

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

ORDINANCE NO. ____ - _____

**AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST,
GEORGIA TO APPROVE SPECIAL LAND USE PERMIT 22-015 ON PARCEL NUMBER
16 137 15 009 OF DISTRICT ONE TO ALLOW THE OPERATION OF A DRIVE-THRU
RESTAURANT AT 2708 EVANS MILL ROAD STONECREST, GEORGIA 30058; TO
PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING
ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO
PROVIDE FOR OTHER LAWFUL PUPOSES.**

WHEREAS, the City of Stonecrest ("City") has advertised and held a public hearing on
January 3, 2023 in front of the Planning Commission regarding SLUP 22-015, the request for
special land use permit to operate a drive-thru restaurant with conditions at 2708 Evans Mill Road,
Stonecrest, Georgia 30058; and

WHEREAS, the City of Stonecrest has been vested with substantial powers, rights, and
functions to generally regulate the use of real property for the purposes of maintain health, morals,
safety, security, peace, and the general welfare of the City; 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, as follows:**

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28 **Section 1.** SLUP 22-015, a request for special land use permit to operate a drive-thru
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30 restaurant at 2708 Evans Mill Road, Stonecrest, Georgia 30058, satisfying Section 7.4.6 of
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32 Division 4 of Article 7 and Section 4.2.23 of Division 4 of Article 7 in Chapter 27 of the City of
33 Stonecrest Code of Ordinances, is **APPROVED WITH CONDITIONS** as follows:

- 34
35 1. The Special Land Use Permit shall be valid as long as Boston Market is the operator.
36 2. Applicant shall install sidewalks along the frontage on Covington Highway and Evans Mill
37 Road.

38 The details of which are attached hereto as Exhibit "A" and is incorporated herein by reference.

39 **Section 2.** (a) It is hereby declared to be the intention of the Mayor and Council that all
40 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
41 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

53 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for
54 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the
55 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
56 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
57 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
58 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to

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60 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
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62 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
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64 effect.

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66 **Section 3.** The City Clerk, with the concurrence of the City Attorney, is authorized to
67 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

68 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby
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70 expressly repealed.

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72 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the
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74 State of Georgia and the City of Stonecrest.

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76 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the
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78 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
79
80 Stonecrest, Georgia.

SO ORDAINED AND EFFECTIVE this _____ day of _____, 2023.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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EXHIBIT A