

**STATE OF GEORGIA
COUNTY OF DEKALB**

ORDINANCE 2026-07

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF STONE MOUNTAIN, GEORGIA, CONCERNING 5444 ROCKBRIDGE ROAD (PARCEL ID: 18 089 02 016) APPROVING A REZONING FROM R-1 SINGLE FAMILY RESIDENTIAL TO GC GENERAL COMMERCIAL WITH CONDITIONS IN ACCORDANCE WITH APPENDIX A OF THE ZONING ORDINANCE

This is an Ordinance ("Ordinance") to amend Appendix A Zoning Code of Ordinances ("Code") of the City of Stone Mountain, Georgia ("City") enacted by the City to its authority under the laws of Georgia Zoning Procedures Law O.C.G.A. Title 36, Chapter 66;

WHEREAS, on April 20, 2026, the Planning Commission ("Commission") held a public meeting on an application for a rezoning of the property located at 5444 Rockbridge Road (PARCEL ID: 18 089 02 016) requesting an amendment to the Code and to the Zoning Map relating to the subject property more particularly described in Exhibit A ("Rezoning Application"); and,

WHEREAS, the Commission thereafter recommended approval of the Rezoning Application with the following conditions:

- A. The property must obtain zoning approval for the General Zoning District designation before a conditional use permit can be granted for the subject parcel.
- B. Hours of operation are permitted from 7 a.m. to 11p.m
- C. Dumpster locations designated for use by any commercial unit on-site must be screened from public view with brick masonry or other material designated by the Planning and Zoning Department, at a height not exceeding six feet.
- D. The applicant must submit a variance application for maximum lot coverage where the exceedance occurs above the required General Commercial requirements, no later than 6 months following any rezoning approval to General Commercial by the City Council.
- E. The applicant must submit a variance for Maximum Floor Area exceedances no later than six months after any rezoning approved by the City Council.
- F. The applicant must submit a landscape plan and site plan to the Planning Commission for review and approval to comply with General Commercial Zoning requirements within six months of the City Council's approval of any rezoning. The plan should include adequate buffer provisions of no less than 40 feet between adjoining residential uses and

meet clear zone requirements along Rockbridge Road. Separation may be noninvasive, such as planters containing vegetation approved by the Planning and Zoning Department, or an 8' fence, or related separation to improve the distinctive division between residential and commercial uses.

G. Submit parking plan that establishes the lot is in conformance with General Commercial Zoning District Minimum Parking requirements (5-7.7) and Article VII of the Zoning Ordinance, within six months of City Council approval of the rezoning application.

WHEREAS, on June 2, 2026, the Mayor and City Council ("Council") held a public hearing on the Rezoning Application; and

WHEREAS, the Council thereafter approved the Commission's recommendation of approval of the Rezoning Application, with conditions.

NOW, THEREFORE, BE IT RESOLVED by the Council meeting in regular session, that the Code and Zoning Map are hereby amended as follows:

1. 5444 Rockbridge Road (PARCEL ID: 18 089 02 016) will be governed by the provisions and conditions of this ordinance except as modified, revised, or amended in accordance with Sec 2-1 of the Code and applicable Georgia law.

2. The Rezoning Application regarding 5444 Rockbridge Road (PARCEL ID: 18 089 02 016) is hereby approved, and said property is hereby rezoned from R-1 single family residential to GC general commercial, with the following conditions:

A. The property must obtain zoning approval for the General Zoning District designation before a conditional use permit can be granted for the subject parcel.

B. Hours of operation are permitted from 7 a.m. to 11p.m

C. Dumpster locations designated for use by any commercial unit on-site must be screened from public view with brick masonry or other material designated by the Planning and Zoning Department, at a height not exceeding six feet.

D. The applicant must submit a variance application for maximum lot coverage where the exceedance occurs above the required General Commercial requirements, no later than 6 months following any rezoning approval to General Commercial by the City Council.

E. The applicant must submit a variance for Maximum Floor Area exceedances no later than six months after any rezoning approved by the City Council.

F. The applicant must submit a landscape plan and site plan to the Planning Commission for review and approval to comply with General Commercial Zoning requirements within six months of the City Council's approval of any rezoning. The plan should include adequate buffer provisions of no less than 40 feet between adjoining residential uses and

meet clear zone requirements along Rockbridge Road. Separation may be noninvasive, such as planters containing vegetation approved by the Planning and Zoning Department, or an 8' fence, or related separation to improve the distinctive division between residential and commercial uses.

G. Submit parking plan that establishes the lot is in conformance with General Commercial Zoning District Minimum Parking requirements (5-7.7) and Article VII of the Zoning Ordinance, within six months of City Council approval of the rezoning application.

BE FURTHER RESOLVED that this ordinance shall take effect immediately upon its adoption, this **2nd day of June 2026**.

CITY OF STONE MOUNTAIN, GEORGIA

Approved:

Jelani Linder, Mayor

ATTEST:

APPROVED AS TO FORM:

Shavala Ames, City Clerk

Angela C. Couch, City Attorney

EXHIBIT A TO ORDINANCE 2026-07

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 37 and 38 of the 18th District, DeKalb County, Georgia, containing 1.105 acres according to a survey for Trinity Investment Enterprises, LLC, First Intercontinental Bank & Chicago Title Insurance Company dated May 3, 2005, as last revised May 10, 2005, prepared by Adam & Lee Land Surveying, Gary L. Cooper, G.R.L.S. No. 2606, said tract being more particularly described according to said survey as follows:

BEGINNING at a point marked by an iron pin set located at the intersection of the northerly right-of-way line of Rockbridge Road (R/W varies) with the westerly right-of-way line of Ridge Avenue (50' R/W), and run thence along said right-of-way line of Rockbridge Road following the curvature of an arc to the left an arc distance of 216.00 feet to a point marked by an iron pin found, said arc having a radius of 1,868.59 feet and being subtended by a chord bearing and distance of North 76 degrees 26 minutes 29 seconds West 215.88 feet; leaving the aforesaid right-of-way line, run thence North 01 degrees 03 minutes 54 seconds East a distance of 199.04 feet to a point marked by an iron pin found; run thence South 77 degrees 25 minutes 31 seconds East a distance of 277.90 feet to a point marked by an iron pin found located on the westerly right-of-way line of Ridge Avenue; run thence along said right-of-way line of Ridge Avenue South 18 degrees 59 minutes 07 seconds West a distance of 200.00 feet to a point marked by an iron pin set located at the intersection of the aforesaid right-of-way line of Ridge Avenue with the northerly right-of-way line of Rockbridge Road, said point being the **TRUE PLACE OR POINT OF BEGINNING**.

TOGETHER WITH all rights, title and interest in and to that certain Grant of Easement for Sanitary Sewer Line from C. Buck LeCraw (as to a 30% undivided interest), Robert M. Krasnoff (as to a 30% undivided interest), Roy LeCraw (as to a 13.8% undivided interest), Sam Lewinson d/b/a Lewinson Realty Co. (as to a 6.9% undivided interest), S & L Sales Corporation (as to a 6.9% undivided interest) and Dominion Investment Corporation (as to a 12.4% undivided interest) to Michael E. Pou and Richard L. Childs, dated December, 1979, filed for record December 28, 1979, recorded in Deed Book 4195, Page 439, aforesaid records; as corrected by instrument from Dominion Investment Corporation (as to a 12.4% undivided interest) to Michael E. Pou and Richard L. Childs dated July 28, 1980, filed for record July 29, 1980, recorded in Deed Book 4306, Page 302, aforesaid records; as further corrected by instrument from Sam Lewinson d/b/a Lewinson Realty Co. (as to a 6.9% undivided interest) to Michael E. Pou and Richard L. Childs dated July 28, 1980, filed for record July 29, 1980, recorded in Deed Book 4306, Page 307, aforesaid records; as further corrected by instrument from C. Buck LeCraw (as to a 30% undivided interest) to Michael E. Pou and Richard L. Childs dated July 28, 1980, filed for record July 29, 1980, recorded in Deed Book 4306, Page 312, aforesaid records; as further corrected by instrument from S & L Sales Corporation (as to a 6.9% undivided interest) to Michael E. Pou and Richard L. Childs dated July 28, 1980, filed for record July 29, 1980, recorded in Deed Book 4306, Page 317, aforesaid records; as further corrected by instrument from Roy LeCraw (as to a 13.8% undivided interest) to Michael E. Pou and Richard L. Childs dated July 28, 1980, filed for record July 29, 1980, recorded in Deed Book 4306, Page 322, aforesaid records; as further corrected by instrument from Robert M. Krasnoff (as to a 30% undivided interest) to Michael E. Pou and Richard L. Childs dated July 28, 1980, filed for record July 29, 1980, recorded in Deed Book 4306, Page 327, aforesaid records.