

**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 22-007 ON PARCEL NUMBER
16 123 06 182 OF THE 1ST DISTRICT TO ALLOW FOR SHORT-TERM RENTAL AT
6505 CHARTER WAY; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO
PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN
ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL
PUPOSES.**

WHEREAS, the City of Stonecrest (“City”) has advertised and held a public hearing on
November
8, 2022 in front of the City’s Planning Commission regarding SLUP 22-007, the request for special
land
use permit to operate a short- term rental with conditions at 6505 Charter Way, Stonecrest, Georgia
30058.; and

WHEREAS, the City of Stonecrest has been vested with substantial powers, rights, and
functions to generally regulate the use of real property for the purposes of maintain health, morals,
safety, security, peace, and the general welfare of the City; and

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

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL

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31 **OF THE CITY OF STONECREST, GEORGIA, as follows:**
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33 **Section 1.** SLUP 22-007, a request for special land use permit to operate a short-term
34 rental at 6505 Charter Way, Stonecrest, Georgia 30058, satisfying Section 7.4.6 of Division 4 of
35 Article 7 in Chapter 27 of the City of Stonecrest Code of Ordinances, is **APPROVED WITH**
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37 **CONDITIONS** as follows:
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41 1. The maximum overnight occupancy of a short-term rental shall be limited to two (2) persons
42 for each bedroom plus three (3) additional persons. The number of bedrooms shall be based
43 upon the DeKalb County Tax Assessor's residential profile of the property, and other
44 documents of record, as needed. In no case shall the maximum total occupancy for any
45 dwelling unit exceed the occupancy limits permitted by the state and local fire and building
46 codes.
- 47 2. Between the hours of 10 PM and 7 AM, the occupancy load of the unit may not exceed the
48 maximum allowed number of overnight tenants.
- 49 3. Compliance with the Stonecrest Noise Ordinance.
- 50 4. All marketing and/or advertising for short-term rental units must contain information
51 concerning the occupancy limit of the short-term rental unit, and the maximum parking
52 available on the property. Advertising for more than the allowable occupancy or allowable
53 parking is prima facie evidence of a violation of the city code. Further, failure to include
54 such occupancy limits and maximum parking availability is prima facie evidence of a
55 violation of the city code.
- 56 5. Short-term rental units must be properly maintained and regularly inspected by the owner or
57 agent to ensure continued compliance with applicable property maintenance, zoning,
58 building, health and life safety code provisions.
- 59 6. No external signage may be permitted on the property.
- 60 7. Parked vehicles shall be provided in the driveway and not on-street parking.
 - 61 • Shall not be parked on the city right-of-way or along any roadways at any time; and
 - 62 • Shall be parked outdoors on the property only on designated hard surfaced areas with
63 concrete or asphalt surfacing; and shall not be permitted outside such hard-surfaced
64 areas (i.e., no parking in yards or neighbor's properties).
- 65 8. Capacity shall be subject to the approval of the Fire Marshal's Office
- 66 9. If, during the first one-year period, a short-term rental unit becomes in violation of any
67 zoning, building, health or life safety code provision, the special land use becomes void at
68 the completion of one year.
- 69 10. The Special Land Use Permit is not transferable and will only be permitted for the
70 owner/operator Tonette Spencer.
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72 **Section 2.** (a) It is hereby declared to be the intention of the Mayor and Council that all

73 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
74 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

75 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
76 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is
77 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is
78 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent
79 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually
80 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.
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82 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for
83 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the
84 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
85 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
86 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
87 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to
88 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
89 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
90 effect.
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92 **Section 3.** The City Clerk, with the concurrence of the City Attorney, is authorized to
93 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.
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95 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby
96 expressly repealed.
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98 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the
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107 State of Georgia and the City of Stonecrest.

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

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

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113 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