

STATE OF GEROGIA

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 SLUP 24-001 ON PARCEL**
3 **NUMBER 16 119 02 044 TO CONSTRUCT AND OPERATE A POPEYE’S DRIVE-**
4 **THROUGH RESTAURANT AT 2869 EVANS MILL ROAD; 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 to construct and operate a popeye’s drive-
18 through restaurant at 2869 Evans Mill Road; and

19 **WHEREAS**, pursuant to the City’s Zoning Ordinance applicants who desire to construct
20 and operate a popeye’s drive-through restaurant 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 24-001, to construct and operate a popeye’s drive-through
25 restaurant at 2869 Evans Mill 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 Director of Planning and Zoning recommends approval of special land
30 use permit 24-001 of property located at 2869 Evans Mill 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:**

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36 **Section 1.** SLUP 24-001, application to construct and operate a popeye’s drive-through
37 restaurant at 2869 Evans Mill Road, satisfying Section 4.2.23. (Drive-through facility, restaurant.)
38 in Chapter 27 of the City of Stonecrest Code of Ordinances, is **APPROVED WITH**
39 **CONDITIONS** as follows:

- 40 1. Rear setback shall be a minimum of 20 feet.
- 41 2. Appropriate signage shall be installed to confirm that there shall be a right in/right out
42 only from Evans Mill Road. Vehicles shall not turn left from the site.

43 3. Applicant must comply with Section 4.2.23 Drive-through facility, restaurant.

44 4. There shall be a minimum of 16 parking spaces per Sec. 6.1.4. – Off-street parking ratios.

45 5. Sidewalks must be provided on all public streets fronting the property. Sidewalks must
46 be at least five feet in width.

47 6. Must comply with all permitting and signage requirements as outlined in the Stonecrest
48 Zoning Ordinance.

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

52 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
53 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is
54 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is
55 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent
56 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually
57 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

58 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for
59 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the
60 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
61 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
62 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
63 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to
64 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
65 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
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74 effect.

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

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

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

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86 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the
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88 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
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90 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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