

**STATE OF GEROGIA
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, ARABIA MOUNTAIN CONSERVATION OVERLAY DISTRICT 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. 7.3.1. 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, Arabia Mountain Conservation Overlay District 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 City at its incorporation adopted the DeKalb County zoning map which depicted the subject properties located along Evans Mill, Rock Springs and Salem Road, within the Arabia Mountain Conservation Overlay as a Residential Small Lot (“RSM”) that were previously developed as a Residential Medium Lot (“R-100”);

WHEREAS, the City desires to change the subject properties from RSM to R-100 to correct a zoning mis-categorization of the subject properties and advert the potential for small lot infill development in the area;

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:

66 **Section 1.** The parcels of real property found in Exhibit “A” are hereby rezoned to the
67 zoning designation of Residential Medium Lot (“R-100”) as said designation is described in
68 Chapter 27 (“Zoning”) of the Code of Ordinances, City of Stonecrest, Georgia.

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

75 **Section 3.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended
76 by replacing the portion of the Official Zoning Map, City of Stonecrest, Georgia, Arabia Mountain
77 Conservation Overlay District within Chapter 27 (Zoning Ordinance) as depicted in Exhibit A
78 attached hereto and made part by reference, and adopting the provisions set forth in Exhibit B
79 attached hereto and made a part by reference.

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

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

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

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

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

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

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

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

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

Section 11. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of

127 Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2022.

[SIGNATURES TO FOLLOW]

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CITY OF STONECREST, GEORGIA

George Turner, Mayor Pro Tem

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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EXHIBIT A
(SEE ATTACHED)

Evans Mill Road



18 parcels, 105 acres

Ref #	Parcel Address (* denotes where owner address = parcel address)	Parcel ID	Owner Name	Acreage	LU
1	3793 Evans Mill Rd *	16 077 010 040	Gwen A. Mitchell	6.79	SUB
2	3801 Evans Mill Rd *	16 077 010 041	Kenneth N. Cox	12.03	SUB
3	3817 Evans Mill Rd	16 077 010 042	Horizon Global Enterprises	5.59	SUB
4	3837 Evans Mill Rd *	16 077 010 043	Major and Ada Sadler Revocable Trust	5.88	SUB
5	3859 Evans Mill Rd. *	16 077 010 044	Sarah J V Frett	5.18	SUB
6	3879 Evans Mill Rd *	16 077 010 045	Austin Mae Francis Dixon	4.93	SUB
7	3897 Evans Mill Rd *	16 077 010 046	Ravenel L Edward	4.71	SUB
8	3917 Evans Mill Rd *	16 077 010 039	Waterton Godfrey	4.60	SUB
9	3935 Evans Mill Rd *	16 077 010 047	Hinton Willie L	5.08	SUB
10	3959 Evans Mill Rd *	16 077 010 048	Charles T. Carter	4.16	SUB
11	3979 Evans Mill Rd	16 077 010 049	Larry G Hunt	4.25	SUB
12	3990 Evans Mill Rd	16 078 01 003	DeKalb County	8.42	
13	3999 Evans Mill Rd *	16 078 02 003	Joseph A. Vernot	4.18	SUB
13	4029 Evans Mill Rd	16 078 02 002	Charles R. Alexander	6.69	SUB
14	5912 Salem Rd.	16 078 02 001	Sam E Thomas	5.00	SUB
15	3848 Evans Mill Rd *	16 077 02 001	Ware Palmer	4.16	RR
16	3922 Evans Mill Rd *	16 077 03 004	Leslie E. Gadsden	5.36	RR
17	3940 Evans Mill Rd	16 077 03 005	Frederick Jackson	3.66	RR
18	3960 Evans Mill Rd *	16 077 03 006	Charlie J Thompson	4.73	RR ²

Rock Spring Road

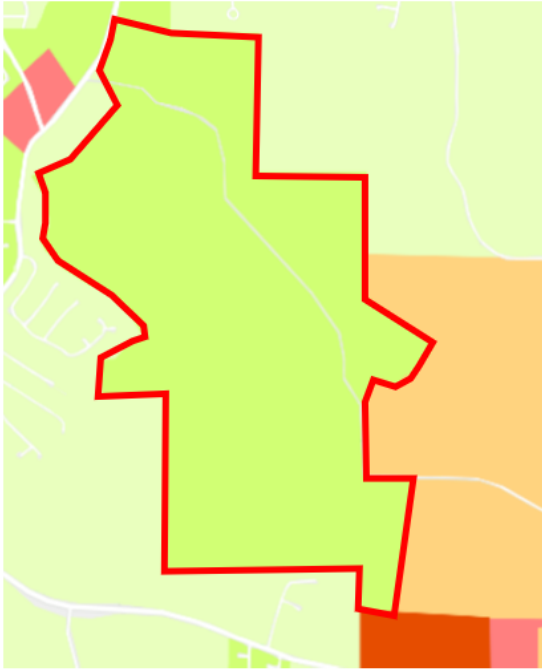


19 parcels, 97acres, all appear to be owner occupied

Ref #	Parcel Address	Parcel ID	Owner Name	Acreage	LU
23	6206 Rock Springs Rd	16 076 01 008	Thelma Crowder	4.1	SUB
24	6190 Rock Springs Rd	16 076 01 007	Willie Mae Johnson	4.2	SUB
25	6174 Rock Springs Rd	16 076 01 006	Ellis Appling	4.0	SUB
26	6160 Rock Springs Rd	16 076 01 005	Patricia Esther Jones	4.0	SUB
27	6144 Rock Springs Rd	16 076 01 004	Edward Bailey Jr.	4.0	SUB
28	6130 Rock Springs Rd	16 076 01 003	Gamaliel W. Hilson	4.0	SUB
29	6110 Rock Springs Rd	16 076 01 011	Christine L. Hilson	3.9	SUB
30	6090 Rock Springs Rd	16 076 01 010	Keri L. Hilson	3.9	SUB
31	6070 Rock Springs Rd	16 076 01 009	Michael Allen Roberts	3.7	SUB
32	6020 Rock Springs Rd	16 076 01 002	Michael A. Roberts	5.1	SUB
33	5989 Rock Springs Rd	16 076 02 003	Raymond Hill	6.7	SUB
34	6023 Rock Springs Rd	16 076 02 004	Cornelius Flowers	8.0	SUB
35	6051 Rock Springs Rd	16 076 02 005	Walter W. Williams	11.3	SUB
36	6067 Rock Springs Rd	16 076 02 006	Perry Iris Buchanan	6.3	SUB
37	6085 Rock Springs Rd	16 076 02 007	Kathy H Register	3.7	SUB
38	6105 Rock Springs Rd	16 076 02 008	George Turner Jr.	3.6	SUB
39	6125 Rock Springs Rd	16 076 02 009	James Rutledge	3.5	SUB
40	6145 Rock Springs Rd	16 076 02 010	Ellis Wilson	5.1	SUB
41	6185 Rock Springs Rd	16 076 02 011	Andrew Daugett	4.8	SUB
42	6205 Rock Springs Rd	16 076 02 012	Larry Parker	3.0	SUB

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Ref #	Parcel Address	Parcel ID	Owner Name	Acreage	LU
19	4008 Evans Mill Rd	16 078 01 002	DeKalb County	138.2	COS
20	5969 S. Goddard Rd	16 078 04 002	DeKalb County	399.73	COS

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EXHIBIT B
(SEE ATTACHED)

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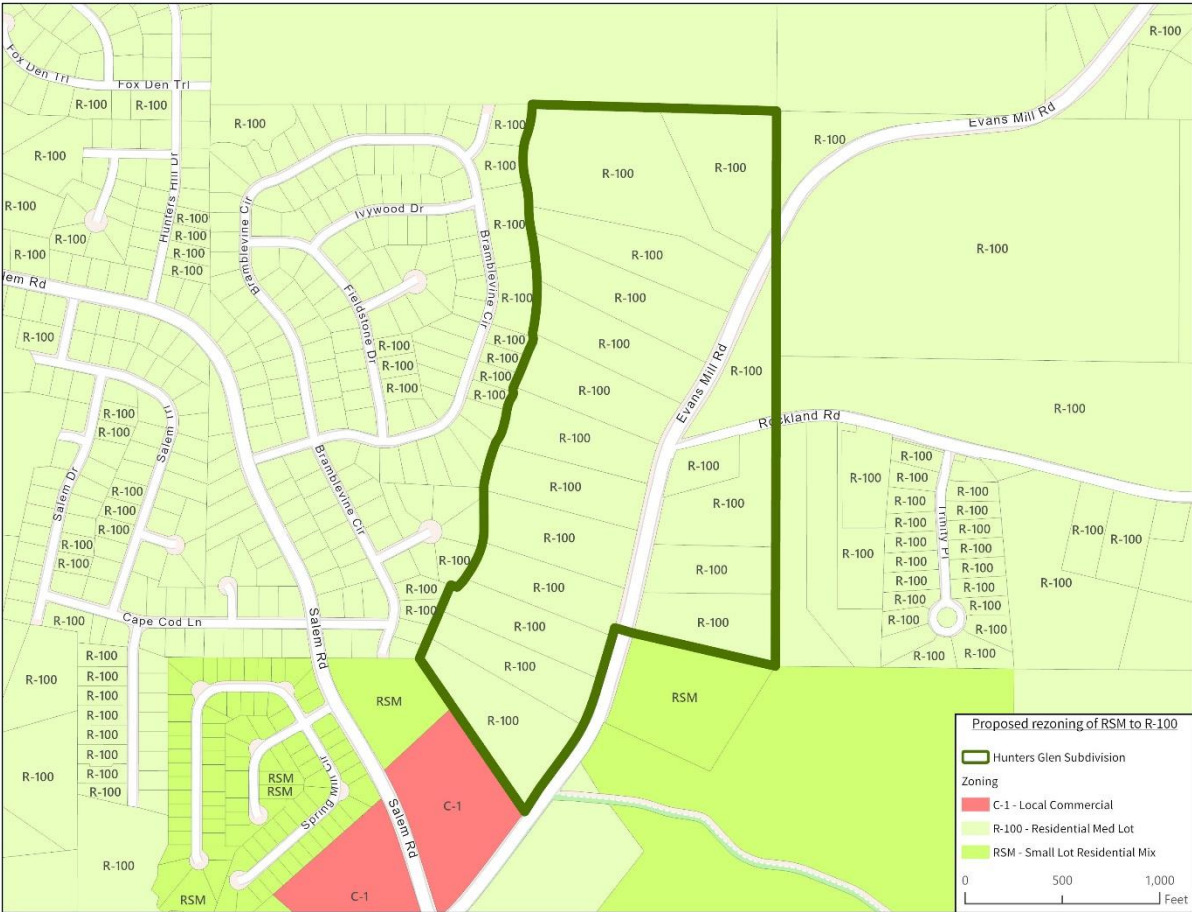
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CHAPTER 27: ZONING ORDINANCE

Official Zoning Map, City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District



Map: City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District
Map Date: 10/15/2019
Map Scale: 1" = 1,000'
Map Source: City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District
Map Author: City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District
Map Review: City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District
Map Date: 10/15/2019
Map Scale: 1" = 1,000'
Map Source: City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District
Map Author: City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District
Map Review: City of Stonecrest, Georgia, Arabia Mountain Conservation Overlay District

