

**STATE OF GEORGIA
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 BYAMENDING CERTAIN PARCELS IN DISTRICT 1 OF THE CITY OF STONECREST; 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, by amending Parcels 16-125-01-002, 16-125-01-153, 16-124-01- 003, 16-132-01-019, and 16-132-01-001 in District 1; 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 rezoned the two of the five total parcels that comprise the subject property from R-100 (Single Family Residential) to M (Light Industrial) and M-2 (Heavy Industrial) zoning district pursuant to zoning ordinance Z-81143 in November 24, 1981 when the subject parcels were then located in unincorporated DeKalb County, Georgia; and

WHEREAS, the November 24, 1981 zoning ordinance Z-81143 had seventeen conditions (17) which prevents owner of subject property to develop a three-building warehouse therein that would create a uniform zoning for the development in the area, to allow the consolidation and replating of the subject property in the future, and amend the conditions of zoning to better align with current design practices for the proposed development; and

WHEREAS, the City desires the owner of subject property to update the legal description of the subject property and have it properly recorded with the DeKalb Superior Court to comply with the zoning requirements for a three-building warehouse on the subject property; and

WHEREAS, the City desires to change the subject properties from M (Light Industrial) District and M-2 (Heavy Industrial) District to M (Light Industrial) District to allow the development of a three-building warehouse that will complement the existing industrial

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66 development in the area and will fully mitigate its impacts on the adjacent single family residential
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68 to the north and west of the subject properties after the owner of the subject properties meets its
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70 obligations to update the legal description of its subject properties; and
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72 **WHEREAS**, the Director of Planning and Planning Commission recommend approval
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74 based on the City Staff Report and said report is hereby incorporated by reference herein; and
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76 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has
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78 been properly held prior to the adoption of this Ordinance; and
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80 **WHEREAS**, the health, safety, and welfare of the citizens of the City will be positively
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82 impacted by the adoption of this Ordinance.
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84 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL**
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86 **OF THE CITY OF STONECREST, GEORGIA**, and by the authority thereof:
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88 **Section 1.** The parcels of real property found in Exhibit “A” are hereby rezoned to the
89 zoning designation of M (Light Industrial) District as said designation is described in Chapter 27
90 (“Zoning”) of the Code of Ordinances, City of Stonecrest, Georgia.

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

97 **Section 3.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended
98 by replacing the portion of the Official Zoning Map, City of Stonecrest, Georgia, Parcels 16-125-
99 01-002, 16-125-01-153, 16-124-01- 003, 16-132-01-019, and 16-132-01-001 in District 1 as
100 depicted in Exhibit A attached hereto and made part by reference, and adopting the provisions set
101 forth in Exhibit B attached hereto and made a part by reference.

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

104 **Section 5.** The preamble of this Ordinance shall be considered to be and is hereby
105 incorporated by reference as if fully set out herein.

106 **Section 6.** (a) It is hereby declared to be the intention of the Mayor and Council that all
107 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
108 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

115 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for
116 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the
117 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
118 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
119 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
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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 7. 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 8. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 9. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 10. 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 _____, 2022.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

George Turner, Mayor Pro Tem

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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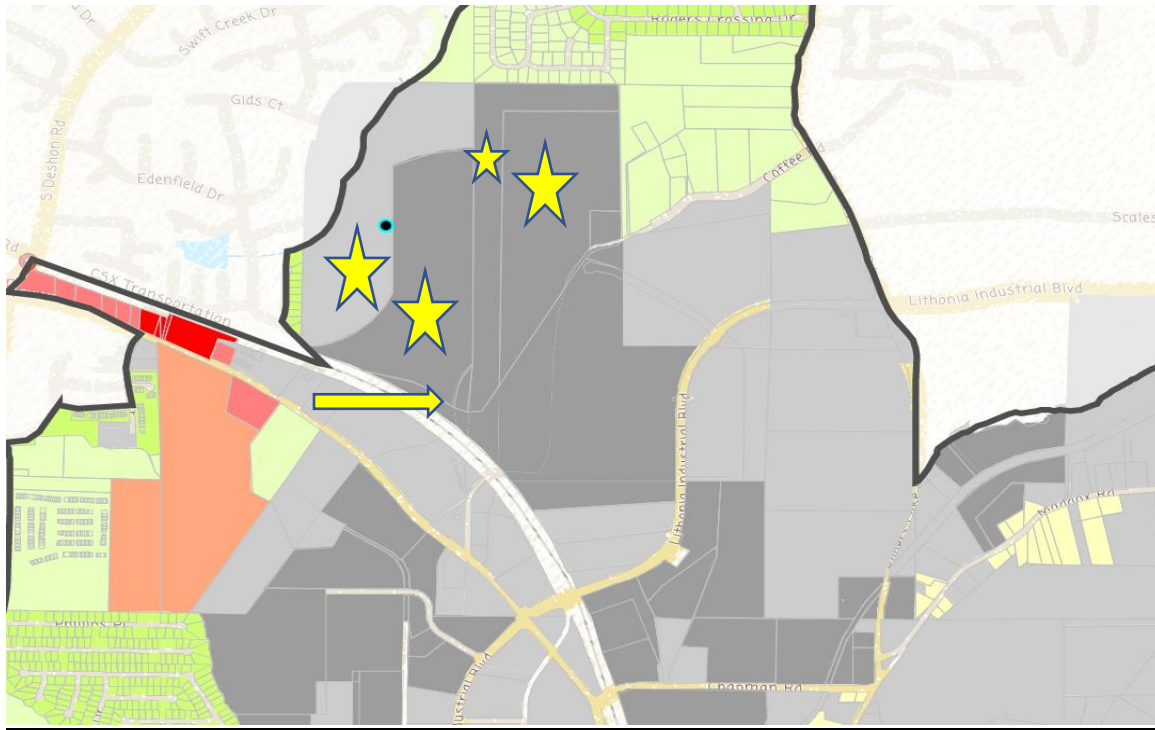
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EXHIBIT A
(SEE ATTACHED)



Address: 2300, 2330, 2368, 2376 South Stone Mountain Lithonia Rd and 1801 Coffee Rd.

Current Zoning: M (Light Industrial) and M-2 (Heavy Industrial)

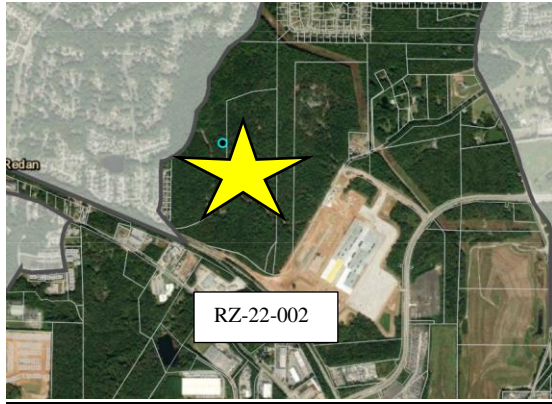
Proposed Zoning: M (Light Industrial)



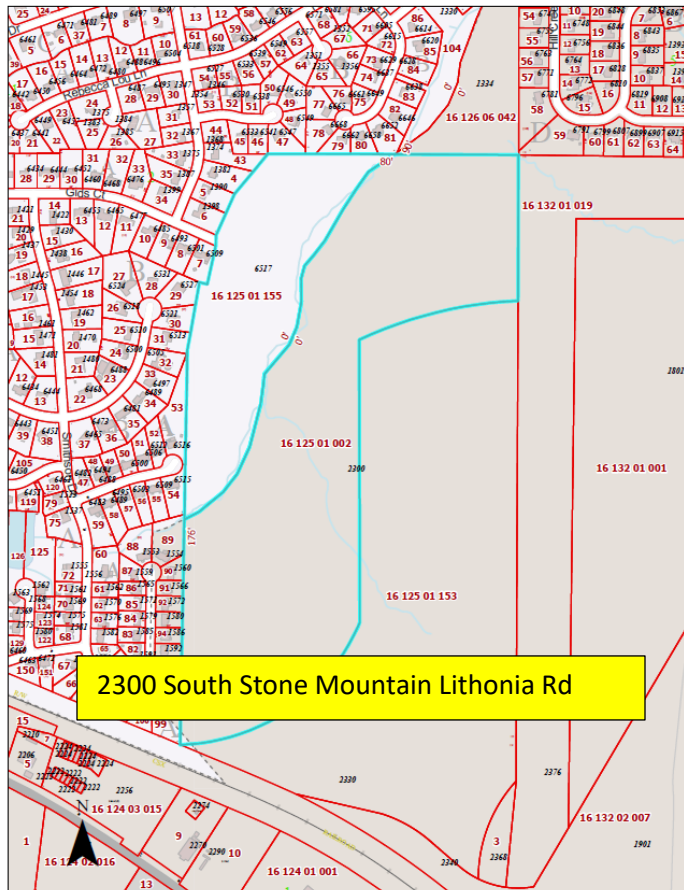
Subject Property

Aerial Map





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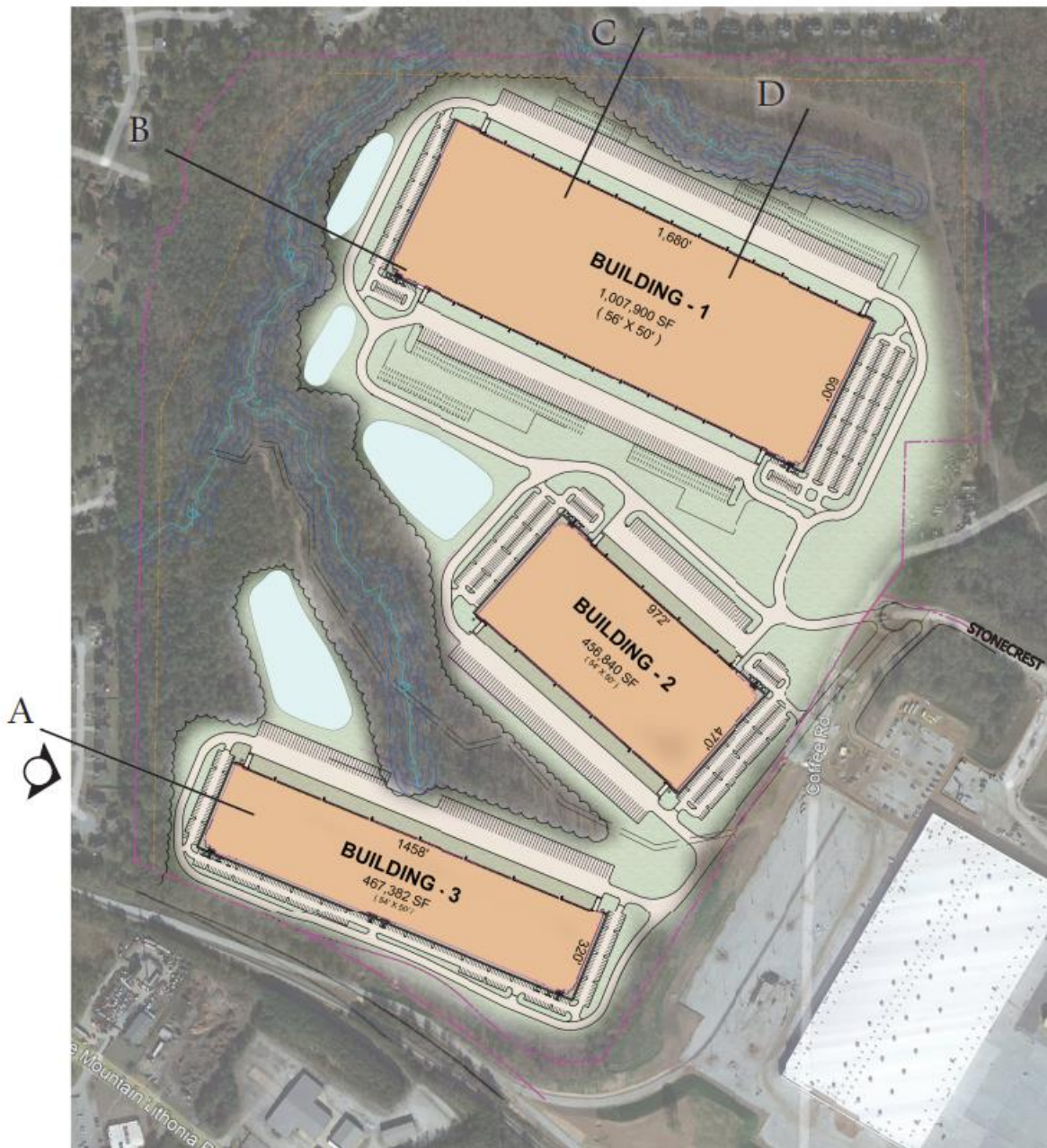
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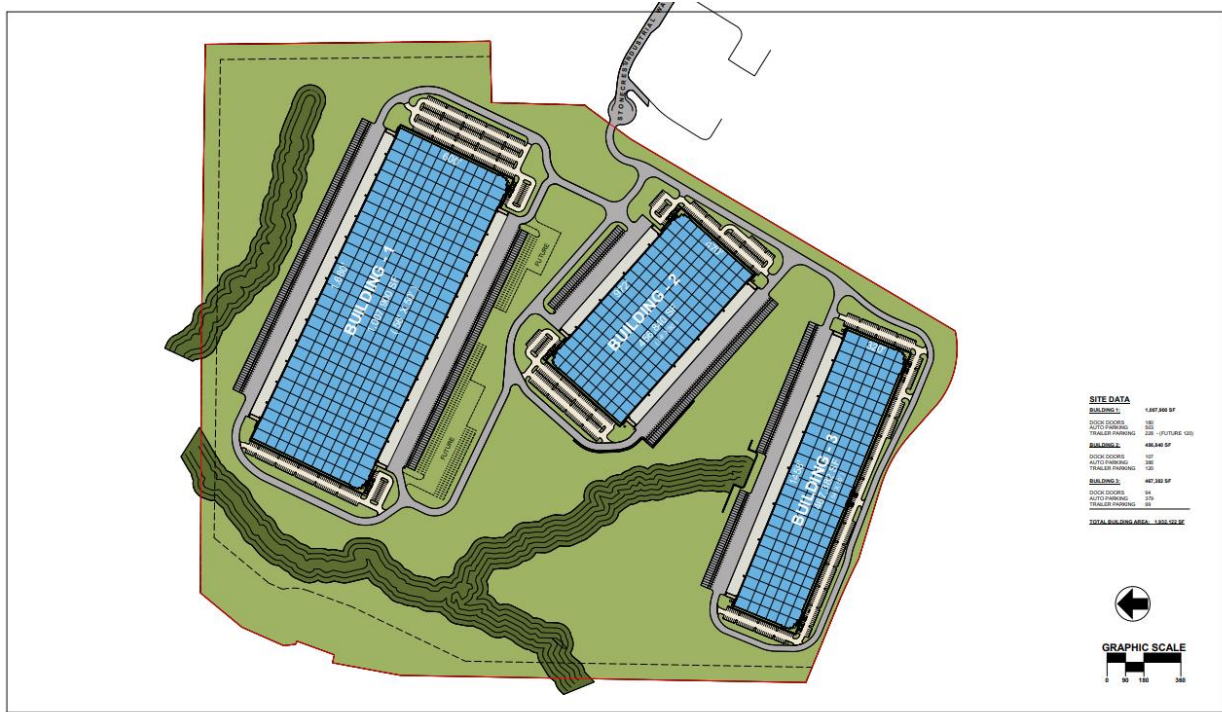
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MACGREGOR ASSOCIATES ARCHITECTS
2727 Paces Ferry Road SE
Atlanta, Georgia 30339
770-432-8400

Atlanta Region
1157 Peachtree Street NE
Building Two, Suite 400
Atlanta, GA 30309
770-880-1100

IDI Logistics

PROJECT NUMBER: 3700-008
SCALE: 1" = 100' 0"

STONECREST INDUSTRIAL PARK
DEKALB COUNTY, GEORGIA

MP-6
MASTER PLAN
03/2022

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EXHIBIT B
(SEE ATTACHED)

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215 CHAPTER 27: ZONING ORDINANCE

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

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