

**STATE OF GEROGIA
DEKALB COUNTY
CITY OF STONECREST**

ORDINANCE NO. ____ - _____

**AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST,
GEORGIA TO DENY A SPECIAL LAND USE PERMIT FOR PROPERTY LOCATED
AT 3802 BUTTON GATE COURT (PARCEL ID 16 014 03 033) TO OPERATE A
CHILDCARE INSTITUTE; 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 to operate a childcare institute; and

WHEREAS, pursuant to the City’s Zoning Ordinance applicants who desire to operate a childcare institute must obtain a special land use permit; and

19 **WHEREAS**, the matter was heard in the City’s Community Planning Information Meeting
20 pursuant to the provisions of the City’s Zoning Procedures Law; and

21 **WHEREAS**, the City has properly advertised and held a public hearing before the
22 Planning Commission; and

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

26 **WHEREAS**, Planning and Zoning Staff recommends denial of a special land use permit
27 located at 3802 Button Gate; and

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

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

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33 **Section 1.** That SLUP 25-005, to operate a childcare institute at 3802 Button Gate is
34 DENIED.

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

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

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

64 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby
65 expressly repealed.
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67 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the
68 State of Georgia and the City of Stonecrest.
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70 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the
71 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
72 Stonecrest, Georgia.
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SO ORDAINED AND EFFECTIVE this _____ day of _____, 2026.

[SIGNATURES TO FOLLOW]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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