

STATE OF GEORGIA

CITY OF STONECREST

ORDINANCE NO. ____ - _____

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA TO APPROVE THE REZONING AND MAP AMENDMENT OF PROPERTY LOCATED AT 1455 ROGERS LAKE ROAD (PARCEL ID 16 131 03 012) FROM R-100 (RESIDENTIAL MED LOT) DISTRICT TO RSM (SMALL LOT RESIDENTIAL MIX) DISTRICT; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

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 City received a request to rezone and map amendment of 14.79 acres of property located at 1455 ROGERS LAKE ROAD (PARCEL ID 16 131 03 012) FROM R-100 (RESIDENTIAL MED LOT) DISTRICT TO RSM (SMALL LOT RESIDENTIAL MIX) DISTRICT TO CONSTRUCT 75 TOWNHOMES; and

WHEREAS, pursuant to Sec. Sec. 7.3.5. of the City’s Zoning Code proposed amendments to the official zoning map shall require an application and public hearings before the planning commission and the Mayor and City Council; 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 Planning and Zoning Department recommends denial; and

WHEREAS, the matter was heard in the City's Community Planning Information Meeting pursuant to the provisions of the City's Zoning Procedures Law; and

WHEREAS, a public hearing and recommendation pursuant to the provisions of the City's Zoning Procedures Law has been provided by the Planning Commission; and

WHEREAS, a public hearing pursuant to the provisions of Georgia's Zoning Procedures Law has been properly held by the City Council prior to 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:

Section 1. That RZ25-001, requesting to rezone the parcel from R-100 (RESIDENTIAL MED LOT) DISTRICT TO RSM (SMALL LOT RESIDENTIAL MIX) DISTRICT to construct 75 townhomes at 1455 Rogers Lake Road is APPROVED with conditions.

Section 2. That the rezoning will be approved with the following conditions.

1. The development shall be limited to single-family detached dwellings and accessory uses and structures not exceeding 62 lots.

2. The proposed development shall be constructed in general conformance with conceptual Site Plan by Bullard Land Planning dated 09-10-24 included as part of this rezoning application.

3. The minimum heated floor area of each dwelling shall be 1,400 square feet.

4. A 20-foot buffer shall be provided where the property line of the Subject Property adjoins existing R-100 zoned property and shall be replanted to buffer standards where grading is necessary.

5. Architectural variability.

A. Distinctly different front façade designs shall be utilized within each phase of the development. The term “distinctly different” shall mean that each front for a single family dwelling must differ from adjacent single family dwelling front facades in at least four of the following six ways:

- i. The use of different primary exterior materials;
- ii. Variation in the width or height of the front façade by four feet or more;
- iii. Variation of the type, placement or size of windows and doors on the front facades;
- iv. Variations in rooflines, including the use of dormers and changes in the orientation of rooflines;
- v. Variation in the location and proportion of front porches; and
- vi. Variation in the location or proportion of garages and garages doors.

B. No single-family dwelling shall be of the same front façade design as any other single-family dwelling along the same block face within eight lots of the subject dwelling. Mirror images of the same configuration are not permitted on the same block face.

C. No single front façade design may be used for more than 25 percent of the total units for the proposed single family development.

6. Minimum lot size shall be 6,000 SF

7. Setbacks:

Front: 50 feet along Rogers Lake Road

10 feet for interior streets

Side: 10 feet – 15 feet between buildings

Rear: 30 feet

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

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their 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 5. 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 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 8. 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 Stonecrest, Georgia.

ORDAINED this _____ day of _____, 2025.

[SIGNATURES ARE ON THE FOLLOWING PAGE]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney