

**AN ORDINANCE OF THE CITY OF STONECREST, GEORGIA, REGARDING SLUP  
17-0003**

**WHEREAS**, the City of Stonecrest has advertised and held public hearings on February 6, 2018 in front of the Planning Commission and February 19, 2018 in front of the Mayor and City Council regarding SLUP 17-0003, the request for a special land use permit to operate a drive-through window at 8200 Mall Parkway, Stonecrest, Georgia;

**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.

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

**Section 1:**

**SLUP 17-0003**, a request for a special land use permit to operate a drive-through window at 8200 Mall Parkway, Stonecrest, Georgia is **DENIED** for the failure to make satisfactory provisions or arrangements regarding all of the factors in Sec. 7.4.6 of Article 7 of Chapter 27 of the City of Stonecrest Code of Ordinances, including factors A., B., D., E., F., I., J., S., and T.

**Section 2:**

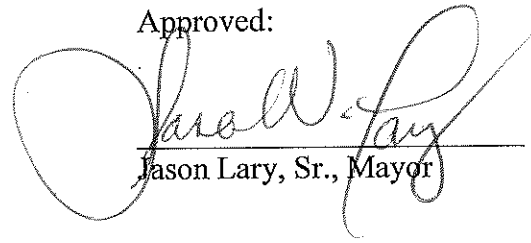
1. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
2. It is hereby declared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

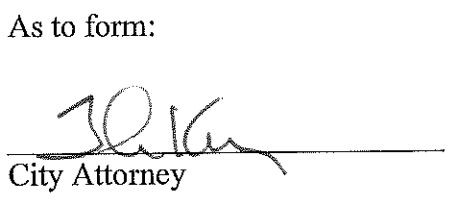
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73

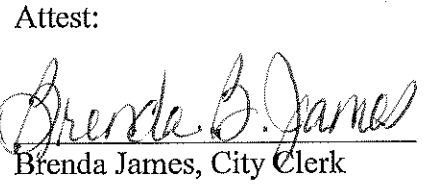
unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and City Council that such invalidity, unconstitutionality, or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable 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 ORDAINED AND EFFECTIVE** this the 19 day of March, 2018.

Approved:  
  
\_\_\_\_\_  
Jason Lary, Sr., Mayor

As to form:  
  
\_\_\_\_\_  
City Attorney

Attest:  
  
\_\_\_\_\_  
Brenda James, City Clerk