



2018-11-05

RZ -18-006

1 **AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, REGARDING THE**  
2 **REZONING APPLICATION RZ-18-006**

3 **WHEREAS**, the City of Stonecrest has advertised and held public hearings in front of the  
4 Planning Commission and in front of the Mayor and City Council regarding RZ-18-006, the  
5 request to rezone 13.53 acres located at 6206 Covington Highway, Stonecrest, GA from MU-4 to  
6 MR-1;  
7

8 **WHEREAS**, the City of Stonecrest has been vested with substantial powers, rights, and  
9 functions to generally regulate the use of real property for the purposes of maintaining health,  
10 morals, safety, security, peace, and the general welfare of the City; and  
11

12 **WHEREAS**, the health, safety, welfare, aesthetics and morals of the citizens of the City of  
13 Stonecrest, Georgia shall be improved and protected by adoption and implementation of this  
14 Ordinance.  
15

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

18 **Section 1:**

19 **RZ-18-006** is rezoned from MU-4 to MR-1 with the conditions attached as **Exhibit A**. The  
20 conditions attached as Exhibit A supersede and replace any previous conditions imposed on the  
21 parcels.

22  
23 **Section 2:**

24 1. It is hereby declared to be the intention of the Mayor and City Council that all sections,  
25 paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their  
26 enactment, believed by the Mayor and City Council to be fully valid, enforceable and  
27 constitutional.

28  
29 2. It is hereby declared to be the intention of the Mayor and City Council that, to the  
30 greatest extent allowed by law, each and every section, paragraph, sentence, clause or  
31 phrase of this Ordinance is severable from every other section, paragraph, sentence,  
32 clause or phrase of this Ordinance. It is hereby further declared to be the intention of the  
33 Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph,  
34 sentence, clause or phrase of this Ordinance is mutually dependent upon any other  
35 section, paragraph, sentence, clause or phrase of this Ordinance.

36  
37 3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance  
38 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise  
39 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is

2018-11-05

STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF STONECREST

RZ -18-006

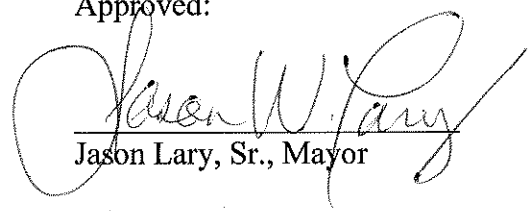
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82

the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections 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.

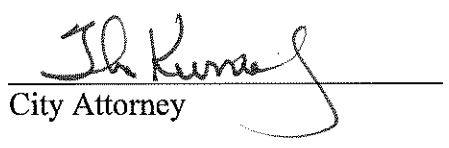
- 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.
- 5. The within ordinance shall become effective upon its adoption.
- 6. [The provisions of this Ordinance shall become and be made part of The Code of the City of Stonecrest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.]

**SO ORDAINED AND EFFECTIVE** this the 19<sup>th</sup> day of Nov, 2018.

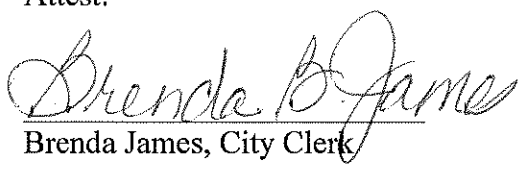
Approved:

  
Jason Lary, Sr., Mayor

As to form:

  
City Attorney

Attest:

  
Brenda James, City Clerk

STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF STONECREST

2018-11-05

RZ-18-006

83

**EXHIBIT A**



## PLANNING COMMISSION STAFF REPORT

### PLANNING COMMISSION RECOMMENDATION

Planning Commission recommends approval of **RZ-18-006** with the following conditions:

1. Recommend zoning of RSM (Small Lot Residential) District) with a minimum of 7.0 units/acres.
2. Residential building facades shall be of similar or complementary architecture, including material, style, color and architectural features submitted with the application. Final elevations are subject to the requirements of the Zoning Ordinance and the review and approval of the Director of Community Development.
3. Owner/Developer shall install ADA compliant sidewalks along both sides of all proposed streets.
4. Owner/Developer shall construct a deceleration lane at the proposed entrance to the development on Covington Highway, subject to the approval of the Stonecrest City Engineer and the Georgia Department of Transportation.
5. Owner/Developer shall construct a left turn lane on Covington Highway lane at the proposed entrance, subject to the approval of the Stonecrest City Engineer and the Georgia Department of Transportation. Said turn lane shall comply with design guidelines as set forth by AASHTO and in the Manual on Uniform Traffic Control Devices (MUTCD).
6. Owner/Developer shall install five foot (5') wide sidewalk along the entire frontage of Covington Highway.
7. Owner/Developer shall dedicate additional right-of-way along the entire frontage of Covington Highway to provide a minimum of twelve feet (12') from the future back of curb or two feet (2') from the future back of sidewalk, whichever is greater.
8. All private streets shall be constructed to City of Stonecrest public street standards.
9. A minimum twenty-foot (20') setback is required from the back of sidewalk to the face of structure in order to accommodate a parked vehicle in the driveway.
10. Owner/Developer shall provide detention, water quality, and channel protection in accordance with the Georgia Stormwater Manual. Detention shall be provided for the 1 thru 100-year storm events with no increased runoff. For the purpose of these calculations, the existing runoff rate shall be considered to be a wooded, predeveloped condition.
11. A seventy-five foot (75') undisturbed buffer is required along all state waters. Any encroachment into this required buffer shall require the approval of the Georgia Environmental Protection Division and/or the City of Stonecrest.
12. Owner/Developer shall comply with the City of Stonecrest Tree Protection Ordinance concerning tree protection and replacement. A minimum on-site tree density of fifteen (15) units/acre shall be required. Any specimen trees removed during the redevelopment shall require additional tree recompense units as required in the ordinance.