

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 23-005 ON PARCEL NUMBER**
3 **16 012 01 138 TO ALLOW THE OPERATION OF TO OPERATE A CHILDCARE**
4 **SERVICE AS A TYPE II HOME OCCUPATION AT 4908 ARDSLEY DRIVE; TO**
5 **PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING**
6 **ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO**
7 **PROVIDE FOR OTHER LAWFUL 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
18 childcare service as a type II home occupation at 4908 Ardsley Drive; and

19 **WHEREAS**, pursuant to the City’s Zoning Ordinance applicants who desire to operate a
20 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 23-005, the request for a childcare service as a type II home
25 occupation at 4908 Ardsley Drive; 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 23-005 of property located at 4908 Ardsley Drive; 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 23-005, the operation of a childcare service as a type II home occupation
37 at 4908 Ardsley Drive, satisfying Section 4.2.31. (Home occupations and private educational uses)
38 in Chapter 27 of the City of Stonecrest Code of Ordinances, is **APPROVED WITH**
39 **CONDITIONS** as follows:

- 40 **1.** Applicant must comply and remain in compliance with all International Building Code
41 regarding care facilities within a dwelling;
- 42 **2.** No city permit for the operation of the childcare services shall be transferable; will only
43 be permitted for the owner/operator Teshaye Lowe and Nathaniel Lowe;

44 **3.** A City of Stonecrest business license is required before operating the Childcare Service;

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

46 **5.** No child shall remain at the subject property for no more than 12 (twelve) hours per
47 day; and Play area shall be secured and not easily accessible to the public.

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

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

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

66 **Section 3.** The City Clerk, with the concurrence of the City Attorney, is authorized to
67 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.
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77 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby
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79 expressly repealed.
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81 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the
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83 State of Georgia and the City of Stonecrest.
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85 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the
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87 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
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89 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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