

**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 WITH CONDITIONS SPECIAL LAND USE PERMIT (SLUP)**  
3 **24-009 TO OPERATE AS A TYPE 2 HOME OCCUPATION FOR A CHILD DAYCARE**  
4 **CENTER LOCATED AT 3356 PANOLA ROAD PARCEL ID NUMBER 16 043 03 079; 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 to operate as a Type 2 Home Occupation for  
18 a child daycare located at 3356 Panola Road; and

19           **WHEREAS**, pursuant to the City’s Zoning Ordinance applicants must obtain a special  
20 land use permit; and

21           **WHEREAS**, the matter was heard in the City’s Community Planning Information Meeting  
22 (CPIM) and Planning Commission (PC) meetings pursuant to the provisions of the City’s Zoning  
23 Procedures Law; and

24           **WHEREAS**, the City has properly advertised and held a public hearing before the  
25 Planning Commission regarding SLUP 24-009, to operate as a Type 2 Home Occupation for a  
26 child daycare center located at 3356 Panola Road; and

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

30           **WHEREAS**, the Director of Community Development recommends approval with  
31 conditions of special land use permit 24-009 on property located at 3356 Panola Road; and

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

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

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37           **Section 1.** SLUP 24-009, application to operate as a type 2 home occupation for a child  
38 daycare center located at 3356 Panola Road, is **APPROVED WITH CONDITIONS.**

39           **Section 2.** That the conditions on SLUP 24-009 are as followed:

40           1.     The child daycare center owner/manager/administrator shall comply with all  
41 applicable state Georgia Department of Early Care (Bright from the Start) and Learning Rules and  
42 Regulations for Child Care Learning Centers and all local daycare requirements for standards,

43 licensing and inspection before the issuance of a City of Stonecrest business license. 290-2-3-.04

44 Requirements for Applications and Licenses (1) General

45 a. (a) No person shall operate a Family Child Care Learning Home in the State of  
46 Georgia unless a License has been obtained from the Department.

47 b. (b) A License is nontransferable. A License to operate a Home is not transferable  
48 in any way. A change of residence or address or Provider requires a new License. Each License  
49 shall become invalid immediately upon the final closure of the Home, or the final suspension,  
50 revocation, or restriction of the License in accordance with Georgia law.

51 c. (c) Any person that provides care for at least three but not more than six Children  
52 for pay under 13 years of age who are not Related to such persons and whose Parent(s) are not  
53 residents in the same private residence as the Provider shall make application to the Department  
54 for a License to operate a Family Child Care Learning Home.

55 d. (d) No Home shall claim to be a licensed Family Child Care Learning Home unless  
56 it has been issued a current and valid License by the Department.

57 2. A City of Stonecrest business license is required and shall be maintained annually  
58 for compliance.

59 3. Prior to the issuance of a business license for the child daycare center, the necessary  
60 licensing including compliance with all requirements related to minimum area for classrooms, play  
61 areas, and fencing.

62 4. The child daycare center shall provide off-street parking spaces as required by the  
63 applicable zoning district.

64 5. The child daycare center shall provide an adequate turnaround on the site.

65           6.       The exterior appearance of any child daycare center located in a residential district  
66 shall be maintained as a residential structure, and no signs other than those otherwise authorized  
67 within the applicable zoning district shall be erected (no cut-outs, animal characters, or other  
68 graphics shall be affixed to the exterior of the structure or displayed upon the premises).

69           7.       No child daycare center shall be located within 1,000 feet of another child daycare  
70 center .

71           8.       The owner/manager/administrator/license holder shall adhere to the Georgia  
72 Department of Early Care and Learning Rules and Regulations for Child Care Learning Centers.

73           **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
74 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their  
75 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

76 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent  
77 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is  
78 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is  
79 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent  
80 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually  
81 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.  
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84 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for  
85 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the  
86 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the  
87 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the  
88 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any  
89 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to  
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94 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and  
95 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and  
96 effect.  
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100 **Section 4.** The City Clerk, with the concurrence of the City Attorney, is authorized to  
101 correct any scrivener’s errors found in this Ordinance, including its exhibits, as enacted.

102 **Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby  
103 expressly repealed.  
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106 **Section 6.** The Ordinance shall be codified in a manner consistent with the laws of the  
107 State of Georgia and the City of Stonecrest.  
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110 **Section 7.** It is the intention of the governing body, and it is hereby ordained that the  
111 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of  
112 Stonecrest, Georgia.  
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**SO ORDAINED AND EFFECTIVE this \_\_\_\_\_ day of \_\_\_\_\_, 2025.**

**[SIGNATURES ON FOLLOWING PAGE]**

**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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**EXHIBIT A**

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