

**STATE OF GEORGIA
DEKALB COUNTY
CITY OF STONECREST**

ORDINANCE NO. ____-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST, GEORGIA, BY AMENDING THE OFFICIAL ZONING MAP OF CITY OF STONECREST, GEORGIA FOR PARCEL NUMBERS 16-181-07-039, 16-181-07-038, 16-181-07-037 FROM R-100 (RESIDENTIAL MEDIUM LOT) TO C-1 (LOCAL COMMERCIAL) WITHIN CHAPTER 27 (ZONING ORDINANCE); TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PUPOSES.

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

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

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

WHEREAS, the governing authority of the City has considered one or more of the criteria of a rezoning request, provided in Section Sec. 7.3.4. and 7.3.5 Division 3. - Zoning And Comprehensive Plan Amendments and Procedures of Article VII (“Administration”) in Chapter 27 (“Zoning”) of the Code of Ordinances, City of Stonecrest, Georgia; and

26 **WHEREAS**, the Mayor and City Council desire to amend Official Zoning Map,
27
28 City of Stonecrest, Georgia for Parcel Numbers 16-181-07-039, 16-181-07-038, 16-181-07-037 to
29 C-1 (Local Commercial) within Chapter 27 (Zoning Ordinance); and

30 **WHEREAS**, the governing authority of the City desires to rezone the following parcels of
31 real property found in Exhibit A and attached hereto; and

32 **WHEREAS**, from time-to-time amendments may be proposed for public necessity,
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34 general welfare, or sound zoning practice that justify such action; and
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36 **WHEREAS**, the subject property is currently zoned as R-100 (Residential Medium Lot)
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38 and developed with a vacant single-family residence and several accessory structures that include
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40 a barn and sheds;
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42 **WHEREAS**, the applicant seeks to rezone the subject property from R-100 to C-1 to allow
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44 for a shopping center consisting of a grocery store, restaurant and retail stores;
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46 **WHEREAS**, the proposed use by applicant for commercial development is in accordance
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48 with written policies in the City's comprehensive plan as an Urban Neighborhood which allow for
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50 townhomes, multi-family, neighborhood rentals, small scale retail and commercial development;
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52 **WHEREAS**, the City desires to change the subject property from R-100 to C-1 to
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54 compliment the area surrounded by commercial and residential development;
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56 **WHEREAS**, the Director of Planning and Planning Commission recommend approval
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58 based on the City Staff Report and said report is hereby incorporated by reference herein; and
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60 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has
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62 been properly held prior to the adoption of this Ordinance; and
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64 **WHEREAS**, the health, safety, and welfare of the citizens of the City will be positively

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66 impacted by the adoption of this Ordinance.

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68 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL**
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70 **OF THE CITY OF STONECREST, GEORGIA,** and by the authority thereof:
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72 **Section 1.** The parcels of real property found in Exhibit “A” are hereby rezoned to the
73 zoning designation of Local Commercial Lot (“C-1”) as said designation is described in Chapter
74 27 (“Zoning”) of the Code of Ordinances, City of Stonecrest, Georgia.

75 **Section 2.** The rezoning of said parcels is indicated on the map which is attached hereto
76 as Exhibit “B” and is incorporated herein by reference. The rezoning indicated in Section 1 herein
77 and in Exhibit A attached hereto is to be noted on the official City of Stonecrest Zoning Map
78 approved by the City’s Mayor and Council as soon as reasonably possible following adoption of
79 this Ordinance, along with an editorial note on the official City of Stonecrest Zoning Map
80 specifying the parcels affected by this Ordinance and the date of adoption of this Ordinance.

81 **Section 3.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended
82 by replacing the portion of the Official Zoning Map, City of Stonecrest, Georgia, Parcel Numbers
83 16-181-07-039, 16-181-07-038, 16-181-07-037 within Chapter 27 (Zoning Ordinance) as depicted
84 in Exhibit A attached hereto and made part by reference, and adopting the provisions set forth in
85 Exhibit B attached hereto and made a part by reference.

86 **Section 4.** That the rezoning of the subject properties is in alignment with the
87 comprehensive plan and it does not require an amendment.

88 **Section 5.** That the permitted uses are hereby amended from residential districts to
89 commercial zoned districts.

90 **Section 6.** The preamble of this Ordinance shall be considered to be and is hereby
91 incorporated by reference as if fully set out herein.

92 **Section 7.** (a) It is hereby declared to be the intention of the Mayor and Council that all
93 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
94 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

95 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
96 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is
97 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is
98 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent
99 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually
100 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

101 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for
102 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the
103 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
104 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
105 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
106 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to
107 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
108 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
109 effect.

110 **Section 8.** The City Clerk, with the concurrence of the City Attorney, is authorized to
111 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

112 **Section 9.** All ordinances and parts of ordinances in conflict herewith are hereby

123 expressly repealed.

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125 **Section 10.** The Ordinance shall be codified in a manner consistent with the laws of the

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127 State of Georgia and the City of Stonecrest.

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129 **Section 11.** It is the intention of the governing body, and it is hereby ordained that the

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131 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of

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133 Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2022.

[SIGNATURES TO FOLLOW]

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CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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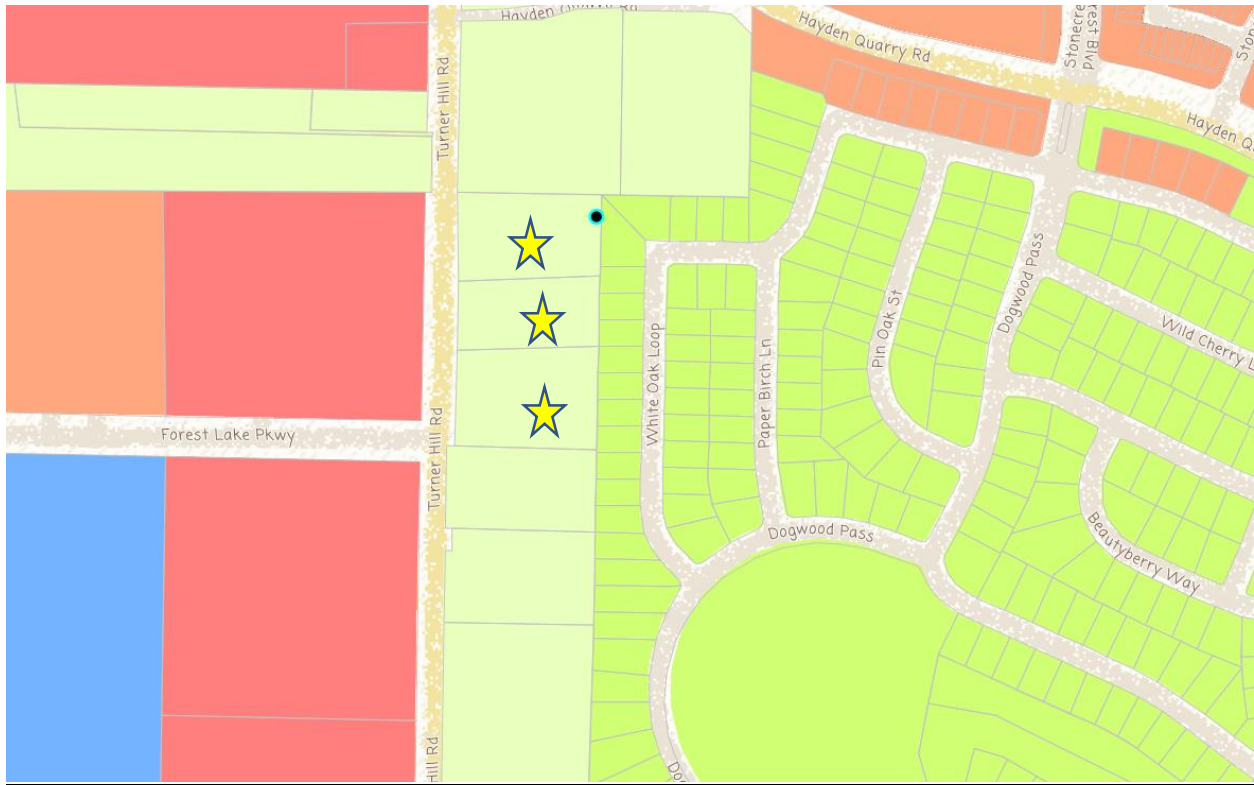
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**EXHIBIT A
(SEE ATTACHED)**

Zoning Map



Zoning Case: RZ-22-007

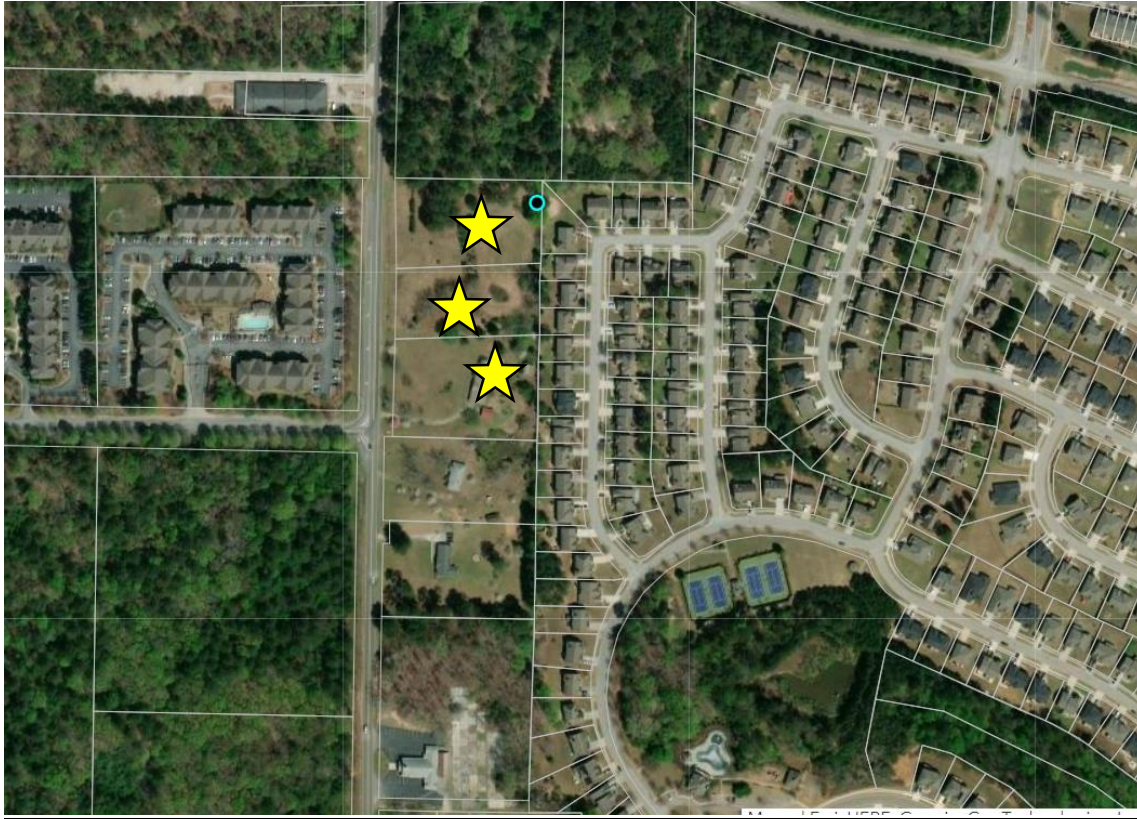
Address: 3310, 3320, 3330 Turner Hill Road.

Current Zoning: R-100 (Residential Small Lot)

Proposed Zoning: C-1 (Local Commercial)



Subject Property



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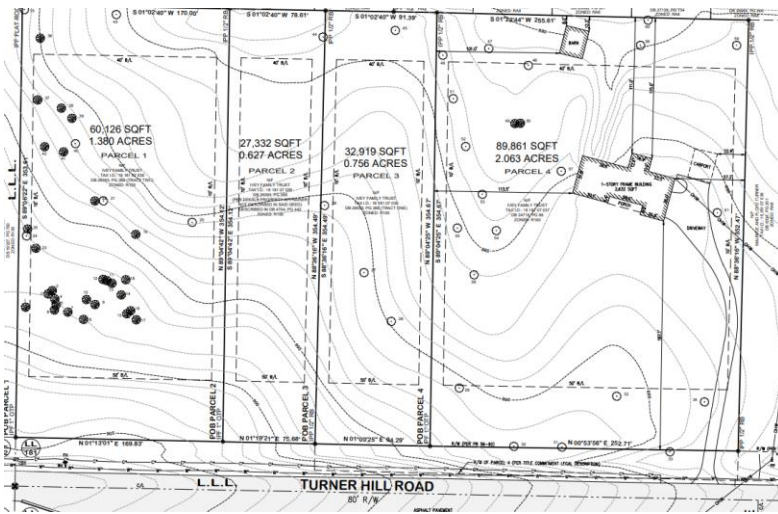
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Subject Property



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EXHIBIT B
(SEE ATTACHED)

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163 CHAPTER 27: ZONING ORDINANCE

164 Official Zoning Map, City of Stonecrest, Georgia for Parcel Numbers 16-181-07-039, 16-181-
165 07-038, 16-181-07-037

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