

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

ORDINANCE NO. ____ - _____

**AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST,
GEORGIA TO APPROVE SPECIAL LAND USE PERMIT 23-011 ON PARCEL NUMBER
16 075 03 007 TO ALLOW THE OPERATION OF A HOME CHILD DAYCARE AS A
TYPE II HOME OCCUPATION AT 5924 FAIRINGTON FARMS LANE STONECREST,
GEORGIA 30038; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF
CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE
DATE; AND TO PROVIDE FOR OTHER LAWFUL PUPOSES.**

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

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

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

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

WHEREAS, the City received an application for the operation of a home child daycare as a type II home occupation at 5924 Fairington Farms Lane; and

19 **WHEREAS**, pursuant to the City’s Zoning Ordinance applicants who desire to operate a
20 a home child daycare as a type II home occupation must obtain a special land use permit; and

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

23 **WHEREAS**, the City has properly advertised and held a public hearing before the
24 Planning Commission regarding SLUP 23-011, the request for special land use permit to operate
25 a home child daycare as a type II home occupation at 5924 Fairington Farms Lane; and

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

29 **WHEREAS**, the Director of Planning and Zoning recommends approval with conditions
30 of special land use permit 23-011 of property located at 5924 Fairington Farms Lane; and

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

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

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36 **Section 1.** That SLUP 23-011, which allows operation of a home child daycare as a type
37 II home occupation at 5924 Fairington Farms Lane, satisfying Section 7.4.6 of Division 4 of Article
38 7 and Section 4.2.31 of Division 2 of Article 7 in Chapter 27 of the City of Stonecrest Code of
39 Ordinances, **APPROVED WITH CONDITIONS** as follows:

40 1. Applicant must comply and remain in compliance with all International Building Code
41 regarding care facilities within a dwelling;

2. No city permit for the operation of the childcare services shall be transferable; will only be permitted for the operator Michelle Fennell;

3. A City of Stonecrest business license is required shall be obtained;

4. No parking is permitted on the street or on lawn area of subject property;

5. A maximum of three (3) students shall be served at any time;

6. No signs other than those otherwise authorized within the applicable zoning district shall be erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises);

7. No child shall remain at the subject property for no more than 12 (twelve) hours per day. The Applicant's hours of operation are 6:30 AM – 6:00 PM Monday – Friday; and

8. Play area shall be secured and fenced. Sharp items, BBQ Grills, or any other items that are not kid friendly shall be stored away and removed from the play area.

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

(b) It is hereby declared to be the intention of the Mayor and 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 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.

(c) 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

70 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
71 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
72 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
73 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to
74 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
75 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
76 effect.
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81 **Section 3.** The City Clerk, with the concurrence of the City Attorney, is authorized to
82 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

83 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby
84 expressly repealed.
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87 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the
88 State of Georgia and the City of Stonecrest.
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91 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the
92 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
93 Stonecrest, Georgia.
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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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