

**STATE OF GEROGIA  
DEKALB COUNTY  
CITY OF STONECREST**

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

1 **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST,**  
2  
3 **GEORGIA, BY AMENDING DIVISION 2 (SUPPLEMENTAL USE REGULATIONS) OF**  
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5 **ARTICLE 4 (USE REGULATIONS) WITHIN CHAPTER 27 (ZONING ORDINANCE);**  
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7 **TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR**  
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9 **REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND**  
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11 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PUPOSES.**

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

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

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

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25 **WHEREAS,** the Mayor and City Council desire to amend Division 2 (Supplemental Use  
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27 Regulations) of Article 4 (Use Regulations) within Chapter 27 (Zoning Ordinance); and

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

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

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

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

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

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49       **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended  
50 by amending Division 2 (Supplemental Use Regulations) of Article 4 (Use Regulations) within  
51 Chapter 27 (Zoning Ordinance) by adopting the provisions set forth in Exhibit A attached hereto  
52 and made a part by reference.

53       **Section 2.** That text added to current law appears in **red, bold and underlined**. Text  
54 removed from current law appears as **red, bold and strikethrough**.

55       **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby  
56 incorporated by reference as if fully set out herein.

57       **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
58 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their  
59 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

60 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent  
61 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is  
62 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is  
63 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent  
64 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually  
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70 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

71 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for  
72 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the  
73 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the  
74 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the  
75 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any  
76 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to  
77 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and  
78 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and  
79 effect.  
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84 **Section 5.** The City Clerk, with the concurrence of the City Attorney, is authorized to  
85 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

86 **Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby  
87 expressly repealed.  
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90 **Section 7.** The Ordinance shall be codified in a manner consistent with the laws of the  
91 State of Georgia and the City of Stonecrest.  
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94 **Section 8.** It is the intention of the governing body, and it is hereby ordained that the  
95 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of  
96 Stonecrest, Georgia.  
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ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

[SIGNATURES TO FOLLOW]

**CITY OF STONECREST, GEORGIA**

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**George Turner, Mayor Pro Tem**

**ATTEST:**

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**City Clerk**

**APPROVED AS TO FORM:**

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**City Attorney**

**EXHIBIT A**  
**(SEE ATTACHED)**

CHAPTER 27: ZONING ORDINANCE

ARTICLE 4 – USE REGULATIONS

DIVISION 2. SUPPLEMENTAL USE REGULATIONS

**Sec. 4.2.64 Towing Wreckage Service**

- A. Vehicles shall not be stored at tow service properties or automobile recovery and storage facilities for a period longer than fourteen (14) days. This provision does not apply to vehicle storage yards, used motor vehicle dealerships, used motor vehicle parts dealerships, or automobile salvage yards. Records showing the arrival of each vehicle at a tow service property or an automobile recovery and storage facility must be kept by the owner/operator of a business.
- B. All wrecked or inoperable vehicles shall be drained of all liquids, including but not limited to gasoline, diesel, transmission fluid, brake fluid, and engine oil, within forty-eight (48) hours of delivery to tow service properties or automobile recovery and storage facilities.
- C. Any area of the site used for the short-term storage of motor vehicles shall be screened from view of the public street with an opaque corrugated metal fence or wall adequate in heights to screen the motor vehicles from view from the public rights-of-way. This would be a minimum of ten feet in height if trucks are being stored on site, and only six feet in height if only cars are be stored on site. Chain link and wooden fences along street frontage are prohibited.
- D. The parking area shall be at least 25 feet from the street right-of-way.
- E. A ten-foot-wide evergreen landscape buffer shall be planted around the perimeter of the fence along the public street with at least two rows of trees. All trees shall be a least six feet in height and/or two inches caliber, and shall be regularly maintained and watered as necessary. Dead or dying trees shall be promptly replaced. All surfaces between trees shall be mulched
- F. The soil erosion, sedimentation and pollution requirements of chapter 14, article V of the Code of the City of Stonecrest, Georgia are met.
- G. Minimum standards of the Georgia Stormwater Management Manual are met in terms of stormwater runoff and water quality.