

**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 22-016 ON PARCEL NUMBER
16 131 01 041 TO ALLOW THE OPERATION OF A PERSONAL CARE HOME AT 1352
REGAL HEIGHTS DRIVE; 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 approval of the operation of a personal care home at 1352 Regal Heights Drive; and

WHEREAS, pursuant to the City’s Zoning Ordinance applicants who desire to operate a 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 regarding SLUP 22-016, the request for special land use permit to operate
24 a personal care home at 1352 Regal Heights Drive; and

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

28 **WHEREAS**, the Director of Planning and Zoning recommends approval of special land
29 use permit 22-016 of property located at 1352 Regal Heights Drive; and

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

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

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35 **Section 1.** SLUP 22-016, the operation of a personal care home for 6 individuals or less
36 at 1352 Regal Heights Drive, satisfying Section 7.4.6 of Division 4 of Article 7 and Section 4.2.41
37 of Division 2 of Article 7 in Chapter 27 of the City of Stonecrest Code of Ordinances, is

38 **APPROVED WITH CONDITIONS** as follows:

39 1. Applicant must comply and remain in compliance with Sec. 4.2.41. - Personal care
40 homes and child caring institutions; and

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

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

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

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

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

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

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

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

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

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84 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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