

1                    **AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, TO AMEND**  
2                    **CHAPTER 27, ARTICLE VI, SECTION 6.1.3**

3        **WHEREAS**, the City of Stonecrest, Georgia Mayor and City Council are authorized by the  
4                    City Charter and the Georgia Constitution to regulate and adopt ordinances  
5                    governing zoning and land use; and

6        **WHEREAS**, the Zoning Procedures Law, O.C.G.A. 36-66-1, *et seq.*, provides statutory  
7                    requirements which must be met by a local government to enact zoning  
8                    ordinances and make zoning decisions, including, requiring publication of notice  
9                    and public hearing prior to the enactment of zoning ordinances;

10        **WHEREAS**, the City of Stonecrest has advertised and held public hearings on the amendment  
11                    to Article III, Chapter 27;

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

16        **WHEREAS**, the health, safety, welfare, aesthetics and morals of the citizens of the City of  
17                    Stonecrest, Georgia shall be improved and protected by adoption and  
18                    implementation of this Ordinance.

19        **THEREFORE**, the Mayor and City Council of the City of Stonecrest, Georgia, hereby ordain as  
20                    follows:

21        **Section 1:**     **Section 6.1.3 of Article VI, Chapter 27 of the Code of the City of Stonecrest,**  
22        **Georgia is hereby amended to read as follows:**

23        10. Notwithstanding any other provisions of Chapter 27 or Chapter 14, parking areas and/or  
24        parking on unpaved surfaces for transportation equipment and storage or maintenance (vehicle)  
25        storage, without services provided, shall be permitted as a principal use on parcels zoned M or  
26        M-2, provided that:

- 27
- 28        a. The parking area shall be screened from view of the public street with an opaque fence or  
29        wall minimum of six (6) feet in height.
  - 30        b. The parking area shall be at least twenty-five (25) feet from the street right of way.
  - 31        c. A ten (10) foot wide evergreen landscape buffer shall be planted around the perimeter of  
32        the fence along the public street with at least 75% evergreens and at least two rows of  
33        plants.
  - 34        d. The soil erosion, sedimentation and pollution requirements of Chapter 14, Article V of  
35        the Code of the City of Stonecrest, Georgia are met;
  - 36        e. Minimum standards of the Georgia Stormwater Management Manual are met in terms of  
37        stormwater runoff and water quality; and
  - 38        f. The parking lot has a minimum of one (1) acre.
- 39

40 11. Unpaved parking areas within the M and M-2 zones permitted under subsection 10. above  
41 shall comply with the following specifications:

- 42
- 43 a. The parking area shall be at least one hundred and fifty feet (150') from the boundaries of  
44 a residentially zoned parcel;
- 45 b. The parking area subgrade must meet a minimum compaction of ninety-five percent  
46 (95%) as certified by a registered professional engineer;
- 47 c. The parking area surface shall be composed of at least eight inches (8") of compacted  
48 Graded Aggregate Base;
- 49 d. The Graded Aggregate Base shall be stabilized and treated to control dust through  
50 approved means, which may include but is not limited to the effective design and  
51 operation of the facility, the periodic application of dust suppressant materials such as  
52 calcium chloride, magnesium chloride, or lignin sulfonate, reduced operating speeds on  
53 unpaved surfaces, or the periodic replenishment of gravel surfaces; and
- 54 e. Parking areas shall be inspected by the City of Stonecrest every two (2) years to ensure  
55 continued compliance with the above specifications. Additional maintenance such as  
56 grading, Graded Aggregate Base, or surface treatment may be required.
- 57 f. Parking areas on unpaved surfaces for transportation equipment and storage or  
58 maintenance (vehicle) storage with existing unpaved areas shall be considered a  
59 nonconforming use under Section 8.1.5 exempt from the requirements of subsection 10.  
60 and 11. if the underlying use of the parcel was issued a business license or Motor Carrier  
61 Number valid on December 31, 2017.
- 62 g. All other parcels with existing unpaved areas shall have (2) two years to comply with  
63 these specifications with a 1 time extension up to 12 months.

64

65 **Section 2:**

- 66 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,  
67 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their  
68 enactment, believed by the Mayor and City Council to be fully valid, enforceable and  
69 constitutional.
- 70
- 71 2. It is hereby declared to be the intention of the Mayor and City Council that, to the  
72 greatest extent allowed by law, each and every section, paragraph, sentence, clause or  
73 phrase of this Ordinance is severable from every other section, paragraph, sentence,  
74 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the  
75 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,  
76 sentence, clause or phrase of this Ordinance is mutually dependent upon any other  
77 section, paragraph, sentence, clause or phrase of this Ordinance.
- 78
- 79 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance  
80 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise

81 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is  
82 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,  
83 or unenforceability shall, to the greatest extent allowed by law, not render invalid,  
84 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,  
85 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed  
86 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the  
87 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.  
88

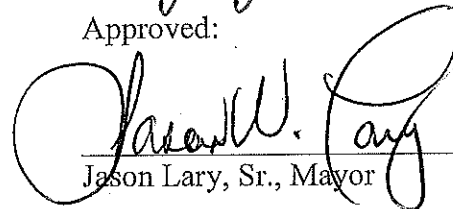
89 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith  
90 are hereby expressly repealed.  
91

92 5. The within ordinance shall become effective upon its adoption.  
93

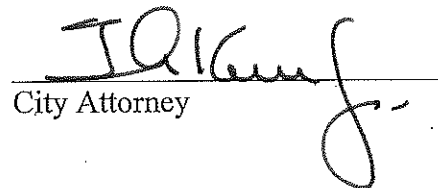
94 6. The provisions of this Ordinance shall become and be made part of The Code of the City  
95 of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to  
96 accomplish such intention.

97 **SO ORDAINED AND EFFECTIVE** this the 16 day of July, 2018.

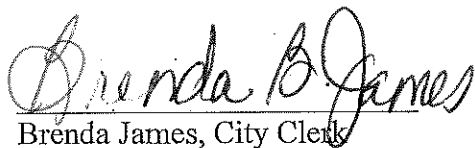
98 Approved:

99   
100  
101  
102 Jason Lary, Sr., Mayor  
103

104 As to form:

105   
106  
107  
108 City Attorney  
109

110 Attest:

111   
112  
113 Brenda James, City Clerk  
114