

**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, TO MR-1 (MEDIUM RESIDENTIAL DENSITY) 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 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

**WHEREAS**, the Mayor and City Council desire to amend Official Zoning Map,

City of Stonecrest, Georgia, R-100 (Residential Medium Lot) within Chapter 27 (Zoning Ordinance); and

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

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

**WHEREAS**, the applicant seeks to rezone subject properties from R-100 to MR-1 to develop 55 single-family attached townhomes;

**WHEREAS**, the rezoning of subject properties will not adversely affect the existing use or usability of adjacent or nearby properties, will not cause excessive burden to the area, and is in line with future land use designation;

**WHEREAS**, the applicant desires to change the subject properties from R-100 to MR-1 to complement the surrounding properties in the area that currently include vacant lots, apartments and single-family detached homes; and

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

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

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

**BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA**, and by the authority thereof:

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68       **Section 1.** The parcels of real property found in Exhibit “A” are hereby rezoned to the  
69 zoning designation of MR-1 (Medium Residential Density) as said designation is described in  
70 Chapter 27 (“Zoning”) of the Code of Ordinances, City of Stonecrest, Georgia.

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

77       **Section 3.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended  
78 by replacing the portion of the Official Zoning Map, City of Stonecrest, Georgia, R-100  
79 (Residential Medium Lot) within Chapter 27 (Zoning Ordinance) as depicted in Exhibit A attached  
80 hereto and made part by reference, and adopting the provisions set forth in Exhibit B attached  
81 hereto and made a part by reference.

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

84       **Section 5.** That the permitted uses are hereby amended to a residential district that is in  
85 alignment with its future land use designation of Urban Neighborhood.

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

88           **Section 7.** (a) It is hereby declared to be the intention of the Mayor and Council that all

89 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their  
90 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

91 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent  
92 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is  
93 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is  
94 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent  
95 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually  
96 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.  
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102 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for  
103 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the  
104 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the  
105 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the  
106 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any  
107 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to  
108 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and  
109 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and  
110 effect.  
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115           **Section 8.** The City Clerk, with the concurrence of the City Attorney, is authorized to

116 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

117           **Section 9.** All ordinances and parts of ordinances in conflict herewith are hereby  
118 expressly repealed.  
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121           **Section 10.** The Ordinance shall be codified in a manner consistent with the laws of the  
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123 State of Georgia and the City of Stonecrest.

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

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

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129 Stonecrest, Georgia.

**ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.**

**[SIGNATURES TO FOLLOW]**

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**CITY OF STONECREST, GEORGIA**

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**Jazzmin Cobble, Mayor**

**ATTEST:**

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**City Clerk**

**APPROVED AS TO FORM:**

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**City Attorney**

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**EXHIBIT A  
(SEE ATTACHED)**



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**Zoning Case: RZ-22-005**

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**Address: 3266 and 7407 Hayden Quarry Road**

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**Current Zoning: R-100 (Residential Medium Lot)**

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**Proposed Zoning: OD (Office Distribution)**

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**Subject Property**



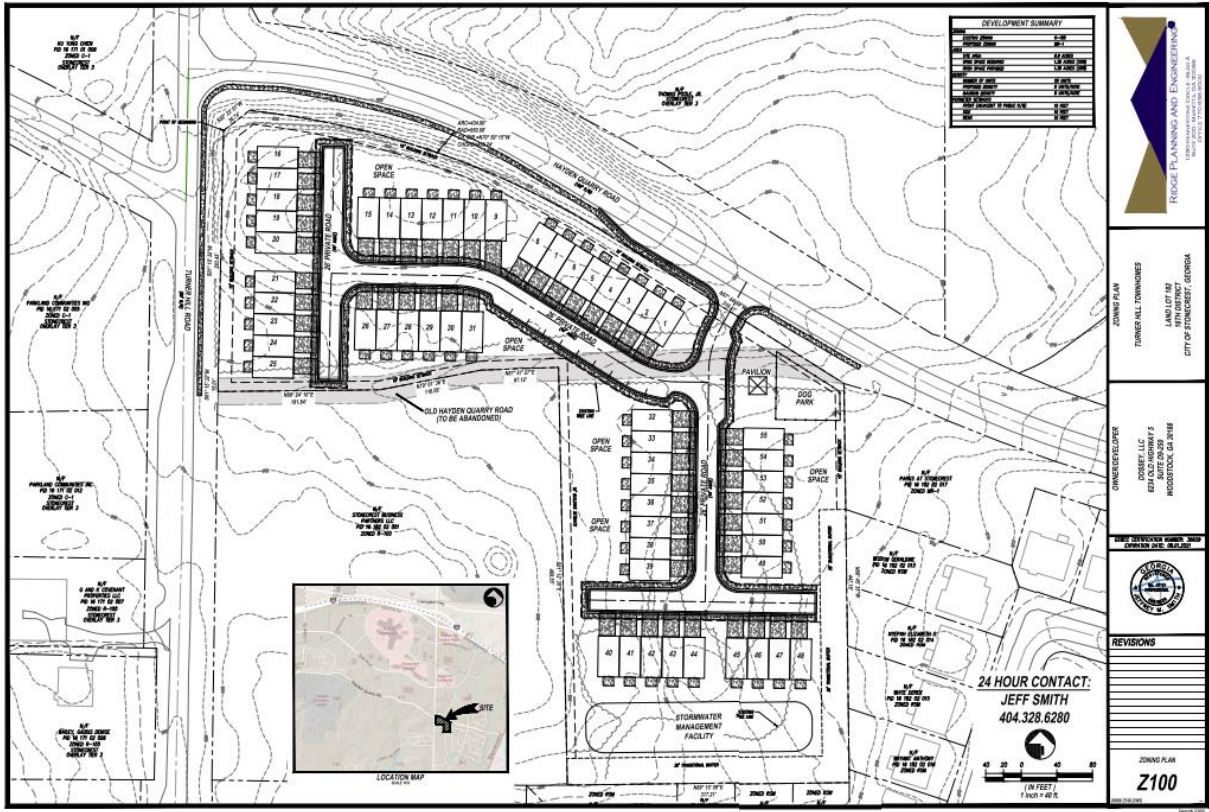
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**Subject Property**





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**EXHIBIT B**  
**(SEE ATTACHED)**

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169	CHAPTER 27: ZONING ORDINANCE
170	Official Zoning Map, City of Stonecrest, Georgia, MR-1 (Medium Residential Density)
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