

1 **AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, TO AMEND**
2 **SECTION 2.15(a) OF ARTICLE II OF THE CITY CHARTER TO ALLOW THE**
3 **PASSAGE OF AN ORDINANCE RELATED TO ZONING AND LAND USE ON ITS**
4 **FIRST READ**

5 **WHEREAS**, the City of Stonecrest, Georgia Mayor and City Council are authorized by the
6 City Charter to provide comprehensive planning and zoning for land usage inside
7 the city boundaries; and

8 **WHEREAS**, pursuant to O.C.G.A. § 36-66-2, a local government may provide, by ordinance,
9 procedures to supplement the requirements for zoning procedures, which are
10 outlined in O.C.G.A. § 36-66-1 et seq.; and

11 **WHEREAS**, in facilitation of the process of zoning, the Mayor and City Council of the City of
12 the City of Stonecrest wish to require a one-read policy for the passing of a
13 zoning ordinance.

14 **WHEREAS**, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia,
15 entitled Home Rule for Municipalities, allows the General Assembly of the State
16 of Georgia to provide by law for the self-government of municipalities, which the
17 General Assembly has done with The Municipal Home Rule Act of 1965,
18 O.C.G.A. § 36-35-1 et. seq.; and

19 **WHEREAS**, O.C.G.A. § 36-35-3 allows municipal charters to be amended by ordinances duly
20 adopted at two regular consecutive meetings of the municipal governing
21 authority, not less than seven nor more than 60 days apart; and

22 **WHEREAS**, pursuant to O.C.G.A. §36-35-3, the required notice has been published in The
23 Champion, the legal organ of DeKalb County, once a week for three weeks prior
24 to its final adoption, and a copy of the proposed amendment has been on file in
25 the Office of the Clerk of Stonecrest and in the Office of the Clerk of the Superior
26 Court of DeKalb County, Georgia, as required by law; and

27 **WHEREAS**, the required notice will have been published within the statutory period of 60 days
28 immediately preceding the final adoption of this Ordinance amending the Charter;
29 and

30 **WHEREAS**, the title of this Ordinance shall have been read and the Ordinance duly adopted at
31 two consecutive City Council meetings not less than 7 nor more than 60 days
32 apart as required by Georgia law; Stonecrest, Georgia, hereby ordain as follows.

33 **THEREFORE**, the Mayor and City Council of the City of Stonecrest, pursuant to their authority
34 granted in O.C.G.A. 36-35-3, do hereby adopt this Ordinance so that the Charter
35 of the City of Stonecrest is amended to allow passage of a zoning ordinance after
36 one read.

37 **Section 1:** The Charter of the City of Stonecrest, Georgia, is hereby amended, in
38 accordance with O.C.G.A. § 36-35-3, so that upon proper passage, Section 2.15(a) shall
39 read as follows:

40 **SECTION 2.15.**

41 Ordinance form; procedures.

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44 (a) Every proposed ordinance and resolution shall be introduced in writing and the city council
45 shall have the authority to approve, disapprove, or amend the same. A resolution may be passed
46 at the time it is offered. but an ordinance shall not be adopted until the title of such ordinance
47 shall have been read at two city council meetings, provided that the beginning of such meetings
48 shall be neither less than 24 hours nor more than 60 days apart. This requirement of two readings
49 shall not apply to emergency ordinances, zoning decisions regulating land use and development,
50 to ordinances passed during the first 90 days from the date on which the city begins operation, to
51 ordinances adopted at the first business meeting of the city council in a calendar year, or to
52 ordinances adopted at the first meeting of the initial city council as elected under subsection (b)
53 of Section 2.02 of this charter.

54
55 **Section 2:**

- 56 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,
57 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their
58 enactment, believed by the Mayor and City Council to be fully valid, enforceable and
59 constitutional.
- 60
61 2. It is hereby declared to be the intention of the Mayor and City Council that, to the
62 greatest extent allowed by law, each and every section, paragraph, sentence, clause or
63 phrase of this Ordinance is severable from every other section, paragraph, sentence,
64 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the
65 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,
66 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
67 section, paragraph, sentence, clause or phrase of this Ordinance.
- 68
69 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
70 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
71 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
72 the express intent of the Mayor and City Council that such invalidity, unconstitutionality,
73 or unenforceability shall, to the greatest extent allowed by law, not render invalid,
74 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
75 sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed
76 by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
77 Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.
78

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2018- 06-02

79 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith
80 are hereby expressly repealed.

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82 5. The within ordinance shall become effective upon its adoption.

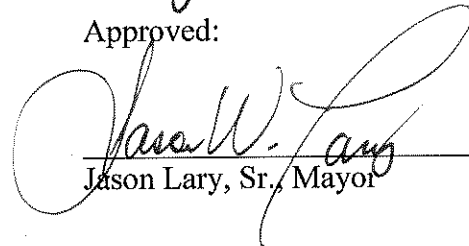
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84 **SO ORDAINED AND EFFECTIVE** this the 18 day of June, 2018.

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Approved:

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Jason Lary, Sr., Mayor

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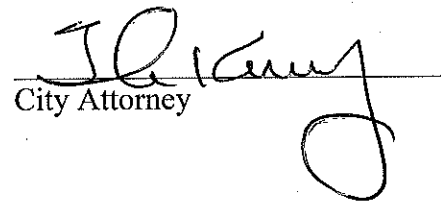
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As to form:

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City Attorney

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Attest:

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Brenda James, City Clerk