

**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 23-008 ON PARCEL NUMBER  
16 116 01 016 TO ALLOW THE OPERATION OF A SHORT-TERM VACATION  
RENTAL AT 6419 ROCKLAND RD; 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 short-term vacation rental at 6419 Rockland Rd; and

**WHEREAS**, pursuant to the City’s Zoning Ordinance applicants who desire to operate a short-term vacation rental 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 23-008, the request for special land use permit to operate  
24 a short-term vacation rental at 6419 Rockland Rd; 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 23-008 of property located at 6419 Rockland Rd; 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 23-008, the operation of a SHORT TERM VACATION RENTAL at  
36 6419 Rockland Rd, satisfying Section 4.2.58 (Short Term Vacation Rental (STVR) in Chapter 27  
37 of the City of Stonecrest Code of Ordinances, is **APPROVED WITH CONDITIONS** as follows:

38           1. Applicant must comply and remain in compliance with Sec. 4.2.58. - Short term vacation  
39 rental;

40           2. No city permit for the operation of the short-term vacation rental shall be transferable  
41 will only be permitted for the owner/operator Joel Burkholder;

42           3. Applicant must comply and remain in compliance with ARTICLE VII. - NOISE  
43 ORDINANCE;

44           4. Short-term rental units must be properly maintained and regularly inspected by the  
45 owner or agent to ensure continued compliance with applicable property maintenance, zoning,  
46 building, health, and life safety code provisions.

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

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

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

61 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for  
62 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the  
63 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the  
64 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the  
65 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any  
66 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to  
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73 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and  
74 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and  
75 effect.  
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79 **Section 3.** The City Clerk, with the concurrence of the City Attorney, is authorized to  
80 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

81 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby  
82 expressly repealed.  
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85 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the  
86 State of Georgia and the City of Stonecrest.  
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89 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the  
90 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of  
91 Stonecrest, Georgia.  
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**SO ORDAINED AND EFFECTIVE this \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

**[SIGNATURES TO FOLLOW]**

**CITY OF STONECREST, GEORGIA**

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**Jazzmin Cobble, Mayor**

**ATTEST:**

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**City Clerk**

**APPROVED AS TO FORM:**

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**City Attorney**

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