

STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST

ORDINANCE 2017- 08-04

AN ORDINANCE TO ADOPT DEKALB COUNTY'S COMPREHENSIVE PLAN

WHEREAS, the City of Stonecrest, Georgia (the "City") was created by Senate Bill 208, passed in the Georgia General Assembly during the 2016 Session (the "City Charter") and subsequently confirmed by referendum;

WHEREAS, the City Charter provides for a two-year transition period for the purpose of providing a time period during which an orderly transition of various governmental functions from DeKalb County to the City of Stonecrest shall occur;

WHEREAS, pursuant to Section 6.03(f) of the City Charter, the City may, at any point during the transition period, without the necessity of any agreement by DeKalb County, commence to exercise its planning and zoning powers, provided that the City shall give the County notice of the date on which the City will assume the exercise of such powers;

WHEREAS, pursuant to Section 6.03(e) of the City Charter, the City may rely on DeKalb County's ordinances during the transition period, including the Comprehensive Plan;

WHEREAS, the City has notified DeKalb County of its intent to commence exercising its planning and zoning powers within the territorial limits of the City;

WHEREAS, the City of Stonecrest has advertised and held public hearings on July 31, 2017 and August 7, 2017 on the adoption of the Comprehensive Plan;

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

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

SECTION 1:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Stonecrest, Georgia, the DeKalb County 2035 Comprehensive Plan, the 2035 Comprehensive Plan Future Land Use Concepts map, the 2035 Comprehensive Plan Future Land Use Map, the 2035 Comprehensive Plan Update Appendix with Land Use Parcel Maps, and 2016 Comprehensive

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Land Use Maps, attached as Exhibit A (collectively referred to as the “Comprehensive Plan”), are hereby adopted as the Comprehensive Plan for the City of Stonecrest, Georgia.

SECTION 2:

All references to the comprehensive plan, future land use concepts, future land use maps, character areas, activity centers, comprehensive plan map, or comprehensive plan land use map in the Code of the City of Stonecrest shall refer to Comprehensive Plan attached as Exhibit A.

SECTION 3:

During the transition period, any department, employee, or official referenced in the Comprehensive Plan which has not yet been established or appointed shall refer to the City Manager or his or her designee.

SECTION 4:

During the transition period, any conflicts between the Comprehensive Plan and Chapter 27 of the Code of the City of Stonecrest shall be resolved in favor of the dictates of Chapter 27. Furthermore, only those portions of the Comprehensive Plan affecting or regulating the incorporated boundaries of the City of Stonecrest shall apply within the City of Stonecrest.

SECTION 5:

During the transition period, any study, plan, or ordinance which has not been adopted, repealed, or developed in the City of Stonecrest shall refer to the study, plan or ordinance adopted or developed by DeKalb County.

SECTION 6:

During the transition period, any parcel located within the incorporated boundaries of the City of Stonecrest which is not depicted on the 035 Comprehensive Plan Future Land Use Map, the 2035 Comprehensive Plan Update Appendix with Land Use Parcel Maps, and 2016 Comprehensive Land Use Maps, shall be deemed to be located within the Rural Residential Character Area.

SECTION 7:

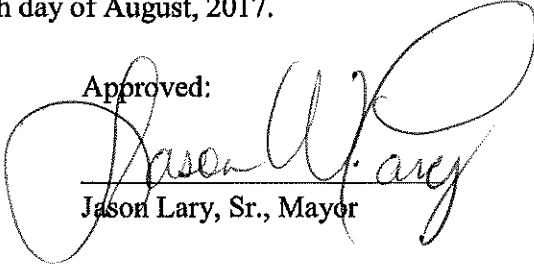
Any subsequent amendments made by the city council to the official Comprehensive Plan Land Use Map(s) attached as Exhibit A after the initial date of adoption shall be indicated on the map. A copy of the updated and current version of the official zoning maps, showing all amendments thereto since the date of initial adoption, shall be held in custody of the director of planning (who is also referred to as the Community Development Director).

SECTION 8:


1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
3. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is 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 RESOLVED AND EFFECTIVE this the 7 th day of August, 2017.

Approved:




Jason Lary, Sr., Mayor



Thompson Kurrie, Jr., City Attorney

Attest:



Brenda James, Interim City Clerk