

**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 FROM C-1(LOCAL COMMERCIAL) STONECREST OVERLAY TIER 2 TO C-1 (LOCAL COMMERCIAL) STONECREST OVERLAY DISTRICT TIER 1 (SECTION 3.5.13.A- HIGH-RISE MIXED-USE ZONE) 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 the Official Zoning Map of City
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28 of Stonecrest, Georgia from c-1(local commercial) Stonecrest Overlay Tier 2 to Stonecrest Overlay
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30 District Tier 1 (Section 3.5.13.A- High-Rise Mixed-Use Zone) within Chapter 27 (Zoning
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32 Ordinance); and
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34 **WHEREAS**, the governing authority of the City desires to rezone the following parcels of
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36 real property found in Exhibit A and attached hereto; and

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38 **WHEREAS**, from time-to-time amendments may be proposed for public necessity,
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40 general welfare, or sound zoning practice that justify such action; and

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42 **WHEREAS**, the applicant is requesting to rezone the subject properties with an existing
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44 commercial business complex of several businesses from C-1(Local Commercial) Stonecrest
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46 Overlay Tier 2 to C-1 (Local Commercial) Stonecrest Overlay Tier 1 to allow for a late-night
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48 establishment;
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50 **WHEREAS**, late-night establishment is currently prohibited in Tier 2 of the Stonecrest
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52 Overlay where the subject properties are located;

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54 **WHEREAS**, the City desires to change the subject properties from C-1(Local
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56 Commercial) Stonecrest Overlay Tier 2 to C-1 (Local Commercial) Stonecrest Overlay Tier 1 with
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58 the condition that a Georgia Certified P.O.S.T. trained officer is on site at all times during the
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60 operation of the late-night establishment business to complement the existing commercial
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62 development in the area;

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64 **WHEREAS**, the Director of Planning and Planning Commission recommend approval
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66 based on the City Staff Report and said report is hereby incorporated by reference herein; and

66 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has
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68 been properly held prior to the adoption of this Ordinance; and

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

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

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

87 **Section 3.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended
88 by replacing the portion of the Official Zoning Map, City of Stonecrest, Georgia, C-1(Local
89 Commercial) Stonecrest Overlay Tier 2 within Chapter 27 (Zoning Ordinance) as depicted in
90 Exhibit A attached hereto and made part by reference, and adopting the provisions set forth in
91 Exhibit B attached hereto and made a part by reference.

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

94 **Section 5.** That the permitted uses are hereby amended to a commercial zoned district that
95 permits a late-night establishment.

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

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

101 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
102 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is
103 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is
104 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent
105 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually
106 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

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

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

127 **Section 9.** All ordinances and parts of ordinances in conflict herewith are hereby
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129 expressly repealed.

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131 **Section 10.** The Ordinance shall be codified in a manner consistent with the laws of the
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133 State of Georgia and the City of Stonecrest.

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135 **Section 11.** It is the intention of the governing body, and it is hereby ordained that the
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137 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
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139 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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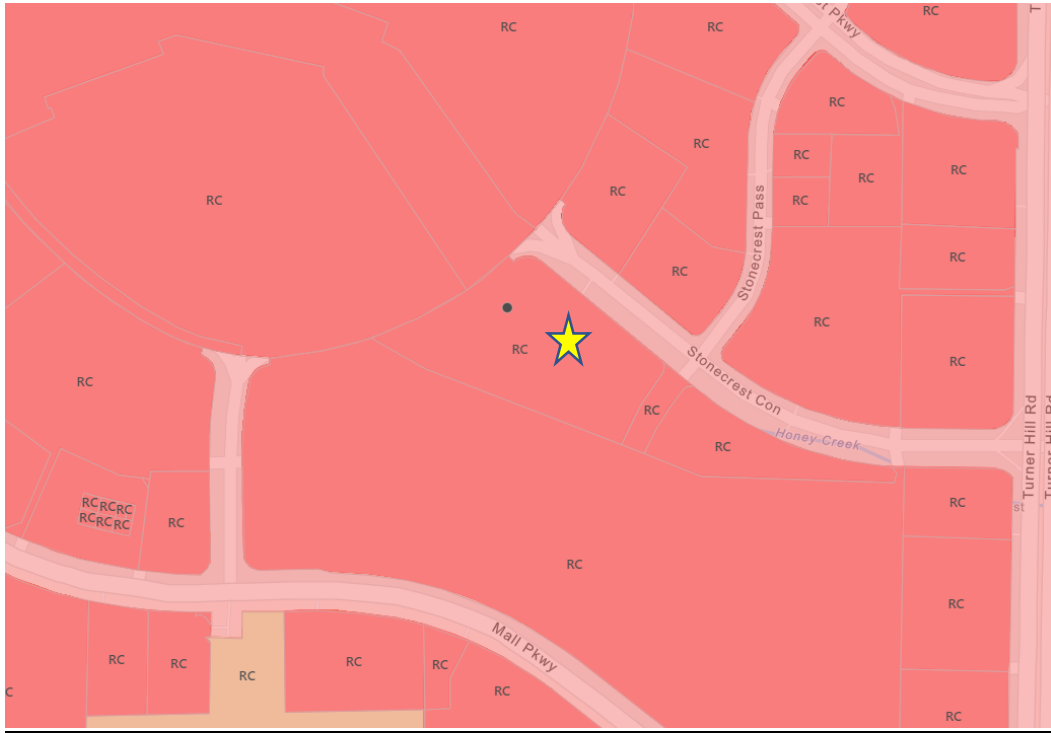
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**EXHIBIT A
(SEE ATTACHED)**



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Zoning Case: RZ-22-004

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Address: 7301 Stonecrest Concourse.

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Current Zoning: C-1 (Local Commercial) Stonecrest Overlay Tier 2

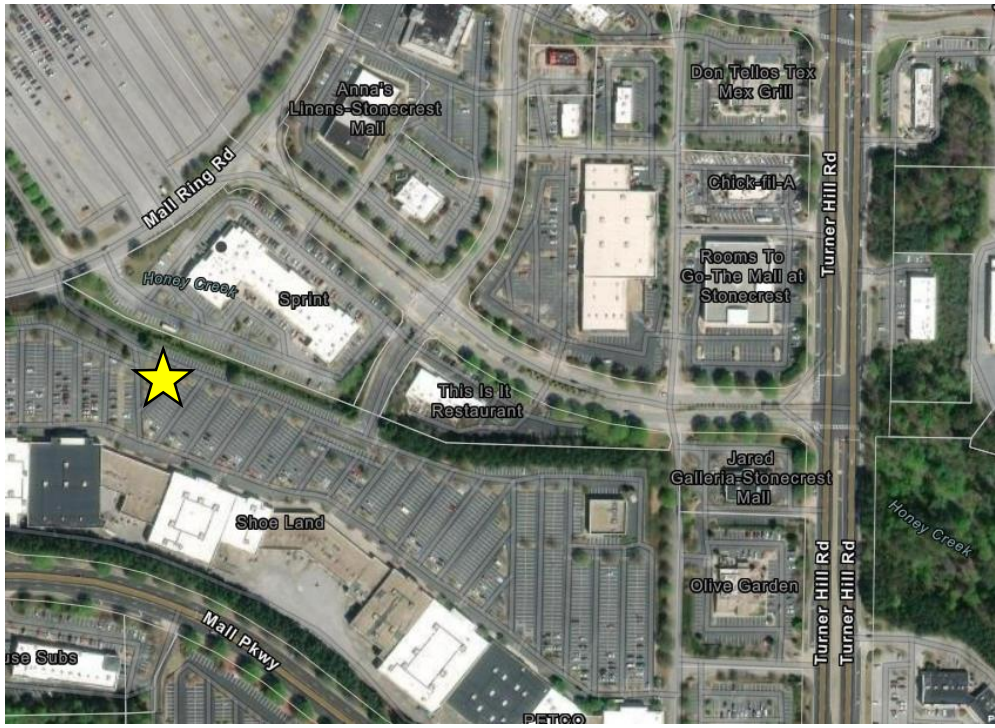
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Proposed Zoning: C-1 (Local Commercial) Stonecrest Overlay Tier 1

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Subject Property



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Subject Property

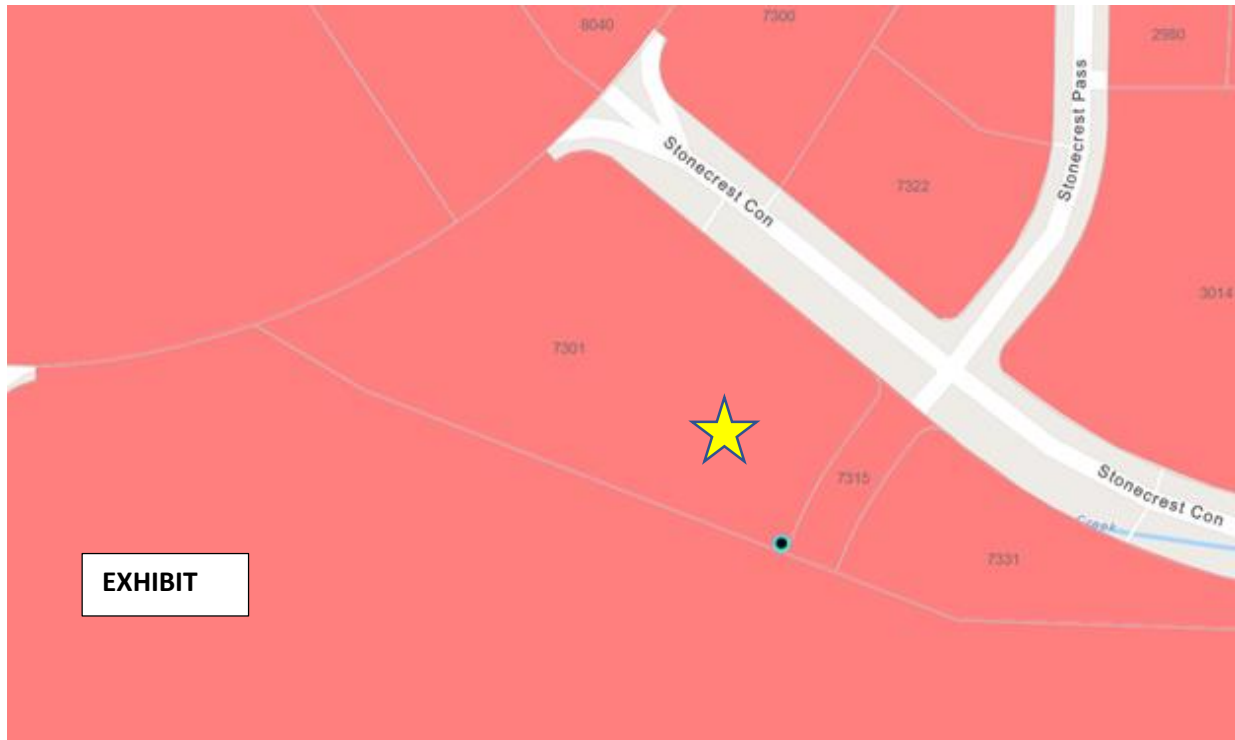


EXHIBIT B
(SEE ATTACHED)

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163 CHAPTER 27: ZONING ORDINANCE

164 Official Zoning Map, City of Stonecrest, Georgia, Stonecrest Overlay District Tier 1 (Section
165 3.5.13.A- High-Rise Mixed-Use Zone)



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