

**STATE OF GEROGIA**

**CITY OF STONECREST**

**ORDINANCE NO. \_\_\_\_ - \_\_\_\_\_**

1 **AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST,**  
2 **GEORGIA TO DENY SPECIAL LAND USE PERMIT SLUP 24-002 ON PARCEL**  
3 **NUMBER 16 105 01 013 TO CONSTRUCT AND OPERATE A CONVENIENCE STORE**  
4 **WITH ALCOHOL SALES AND FUEL PUMPS AT 6350 HILLANDALE DRIVE; TO**  
5 **PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING**  
6 **ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO**  
7 **PROVIDE FOR 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 to construct and operate a convenience store  
18 with alcohol sales and fuel pumps at 6350 Hillandale Drive; and

19           **WHEREAS**, pursuant to the City’s Zoning Ordinance applicants who desire to construct  
20 and operate a convenience store with alcohol sales and fuel pumps at must obtain a special land  
21 use permit; and

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

24           **WHEREAS**, the City has properly advertised and held a public hearing before the  
25 Planning Commission regarding SLUP 24-002, to construct and operate a convenience store with  
26 alcohol sales and fuel pumps at 6350 Hillandale Drive; and

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

30           **WHEREAS**, the Director of Planning and Zoning recommends approval of special land  
31 use permit 24-002 of property located at 6350 Hillandale Drive; and

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

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

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37           **Section 1.** SLUP 24-002, application to construct and operate a convenience store with  
38 alcohol sales and fuel pumps at 6350 Hillandale Drive, is **DENIED** due to an inconsistency with  
39 zoning in the future land use designation.

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

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

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

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

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

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

64 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the  
65 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of  
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81 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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