

**STATE OF GEROGIA
DEKALB COUNTY
CITY OF STONECREST**

ORDINANCE NO. ____ - _____

1 **AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST,**
2 **GEORGIA TO APPROVE SPECIAL LAND USE PERMIT SLUP 23-015 TO OPERATE**
3 **A PERSONAL CARE HOME AT 3153 PEQUEA DRIVE; TO PROVIDE**
4 **SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO**
5 **PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR**
6 **OTHER LAWFUL PUPOSES.**

7 **WHEREAS**, the governing body of the City of Stonecrest (“City”) is the Mayor and City
8 Council (“City Council”) thereof; and

9 **WHEREAS**, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of
10 Georgia authorizes the City to adopt plans and exercise the power of zoning; and

11 **WHEREAS**, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances
12 relating to its property, affairs, and local government; and

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

16 **WHEREAS**, the City received an application for the operation of a personal care home at
17 3153 Pequea Drive; and

18 **WHEREAS**, pursuant to the City’s Zoning Ordinance applicants who desire to operate a
19 personal care home must obtain a special land use permit; and

20 **WHEREAS**, the matter was heard in the City’s Community Planning Information Meeting
21 pursuant to the provisions of the City’s Zoning Procedures Law; and

22 **WHEREAS**, the City has properly advertised and held a public hearing before the
23 Planning Commission for SLUP 23-015; and

24 **WHEREAS**, the City has properly advertised and held a public hearing pursuant to the
25 provisions of Georgia’s Zoning Procedures Law before the City Council prior to the adoption of
26 this Ordinance; and

27 **WHEREAS**, the Director of Planning and Zoning recommends approval with conditions
28 of special land use permit 23-015 of property located at 3153 Pequea Drive; and

29 **WHEREAS**, the health, safety, and welfare of the citizens of the City will be positively
30 impacted by the adoption of this Ordinance.

31 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF**
32 **THE CITY OF STONECREST, GEORGIA, as follows:**

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34 **Section 1.** That SLUP 23-015, which allows operation of a personal care home at 3153
35 Pequea Drive, satisfying Section 7.4.6 of Division 4 of Article 7 and Section 4.2.41 of Division 2
36 of Article 4 in Chapter 27 of the City of Stonecrest Code of Ordinances, **APPROVED WITH**
37 **CONDITIONS** as follows:

- 38 1. Applicant must satisfy all open code cases prior to issuance of a business licenses;
- 39 2. Applicant must comply with all International Building Code;
- 40 3. Hours of operation shall be 9:00 AM – 5:00 PM, Monday to Friday; and 10:00 AM –
41 5:00 PM on weekends;
- 42 4. Applicant must comply with parking standards,
- 43 5. Applicant must comply with Nuisance Ordinance (Chapter 18 – Nuisances); and

44 6. The Special Land Use Permit shall not be transferred. Only applicable to the
45 operator/homeowner Tajma Washington.

46 **Section 2.** (a) It is hereby declared to be the intention of the Mayor and Council that all
47 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
48 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

49 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
50 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is
51 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is
52 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent
53 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually
54 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

55 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for
56 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the
57 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
58 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
59 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
60 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to
61 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
62 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
63 effect.

64 **Section 3.** The City Clerk, with the concurrence of the City Attorney, is authorized to
65 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

66 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby
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77 expressly repealed.

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79 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the

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81 State of Georgia and the City of Stonecrest.

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83 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the

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85 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of

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87 Stonecrest, Georgia.

SO ORDAINED AND EFFECTIVE this _____ day of _____, 2024.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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