

**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 23-003 ON PARCEL NUMBER
16-139-01-038 TO ALLOW THE OPERATION OF A PERSONAL CARE HOME FOR SIX
INDIVIDUALS OR LESS AT 6736 JOJANNE 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 approval of the operation of a personal care home for 6 individuals or less at 6736 Jojanne Lane; and

19 **WHEREAS**, pursuant to the City’s Zoning Ordinance applicants who desire to operate a
20 personal care home for 6 individuals or less 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 23-003, the request for special land use permit to operate
25 a personal care home for 6 individuals or less at 6736 Joanne 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 of special land
30 use permit 23-003 of property located at 6736 Joanne 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.** SLUP 23-003, the operation of a personal care home for 6 individuals or less
37 at 6736 Joanne Lane, satisfying Section 7.4.6 of Division 4 of Article 7 and Section 4.2.41 of
38 Division 2 of Article 7 in Chapter 27 of the City of Stonecrest Code of Ordinances, is **APPROVED**
39 **WITH CONDITIONS** as follows:

40 1. Applicant must provide two (2) copies of complete architectural plans for the subject
41 group personal care home, signed or sealed by a registered architect, shall be submitted to the
42 director of planning prior to issuance of a building permit or business license;

2. Applicant 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;

3. There shall be at least four parking spaces within a driveway, garage or carport.

4. There shall be no parking on lawn areas.

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

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

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78 expressly repealed.

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80 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the
81
82 State of Georgia and the City of Stonecrest.

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84 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the
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86 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
87
88 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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