

**STATE OF GEROGIA
DEKALB COUNTY
CITY OF STONECREST**

ORDINANCE NO. ____ - _____

1 **AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST,**
2 **GEORGIA TO APPROVE SPECIAL LAND USE PERMIT 23-009 ON PARCEL**
3 **NUMBERS 16 022 01 004 AND 16 022 01 246 TO DEVELOP A PLACE OF WORSHIP AT**
4 **3309 AND 3313 PANOLA ROAD STONECREST, GEORGIA 30038; TO PROVIDE**
5 **SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO**
6 **PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR**
7 **OTHER LAWFUL PUPOSES.**

8 **WHEREAS**, the governing body of the City of Stonecrest (“City”) is the Mayor and City
9 Council (“City Council”) thereof; and

10 **WHEREAS**, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of
11 Georgia authorizes the City to adopt plans and exercise the power of zoning; and

12 **WHEREAS**, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances
13 relating to its property, affairs, and local government; and

14 **WHEREAS**, the City of Stonecrest has been vested with substantial powers, rights, and
15 functions to generally regulate the use of real property to maintain health, morals, safety, security,
16 peace, and the general welfare of the City; and

17 **WHEREAS**, the city received an application for the approval to develop a place of worship
18 at 3309 and 3313 Panola Road; and

19 **WHEREAS**, pursuant to the city’s zoning Ordinance applicants who desire to develop a
20 place of worship must obtain a special land use permit; and

21 **WHEREAS**, the matter was heard in the City’s Community Planning Information Meeting
22 pursuant to the provisions of the City’s Zoning Procedures Law; and

23 **WHEREAS**, the City has properly advertised and held a public hearing before the
24 Planning Commission regarding SLUP 23-009, the request for special land use permit to develop
25 a place of worship at 3309 and 3313 Panola Road; and

26 **WHEREAS**, the City has properly advertised and held a public hearing pursuant to the
27 provisions of Georgia’s Zoning Procedures Law before the City Council prior to the adoption of
28 this Ordinance; and

29 **WHEREAS**, the Planning and Zoning Department recommends denial of special land use
30 permit 23-009 of property located at 3309 and 3313 Panola Road; and

31 **WHEREAS**, the health, safety, and welfare of the citizens of the City will be positively
32 impacted by the adoption of this Ordinance.

33 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF**
34 **THE CITY OF STONECREST, GEORGIA, as follows:**

35 **Section 1.** SLUP 23-009, to develop a place of worship at 3309 and 3313 Panola Road,
36 satisfying Section 7.4.6 of Division 4 of Article 7 and Section 4.2.42 of Division 2 of Article 7 in
37 Chapter 27 of the City of Stonecrest Code of Ordinances, is **DENIAL**.

38 **Section 2.** (a) It is hereby declared to be the intention of the Mayor and Council that all
39 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
40 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

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

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

56 **Section 3.** The City Clerk, with the concurrence of the City Attorney, is authorized to
57 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

58 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
59 repealed.

60 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the
61 State of Georgia and the City of Stonecrest.

62 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the
63 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
64 Stonecrest, Georgia.

SO ORDAINED AND EFFECTIVE this _____ day of _____, 2024.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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