20 percent or 400 square feet, whichever is less.
 5. Minimum off-street parking spaces required.
 - a. Off-street parking and loading shall be provided as stated in article VII.
 6. Decorative fences or walls, plantings, berms, or other similar features should be used to screen surface parking lots from public view or soften their visual impact.
 7. The location and design of parking structures should minimize their visibility from the street, adjacent properties, or other public areas and are not appropriate abutting residential properties outside the R-4 district.
 8. Surface parking lots should be oriented behind or to the side of a building when possible. Surface parking lots should not be located on street corners.
 9. Underground or within the building parking is encouraged to maximize green space.
 10. Shared parking should be utilized to reduce surface parking.
 11. Parallel parking is permitted along all streets within the development provided the street construction specifications meet the required city code regarding parallel parking.

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12. The parking or storage of any commercial vehicle is prohibited except when any of the following provisions apply:
 - a. A commercial vehicle temporarily parked or standing in a residential zoning district for less than eight (8) hours.
 - b. An automobile, pickup truck, van or sport utility vehicle used to provide daily transportation to and from work.
 13. A maximum of one piece of major recreational equipment may be parked or stored on a single-family residential lot provided that it is parked in compliance with section 5-267 of the Code of Ordinances. Additional major recreational equipment may only be parked or stored in enclosed buildings or in a carport provided that said recreational equipment fits entirely within the carport. However, such equipment may be parked on residential premises for a period of not more than 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

5-4.8 Streetscape requirements.

- A. Sidewalks shall be built along both sides of all public and private streets in the district, pursuant to chapter 25, streets and sidewalks. The following provisions shall be required in storefront areas, as defined, and may be considered appropriate in other parts of the R-4 district:
 1. Sidewalks and streetscape zone.
 - a. All sidewalks shall have a minimum width of five feet with a minimum clear zone of five feet. Alongside the sidewalk and integrated there with shall be a continuous streetscape zone for street trees and street furniture adjacent to the curb which shall not be less than five feet in width.
 2. Pedestrian crossings of driveways and intersections.
 - b. The color and composition of sidewalk shall be continued as it crosses vehicular driveways and street intersections. Where the sidewalk color and composition of the sidewalk is not otherwise distinguishable from the driveway or roadway composition and color, the sidewalk shall be composed of material with color and texture that distinguishes the pedestrian crossing. This provision is required to promote safety of pedestrians, as different textures or colors of pedestrian crossings alert or remind the motorist pedestrians are present.

(Ord. No. 2018-01, Pt. I (§ 5), 3-6-18; Ord. No. 2018-07, Pt. III (§§ 7, 8), 8-7-18; Ord. No. 2020-06, Pt. I, 7-7-20)

Section 5-5. Village center mixed-use (VCM) district.

5-5.1 Intent and where permitted. This district (hereafter referred to as (VCM) is created to establish a plan implementation zone that:

- Accommodates moderate- to high-density residential development and ground-floor commercial uses with residential units above. This district also accommodates low-intensity office development compatible with the residential character of the VCM district.
- Allows for a diverse variety of uses, structures, densities and open spaces when not in conflict with existed and permitted land uses on abutting properties;
- Promotes a more efficient use of land and a smaller network of utilities and natural resources than conventional land development;

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- Encourages the preservation of functional open space in and around the village center;
 - Provides the opportunity for the application of innovative site planning concepts through the creation of aesthetically pleasing environments for living, shopping and working on properties of adequate shape, size and location that conventional land development may not allow for;
 - Encourages high pedestrian use and accessibility and transportation alternatives.

Uses are limited to multi-family dwellings, two-family dwellings, mixed-use residential and commercial developments to commercial and professional complimentary uses intended primarily to provide service to the entire city.

5-5.2 Permitted uses by right.

A. The following uses shall be permitted subject to requirements and limitations of this ordinance:

1. Attached multi-family dwellings, provided:
 - a. Is a part of a residential/commercial mixed-use building.
2. Conservation/open space development of permitted residential uses, provided that conditions outlined in article VII (conservation/open space development) are met.
3. Rental of permitted residential uses, provided that yard, area, and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.
4. Community parks and recreation (publicly owned).
5. Conservation and passive recreation areas.
6. Fire and police protection services.
7. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
8. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 400 square feet of gross floor area.
9. Temporary construction uses.
10. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations provided:
11. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
12. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or woven wire fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.
 - e. No vehicles or equipment are stored on the premises.

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13. Stormwater management facilities shown on an approved final site plan or subdivision plat.
 14. Consumer services (non-automotive).
 15. Recreation sales and services.
 16. Automatic teller machines that are not an accessory use to a financial center.
 17. Professional medical clinic services.
 18. Financial services.
 19. Eating and drinking establishments.
 20. Food and beverage retail sales,
 21. Professional offices.
 22. Retail sales (general excluding automotive).

5-5.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
 1. Cultural exhibits and libraries.
 2. Bed and breakfast.
 3. Laundry services (drycleaners).
 4. Consumer repair services provided:
 - a. Services are non-automotive;
 - b. No outside storage.
 5. Animal sales and services (household pets no outside kennels or runs).
 6. Eating and drinking establishments (with walk-through service).
 7. Recreational equipment rental provided there is no outside storage.
 8. Day nurseries and kindergartens.
 - a. The following provisions apply to day nurseries and kindergartens:
 - i. There shall be not less than thirty-five (35) square feet of indoor play area for each child at maximum licensed enrollment and not less than one hundred (100) square feet per child of outdoor play area at maximum licensed enrollment.
 - ii. The outdoor play area shall be enclosed by a fence not less than four (4) feet in height but not over eight (8) feet in height
 - iii. A circular drive shall be provided for off-street loading and unloading.
 10. Business or vocational school.
 11. Private or parochial elementary, middle or high school, or college.
 - a. Day nurseries and kindergartens may be established as an accessory use to private or parochial schools subject to the requirements listed in 5-5.3A-9.
 12. Religious Institutions.

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13. Microbrewery, provided that:
 - a. Shall adhere to a maximum floor area of four thousand (4,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.
 14. Microdistillery (craft distillery), provided that:
 - a. Shall adhere to a maximum floor area of four thousand (4,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.

5-5.4 Prohibited uses.

- A. All uses not listed in the permitted or special use sections are considered prohibited, unless a conditional use is otherwise authorized.

5-5.5 District development regulations.

- A. The following contain the development regulations for the VCM district. Any variance to the following must be approved by the mayor and council upon recommendation from the planning commission.
 1. Minimum lot size: None.
 2. Minimum lot width: 60 feet.
 3. Minimum road frontage (measured at property line): 40 feet.
 4. Minimum yard abutting a public street: None.
 5. Minimum side yard: None.
 6. Minimum rear yard: 20 feet.
 7. Maximum height (of living space, not including attic and basement): 50 feet.
 8. Minimum floor area: 600 square feet.
 9. Maximum floor area: 2,400 square feet.
 10. Minimum buffer area between adjacent, dissimilar districts: none.
 11. Minimum separation between buildings on same lot: none.
 12. Maximum building height: 50 feet or three stories.

Bonus: 65 feet or four stories, provided:

 - a. The principle building is a part of a conservation/open space development; or
 - b. The principle building is a part of a mixed-use residential/commercial development; or
 - i. The principal building promotes sustainable building practices as outlined by LEED or EARTH CRAFT building standards.

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13. Maximum lot coverage: 80 percent, including a maximum of 20 percent for off-street parking.

5-5.6 Additional district development regulations.

- A. The following contain the development regulations for the VCM district. Any variance to the following must be approved by the mayor and council upon recommendation from the planning commission
 1. Maximum density.
 - a. 20 dwelling units per acre.
 2. Minimum density.
 - a. Eight dwelling units per acre.
 3. Setback requirements for mixed-use development.
 - a. Setbacks may vary from zero to ten feet to accommodate for outdoor retail and dining.
 4. Lighting.
 - a. Lighting, other than landscape lighting if provided, shall be dark sky compliant and reflect away from residential areas and public streets.
 - b. Lighting must be pedestrian-friendly and included in alleyways.
 5. Trash disposal.
 - a. Each property shall provide adequate and accessible trash disposal areas. Said disposal area shall be screened from public view.
 6. Connectivity and site design requirements.
 - a. The VCM district should incorporate multi-modal transportation (applicable modes consisting of pedestrian, bicycle, and vehicular) elements in the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large.
 - b. A grid system of streets, where feasible given the topography, is preferred over cul-de-sac designs. Block length should be conducive to pedestrian traffic.
 - c. Traffic calming methods should be incorporated to promote pedestrian accessibility and safety.
 - d. Interconnections to adjoining property, whether developed or undeveloped, should be included and incorporated into the design where appropriate. Proposed parcels should be arranged and designed so as to allow for the opening of future streets and provide access to those areas not presently served by streets.

5-5.7 Minimum parking requirements.

- A. The following serves as a minimum requirement, specifically intended for this district. Please refer to article VII off-street parking and loading requirements for additional standards.
 1. Minimum off-street parking spaces required.
 - a. Off-street parking and loading shall be provided as stated in article VII.
 2. Decorative fences or walls, plantings, berms, or other similar features should be used to screen surface parking lots from public view or soften their visual impact.

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3. The location and design of parking structures should minimize their visibility from the street, adjacent properties, or other public areas and are not appropriate abutting residential properties outside the VCM district.
 4. Surface parking lots should be oriented behind or to the side of a building when possible. Surface parking lots should not be located on street corners.
 5. Underground or within the building parking is encouraged to maximize green space.
 6. Shared parking should be utilized to reduce surface parking as outlined in article VII, off-street parking and loading requirements.
 7. Parallel parking is permitted along all streets within the development provided the street construction specifications meet the required city code regarding parallel parking.
 - a. The parking or storage of any commercial vehicle is prohibited except when any of the following provisions apply:
 - i. A commercial vehicle temporarily parked or standing in a residential zoning district for less than eight hours.
 - ii. An automobile, pickup truck, van or sport utility vehicle used to provide daily transportation to and from work.
 8. A maximum of one piece of major recreational equipment may be parked or stored on a single-family residential lot provided that it is parked in compliance with section 5-267 of the Code of Ordinances. Additional major recreational equipment may only be parked or stored in enclosed buildings or in a carport provided that said recreational equipment fits entirely within the carport. However, such equipment may be parked on residential premises for a period of not more than 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

5-5.8 Streetscape requirements.

- A. Sidewalks shall be built along both sides of all public and private streets in the district. The following provisions shall be required in storefront areas, as defined, and may be considered appropriate in other parts of the VCM district:
 1. Sidewalks and streetscape zone.
 - a. All sidewalks shall have a minimum width of five feet with a minimum clear zone of ten feet. Alongside the sidewalk and integrated there with shall be a continuous streetscape zone for street trees and street furniture adjacent to the curb which shall not be less than five feet in width.
 - b. One street tree as approved by the planning commission shall be planted for each 40 feet linear feet within the required streetscape zone; street trees might be regularly spaced (40 feet on center), or they may be irregularly spaced where opportunities exist, subject to the approval of the city council.
 2. Pedestrian amenities.
 - a. The streetscape zone shall be planted with street trees and furnished with street furniture, including but not limited to benches and litter receptacles. The streetscape zone may also include signs, light poles, and other similar items unless otherwise specifically prohibited by regulation.

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- b. For all new streetscape development, attention and respect must be given to the current, surrounding infrastructure and design.
3. Pedestrian crossings of driveways and intersections.
 - a. The color and composition of sidewalk shall be continued as it crosses vehicular driveways and street intersections. Where the sidewalk color and composition of the sidewalk is not otherwise distinguishable from the driveway or roadway composition and color, the sidewalk shall be composed of material with color and texture that distinguishes the pedestrian crossing. This provision is required to promote safety of pedestrians, as different textures or colors of pedestrian crossings alert or remind the motorist pedestrians are present.

(Ord. No. 2012-04, 9-4-12; Ord. No 2016-19, Pt. I (§§ 1—7), 12-6-16; Ord. No. 2018-07, Pt. III (§§ 9, 10), 8-7-18; Ord. No. 2020-06, Pt. I, 7-7-20; Ord. No. 2021-05, § 1(Exh. A), 8-17-21)

Section 5-6. Multi-family residential (MR-1) district.

5-6.1 Intent and where permitted. This district (hereafter referred to as (MR-1) is created to establish a plan implementation zone that:

- Accommodate moderate- to high-density residential development above or adjacent to ground-floor commercial uses. This district also accommodates office development compatible with the residential character of the MR-1 district.
- Support mixed-use (residential/nonresidential) projects with active ground-floor uses;
- Allow for a diverse variety of uses, structures, densities and open spaces when not in conflict with existed and permitted land uses on abutting properties;
- Promote a more efficient use of land and a smaller network of utilities and natural resources than conventional land development;
- Provide the opportunity for the application of innovative site planning concepts through the creation of aesthetically pleasing environments for living, shopping and working on properties of adequate shape, size and location that conventional land development may not allow for;
- Encourage high pedestrian use and accessibility and transportation alternatives.

Uses are limited to multi-family dwellings, mixed-use residential and commercial developments to commercial and professional complimentary uses; certain enumerated complimentary uses intended primarily to provide services to this district.

5-6.2 Permitted uses by right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
 1. Two-family attached dwellings.
 2. Multi-family attached dwellings.
 3. Mixed-use dwellings.
 4. Conservation/open space development of permitted residential uses, provided that conditions outlined in article VII (conservation/open space development) are met.
 5. Rental of permitted residential uses, provided that yard, area, and other requirements of this ordinance shall be met for each such use whether or not such use is on an individual lay-out.

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6. Community parks and recreation (publicly owned).
 7. Conservation and passive recreation areas.
 8. Fire and police protection services.
 9. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
 10. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall not exceed 400 square feet of gross floor area.
 11. Temporary construction uses.
 12. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations provided:
 13. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
 14. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - a. All structures, except for driveways, are enclosed by a wall or opaque fence at least but not greater than eight feet in height.
 - b. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - c. The lot is suitably landscaped.
 - d. No vehicles or equipment are stored on the premises.
 15. Stormwater management facilities shown on an approved final site plan or subdivision plat.
 16. Consumer services (non-automotive).
 17. Professional medical clinic services.
 18. Financial services offices.
 19. Eating and drinking establishments (without alcohol).
 20. Food and beverage retail sales (without alcohol).
 21. Professional offices.
 22. Retail sales (general excluding automotive), provided:
 - a. A use does not exceed 45,000 square feet of gross floor area.
 23. Neighborhood recreation centers, provided:
 - a. All buildings are located at least 100 feet from any property line.
 24. Temporary construction uses.
 25. Schools offering traditional core educational courses similar to the public elementary, middle and high schools, provided:

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- i. Any school be on a lot at least of 400 feet wide and containing six acres of lot area;
 - ii. All buildings be at least 60 feet from every property line. *5-6.3 Permitted by special use.*
- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
- 1. Religious institutions, provided:
 - a. The lot abuts upon an arterial or collector street or state highway.
 - b. The lot is at least three acres in size.
 - c. All buildings are located at least 50 feet from all property lines.
 - d. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - e. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - f. A circular drive for off-street loading is provided.
 - 2. Cultural exhibits and libraries.
 - 3. Family day care center, provided
 - a. It is an owner-occupied establishment;
 - b. Must receive approval by:
 - i. Obtaining signatures from neighboring lots; and
 - ii. No more than six individuals are kept.
 - 4. Group day care facilities including private kindergartens and playschools provided:
 - a. The lot abuts upon a major or collector street or a state highway.
 - b. A circular drive for off-street loading and unloading of children is provided.
 - c. If a special use permit is approved, comply with all state day care requirements and health regulations.
 - d. At least 35 square feet of indoor play area for each child at maximum enrollment is provided.
 - e. At least 100 square feet of outdoor play area for each child at maximum enrollment is provided.
 - f. The outdoor play area is enclosed by a fence at least four feet in height but not over eight feet in height.
 - g. A circular drive for off-street loading is provided.
 - 5. Animal sales and services (household pets, no outside runs or kennels).
 - 6. Consumer repair services provided:
 - h. Services are non-automotive;
 - i. No outside storage.

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7. Eating and drinking establishments (with walk-through service).
 8. Laundry services (drycleaners).
 9. Recreational equipment rental provided there is no outside storage.
 10. Automatic teller machines that is a part of a mixed use development.
 11. Bed and breakfast, provided that conditions outlined in article XV (bed and breakfast facilities) are met.

5-6.4 Prohibited uses.

- A. All uses not listed in the permitted or special use sections are considered prohibited, unless a conditional use is otherwise authorized.

5-6.5 District development regulations.

- A. The following contain the development regulations for the MR-1 district. Any variance to the following must be approved by the mayor and council upon recommendation from the planning commission
 1. Minimum lot size:
 - a. 7,000 feet (multi-family residential);
 - b. No minimum (attached two/multi-family dwellings as a part of a mixed-use building);
 - c. No minimum (commercial).
 2. Minimum lot width: 40 feet.
 3. Minimum road frontage (measured at property line): 35 feet.
 4. Minimum yard abutting a public street (from property line): No minimum.
 5. Minimum side yard: Ten feet.
 - a. No minimum (commercial);
 - b. If mixed-use building is detached from neighboring parcel buildings, there must be a 12-foot alleyway from the street to behind the building.
 - i. Alleyway must be maintained in order to promote the health, safety and welfare of visitors, employees and residences.
 6. Minimum rear yard: 30 feet.
 7. Maximum height: 50 feet.
 8. Minimum floor area:
 - a. 400 square feet (residential).
 - b. 1,500 square feet (commercial).
 9. Maximum floor area.
 - a. 2,000 square feet (residential).
 - b. 4,500 square feet (commercial).
 10. Minimum buffer area between adjacent, dissimilar districts: Ten feet.
 11. Minimum separation between buildings on same lot: none.
 12. Maximum building height: 50 feet or three stories.

Bonus: 65 feet or four stories, provided:

- a. The multi-family building contains at least ten percent affordable/workforce housing units.
- b. The principal dwelling is a part of a conservation/open space development;
- c. The principal dwelling promotes sustainable building practices as outlined by LEED or EARTH CRAFT building standards.

13. Maximum lot coverage: 60 percent, including a maximum of 20 percent for off-street parking.

5-6.6 Additional District Development Regulations.

A. The following contain the development regulations for the MR-1 district. Any variance to the following must be approved by the mayor and council upon recommendation from the planning commission.

1. Maximum density.

- a. 20 dwelling units per acre.

2. Minimum density.

- a. Eight dwelling units per acre.

3. Setback requirements for mixed-use development.

- a. Setbacks may vary from 15 to 25 feet to accommodate for outdoor retail and dining.

4. Lighting.

- a. Lighting other than landscape lighting, if provided, shall be dark sky compliant and reflect away from residential areas and public streets.
- b. Lighting must be pedestrian-friendly and included in alleyways.

5. Trash disposal.

- a. Each property shall provide adequate and accessible trash disposal areas. Said disposal area shall be screened from public view.
- b. Tenants and lessees of the same building or structure may share disposal facilities, provided that the design and plan is brought before the planning commission.

6. Connectivity and site design requirements.

- a. The MR-1 district should incorporate multi-modal transportation (applicable modes consisting of pedestrian, bicycle, and vehicular) elements in the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large.
- b. A grid system of streets, where feasible given the topography, is preferred over cul-de-sac designs. Block length should be conducive to pedestrian traffic.
- c. Traffic calming methods should be incorporated to promote pedestrian accessibility and safety.
- d. Interconnections to adjoining property, whether developed or undeveloped, should be included and incorporated into the design where appropriate. Proposed parcels should be arranged and designed so as to allow for the opening of future streets and provide access to those areas not presently served by streets.

5-6.7 Minimum Parking Requirements.

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- A. The following serves as a minimum requirement, specifically intended for this district. Please refer to article VII off-street parking and loading requirements for additional standards.
1. Minimum off-street parking spaces required.
 - a. Off-street parking and loading shall be provided as stated in article VII.
 2. Decorative fences or walls, plantings, berms, or other similar features should be used to screen surface parking lots from public view or soften their visual impact.
 3. The location and design of parking structures should minimize their visibility from the street, adjacent properties, or other public areas and are not appropriate abutting residential properties outside the MR-1 district.
 4. Surface parking lots should be oriented behind or to the side of a building when possible. Surface parking lots should not be located on street corners.
 5. Underground or within the building parking is encouraged to maximize green space.
 6. Shared parking should be utilized to reduce surface parking as outlined in article VII, off-street parking and loading requirements.
 7. Parallel parking is permitted along all streets within the development provided the street construction specifications meet the required city code regarding parallel parking.
 - a. The parking or storage of any commercial vehicle is prohibited except when any of the following provisions apply:
 - i. A commercial vehicle temporarily parked or standing in a residential zoning district for less than eight hours.
 - ii. An automobile, pickup truck, van or sport utility vehicle used to provide daily transportation to and from work.
 8. A maximum of one piece of major recreational equipment may be parked or stored on a single-family residential lot provided that it is parked in compliance with section 5-267 of the Code of Ordinances. Additional major recreational equipment may only be parked or stored in enclosed buildings or in a carport provided that said recreational equipment fits entirely within the carport. However, such equipment may be parked on residential premises for a period of not more than 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

5-6.8 Streetscape requirements.

- A. Sidewalks shall be built along both sides of all public and private streets in the district. The following provisions shall be required in storefront areas, as defined, and may be considered appropriate in other parts of the MR1 district:
1. Sidewalks and streetscape zone.
 - a. All sidewalks shall have a minimum width of five feet with a minimum clear zone of ten feet. Alongside the sidewalk and integrated there with shall be a continuous streetscape zone for street trees and street furniture adjacent to the curb which shall not be less than five feet in width.
 - b. One street tree as approved by the planning commission shall be planted for each 40 feet linear feet within the required streetscape zone; street trees might be regularly spaced (40

feet on center), or they may be irregularly spaced where opportunities exist, subject to the approval of the mayor and council

2. Pedestrian amenities.
 - a. The streetscape zone shall be planted with street trees and furnished with street furniture, including but not limited to benches and litter receptacles. The streetscape zone may also include signs, light poles, and other similar items unless otherwise specifically prohibited by regulation.
 - b. For all new streetscape development, attention and respect must be given to the current, surrounding infrastructure and design.
3. Pedestrian crossings of driveways and intersections.
 - a. The color and composition of sidewalk shall be continued as it crosses vehicular driveways and street intersections. Where the sidewalk color and composition of the sidewalk is not otherwise distinguishable from the driveway or roadway composition and color, the sidewalk shall be composed of material with color and texture that distinguishes the pedestrian crossing. This provision is required to promote safety of pedestrians, as different textures or colors of pedestrian crossings alert or remind the motorist pedestrians are present.

(Ord. No. 2018-07, Pt. III (§§ 11, 12), 8-7-18; Ord. No. 2020-06, Pt. I, 7-7-20)

Section 5-7. General commercial (GC) district.

5-7.1 Intent and where permitted. This district (hereafter referred to as (GC) is created to establish a plan implementation zone that:

- Encourages the organized concentration of a wide variety of retail goods and services for the community;
- Promotes high-quality design and aesthetic features including lighting, landscaping and pedestrian-oriented amenities;
- Encourage inter-parcel accessibility and promotes the use of transportation alternatives;
- Creates and enhances commercial areas where complete retail sales and services are available and desirable for public service and convenience; and
- Require a location accessible to large numbers of people and that serve substantial portions of the community.

This district is intended primarily for developments that contain commercial, financial, governmental or professional complementary uses intended primarily to provide service to the entire community. Typically this district would be applied where central area commercial facilities are desired or along major roadways.

5-7.2 Permitted uses by right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
 1. Administrative and business offices.
 2. Animal sales and services (household pets, no outside runs or kennels).
 3. Animal sales and services (veterinary — small animals, no outside runs or kennels).
 4. Business equipment sales.
 5. Commercial recreation.

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6. Communication services.
 7. Community parks and recreation (publicly owned).
 8. Conservation and passive recreation areas.
 9. Fire and police protection services.
 10. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
 11. Temporary construction uses.
 12. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations provided.
 13. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
 14. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or opaque fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.
 - e. No vehicles or equipment are stored on the premises.
 15. Stormwater management facilities shown on an approved final site plan or subdivision plat.
 16. Consumer services (non-automotive).
 17. Recreation sales and services.
 18. Automatic teller machines that are not an accessory use to a financial center.
 19. Professional medical clinic services.
 20. Financial services.
 21. Eating and drinking establishments.
 22. Food and beverage retail sales.
 23. Professional offices.
 24. Retail sales (general excluding automotive).
 25. Funeral and interment services.
 26. Business or vocational school.
 27. Private or parochial elementary, middle or high school, or college.
 - a. Day nurseries and kindergartens may be established as an accessory use to private or parochial schools subject to the requirements listed in 5-7.3A-9.
 28. Religious institutions.

5-7.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the mayor and council after receiving recommendations from the planning commission and after a public hearing:
1. Cultural exhibits and libraries.
 2. Hotel and lodging services.
 3. Laundry services (drycleaners)
 4. Consumer repair services provided:
 - a. Services are non-automotive;
 - b. No outside storage.
 5. Eating and drinking establishments (with drive-thru service).
 6. Retail sales and services (with drive-thru service).
 7. Recreational equipment rental provided there is no outside storage.
 8. Day nurseries and kindergartens.
 - a. The following provisions apply to day nurseries and kindergartens:
 - i. There shall be not less than thirty-five (35) square feet of indoor play area for each child at maximum licensed enrollment and not less than one hundred (100) square feet per child of outdoor play area at maximum licensed enrollment.
 - ii. The outdoor play area shall be enclosed by a fence not less than four (4) feet in height but not over eight (8) feet in height.
 - iii. A circular drive shall be provided for off-street loading and unloading.
 10. Microbrewery, provided that:
 - a. Shall adhere to a maximum floor area of eight thousand (8,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.
 11. Microdistillery (craft distillery), provided that:
 - a. Shall adhere to a maximum floor area of eight thousand (8,000) square feet.
 - b. No outdoor speaker systems shall be permitted.
 - c. Productions shall be in wholly enclosed buildings.
 - d. Outdoor equipment shall be permitted, with adequate screening from public view.
 - e. No outdoor storage is permitted.

5-7.4 Prohibited uses.

- A. All uses not listed in the permitted or special use sections are considered prohibited, unless a conditional use is otherwise authorized.

5-7.5 District development regulations.

- A. The following contain the development regulations for the GC district. Any variance to the following must be approved by the mayor and council upon recommendation from the planning commission.
1. Minimum lot size: None.
 2. Minimum lot width: 40 feet.
 3. Minimum road frontage (measured at property line): 40 feet.
 4. Minimum yard abutting a public street: 50 feet (from property line).
 5. Minimum side yard: Ten feet (20 if abutting a residential district).
 6. Minimum rear yard: 15 feet (25 if abutting a residential district).
 7. Maximum height: 30 feet.
 8. Minimum heated floor area: 2,000 square feet.
 9. Maximum floor area: 10,000 square feet.
 10. Minimum buffer area between adjacent, dissimilar districts:
 - a. 50 feet (if abutting a residential zoning district).
 - b. 15 feet (if abutting a non-residential zoning district).
 11. Minimum separation between buildings on same lot: 20 feet.
 12. Maximum building height: 30 feet or 2 stories.
Bonus: 45 feet or three stories, provided:
 - a. The principal building is a part of a conservation/open space development; or
 - b. The principal building promotes sustainable building practices as outlined by LEED or EARTH CRAFT building standards.
 13. Maximum lot coverage: 70 percent, including off-street parking.

5-7.6 Additional District Development Regulations.

- A. The following contain the development regulations for the GC district. Any variance to the following must be approved by the mayor and council upon recommendation from the planning commission.
1. Site and landscaping plan.
 - a. A site plan and landscaping plan must be submitted and approved by the planning commission prior to development or redevelopment.
 2. Landscaped buffers.
 - a. A planter landscaped in screening shrubs and trees is required and shall be permanently maintained adjacent to the fencing and property lines abutting a residentially zoned property or property designated as residential in the comprehensive plan.
 - b. Each planter area shall be surrounded with a six-inch raised concrete curbing or city-approved equivalent. Minimum width of a planter shall be five feet. An irrigation system shall be installed and permanently maintained in working order in each separate planter area.
 3. Lighting.

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- a. Lighting, other than landscape lighting if provided, shall be dark sky compliant and reflect away from residential areas and public streets.
 - b. Lighting must be pedestrian-friendly and included in alleyways.
4. Trash disposal.
- a. Each property shall provide adequate and accessible trash disposal areas. Said disposal area shall be screened from public view with materials that are resistant to rotting or decay, such as brick masonry or city-approved equivalent.
 - b. Each trash disposal area shall contain gates that shall remain closed when not in use.
 - c. Each trash disposal area shall be at least six feet in height to adequately screen dumpsters and recycling bins.
5. Connectivity and site design requirements.
- a. Perimeter setbacks and buffers should protect the privacy and amenity of adjoining uses, both existing and anticipated.
 - b. The GC district should incorporate multi-modal transportation (applicable modes consisting of pedestrian, bicycle, and vehicular) elements in the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large.
 - c. Traffic calming methods should be incorporated to promote pedestrian accessibility and safety.
 - d. Interconnections to adjoining property, whether developed or undeveloped, should be included and incorporated into the design where appropriate. Proposed parcels should be arranged and designed so as to allow for the opening of future streets and provide access to those areas not presently served by streets.

5-7.7 Minimum parking requirements.

- A. The following serves as a minimum requirement, specifically intended for this district. Please refer to article VII, off-street parking and loading requirements for additional standards.
 - 1. Minimum off-street parking spaces required.
 - a. Off-street parking and loading shall be provided as stated in article VII.
 - 2. Decorative fences or walls, plantings, berms, or other similar features should be used to screen surface parking lots from public view or soften their visual impact.
 - a. The location and design of parking structures should minimize their visibility from the street, adjacent properties, or other public areas and are not appropriate abutting residential properties outside the GC district.
 - b. Surface parking lots should be oriented behind or to the side of a building when possible. Surface parking lots should not be located on street corners.
 - c. Underground or within the building parking is encouraged to maximize green space.
 - d. Shared parking should be utilized to reduce surface parking as outlined in article VII, off-street parking and loading requirements.

5-7.8 Streetscape requirements.

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- A. Sidewalks shall be built along both sides of all public and private streets in the district. The following provisions shall be required in storefront areas, as defined, and may be considered appropriate in other parts of the GC district:
1. Sidewalks and streetscape zone.
 - a. All sidewalks shall have a minimum width of five feet with a minimum clear zone of ten feet. Alongside the sidewalk and integrated there with shall be a continuous streetscape zone for street trees and street furniture adjacent to the curb which shall not be less than five feet in width.
 - b. One street tree as approved by the planning commission shall be planted for each 40 feet linear feet within the required streetscape zone; street trees might be regularly spaced (40 feet on center), or they may be irregularly spaced where opportunities exist, subject to the approval of the city council.
 2. Pedestrian amenities.
 - a. The streetscape zone shall be planted with street trees and furnished with street furniture, including but not limited to benches and litter receptacles. The streetscape zone may also include signs, light poles, and other similar items unless otherwise specifically prohibited by regulation.
 - b. For all new streetscape development, attention and respect must be given to the current, surrounding infrastructure and design.
 3. Pedestrian crossings of driveways and intersections.
 - a. The color and composition of sidewalk shall be continued as it crosses vehicular driveways and street intersections. Where the sidewalk color and composition of the sidewalk is not otherwise distinguishable from the driveway or roadway composition and color, the sidewalk shall be composed of material with color and texture that distinguishes the pedestrian crossing. This provision is required to promote safety of pedestrians, as different textures or colors of pedestrian crossings alert or remind the motorist pedestrians are present.

(Ord. No. 2012-04, 9-4-12; Ord. No 2016-19, Pt. I(§ 8), 12-6-16; Ord. No. 2020-06, Pt. I, 7-7-20; Ord. No.2021-05, § 1(Exh. A), 8-17-21)

Section 5-8. Office professional institutional (OPI) district.

5-8.1 Intent and where permitted. This district (hereafter referred to as (OPI) is created to establish a plan implementation zone that:

- Provides a transition between commercial, residential and the village center districts;
- Provides space for office, retail and institutional facilities that do not generate heavy automobile traffic or operate between the hours of 9:00 pm and 7:00 am;
- Creates and enhances a healthy mix of office, institutional and retail use areas where complete services are available and desirable for public service and convenience; and
- Requires a location that will reduce the use of automobile traffic between these separate uses while maximizing the footprint of a developable area.

This district is intended primarily for developments that contain financial, governmental, professional or complementary retail uses intended service to the professional community.

5-8.2 Permitted uses by right.

A. The following uses shall be permitted subject to requirements and limitations of this ordinance:

1. Administrative and business offices.
2. Business equipment sales.
3. Community services.
4. Community parks and recreation (publicly owned).
5. Conservation and passive recreation areas.
6. Cultural exhibits and library services.
7. Fire and police protection services.
8. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
9. Temporary construction uses.
10. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations provided:
11. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
12. Public utility facilities, if essential to service this zoning district, are permitted provided:
 - a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or opaque fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - d. The lot is suitably landscaped.
 - e. No vehicles or equipment are stored on the premises.
13. Stormwater management facilities shown on an approved final site plan or subdivision plat.
14. Retail sales and services not exceeding 2,000 square feet of gross floor area.
15. Professional medical clinic services.
16. Financial services.
17. Eating and drinking establishments (without alcohol).
18. Food and beverage retail sales (without alcohol).
19. Professional offices.
20. Funeral and interment services.
21. Schools offering traditional core educational courses similar to the public elementary, middle and high schools and colleges (including junior colleges).

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22. Schools shall be permitted to construct residential dormitories to house no more than 75 students. School dormitories shall conform to the specifications provided for residential dormitories in the International Building Code manual as adopted now or in the future.
 23. Other uses as approved by the city, provided:
 - a. Approval must be given prior to development
 24. Business or vocational school.
 25. Private or parochial elementary, middle or high school, or college.
 - a. Day nurseries and kindergartens may be established as an accessory use to private or parochial schools subject to the requirements listed in 5-8.3A-8.

5-8.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the city council after receiving recommendations from the planning commission and after a public hearing:
 1. Animal sales and services (household pets, no outside runs or kennels).
 2. Animal sales and services (veterinary - small animals no outside runs or kennels).
 3. Automatic teller machines that are not an accessory use to a financial center.
 4. Gasoline and fuel stations.
 5. Construction sales and services (not exceeding 8,000 square feet of gross floor area).
 6. Eating and drinking establishments (with alcohol).
 7. Food and beverage retail sales (with alcohol).
 8. Day nurseries and kindergartens.
 - a. The following provisions apply to day nurseries and kindergartens:
 - i. There shall be not less than thirty-five (35) square feet of indoor play area for each child at maximum licensed enrollment and not less than one hundred (100) square feet per child of outdoor play area at maximum licensed enrollment.
 - ii. The outdoor play area shall be enclosed by a fence not less than four (4) feet in height but not over eight (8) feet in height
 - iii. A circular drive shall be provided for off-street loading and unloading.

5-8.4 Prohibited Uses.

- A. All uses not listed in the permitted or special use sections are considered prohibited, unless a conditional use is otherwise authorized.

5-8.5 District development regulations.

- A. The following contain the development regulations for the OPI district. Any variance to the following must be approved by the mayor and council upon recommendation from the planning commission
 1. Minimum lot size: None.
 2. Minimum lot width: None.

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3. Minimum road frontage (measured at property line): 40 feet.
 4. Minimum yard abutting a public street: 20 feet (from property line).
 5. Minimum side yard: Ten feet (20 if abutting a residential district).
 6. Minimum rear yard: 15 feet (20 if abutting a residential district).
 7. Maximum height: 30 feet.
 8. Minimum heated floor area: 2,000 square feet.
 9. Maximum floor area: 10,000 square feet.
 10. Minimum buffer area between adjacent, dissimilar districts:
 - a. 50 feet (if abutting a residential zoning district).
 - b. 15 feet (if abutting a non-residential zoning district).
 11. Minimum separation between buildings on same lot: 20 feet.
 12. Maximum building height: 30 feet or two stories.
Bonus: 45 feet or three stories, provided:
 - a. The principal building is a part of a conservation/open space development;
 - b. The principal building promotes sustainable building practices as outlined by LEED or EARTH CRAFT building standards.
 13. Maximum lot coverage: 70 percent, including off-street parking.

5-8.6 Additional district development regulations.

- A. The following contain the development regulations for the OPI district. Any variance to the following must be approved by the mayor and council upon recommendation from the planning commission.
 1. Site and landscaping plan.
 - a. A site plan and landscaping plan must be submitted and approved by the planning commission prior to development or redevelopment.
 2. Landscaped buffers.
 - a. A planter landscaped in screening shrubs and trees is required and shall be permanently maintained adjacent to the fencing and property lines abutting a residentially zoned property or property designated as residential in the comprehensive plan.
 - b. Each planter area shall be surrounded with a six-inch raised concrete curbing or city-approved equivalent. Minimum width of a planter shall be five feet. An irrigation system shall be installed and permanently maintained in working order in each separate planter area.
 3. Lighting.
 - a. Lighting, other than landscape lighting if provided, shall be dark sky compliant and reflect away from residential areas and public streets.
 - b. Lighting must be pedestrian-friendly and included in alleyways.
 4. Trash disposal.

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- a. Each property shall provide adequate and accessible trash disposal areas. Said disposal area shall be screened from public view with materials that are resistant to rotting or decay, such as brick masonry or city-approved equivalent.
 - b. Each trash disposal area shall contain gates that shall remain closed when not in use.
 - c. Each trash disposal area shall be at least six feet in height to adequately screen dumpsters and recycling bins.
5. Connectivity and site design requirements.
- a. The OPI district should incorporate multi-modal transportation (applicable modes consisting of pedestrian, bicycle, and vehicular) elements in the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large.
 - b. A grid system of streets, where feasible given the topography, is preferred over cul-de-sac designs. Block length should be conducive to pedestrian traffic.
 - c. Traffic calming methods should be incorporated to promote pedestrian accessibility and safety.
 - d. Interconnections to adjoining property, whether developed or undeveloped, should be included and incorporated into the design where appropriate. Proposed parcels should be arranged and designed so as to allow for the opening of future streets and provide access to those areas not presently served by streets.

5-8.7 Minimum parking requirements.

- A. The following serves as a minimum requirement, specifically intended for this district. Please refer to article VII, off-street parking and loading requirements for additional standards.
 - 1. Minimum off-street parking spaces required.
 - a. Off-street parking and loading shall be provided as stated in article VII.
 - 2. Decorative fences or walls, plantings, berms, or other similar features should be used to screen surface parking lots from public view or soften their visual impact.
 - 3. The location and design of parking structures should minimize their visibility from the street, adjacent properties, or other public areas and are not appropriate abutting residential properties outside the OPI district.
 - 4. Surface parking lots should be oriented behind or to the side of a building when possible. Surface parking lots should not be located on street corners.
 - 5. Underground or within the building parking is encouraged to maximize green space.
 - 6. Shared parking should be utilized to reduce surface parking as outlined in article VII, off-street parking and loading requirements.
 - 7. Parallel parking is permitted along all streets within the development provided the street construction specifications meet the required city code regarding parallel parking.

5-8.8 Streetscape requirements.

- A. Sidewalks shall be built along both sides of all public and private streets in the district. The following provisions shall be required in storefront areas, as defined, and may be considered appropriate in other parts of the OPI district:
 - 1. Sidewalks and streetscape zone.

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- a. All sidewalks shall have a minimum width of five feet with a minimum clear zone of ten feet. Alongside the sidewalk and integrated there with shall be a continuous streetscape zone for street trees and street furniture adjacent to the curb which shall not be less than five feet in width.
 - b. One street tree as approved by the planning commission shall be planted for each 40 feet linear feet within the required streetscape zone; street trees might be regularly spaced (40 feet on center), or they may be irregularly spaced where opportunities exist, subject to the approval of the mayor and council.
2. Pedestrian amenities.
 - a. The streetscape zone shall be planted with street trees and furnished with street furniture, including but not limited to benches and litter receptacles. The streetscape zone may also include signs, light poles, and other similar items unless otherwise specifically prohibited by regulation.
 - b. For all new streetscape development, attention and respect must be given to the current, surrounding infrastructure and design.
 3. Pedestrian crossings of driveways and intersections.
 - a. The color and composition of sidewalk shall be continued as it crosses vehicular driveways and street intersections. Where the sidewalk color and composition of the sidewalk is not otherwise distinguishable from the driveway or roadway composition and color, the sidewalk shall be composed of material with color and texture that distinguishes the pedestrian crossing. This provision is required to promote safety of pedestrians, as different textures or colors of pedestrian crossings alert or remind the motorist pedestrians are present.

(Ord. No. 2012-04, 9-4-12; Ord. No. 2018-05, Pt. I (§§ 1—4), 6-5-18; Ord. No. 2020-06, Pt. I, 7-7-20)

Section 5-9. Industrial (I) district.

5-9.1 Intent and where permitted. This district (hereafter referred to as (I)) is created to establish a plan implementation zone that:

- Accommodates development for heavy commercial uses associated with manufacturing and assembly;
- Provides for a district where such uses can operate in a manner that does not cause harm to the health, safety and welfare of the surrounding districts;
- Encourages similar uses to operate in designated, concentrated areas within the city;
- Provides for appropriate operating hours that do not cause hardship upon the landowner in this district nor upon the surrounding districts.

Uses are limited to developments associated with heavy commercial and industrial operations. Operating hours for all uses within this district are from 6 a.m. to 7 p.m.

5-9.2 Permitted uses by right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
 1. Agricultural uses when located on a tract of not less than five acres.
 2. Manufacturing, processing, fabrication, assembly, packaging, repair or servicing of any consumer or commercial-grade product.

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3. Warehousing, wholesaling, storage or transport of consumer or commercial-grade product.
 4. Retail sale of any commodity manufactured, processes, fabricated, assembled or repaired by the occupant on the premises.
 5. Offices which are in conjunction with other permitted uses.
 6. Laboratories.
 7. Building material yards.
 8. Automobile, truck or equipment repair garages, provided that a minimum of two off street spaces are available for service.
 9. Automobile wrecking or junk yards, when completely enclosed by an opaque fence having a minimum height of six feet, but no less than what effectively screens from plain view of all sides of the property.
 10. Trucking, railroad terminals and stations.
 11. Fire and police protection services.
 12. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard; any accessory building exceeding 200 square feet shall have an exterior finish consistent with the primary residence. Accessory buildings shall be limited to two structures and not exceed 400 square feet of gross floor area.
 13. Lodges and buildings of fraternal and civic assembly, provided that:
 - a. Such use is currently underserved by existing use.
 - b. The lot abuts upon an arterial or collector street or state highway.
 - c. The lot is at least three acres in size.
 - d. All buildings are located at least 50 feet from all property lines.
 - e. A buffer at least ten feet wide is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen;
 - f. Adequate off-street parking, provided:
 - i. Parking area is located to the side or rear of the principal building.
 - g. A circular drive for off-street loading is provided.
 14. Electric, gas, oil and communication facilities, excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility.
 15. Temporary construction uses.
 16. Building or lands used for governmental purposes by a branch of a local, state or federal government such as schools, parks, post offices or fire stations provided:
 - a. A use does not exceed 12,000 square feet of gross floor area per parcel.
 17. Public utilities including distribution lines, transformer stations, transmission towers, telephone exchanges and other similar uses or structures except warehouse, repair, storage, vehicle maintenance, truck or road equipment storage and radio and television studios.
 18. Public utility facilities, if essential to service this zoning district, are permitted provided:

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- a. All structures, except for driveways, are placed 50 feet from any property line.
 - b. All structures, except for driveways, are enclosed by a wall or opaque fence at least but not greater than eight feet in height.
 - c. A ten-foot buffer is provided along the side and rear property lines, planted with evergreen trees and shrubs that grow at least eight feet in height and provide an effective visual screen.
 - i. The lot is suitably landscaped.
 - ii. No vehicles or equipment are stored on the premises.
 - d. Stormwater management facilities shown on an approved final site plan or subdivision plat.

5-9.3 Permitted by special use.

- A. The following uses may be permitted provided the applicant for such a development is granted a special use permit by the city council after receiving recommendations from the planning commission and after a public hearing:
 - 1. Laundry services (drycleaners).
 - 2. Consumer repair services provided:
 - a. No outside storage.
 - 3. Animal sales and services (household pets).
 - 4. Eating and drinking establishments (without alcohol).
 - 5. Recreational equipment rental provided there is no outside storage.
 - 6. Microbrewery, provided that:
 - a. Shall adhere to a maximum floor area of twelve thousand (12,000) square feet.
 - b. Productions shall be in wholly enclosed buildings.
 - 7. Microdistillery (craft distillery), provided that:
 - a. Shall adhere to a maximum floor area of twelve thousand (12,000) square feet.
 - b. Productions shall be in wholly enclosed buildings.

5-9.4 Prohibited uses.

- A. All uses not listed in the permitted or special use sections are considered prohibited, unless a conditional use is otherwise authorized.

5-9.5 Condition of operations.

- A. All uses in the I district shall conform to the city's noise ordinance and shall be so constructed, maintained and operated as to not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire and explosive hazard or glare. Within 300 feet of a residential district, all processes and storage, except of passenger vehicles, shall be in completely enclosed buildings. Processes and storage located at a greater distance shall be effectively screened by an opaque wall or fence of at least six feet in height, but in no case lower in height than the enclosed process or storage.
- B. In addition to complying with the conditions of 5-9.5A, all uses shall comply with the following:

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1. *Vibration:* Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on the property line of the property on which the use is located.
 2. *Smoke:* Every use shall be so operated as to prevent the emission of smoke, from any source whatever, to a density greater than described as number 1 on the Ringelmann Chart; provided, that smoke equal to, but not in excess of, that shade of appearance described as number 2 on the Ringelmann Chart may be emitted for a period or periods totaling four minutes in any 30 minutes. For the purpose of grading the density of smoke, the Ringelmann Chart as published and used by the U.S. Bureau of Mines, and which is hereby made, by reference, a part of this ordinance, shall be the standard. All measurements shall be at the point of emission.
 3. *Dust and dirt:* Every use shall be so operated as to prevent the emission into the air of dust or other solid matter which may cause damage to property or discomfort to persons or animals at or beyond the lot line of the property on which the use is located.
 4. *Industrial sewage and waste:* Every use shall be so operated as to prevent the discharge into any stream, lake, or the ground of any waste which will be dangerous or discomforting to persons or animals or which will damage plants or crops or the public water supply at or beyond the lot line of the property on which the use is located. When requested by the planning commission, the county department of health shall submit a written report describing the nature and degree of hazard of the waste emitted by a particular industry or process and recommend such performance standards as will be appropriate to accomplish the above general objective.
 5. *Odors:* Every use shall be so operated as to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located.
 6. Reserved.
 7. *Glare:* Every use shall be so operated as to prevent emission of glare of such intensity as to be readily perceptible at any point on the nearest residential district.
 8. *Electrical disturbance and radioactivity:* Each use shall be so operated as to prevent the emission of quantities of radioactive materials in excess of limits established as safe by the U.S. Bureau of Standards or the emission of electrical disturbance sufficient to adversely affect the operation at any point of any equipment other than that of the creator of such disturbance.
 9. *Traffic congestion and traffic noise:* Each use shall take such measures to prevent or lessen traffic congestion and traffic noise generated by vehicles related to its operation as the planning commission may reasonably impose. Conditions imposed shall be designed to control the location, number, and concentration of vehicles entering or leaving a specific use at hours of peak traffic flow and thereby to relieve congestion and lessen traffic noise. Such conditions may include, but shall not be restricted to, the following:
 10. Provision of acceleration and deceleration lanes for the storage of vehicles about to leave or enter upon the street on which the use abuts.
 - a. Provision of several points of access to off-street parking areas when such dispersal of access points will lessen congestion and vehicle concentration.

5-9.6 District development regulations.

- A. The following contain the development regulations for the I district. Any variance to the following must be approved by the mayor and council upon recommendation from the planning commission.
 1. Minimum lot size: None.

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2. Minimum lot width: 60 feet.
 3. Minimum road frontage (measured at property line): 35 feet.
 4. Minimum yard abutting a public street: 85 feet (from property line).
 5. Minimum side yard: None required except yards that abut a public street shall be considered front yards.
 6. Minimum rear yard: 35 feet.
 7. Maximum height (of living space, not including attic and basement): 30 feet.
 8. Minimum heated floor area: 1,000 square feet.
 9. Maximum floor area: 12,000 square feet.
 10. Minimum buffer area between adjacent, dissimilar districts: none.
 11. Minimum separation between buildings on same lot: none.
 12. Maximum building height: 30 feet or 2 stories.
 13. Maximum lot coverage: 80 percent, including off-street parking.

5-9.7 Additional district development regulations.

- A. The following contain the development regulations for the I district. Any variance to the following must be approved by the mayor and council upon recommendation of the planning commission.
 1. Base density.
 - a. None
 2. Maximum density.
 - a. None.
 3. Minimum density.
 - a. None.
 4. Maximum nonresidential.
 - a. None.
 5. Setback requirements for mixed-use development.
 - a. None.
 6. Lighting.
 - a. Lighting, other than landscape lighting if provided, shall be dark sky compliant and reflect away from residential areas and public streets.
 - b. Lighting must be pedestrian-friendly and included in alleyways.
 7. Trash disposal.
 - a. Each property shall provide adequate and accessible trash disposal areas. Said disposal area shall be screened from public view.
 8. Connectivity and site design requirements.
 - a. The I district should incorporate multi-modal transportation (applicable modes consisting of pedestrian, bicycle, and vehicular) elements in the development, depending on the

foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large.

- b. A grid system of streets, where feasible given the topography, is preferred over cul-de-sac designs. Block length should be conducive to pedestrian traffic.
- c. Traffic calming methods should be incorporated to promote pedestrian accessibility and safety.
- d. Interconnections to adjoining property, whether developed or undeveloped, should be included and incorporated into the design where appropriate. Proposed parcels should be arranged and designed so as to allow for the opening of future streets and provide access to those areas not presently served by streets.

5-9.7 Minimum Parking Requirements.

- A. The following serves as a minimum requirement, specifically intended for this district. Please refer to article VII, off-street parking and loading requirements for additional standards.
 - 1. Minimum off-street parking spaces required.
 - a. Off-street parking and loading shall be provided as stated in article VII.
 - 2. Decorative fences or walls, plantings, berms, or other similar features should be used to screen surface parking lots from public view or soften their visual impact.
 - 3. The location and design of parking structures should minimize their visibility from the street, adjacent properties, or other public areas and are not appropriate abutting residential properties outside the I district.
 - 4. Surface parking lots should be oriented behind or to the side of a building when possible. Surface parking lots should not be located on street corners.
 - 5. Underground or within the building parking is encouraged to maximize green space.
 - 6. Shared parking should be utilized to reduce surface parking as outlined in article VII, off-street parking and loading requirements.
 - 7. Parallel parking is permitted along all streets within the development provided the street construction specifications meet the required city code regarding parallel parking.

5-9.8 Streetscape requirements.

- A. Sidewalks shall be built along both sides of all public and private streets in the district. The following provisions shall be required in storefront areas, as defined, and may be considered appropriate in other parts of the I district:
 - 1. Sidewalks and streetscape zone.
 - a. All sidewalks shall have a minimum width of five feet with a minimum clear zone of ten feet. Alongside the sidewalk and integrated there with shall be a continuous streetscape zone for street trees and street furniture adjacent to the curb which shall not be less than five feet in width.
 - b. One street tree as approved by the planning commission shall be planted for each 40 feet linear feet within the required streetscape zone; street trees might be regularly spaced (40 feet on center), or they may be irregularly spaced where opportunities exist, subject to the approval of the city council.
 - 2. Pedestrian amenities.

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- a. The streetscape zone shall be planted with street trees and furnished with street furniture, including but not limited to benches and litter receptacles. The streetscape zone may also include signs, light poles, and other similar items unless otherwise specifically prohibited by regulation.
 - b. For all new streetscape development, attention and respect must be given to the current, surrounding infrastructure and design.
3. Pedestrian crossings of driveways and intersections.
 - a. The color and composition of sidewalk shall be continued as it crosses vehicular driveways and street intersections. Where the sidewalk color and composition of the sidewalk is not otherwise distinguishable from the driveway or roadway composition and color, the sidewalk shall be composed of material with color and texture that distinguishes the pedestrian crossing. This provision is required to promote safety of pedestrians, as different textures or colors of pedestrian crossings alert or remind the motorist pedestrians are present.

(Ord. No. 2016-08, Pt. I, 2-2-16; Ord. No. 2020-06, Pt. I, 7-7-20; Ord. No.2021-05, § 1(Exh. A), 8-17-21)

Section 5-10. Flood hazard (FL) district.

5-10.1 Intent and where permitted. This district (hereafter referred to as FL) is created to establish a plan implementation zone that:

- Prevent flood damage to persons and properties and minimize expenditures for flood relief programs, flood control projects and flood damage repair;
- Preserve drainage courses that will be adequate to carry storm water runoff from existing and future land developments by (a) prohibiting any structures that would restrict or alter the free flow of flood waters, and (b) prohibiting land fills, junk yards, dumps, outdoor storage of materials, or other obstructions to the flow of flood waters, except those included in the permitted uses listed below.
- Preserve natural conditions that will (a) allow sufficient absorption to maintain an adequate subsurface water level, and (b) filter sediment from adjacent development.
- Minimize danger to public health by preserving natural drainage patterns and preventing stagnant water areas.

The limits of the flood hazard (FL) district are hereby determined to be areas subject to frequent periodic flooding and delineated as alluvial soils by the Soil Conservation Service, U.S. Department of Agriculture.

5-10.2 Permitted uses by right.

- A. The following uses shall be permitted subject to requirements and limitations of this ordinance:
 1. Agriculture, including forestry and livestock raising, requiring no structures within the flood plain except structures for temporary shelter, and including agricultural and forestry access roads.
 2. Dams provided they are constructed in accordance with specifications of the USDA Soil Conservation Service or the U.S. Army Corps of Engineers or the city.
 3. Fences that provide no material obstruction to the free flow of water.
 4. Outdoor advertising signs.
 5. Parking areas.

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6. Roads, provided adequate capacity for the free flow of flood waters is provided by means of culverts or bridges, with designs approved by the city or the state highway department, and further that in no case will a culvert be located at an elevation higher than the level of the original stream bed.
 7. Public, semi-public, private and commercial recreation uses requiring no structures within the flood plain except structures for temporary shelter.
 8. Greenspace or yards.
 9. Public, utility poles, towers, pipe lines and sewage treatment outfalls.

5-10.3 Procedures for correcting an error in the FL zoning district.

- A. If a property owner can demonstrate to the satisfaction of the planning commission that an error has been made in establishing the flood hazard district boundary line and that his property or a designated portion of it that now lies in the flood hazard district is actually not subject to flooding, the planning commission may recommend correction of the flood hazard district boundary line in question accordingly.
- B. The planning commission and the property owner involved must seek the advice and assistance of the Soil Conservation Service of the Department of Agriculture or the U.S. Army Corps of Engineers or other competent technical advisor.

5-10.4 City liability.

- A. The granting of a building permit in any flood hazard district shall not constitute a representation, guarantee or warranty of any kind by the city or by an official or employee thereof of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon, or a cause of action against such public body, official or employee for any damage that may result pursuant thereto.
- B. Although alluvial soils represent the areas most often inundated by flood waters and represent the most realistic flood plain, infrequent floods will exceed the limits of alluvial soils. The designation of flood hazard districts shall not constitute a representation, guarantee or warranty of any kind by the city or by an official or employee thereof that lands outside of such districts are not also subject to flooding.

(Ord. No. 2020-06, Pt. I, 7-7-20)

Section 5-11. Green space (GS) district.

5-11.1 Intent and where permitted. This district (hereafter referred to as (GS) is intended to control development on certain land and water areas:

- To provide for the preservation of undeveloped land.
- To promote environmentally sensitive and efficient uses of the land.
- To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- To promote interconnected greenways and corridors throughout the community.
- To promote contiguous greenspace with adjacent jurisdictions.
- To promote construction of convenient landscaped walking trails and bike paths to reduce reliance on automobiles.
- To conserve scenic views.

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- To preserve important historic and archaeological sites.
 - To provide recreational opportunities both active and passive.
 - To discourage encroachment by residential, commercial, industrial or other uses capable of adversely affecting the relatively undeveloped character of the district.

5-11.2 Permitted uses by right.

1. Publicly owned building, facility or land as part of a master recreational site plan.
2. Building, facility or land for the distribution of utility services.
3. Building, facility or land for recreation purposes.
4. Unlighted, regulation size or par three golf course.
5. Agriculture, forestry and horticulture.
6. Wildlife refuge

5-11.3 District development regulations.

- A. The following contain the development regulations for the GS district. Any exceptions to the following must be approved by the mayor and council upon recommendation from the planning commission.
 1. Maximum building height: 30 feet or two stories.
 2. Maximum lot coverage: 15 percent, including off-street parking.

(Ord. No. 2020-06, Pt. I, 7-7-20)

ARTICLE VI: SUPPLEMENTAL REGULATIONS

Section 6-1. Nonconforming uses.

6-1.1 Nonconforming uses established.

- A. Within the zoning districts established by this zoning ordinance or amendments that may later be adopted there might exist land, and uses of land and structures in combination which were lawful before this zoning ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this zoning ordinance or future amendment. Such nonconforming uses are declared by this zoning ordinance to be incompatible with permitted uses in the districts involved. It is the intent of this zoning ordinance to permit these nonconformities to continue until they are removed, but not to encourage their expansion.

6-1.2 General rules for nonconforming use continuance.

- A. To avoid undue hardship, the lawful use of any building, structure or land use at the time of enactment of this zoning ordinance may be continued even though such use does not conform with the provisions of this zoning ordinance except that the nonconforming use shall not be:
 1. Changed to another nonconforming use;
 2. Reestablished after discontinuance of six months or more. When a nonconforming use of a building, structure or land is discontinued for a continuous period of six months, the building, structure or land shall not thereafter be used except in conformity with the existing zoning regulations of the district in which the building, structure or land is located. The provisions of this subparagraph shall operate to prohibit resumption of the nonconforming use after the specified

time has elapsed, regardless of any reservation of an intent not to abandon the right to use the building, structure or land use not in conformance with the provisions of this zoning ordinance;

3. Repaired, rebuilt, or altered after damage exceeding 50 percent of its replacement cost at the time of destruction for all uses with the exception of single-family detached uses which shall be permitted after any damage to be repaired or rebuilt to the equivalent of its pre-damaged condition. Authorized reconstruction shall begin within one year after damage is incurred;
4. Enlarged or altered in a way which increases its nonconformity, except that a nonconforming use may be extended into an additional area of a building, structure or land use that existed at the time of passage or amendment of this zoning ordinance;
5. Enlarged, extended or moved, except in changing the use of a structure to a use permitted in the zoning district in which it is located, in which case the expansion, enlargement or relocation of buildings or structures shall conform to the yard, buffer, height and other dimensional requirements for the underlying zoning district;
6. Extended throughout any part of a building unless such part was manifestly arranged or designed for such use at the time of adoption or amendment of this zoning ordinance. No such nonconforming use shall be extended to occupy any land outside such building or structure; or
7. Exempted from tree protection requirements; buffer, landscaping and screening requirements; parking and access requirements, or signs and lighting requirements of the underlying zoning district when changing to a conforming use.
8. Also to avoid undue hardship, nothing in this zoning ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this zoning ordinance.

Section 6-2. Group developments.

- A. A group project (housing, commercial, industrial, educational, medical, religious, civic) of two or more buildings to be constructed on a plot of ground of at least two acres in area which will not be subdivided into customary lots and streets may be constructed provided:
 1. Uses shall be limited to those permitted within the district in which it is located.
 2. Density and building coverage requirements of the district are met.
 3. The distance of every building from the nearest property line shall be adequate to meet all setback and yard requirements of the zoning district in which the plot is located.

Section 6-3. Lot of record.

- A. *Single lot record:* Where the owner of a lot at the time of the adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, such lot may be used as a building site for a single-family residence in the R-3 or R-4 districts or for a permitted use in other districts, provided the building conforms to the dimensional requirements applied to the lot and that a variance from those it cannot conform to be granted by the mayor and city council, and that construction is in compliance with other city ordinances.
- B. *Adjoining and vacant lots of record:* If two or more adjoining and vacant lots with continuous frontage are in a single ownership at any time after the adoption of this ordinance and such lots individually are less than the lot width requirements for the zone in which they are located, such groups of lots shall be considered as a

single lot or several lots of minimum permitted size and the lot or lots in one ownership shall be subject to the dimensional requirements of this ordinance.

- C. Lot in more than one district: Wherever the line of demarcation between two zoning districts of different usage divide a lot so that either one or both sections are made too small for advantageous use of the property, the property owner has the privilege of using said lot for any permitted use of either of two adjacent districts provided the specific use and site plan is approved by the mayor and city council.

Section 6-4. Vision clearance.

- A. Visibility at minor intersections and access points: For purposes of this section, a "minor intersection" is defined as (a) an intersection where a cross (minor) street is controlled by "Stop" signs while the major street is uncontrolled; or (b) the intersection of a private drive or entrance or exit with a public street if the drive or entrance or exit is designed to allow left turns onto the public street across traffic approaching from the left. In this case, the words "minor street" shall include the words "private drive" or "entrance" or "exit".

For the purpose of this section, an "access point" is defined as the intersection of a private drive or entrance or exit with a public street, if the drive or entrance or exit is designed to discourage or inhibit left turns onto the public street across traffic approaching from the left.

1. Visibility at minor intersections: At minor intersections no fence, wall, shrubbery, marquee or other material obstruction to visibility between the heights of three feet and ten feet shall be erected, planted, placed or maintained, and no vehicle so obstructing visibility shall be parked within triangular areas defined as follows:
 - a. Beginning at a point where the center line of the minor street intersects the midline of the nearest traffic lane, approaching from the left, on the major street; thence along said midline, in the direction of approaching traffic, a distance of 30 feet, if it is a two-lane street (or 35 feet if it is a four-lane street), for each five miles per hour of speed allowed by the posted speed limit; thence to a point on the centerline of the minor street which point is at least 15 feet from the curb line of the major street and at least ten feet from any crosswalk or stop sign, in a direction away from the major street; thence to the point of beginning.
 - b. If left turns from the minor street onto the major street are permitted, additional visibility triangles shall be required defined as follows:
 - i. Beginning at a point where the centerline of the minor street intersects the midline of the nearest traffic lane approaching from the right, on the major street; thence along said midline, in the direction of approaching traffic, a distance of 35 feet, if it is a two-lane street (or 40 feet if it is a four-lane street), for each five miles per hour of speed allowed by the posted speed limit; thence to a point on the centerline of the minor street which point is at least 15 feet from the curb line of the major street and at least ten feet from any crosswalk or stop sign, in a direction away from the major street, thence to the point of beginning.
2. Visibility at access points: At the intersection of any private drive or entrance or exit with a public street, no fence, wall shrubbery, sign, marquee or other material obstruction to visibility between the heights of three feet and ten feet shall be parked within triangular areas defined as follows:
 - a. Beginning at the point where the midline of the private drive or entrance or exit intersects the midline of the traffic lane nearest the curb, thence along said traffic midline, in the direction of approaching traffic, a distance of 22 feet for each five miles per hour of speed

allowed by the posted speed limit; thence to a point toward the interior of the property, along the previously described private drive, exit or entrance midline, which point shall be 15 feet beyond the street right-of-way (except if there is no public sidewalk, said point need only be 15 feet beyond the curb); thence to the point of beginning.

Section 6-5. Number of buildings on a lot.

Only one principal building and its customary accessory buildings may hereinafter be erected on any lot zoned R-1, R-2, R-3, and R-4, except under the provisions contained in this ordinance.

Cross reference(s)—Buildings, ch. 5.

Section 6-6. Street access.

No building shall be erected on a lot which does not abut a publicly dedicated or maintained street.

Cross reference(s)—Streets and sidewalks, ch. 25.

Section 6-7. Portable structures.

- A. Trailers, converted mobile homes or other portable wheeled structures (whether on wheels or with wheels removed and placed on a foundation) that can be towed by their own chassis shall not be used for any commercial, office or residential use, except:
 - 1. When used as a temporary building during construction of a permanent building or buildings on the same lot, or
 - 2. When used as a temporary concession stand in a recreational facility.
- B. Restricted use of trailers, convertible mobile homes or other portable wheeled structures shall be subject to mayor and council approval.

Section 6-8. Accessory uses.

- A. Accessory uses or buildings (including accessory dwelling units) shall be permitted only in side or rear yards, except as otherwise provided in this ordinance.
- B. No accessory building shall be erected on a lot prior to the time of construction of the principal building to which it is accessory.
- C. Only two accessory buildings (not including accessory dwelling units) shall be permitted on a lot.
- D. Accessory uses or structures (not including accessory dwelling units) shall be permitted if they meet the following:
 - 1. Accessory buildings shall be set back not less than ten feet from any lot line.
 - 2. An accessory building shall not be any larger than 24' x 24' and must comply with district development regulations.
 - 3. Accessory buildings located on property in excess of one acre will not be restricted to size, as long as the structure meets building codes and other requirements of this ordinance.
 - 4. Accessory buildings in residential districts shall not be used for any type of commercial operation whether permanent, part-time or as part of a home occupation except as otherwise provided for in this ordinance. A home occupation can be conducted in an accessory building if approved as a special use.

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5. No accessory structure shall exceed a height of 15 feet.
 6. Detached accessory buildings shall be located at least ten feet from the principal structure on a lot.
 7. Satellite dish antennas shall be permitted as accessory structures only in rear yards unless it can be documented that reception is impaired by such a location. In this case an antenna would be permitted in a side yard.
 - a. Satellite dish antennas which exceed two feet in diameter shall not be located on the roof of a single-family structure.
 8. Basketball goals, which are attached to the principal residence structure or erected adjacent to and abutting the driveway of the principal residence structure or the driveway area shall be allowed in the front, side or rear yard but not in the right-of-way of a public street.
 9. No fabricated structure shall be erected on a lot for accessory purposes in any residential zoning district except when constructed in the rear yard.
 - a. No tent or tarpaulin structures shall be erected on a lot for accessory purposes in any zoning district. Tent or tarpaulin structures shall be permitted in residential districts for temporary recreational use or in the exercise of religious observances or similar events.
- E. Accessory dwelling units shall be permitted if they meet the following:
1. The accessory dwelling unit shall contain 400 or less square feet.
 2. There shall be one off-street parking space provided for the accessory dwelling unit, which is in addition to any off-street parking spaces required for the primary residence.
 3. No accessory dwelling unit shall exceed a height of 15 feet and shall be set back not less than 10 feet from any lot line.
 4. Accessory dwellings, whether attached or detached, shall have exterior finishes or architectural treatments (e.g. brick, wood, etc.) or an appearance substantially similar to those on the principal residence.
 5. The accessory building unit shall meet all building code standards including building, electrical, fire, and plumbing code requirements, and occupancy restrictions as provided in the city's ordinances.
 6. The accessory dwelling shall not contain a home occupation and shall not be used for any commercial occupation. Any property owner seeking to establish an accessory dwelling unit shall apply to register the unit with the administration department (zoning administrator). The property owner shall file a complete registration application form, before building permit issuance, affirming that at least one owner will occupy the primary residence for the full length of time that accessory dwelling use is established in accordance with all applicable zoning regulations. The property owner shall annually affirm the same by registration renewal within thirty (30) days after January 1, of each year.
 7. After receipt of a completed application for registration and prior to issuance of a certificate of occupancy or approval of use, the city (building official) shall inspect the property to confirm adherence to the size, height, design, and parking requirements of this code are met.
 8. The registration form or other forms as required by the zoning administrator shall be filed as a deed restriction with the DeKalb County Tax Assessor to provide notice of the presence of the accessory dwelling unit, the requirement of owner occupancy, and other standards for maintaining the unit as described, with verification of recording of the filing being provided to the city zoning administrator within 90 days of issuance of certificate of occupancy.
 9. The zoning administrator (or his/her designee) shall report annually on accessory dwelling unit registration, number of units and distribution throughout the city, and average size of units.

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10. Cancellation of registration of the accessory dwelling unit may be accomplished by the property owner filing a certificate with the zoning administrator (or his/her designee) for recording with the DeKalb County Tax Assessor or may occur as result of an enforcement action.
 11. Only one accessory dwelling unit shall be permitted on a lot.

(Ord. No. 2016-14, Pt. I, 10-4-16; Ord. No. 2018-02, Pt. I, 3-6-18)

Section 6-9. Home occupations.

- A. Any occupation or commercial enterprise within the zoning districts R-1, R-2, R-3, R-4, VCM, or MR-1 that meets the following requirements is permitted:
 1. Only residents of the dwelling may be engaged in the home occupations except that guests of a bed and breakfast home facility and guests of a vacation home facility shall adhere to section 6-9(A)8 of this code section.
 2. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the building.
 3. No business or advertising signs shall be permitted.
 4. Use of the building for the purpose of a home occupation shall not exceed 25 percent of one floor of the principal building, with the exception of bed and breakfast home facilities that shall not exceed the maximum allowance of three lodging rooms, and vacation home facilities that shall not exceed the maximum allowance of four lodging rooms.
 5. No internal or external alterations inconsistent with the residential use of the building shall be permitted.
 6. The occupation shall not constitute a nuisance in the neighborhood. Furthermore, except as would be caused by a typical residential use, no noise, vibration, dust, odor, smoke, glare, or electric disturbance which is perceptible beyond any property line will be permitted to occur as a result of the home occupation.
 7. Only vehicles with a gross vehicle weight of 8,600 pounds or less shall be permitted in connection with the conduct of any home occupation.
 8. Except as authorized under a special use permit customers or clients shall not be permitted on the premises of a home occupation.
 9. Home occupations are prohibited from pickup and delivery services on a fixed schedule within the zoning districts R-1, R-2, R-3, R-4, VCM, or MR-1.
 10. A home occupation shall not store or use hazardous materials that could pose a threat to public safety either by fire, explosion, or contamination except those used in routine home property maintenance.
 11. A home occupation shall meet the requirements of the license and business regulations of the city.
 12. A home occupation shall not store any goods or materials outside the principal building.
 13. Home occupations shall pay a surcharge in addition to the fee regularly assessed sanitation fee for class 1 sanitation service. The surcharge shall be paid prior to the issuance of an occupation tax certificate. For new home occupations, the surcharge shall be prorated for the number of months remaining in the calendar year.
- B. Whenever in this code section any act is prohibited or is made or declared to be unlawful or an offence, or wherever in this code section the doing of any act is required or the failure to do any act is declared to be

unlawful, the violation of such provision may be punishable by revocation of home occupation license, and or will be punishable in accordance with section 1-11 of the City Code.

(Ord. No. 2017-05, pt. I, §§ 1—6, 8-1-17)

Section 6-10. Multi-family dwelling conversions.

- A. If a multi-family dwelling development existing at the time of the enactment of this ordinance is converted to condominium or townhouse units or lots (which conversion includes the creation or subdividing of the property into units or lots and may include common areas) then:
1. Neither existing buildings, dwelling units, or other structures, including accessory structures or buildings, nor any units or lots created by the conversion shall be required to conform to any yard, building site or related requirements.
 2. The provisions of section 6-6, street access, shall not be applicable to conversions of multi-family dwellings to condominiums or townhouses.

Section 6-11. Fences and walls.

- A. Walls and fences shall be permitted in any zoning district and are not subject to setback requirements, unless otherwise specifically provided for in this zoning ordinance.
- B. The following provisions shall apply in all residential zoning districts:
1. *Height.*
 - a. No fence or freestanding wall shall be more than eight feet in height in a side or rear yard, other than a retaining wall or necessary fencing encompassing a tennis court.
 - b. Fences or freestanding walls constructed in a front yard of a residential lot shall not exceed four feet in height. On multi-frontage lots, all sides fronting on a public street shall be considered front yards.
 - c. Subdivision or project identification monuments at the entrance to a subdivision or development and a fence extension thereof, where permitted, shall not exceed eight feet in height and columns shall not exceed ten feet in height. Any subdivision entrance wall shall not exceed ten feet in height and shall be subject to approval of a landscape plan, site plan, and architectural elevations by the City.
 2. *Composition.* Walls composed or constructed of exposed concrete block, tires, junk, or other discarded materials shall not be permitted. Fences shall be constructed of bricks, masonry, stone, stucco, metal, wrought iron, wood, or composite or fiberglass or other weather and decay-resistant materials designed for permanent outdoor use. Wood fences must be constructed of cedar, redwood, pressure-treated pine or other decay-resistant wood. Fences must not be constructed from razor wire, filter fabric, plastic sheeting, plywood, or materials originally intended for other purposes.
 - a. Fences or walls erected within the front yard shall be ornamental or decorative and be constructed of brick, masonry, stone, wood, stucco, wrought iron, or split rail.
 - b. Chain link fences shall be permitted only in side and rear yards, except that a woven wire or metal fabric fence may extend into a front yard when the property contains a minimum of three acres in a residential district.

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3. *Gates.* When gates for vehicular access are required or proposed abutting a public or private street, said gates shall not be located closer than 20 feet of a public street or road right-of-way, to ensure safe ingress and egress.
 4. *Location.*
 - a. No fence or wall shall be constructed in a public right-of-way, except that retaining walls may be placed partially within the right-of-way of a local street, only if approved by the city pursuant to an application for a variance.
 - b. *Adjoining Right-of-Way.* Wire and plastic fencing materials, including barbed wire and chain-link fencing with plastic or wooden inserts shall not be used adjoining a street right-of-way. Fencing and walls shall not have exposed concrete but shall have a decorative treatment applied to any concrete construction on the side facing a street right-of-way. A minimum three-foot landscape strip shall be provided between a fence or wall and a street right-of-way. This provision shall not apply to permanent security fencing as may be required in this ordinance or other applicable laws.
 5. *Fences Along All Property Lines.* Walls and fences constructed along all property lines shall be constructed with a finished side toward the neighboring property.
 6. *Temporary fencing exempted.* These requirements shall not apply to temporary fencing erected around a lot during construction of a building or land disturbance activities for purposes of security, safety, tree protection, erosion and sedimentation control, or erected for code compliance reasons. Temporary fencing shall not remain in place for longer than a period of six months, unless otherwise allowed pursuant to a lawful, un-expired permit or a court order.
 7. *Historic district.* Any erection, alteration, restoration, or removal of fences in the City's designated historic district shall be in compliance with historic design guidelines and require a certificate of appropriateness from the Stone Mountain Historic Preservation Commission.

ARTICLE VII: OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 7-1. General requirements, design standards.

7-1.1 Off-street parking and loading spaces required.

- A. The purpose of these standards is to provide for safe and complete connections to the transportation system, and safe on-site circulation for motorists, bicyclists and pedestrians. In addition, these standards are intended to provide for adequate vehicle parking with appropriate landscaping.
- B. Each use of land and each building or structure hereafter constructed or established shall provide off-street parking and loading according to the standards set forth herein. Any building or use that is subsequently enlarged shall meet the off-street parking and loading and unloading space requirements of this ordinance for the addition made.
- C. No addition to an existing building shall be constructed which reduces the number of spaces, area, or usability of existing parking or loading space unless such building and its addition conform with the regulations for parking and loading contained herein.
- D. Off-street parking shall incorporate handicapped spaces into the design of parking facilities.

7-1.2 General requirements.

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- A. Each district has its own set of additional parking requirements. All building, structures and uses shall comply with the guidelines within that section, in addition to the requirements contained herein.
1. *Location of off-street parking facilities:* Off-street parking facilities for one-family and two-family dwellings shall be located on the same lot or plot of ground as the building to be served. The location of off-street parking facilities for other than one-family and two-family dwellings shall not be more than 300 feet distance from the building to be served, measured along the nearest pedestrian walkway.
 2. *Common or collective parking facilities:* Parking requirements for two or more uses of the same or different types may be satisfied by the allocation of a common or collective parking facility. Such facility shall not be less than the sum of the requirements for individual uses computed separately in accordance with the requirements of the zoning district.
 3. *Change in off-street parking or loading area:* Area reserved for off-street parking or loading in accordance with the provisions of this section shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent off-street parking or loading space is provided.
 4. *Requirements apply to all uses:* For uses not specifically mentioned in this section, the requirements for off-street parking and loading facilities for a similar use specifically mentioned in this section shall apply.

7-1.3 *Design standards.* The following design requirements shall apply to all off-street parking spaces, driveways, and loading spaces.

- A. Parking spaces.
1. *Required dimensions for each parking space:* Each full-size automobile parking space shall be not less than nine feet wide and 20 feet in length. Parking spaces for compact and sub-compact cars shall not be less than eight feet wide and 17 feet in length. Adequate interior driveways shall connect each parking space with a public right-of-way.
 2. *Interior driveways:* Where 90-degree parking is utilized, all interior driveways shall be a minimum of 24 feet in width. If 45 degree or 60 degree angle parking is used, then interior driveways shall be at least 12 feet in width for one-way traffic and 20 feet in width for two-way traffic. In the instance where parallel parking is utilized or there is no parking, interior driveways shall be a minimum of ten feet in width for one-way traffic and 20 feet in width for two-way traffic.
 3. *Surfacing, drainage and lighting:* All off-street parking spaces, access and interior driveways shall be provided with a paved, dust-free surface. If the off-street parking facilities are used at night, they shall be properly illuminated for the safety of pedestrians, vehicles and for security. The lighting shall be designed so as not to reflect onto or cause glare in any adjacent residential district.
 4. *Sharing of required off-street parking spaces:* One-half of the off-street parking spaces required by a use whose peak attendance will be at night or on Sundays may be shared with a use that will be closed at night or on Sundays. Parking requirements for two or more uses of the same or different types may be satisfied by the allocation of a common or collective parking facility. This facility shall not be less than the sum of the requirements for the individual uses computed separately in accordance with the requirements of the zoning district.
 5. *Handicapped spaces:* Handicapped parking spaces shall be in accordance with the regulations set forth by the Americans with Disabilities Act. Parallel spaces for the handicapped adjacent to a walk shall be a minimum of 12 feet in width by 24 feet in length. If a walk is at an elevation different from the elevation of the parking space, a 1:6 ramp shall be provided up to the walk. For 90-degree or angled spaces, the minimum width of a stall shall be nine and one-half feet. An aisle, having a

width of not less than three feet six inches shall be identified by pavement markings and by appropriate signage.

6. *Compact and subcompact car spaces:* Developments where 30 or more parking spaces are provided shall have a minimum of five compact parking spaces. These spaces shall be identified by pavement markings and by appropriate signage.
 7. *Bicycle spaces:* Developments in all districts (excluding I), shall provide for bicycle parking racks at a ratio of at least one bicycle parking space for every 25 parking spaces. Bicycle parking spaces shall be located within the landscape zone a maximum distance of 100 feet from the building entrance, or shall be located at least as close as the closest automobile space and shall provide a concrete pad upon which the bicycle parking space shall be firmly rooted.
- B. Off-street loading stalls.
1. *Required dimensions for each loading stall:* Each loading stall shall be a minimum of ten feet wide and 30 feet in length except that for wholesale and industrial use loading stalls shall be a minimum of ten feet wide and 50 feet in length.
 2. *Access and location:* All off-street loading stalls shall have access from an alley, or if there is no alley, from a public street. The off-street loading and unloading stalls shall be located to cause a minimum of interference with the free movement of vehicles and pedestrians over a street, sidewalk or alley.
 3. *Surfacing, drainage and lighting:* All off-street loading stalls and access shall be provided with a paved, dust-free surface. If loading stalls are to be used at night, they shall be properly illuminated for the safety of pedestrians, vehicles and for security. Lighting shall be dark sky compliant and designed to preclude light spill onto adjacent properties or the roadway.
- C. Curb cuts.
1. *Curb cut dimensions:* Driveway curb cut widths shall be a maximum of 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise permitted by the county or state department of transportation. For the purpose of this section, two curb cuts serving two one-way driveways shall only be counted as one curb cut provided that each curb cut does not exceed one lane in width.
 2. *Prohibited curb cuts:* Driveway curb cuts shall not be permitted on any street that functions as an arterial street or collector street when access may be provided from a side or rear street located immediately adjacent to a contiguous property, with the exception of hotel patron drop-off drives.
 3. *Number of curb cuts:* No more than one curb cut shall be permitted for each development, provided that properties with more than one street frontage may have one curb cut located on each street frontage. However, developments on properties with a single street frontage greater than 400 feet shall be permitted two curb cuts along one street frontage.

Section 7-2. Parking requirements.

7-2.1 Off-street parking requirements.

- A. *Minimum number of off-street parking spaces:* There shall be provided at the time of the erection of any building or structure, minimum off-street parking, plus drives and maneuvering space sufficient for ingress and egress by an automobile of standard size, in accordance with the schedule below. When a building or structure is enlarged or increased in capacity by adding dwelling rooms, guest rooms, floor area or seats, minimum off-street parking shall be provided for such additional rooms, floor area or areas.

The following are the minimum number of off-street parking spaces required by type of permitted use. The square footage is the gross square footage unless otherwise indicated. Where the use is mixed, total requirements for off-street parking shall be the sum of the requirements for the various uses computed separately.

1. *Automobile repair garage*: One space per 150 square feet of gross floor area.
2. *Automobile service station*: three spaces for each service bay, with a minimum of ten spaces required.
3. *Bus station*: One space for each motor carrier plus one additional space for each two administrative or service employees, plus five and one-half spaces per 1,000 feet of gross floor area.
4. *Business, professional offices and clinics*: One space per 250 square feet of gross floor area.
5. *Bed and breakfast*: One space per bedroom.
6. *Bowling alleys*: Five spaces per alley.
7. *Religious institutions and other places of worship*: One space per four (4) seats in the main auditorium.
8. *Commercial, manufacturing and industrial establishments not catering to retail trade*: One space per 2,000 square feet of gross office, plant or storage area.
9. *Commercial and public recreation facility*: 20 spaces minimum, except that golf courses shall require 20 spaces per each nine holes.
10. *Delivery, ambulance and other similar services*: One space for each vehicle plus one additional space for each two administrative or service employees.
11. *Single and two-family dwellings*: Two spaces per dwelling unit.
12. *Food stores*: One space per 100 square feet of gross floor area.
13. *General business, commercial, personal service establishments or shopping centers and developments*: One space per 200 square feet of gross leasable area (GLA) for buildings 50,000 square feet or less; one space per 250 square feet of GLA for buildings 50,001 to 100,000 square feet; one space per 300 square feet of GLA for buildings 100,001 to 400,000 square feet; one space per 350 square feet of GLA for buildings larger than 400,000 square feet.
14. *Hospitals, sanitariums, nursing homes, homes for the aged and similar institutional uses*: One space per two beds.
15. *Hotels*: One space per unit plus one space per five units for visitors.
16. *Lodges, fraternal or social organizations*: Four spaces per 1,000 square feet of gross floor area.
17. *Motels, tourist homes and transient hotels*: One and one-quarter space per unit.
18. *Multi-family, apartment and moderate density apartment developments*: One and a half parking spaces for each dwelling unit in GC, VCM and MR-1 districts. In all districts, multi-family units greater than 1,500 square feet in floor area shall provide two and one-half parking spaces per unit.
19. *Public or private swimming pool, neighborhood recreation center or similar use*: A minimum of 20 spaces.
20. *Restaurants, night clubs, taverns and similar establishments serving food or beverages and providing patron use area*: One space per 100 square feet of gross floor area.

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21. *Restaurants, drive-in, without area provided for patron use:* One space per 100 square feet of gross floor area, but not less than ten spaces.
 22. *Schools - public or private elementary and middle (K—8th grades):* Two spaces per classroom.
 23. *Schools - public or private secondary (i.e. high school):* One space per teacher or staff member, plus two spaces per classroom.
 24. *Schools - colleges (excluding junior colleges):* Ten spaces per classroom.
 25. *Schools - junior colleges, trade, and vocational:* Two spaces per classroom.
 26. *Skating rinks, dance halls, pool rooms and other places of amusement or assembly without fixed seating:* One space per 200 square feet of gross floor area.
 27. *Subdivision recreation facility:* One space per ten dwelling units.
 28. *Theaters, auditoriums, funeral homes, gymnasiums, stadiums and other places of assembly with fixed seating:* One space per three seats plus one space for each employee.
 29. *Wholesale or jobbing establishment or other similar use:* One space per 200 square feet of gross floor area devoted to sales or display plus one space per 2,000 square feet of gross storage area.
- B. *Additional requirements for non-single-family districts:* All required off-street parking facilities (other than those for single-family dwellings), including entrances, exits, and maneuvering areas, shall comply with the following provisions. Each parking facility:
1. Shall have access to a public street;
 2. Shall be graded and paved, including access drive(s), and be curbed when needed for effective drainage control;
 3. Shall have all spaces marked with paint lines, curb stones or other similar devices;
 5. To the extent practicable, adjacent parking lots serving nonresidential or mixed-use buildings shall be interconnected and shall provide for future interconnectivity.
 6. Shall have adequate lighting if the facilities are to be used at night, provided such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties;
 7. Shall be designed to conform to the geometric design standards of the institute of traffic engineers.
 8. Wheel bumpers shall be placed at the head of all parking spaces that abut a landscape strip or sidewalk. When wheel bumpers are adjacent to a sidewalk, a two foot extension of the sidewalk shall be permitted to be substituted in the place of the required wheel bumpers.
 9. No parking area may be used for the sale, repair, dismantling, servicing or long term storage of any vehicles or equipment unless such use is permitted within the district in which the parking area is located.
 10. Location on other property. If the required automobile parking spaces cannot be reasonably provided on the same lot on which the principal use is conducted, such spaces may be provided on adjacent or nearby property within the same zoning district, provided a major portion lies within 1,200 feet of the main entrance to the principal use for which such parking is provided.
- C. *Parking decks and structures:* The following regulations shall apply to parking decks and parking structures.
1. Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that are open to the general public, and shall have the appearance of a horizontal storied building.

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2. All parking decks and parking structures shall have pedestrian walkways a minimum width of five feet connecting ground level parking to the public sidewalks and to all building entrances.
 3. All parking decks and parking structures shall have a landscape strip a minimum width of six feet immediately contiguous to the parking facility for the whole of the exterior perimeter of the parking facility containing at least one understory or overstory tree, as appropriate, and ten shrubs per 50 linear feet, and a minimum of 90 percent living groundcover, sod, and/or annual or perennial color in the landscape strip surface area.
 4. Parking decks with a roof-level parking surface open to the sky and without another floor or surface above it shall meet the landscaping requirements of section 7-3 for only that portion of the parking deck surface that is open to the sky and without another floor or surface above it.

7-2.2 Handicapped parking requirements. Handicapped parking spaces shall meet the following criteria:

- A. *Handicapped spaces.* Handicapped parking spaces shall be in accordance with the regulations set forth by the Americans with Disabilities Act. All handicapped spaces shall be identified by pavement markings and by appropriate signage. Handicapped parking shall be required on all multi-family and nonresidential sites.
- B. Handicapped parking spaces shall be located in the closest proximity to major building entrances, but in no event shall such spaces be located more than 100 feet from a major building entrance.
- C. Handicapped parking spaces shall be a minimum of eight feet in width by 20 feet in length and shall have an adjacent access aisle that has a minimum width of five feet. Two accessible parking spaces may share a common access aisle.
- D. The first one out of every eight accessible parking spaces shall be a van accessible space. Van parking spaces shall have an adjacent access aisle a minimum of eight feet in width and a vertical clearance of at least eight feet along the vehicular route to the parking space.
- E. Handicapped parking will be required on all sites. The minimum number to be provided for all multifamily and nonresidential developments is as follows:
 1. Up to 25 spaces in lot: One HC space.
 2. Twenty-six to 50 spaces in lot: Two HC spaces.
 3. Fifty-one to 75 spaces in lot: three HC spaces.
 4. Seventy-six to 100 spaces in lot: Four (4) HC spaces.
 5. One hundred one to 150 spaces in lot: Five HC spaces.
 6. One hundred fifty-one to 200 spaces in lot: Six HC spaces.
 7. Two hundred one to 300 spaces in lot: Seven HC spaces.
 8. Three hundred one to 400 spaces in lot: Eight HC spaces.
 9. Over 400 spaces in lot: Two percent of total spaces.

(Ord. No. 2018-05, Pt. II(§§ 1, 2), 6-5-18)

Section 7-3. Shared or reduced parking, landscaping requirements.

7-3.1 Shared or reduced parking standards.

- A. Reduced parking for R-1 and R-2 districts shall be prohibited. For all other districts, the applicant may request a reduction to or waiver of parking standards based on the following criteria:

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1. Reduction of parking requirements through a shared parking arrangement may be administratively granted through written request from an applicant, provided that applicant documents that the arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access.
 2. A to-scale map indicating location of proposed parking spaces shall be provided; said map shall indicate or notate number of spaces in each parking area.
 3. A shared parking calculation projection shall be provided that demonstrates that each use will have adequate parking provisions at all times. Said calculation must receive review and approval from the city manager or their designee.
 4. For contiguous properties sharing parking spaces under this provision, cross-easements shall be filed establishing access to the parking spaces in perpetuity and documentation of filing provided to the city.
 5. A reduction in the number of parking spaces that would otherwise be required for each of the various uses on a multiple-use property must be clearly shown on the development plan. If shared parking is proposed for a combination of contiguous properties, a plan must be submitted covering all of the properties that will be sharing the parking spaces.
 6. A written agreement among all owners of record shall be provided and held on file with the city manager or their designee. All renewed or terminated leases shall be filed with the city clerk.

7-3.2 Parking area landscaping requirements.

- A. Interior landscaping for parking areas shall be required for all parking lots designed for 15 or more spaces. A detailed landscape plan created by a certified landscape architect, certified arborist or licensed forester shall be submitted to the city manager for approval. The following requirements shall apply:
 1. There shall be one landscape island for every seven parking spaces and such island shall be planted with an overstory tree.
 2. There shall be at least one overstory tree, ten low shrubs and a minimum of 60 percent living groundcover, sod, and/or annual or perennial color in each landscaped area, and each landscaped area shall be at least 200 square feet in area with a minimum width or diameter of ten feet.
 3. Vehicles shall be separated from sidewalks, driveways and streets in public rights-of-way by wheel bumpers and by a strip of land at least ten feet wide reserved as open space and planted in grass containing at least one understory or overstory tree, as appropriate, and ten shrubs per 50 linear feet, and a minimum of 80 percent living groundcover, sod, and/or annual or perennial color in the landscape strip surface area. Wheel bumpers shall be a minimum of 18 inches and a maximum of 36 inches from the end of the parking space.
 4. Head-to-head parking shall provide a five-foot grass strip separating the wheel bumpers. The grass strip may be counted as part of the landscaped areas and shall have one tree every 50 feet containing at least one overstory tree, and ten shrubs, per 50 linear feet, and a minimum of 70 percent living groundcover, sod, and/or annual or perennial color in the landscape strip surface area.
 5. Landscaped areas shall provide drainage and irrigation that ensures full drainage to the storm drainage system.
 6. There shall be a pedestrian walkway that is a minimum of five feet in depth along the front of all buildings for the purpose of allowing pedestrians to walk from the parking facility to the building in safety.

7. The requirement for all developments to have pedestrian walkways connecting ground level parking to public sidewalks and all building entrances shall be met and shall not be interpreted to prevent the landscaping requirements of this section to be fully met.
8. The mayor and city council may vary the minimum landscaping and tree requirements of this section if specific circumstances and/or site conditions create an unnecessary hardship.

Section 7-4. Loading requirements.

7-4.1 Minimum off-street loading requirements.

- A. The following are the minimum number of off-street loading stalls required by type of permitted use. The square footage is the gross square footage unless otherwise indicated.
1. Retail operations and all first floor nonresidential uses with a gross floor area of 2,500 square feet or less: One loading space which may be located adjacent to the street curb.
 2. Retail operations, and all first floor nonresidential uses, with a gross floor area of greater than 2,500 square feet and less than 20,000 square feet, and all wholesale and light industrial operations with a gross floor area of less than 10,000 square feet: One loading space.
 3. Retail operations, including restaurant and dining facilities within hotels and office buildings, with a total usable floor area of 20,000 square feet or more devoted to such purposes: One loading berth for every 40,000 square feet of floor area or fraction thereof; one loading space for every 20,000 square feet of floor area or fraction thereof.
 4. Office buildings and hotels with total usable floor area of 100,000 square feet or more devoted to such purposes: One loading berth for every 100,000 square feet of floor area or fraction thereof.
 5. Industrial and wholesale operations with a gross floor area of 10,000 square feet or over shall conform to the following schedule:

Gross floor area	Required loading stalls
10,000—49,000 square feet	1
49,000—100,000 square feet	2
100,000—160,000 square feet	3
160,000—240,000 square feet	4
240,000—320,000 square feet	5
320,000—400,000 square feet	6
Each 90,000 above 400,000 square feet	1

This space may be shared by up to four adjacent users by contractual arrangement specifying details of the sharing, a copy of which is to be provided to the City Manager or their designee.

6. Applicants may request a reduction to or waiver of loading requirements. The reduction of loading requirements may be permissible only through the permission of the mayor and city council provided the arrangement shall avoid conflicting parking demands and provide for safe pedestrian circulation and access. When loading berths are shared by numerous users, those users shall provide a contractual arrangement specifying details of the shared arrangement to the city manager or their designee.

ARTICLE VIII: BUFFER PROVISIONS

Section 8-1. Buffer areas.

8-1.1 Buffer required.

- A. It is recognized that the location of commercial or industrial land uses directly adjacent to single-family residence uses can create an incompatible situation. Accordingly, in commercial and industrial districts, when a principal structure is expanded or modified, a planted screening buffer shall be provided along all side and rear property lines contiguous with a residential district. The city council may require a similar buffer strip between other districts and land uses deemed to be incompatible.

8-1.2 General provisions for buffer areas.

- A. A planted buffer strip is required to protect residential land uses from excessive heat, dust, wind, light, spill, unsightly views, odors, and other characteristics commonly associated with commercial and industrial land uses and related vehicular and pedestrian traffic, which can adversely impact the quality of residential life. The required buffer shall provide necessary visual and acoustical privacy for the conduct of residential lifestyles in an undisturbed environment, and shall provide for the protection and preservation of property values in residential districts.
- B. Required buffers shall be established and maintained by the owner of the incompatible land use. The required buffer must:
 - 1. Be depicted in detail (the type and location of natural and planted vegetation are to be illustrated) on each site plan or plat prior to approval, and shall be designated as a permanent easement.
 - 2. Not be disturbed by grading, property improvements or construction activities except where necessary to prevent a nuisance, or to thin such natural growth, where too dense to permit normal growth, or to remove diseased, misshapen, or dangerous and decayed timbers. Any contemplated disturbance shall first be brought to the attention of the planning commission and formal approval secured prior to initiating activity within required buffer area.
 - 3. Utilize existing vegetation where it has been determined that existing vegetation is appropriate for inclusion within the buffer strip, or when required be supplemented with approved, additional plantings.
 - 4. Retain the natural topography of the land, except when a portion must be cleared and graded as required by law to prevent soil erosion or sedimentation.
 - 5. Be completely installed in accordance with the approved plan prior to issuance of a certificate of occupancy.
 - 6. Not be used for temporary or permanent parking or loading, other than for provision of drainage improvements as mandated by law or for a structure other than a fence.
 - 7. Attain a height of not less than six feet within three years of the planting date.

(Ord. No. 2020-06, Pt. I, 7-7-20)

Section 8-2. Minimum buffer specifications.

8-2.1 Buffer widths.

- A. The following specifications for buffer strip widths will be used by the planning commission and city council to determine buffer strip requirements:

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1. Where a commercial or industrial district is contiguous with a single-family residential district, the width of the required buffer strip shall not be less than 40 feet, nor more than 75 feet.
 2. In other instances, where an incompatible situation is determined, the width of the buffer strip shall be recommended by the planning commission, but shall not be less than 15 feet, nor more than 75 feet. The buffer strip required can include the minimum yard area as specified in the appropriate zoning district.

8-2.2 Buffer composition.

A. In those instances where the natural vegetation and topography are insufficient to achieve the desired level of screening as determined by this ordinance, a planted buffer shall be provided and shall consist of plant material of such growth characteristics as will provide an acoustical and visual screen. The following plants are approved for use as part of the screening buffer, provided they are 2.5" in caliper size at breast height:

1. Trees:

- Loblolly Pine
- White Pine
- Virginia Pine
- Yaupon Holly
- American Holly
- Eastern Red Cedar
- Laurel Cherry
- Weeping Cherry
- Flowering Cherry
- Red Maple
- Walnut
- American Chestnut
- Red Bud
- Flowering Dogwood
- Arizona Cypress Redbay

2. Shrubs:

- Forsythia
- Indian Hawthorne
- Burning Bush
- Loripetalum
- Laurel
- Cleyera
- Euonymus
- Southern Waxmyrtle

Northern Bayberry

Pittosporum

Japan Yew

Trident Maple

Tea Olive

3. Ground cover:

Short Juniper

Periwinkle

Lippia

Evergreen Candytuft

Elysum

Lenton Rose

- B. Other evergreen plant materials having the same growth characteristics as the aforementioned may be substituted, subject to approval by the planning commission prior to installation.

8-2.3 Buffer maintenance.

- A. The screening buffer planting and any required landscaped open space planting shall be guaranteed for two years and maintained for the life of the commercial, industrial or residential development. Necessary trimming and maintenance shall be performed by the installing property owner to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to assure that the buffer actually serves the purpose for which it is intended.

(Ord. No. 2020-06, Pt. I, 7-7-20)

Section 8-3. Other screening.

8-3.1 Screening requirements.

- A. Certain uses such as junk or salvage yard operations and other commercial and industrial operations requiring the storage of inoperative equipment or vehicles for prolonged periods of time could present unsightly views or health hazards. To preclude this from occurring, such properties must be completely enclosed by an opaque fence to completely obscure views of the property from adjacent sidewalks and streets, built to a height greater than that of the height of the highest piece of equipment or vehicle stored on the property; however, the minimum height of any fence shall be eight feet. Construction of cyclone fencing which utilizes metal inserts as screening shall be prohibited.

ARTICLE XII: FEE SCHEDULES

Section 12-1. Schedule of fees.

12-1.1 Schedule of Fee, Changes and Revisions.

- A. The city council shall establish a schedule of fees, charges, and expenses and a collection procedure for rezoning applications, building permits, certificates of occupancy, appeals, and other matters pertaining

to this ordinance. The schedule of fees shall be posted in city hall, and may be altered or amended only by the city council.

- B. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE XIV: DEKALB COUNTY-ANNEXED (DK-A) ZONING DISTRICT

[Section 14-1. Establishment, regulation, development, and compliance.]

Section 14-1.1 Establishment and application.

The DeKalb County-Annexed (DK-A) Zoning District is applied to properties that are annexed into the city limits of the City of Stone Mountain after the effective date of this zoning ordinance.

(Ord. No. 2014-06, Pt. I, 9-2-14)

Section 14-1.2 Regulation of lands in the DK-A Zoning District.

Any properties zoned DeKalb County-Annexed (DK-A) as shown on the official zoning map, unless otherwise specifically approved by the Stone Mountain Mayor and city council, shall be subject to the property-specific conditions of zoning or special use, or both, approved pursuant to the DeKalb County Zoning Ordinance which applied to said properties at the time they were zoned, or the special use was permitted in unincorporated DeKalb County immediately prior to annexation. The official DeKalb County zoning and special use permit files of properties so annexed shall become official files of the City of Stone Mountain and shall be maintained by the zoning administrator and said conditions of zoning or special use approval, or both, approved pursuant to the DeKalb County Zoning Ordinance and applied by the City of Stone Mountain, shall constitute the zoning regulations governing said properties.

(Ord. No. 2014-06, Pt. I, 9-2-14)

Section 14-1.3 Development of properties in the DK-A Zoning District.

Properties in the DK-A district shall continue to enjoy the use or uses specifically conferred by a zoning or special use permit in place immediately prior to annexation and authorized pursuant to the DeKalb County Zoning Ordinance. Development of any properties zoned DK-A on the effective date of this zoning ordinance shall comply with the following:

- A. The property-specific conditions of zoning adopted by the DeKalb County Board of Commissioners in a property-specific rezoning action by resolution and which were in effect for said property when in unincorporated DeKalb County immediately prior to annexation.
- B. The property-specific conditions of special use approval adopted by the DeKalb County Board of Commissioners in a property-specific special use permit action by resolution and which were in effect for said property when in unincorporated DeKalb County immediately prior to annexation.
- C. Any modifications of zoning or special use permit conditions granted by the DeKalb County Board of Commissioners by official action which are a part of the official DeKalb County files for said property on record with the zoning administrator.
- D. Any property-specific variances granted by the DeKalb County Board of Zoning Appeals and which are a part of the official DeKalb County files for said property on record with the zoning administrator.
- E. In reviewing a development proposal for compliance with the zoning regulations of the DK-A Zoning District, questions may arise as to what other additional dimensional requirements or use regulations

apply. In certain cases the zoning administrator may not be able to resolve such questions by relying on the zoning or special use permit conditions and any applicable variances or modifications of said conditions alone. For example, questions may arise as to whether the use provisions allow for an accessory building, structure, or use on the subject property that is not shown on the site plan approved as a condition. In such instances where questions about development permissions cannot be resolved by applying the above provisions A. through E. of this section, the zoning administrator shall apply regulations of the Stone Mountain zoning district established in article V, district regulations, of this zoning ordinance which most closely resembles the zoning district of DeKalb County's Zoning Resolution which applied to the property immediately prior to annexation, as more particularly shown in Table 14-1.1.

- F. The zoning administrator shall use the regulations found in article VI, supplemental regulations, article VII, off street parking and loading regulations and article VIII, buffer provisions of the zoning ordinance when questions arise that are not addressed by article V, district regulations.

Table 14-1.1

DeKalb County—Stone Mountain Zoning District

Conversion based on permitted uses and density

DEKALB COUNTY ZONING DISTRICT	DEKALB DISTRICT DESCRIPTION	STONE MOUNTAIN ZONING DISTRICT	STONE MOUNTAIN DISTRICT DESCRIPTION
R-200	Single-family residential	R-1	Single-family residential
R-150	Single-family residential	R-1	Single-family residential
R-30000	Single-family residential	R-1	Single-family residential
R-20000	Single-family residential	R-1	Single-family residential
R-100	Single-family residential	R-1	Single-family residential
R-85	Single-family residential	R-1	Single-family residential
R-75	Single-family residential	R-1	Single-family residential
R-60	Single-family residential	R-1	Single-family residential
R-A5	Single-family residential	R-4	Single-family residential
R-50	Single-family residential	R-4	Single-family residential
R-A8	Single-family residential	R-4	Single-family residential
R-CH	Single-family cluster residential	R-3	In town neighborhood residential
R-CD	Residential community development	R-3	In town neighborhood residential
R-DT	One, two and three family residential	R-2	Traditional residential
RM-150	Multi-family residential	MR-1	Multi-family residential
RM-100	Multi-family residential	MR-1	Multi-family residential
RM-85	Multi-family residential	MR-1	Multi-family residential
RM-75	Multi-family residential	MR-1	Multi-family residential
RM-HD	Multi-family residential	MR-1	Multi-family residential
MHP	Mobile home park		See section 14-1.3(f)
TND	Traditional neighborhood development	VCM	Village center mixed use
NCD	Neighborhood conservation	VCM	Village center mixed use

R-NCD	Residential neighborhood conservation	R-1	Single-family
O-I	Office-institution	OPI	Office-professional-institutional
O-I-T	Office-institution-transitional	OPI	Office-professional-institutional
O-D	Office-distribution	OPI	Office-professional-institutional
OCR	Office-commercial-residential	VCM	Village center mixed use
NS	Neighborhood shopping	GC	General commercial
C-1	Local commercial	GC	General commercial
C-2	General commercial	GC	General commercial
MHP	Industrial	I	Industrial
M-2	Industrial	I	Industrial
PC-1	Pedestrian community	R-3	In town neighborhood residential
PC-2	Pedestrian community	See note 1	Corresponding districts
PC-3	Pedestrian community	See note 1	Corresponding districts

Note 1: PC-2 and PC-3 districts incorporate multiple districts to regulate land use.

(Ord. No. 2014-06, Pt. I, 9-2-14)

Section 14-1.4 Remedies for additional development permission.

- A. In any case where a development is proposed on property zoned DK-A but such development would not be consistent with the provisions of the DK-A zoning district as specified in this chapter, there shall be the following possible remedies:
1. File an application to rezone the property from DK-A to another zoning district set forth in article IV of this zoning ordinance which will lawfully provide for the proposed development, in accordance with applicable zoning procedures and article II of this zoning ordinance.
 2. The zoning administrator may authorize that a variance application be made in accordance with the provisions of article II of this zoning ordinance, but only involving development that cannot meet the yard area, setbacks, buffers, landscape strips, building coverage, or other dimensional (numeric) requirements of the approved site plan and conditions of zoning. Variance applications shall be processed in accordance with applicable zoning procedures and article II of this zoning ordinance.
 3. Administrative variances may be granted to properties zoned DK-A, pursuant to article II of this zoning ordinance.
- B. The zoning administrator shall not accept nor be authorized to process an application to modify the conditions of zoning approval pertaining to properties in the DK-A zoning district.
- C. The zoning administrator shall not accept nor be authorized to process an application to modify a site plan or development plan approved by DeKalb County and made a part of the regulations of the DK-A Zoning District; provided, however, that minor revisions to an approved site plan or development plan may be administratively approved by the zoning administrator if in the zoning administrator's judgment such changes:
1. Do not involve an increase in density or intensity of the site; and
 2. Do not alter buffers or setbacks along perimeter boundaries; and
 3. Do not otherwise result in a change that would be contrary to the public interest or that would be better considered via a public hearing process and a change in zoning or special use approval.

(Ord. No. 2014-06, Pt. I, 9-2-14)

Section 14-1.5 Compliance.

Except as this chapter specifically authorizes otherwise, lands annexed into the municipal limits of the City of Stone Mountain after the effective date of this zoning ordinance shall be subject to all applicable procedural and substantive requirements of this zoning ordinance as now or hereafter amended.

(Ord. No. 2014-06, Pt. I, 9-2-14)

Section 14-1.6 Assumption of administrative functions.

In cases where conditions of DeKalb County zoning approval applicable to property in the DK-A zoning district require an administrative determination or decision, interpretation, or other administrative action, the zoning administrator shall have the authority to make such administrative determination, decision, or interpretation. To this end, the zoning administrator shall assume the authority of all administrative officials referred to in said conditions of zoning approval by DeKalb County; provided, however, that in cases where engineering considerations are specified, the zoning administrator shall refer such considerations to a licensed professional engineer, whose determination, decision, or interpretation shall be followed by the zoning administrator.

(Ord. No. 2014-06, Pt. I, 9-2-14)

ARTICLE XV: BED AND BREAKFAST FACILITIES

Section 15-1. Purpose, definitions, licenses.

15-1.1 Purpose.

- A. The purpose of this article is the establishment of land use regulations within the scope of the zoning powers of the municipal authority to govern bed and breakfast facilities in the city. The intent of this article is to promote economic development in the bed and breakfast industry without harming existing residential properties.

15-1.2 Definitions.

- A. A lodging room is defined as a room that is used for temporary occupancy for a fee.
- B. An owner is defined as an individual, partner, or officer of a corporation who is an officer registered with the Corporations Division of the Georgia Secretary of State with title to real property.
- C. A bed and breakfast hotel facility is defined as a commercial type establishment offering no less than three and no more than eight lodging rooms to be used for temporary occupancy for a fee and that serves meals to guests.
- D. A bed and breakfast home facility is defined as a residential type establishment, with commercial enterprise, offering no more than three lodging rooms for temporary occupancy for a fee and that may or may not offer food to guests.
- E. A bed and breakfast facility is not a rooming house or a boarding house.

15-1.3 Licenses.

- A. A bed and breakfast hotel facility shall obtain an occupational tax certificate from the city and must meet all requirements for food and lodging operations.
- B. A bed and breakfast home facility shall obtain a home occupational tax certificate from the city and is exempt from local food operations requirements providing that only breakfast is served, with breakfast being defined as pre-wrapped, commercially prepared portions.

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- C. Fees for lodging in all bed and breakfast hotel and home facilities are subject to local and state taxation ordinances.

(Ord. No. 2017-04, pt. I, §§ 1—3, 8-1-17)

Section 15-2. Occupancy and parking restrictions.

15-2.1 Occupancy restrictions.

- A. A bed and breakfast hotel facility must meet the following occupancy restrictions:
 - 1. Reserved.
 - 2. Occupancy of a lodging room shall require at least 40 square feet per individual.
 - 3. No occupancy shall exceed 14 days for any individual at a bed and breakfast facility.
 - 4. The owner of a bed and breakfast facility shall live in the bed and breakfast facility, on the property, or live adjacent to the property on which the bed and breakfast is located.
 - 5. Bed and breakfast facilities shall be available for occupancy on a continuous basis except for repairs, renovations, or the absence of the owner.
- B. A bed and breakfast home facility must meet the following occupancy restrictions:
 - 1. Provide no more than three lodging rooms with a minimum of 70 square feet per room.
 - 2. Occupancy of a lodging room shall require at least 40 square feet per individual when occupied by more than one person.
 - 3. Occupancy by guest(s) shall not exceed 14 consecutive days during any 90 day period.
 - 4. The owner of a bed and breakfast home facility shall live in the bed and breakfast facility or on the property on which facility is located. Change in ownership shall be reported to the municipality and may be subject to new licensing requirements.
 - 5. Bed and breakfast home facilities shall be available for occupancy on a continuous basis except for repairs, renovations, or the absence of the owner.
 - 6. Bed and breakfast home facilities shall be required to have a smoke alarm in each lodging room (guest room) and a fire extinguisher visible and accessible to guests. The facilities are subject to at least one annual inspection at the time of initial licensing and during renewal of the same.

15-2.2 Parking restrictions.

- A. Except where permitted by law, no parking shall be allowed on the street or in the front yard of bed and breakfast facilities.
- B. One parking space shall be maintained for each lodging room with a minimum width of eight feet and a minimum length of 15 feet.

(Ord. No. 2017-04, pt. I, §§ 4—6, 8-1-17)

Section 15-3. Signage.

15-3.1 Signage.

- A. For bed and breakfast hotel facilities — One exterior sign is permitted not to exceed 12 square feet. The sign may not be attached to any structure on the premises. The sign may be lighted on two sides by an

external light source not to exceed 2,400 lumens per light. A sign permit application must be submitted to the city clerk for approval and a sign permit fee must be paid according to the schedule of fees maintained by the city prior to the construction of an exterior sign.

- B. For bed and breakfast home facilities — No additional signage permitted.

(Ord. No. 2017-04, pt. I, §§ 7, 8, 8-1-17)

ARTICLE XVI: VACATION HOME FACILITIES

Section 16-1. Purpose, definitions, licenses.

16-1.1 Purpose.

- A. The purpose of this article is the establishment of land use regulations within the scope of the zoning powers of the municipal authority to govern vacation home facilities in the city. The intent of this article is to promote economic development in the vacation rental industry without harming existing residential properties.

16-1.2 Definitions.

- A. A lodging room is defined as a room that is used for temporary occupancy for a fee.
- B. An owner is defined as an individual, partner, or officer of a corporation who is an officer registered with the Corporations Division of the Georgia Secretary of State with title to real property.
- C. A vacation home facility is defined as a residential type establishment, with commercial enterprise, offering whole house rental with no more than four lodging rooms for temporary occupancy for a fee and that does not offer food to guests.
- D. A vacation home facility is not a rooming house or boarding house.

16-1.3 Licenses.

- A. A vacation home facility shall obtain a home occupational tax certificate from the city.
- B. Fees for lodging in a vacation home facility are subject to local and state taxation ordinances.

(Ord. No. 2017-07, pt. I, 8-1-17)

Section 16-2. Occupancy and parking restrictions.

16-2.1 Occupancy restrictions.

- A. A vacation home facility must meet the following occupancy restrictions:
 1. Provide no more than four lodging (guest) rooms with a minimum of 70 square feet per room.
 2. Occupancy of a lodging room shall require at least 40 square feet per individual.
 3. Occupancy by guest(s) shall not exceed 14 consecutive days during any 90 day period.
 4. The owner of a vacation home facility shall live within the corporate boundaries of DeKalb County, Georgia.
 5. Vacation home facilities shall be available for occupancy on a continuous basis except for repairs, renovations, or the absence of the owner.

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6. Vacation home facilities shall be required to have a smoke alarm in each lodging room (guest room) and a fire extinguisher visible and accessible to guests. The facilities are subject to at least one annual inspection at the time of initial licensing and during renewal of the same.

16-2.2 Parking restrictions.

- A. Except where permitted by law, no parking shall be allowed on the street or in the front yard of a vacation home facility.
- B. Parking regulations relative to the zoning district in which the vacation home facility is located shall apply.

(Ord. No. 2017-07, pt. I, 8-1-17)

Section 16-3. Signage.

16-3.1 Signage.

- A. No additional signage shall be permitted.

(Ord. No. 2017-07, pt. I, 8-1-17)