

STATE OF GEROGIA

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 23-004 ON PARCEL NUMBER**
3 **16 084 03 023 TO ALLOW THE OPERATION OF A SHORT-TERM VACATION**
4 **RENTAL AT 3575 TRINITY PLACE STONECREST; TO PROVIDE SEVERABILITY;**
5 **TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR**
6 **AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL**
7 **PUPOSES.**

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

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

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

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

17 **WHEREAS**, the City received an application for the approval of the operation of a short-
18 term vacation rental at 3575 Trinity Place Stonecrest; and

19 **WHEREAS**, pursuant to the City’s Zoning Ordinance applicants who desire to operate a
20 short-term vacation rental 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 23-004, the request for special land use permit to operate
25 a short-term vacation rental at 3575 Trinity Place; 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 of special land
30 use permit 23-004 of property located at 3575 Trinity Place; 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.** SLUP 23-004, the operation of a SHORT-TERM VACATION RENTAL at
37 3575 Trinity Place Stonecrest, satisfying Section 4.2.58 (Short Term Vacation Rental (STVR) in
38 Chapter 27 of the City of Stonecrest Code of Ordinances, is **APPROVED WITH CONDITIONS**
39 as follows:

- 40 **1.** No city permit for the operation of the short-term vacation rental shall be transferable
41 will only be permitted for the owner/operator Jeffrey Dickerson;
- 42 **2.** Applicant must comply and remain in compliance with ARTICLE VII. - NOISE
43 ORDINANCE;
- 44 **3.** Short-term rental units must be properly maintained and regularly inspected by the owner

or agent to ensure continued compliance with applicable property maintenance, zoning, building, health, and life safety code provisions.

4. All marketing and/or advertising for short-term rental units must contain information concerning the occupancy limit of the short-term rental unit, and the maximum parking available on the property. Advertising for more than the allowable occupancy or allowable parking is prima facie evidence of a violation of the city code. Further, failure to include such occupancy limits and maximum parking availability is prima facie evidence of a violation of the city code.

5. Each Short Term Vacation Rental (STVR) must obtain a city license as well as all license(s) and/or permit(s) required by the State of Georgia before beginning to operate.

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 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and 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 section of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and

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78 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
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80 effect.

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

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

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88 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the
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90 State of Georgia and the City of Stonecrest.

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92 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the
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94 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
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96 Stonecrest, Georgia.

SO ORDAINED AND EFFECTIVE this _____ day of _____, 2023.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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