

**STATE OF GEROGIA**

**CITY OF STONECREST**

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

1 **AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST,**  
2 **GEORGIA TO APPROVE WITH CONDITIONS SPECIAL LAND USE PERMIT 24-007**  
3 **TO INSTALL A SOLAR PV ROOF-MOUNTED SYSTEM ON THE ROOF OF THE**  
4 **MOVIE THEATER BUILDING LOCATED AT 8060 MALL PARKWAY PARCEL ID**  
5 **NUMBER 16 170 01 002; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL**  
6 **OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND**  
7 **EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PUPOSES.**

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

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

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

14 **WHEREAS** the City of Stonecrest has been vested with substantial powers, rights, and  
15 functions to generally regulate the use of real property to maintain health, morals, safety, security,  
16 peace, and the general welfare of the City; and

17 **WHEREAS** the City received an application to install a solar PV roof-mounted system on  
18 the roof of 8060 Mall Parkway; and

19           **WHEREAS**, pursuant to the City’s Zoning Ordinance applicants must obtain a special  
20 land use permit; and

21           **WHEREAS** the matter was heard in the City’s Community Planning Information Meeting  
22 pursuant to the provisions of the City’s Zoning Procedures Law; and

23           **WHEREAS**, the City has properly advertised and held a public hearing before the  
24 Planning Commission regarding SLUP 24-007, to install a solar PV roof-mounted system on the  
25 roof of 8060 Mall Parkway; and

26           **WHEREAS**, the City has properly advertised and held a public hearing pursuant to the  
27 provisions of Georgia’s Zoning Procedures Law before the City Council prior to the adoption of  
28 this Ordinance; and

29           **WHEREAS** the Director of Planning and Zoning recommends approval of special land  
30 use permit 24-007 with conditions on the property located at 8060 Mall Parkway; and

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

33 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF**  
34 **THE CITY OF STONECREST, GEORGIA, as follows:**

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36           **Section 1.** SLUP 24-007, application to install solar PV roof-mounted system on the roof  
37 of 8060 Mall Parkway, is **APPROVED WITH CONDITIONS.**

38           **Section 2.** That the conditions on SLUP 24-007 are as followed:

- 39           1. A current detailed structural analysis report shall be prepared and submitted for  
40 review by City Staff during the building permit process to confirm the roof can  
41 support the additional weight of the solar panels.

- 42                   2. The proposed use must satisfy all requirements for structural load, installation,  
43                   wiring and wind testing for the roof of the building.
- 44                   3. The proposed use must meet all Fire Safety requirements including submitting  
45                   an updated Fire Safety Plan for the Mall.
- 46                   4. The proposed use and location of the solar panels shall not disrupt any adjacent  
47                   properties due to reflective glare from the installation of any of the solar panels.

48                   **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
49 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their  
50 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

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

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75 **Section 4.** The City Clerk, with the concurrence of the City Attorney, is authorized to

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

77 **Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby

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79 expressly repealed.

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81 **Section 6.** The Ordinance shall be codified in a manner consistent with the laws of the

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83 State of Georgia and the City of Stonecrest.

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85 **Section 7.** It is the intention of the governing body, and it is hereby ordained that the

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

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89 Stonecrest, Georgia.

**SO ORDAINED AND EFFECTIVE this \_\_\_\_\_ day of \_\_\_\_\_, 2024.**

**[SIGNATURES TO FOLLOW]**

**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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