

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

**ORDINANCE NO. \_\_\_\_ - \_\_\_\_\_**

1 **AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF STONECREST,**  
2 **GEORGIA TO APPROVE SPECIAL LAND USE PERMIT 22-008 ON PARCEL NUMBER**  
3 **16 044 03 049 OF THE 4<sup>th</sup> DISTRICT TO ALLOW FOR SHORT-TERM RENTAL AT**  
4 **3434 BLECKLEY DRIVE; TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY;**  
5 **TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR**  
6 **AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL**  
7 **PUPOSES.**

8 **WHEREAS**, the City of Stonecrest has advertised and held a public hearing on October  
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10 13, 2022 in front of the Planning Commission regarding SLUP 22-008, the request for special land  
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12 use permit to operate a short- term rental with conditions at 3434 Bleckley Drive, Lithonia, Georgia  
13  
14 30038.; and

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

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

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

29 **Section 1.** SLUP 22-008, a request for special land use permit to operate a short-term

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31 rental at 3434 Bleckley Way, Lithonia, Georgia 30038, satisfying Section 7.4.6 of Division 4 of  
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33 Article 7 in Chapter 27 of the City of Stonecrest Code of Ordinances, is **APPROVED WITH**  
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35 **CONDITIONS** as follows:  
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- 37 1. The maximum overnight occupancy of a short-term rental shall be limited to two (2) persons  
38 for each bedroom plus three (3) additional persons. The number of bedrooms shall be based  
39 upon the DeKalb County Tax Assessor's residential profile of the property, and other  
40 documents of record, as needed. In no case shall the maximum total occupancy for any  
41 dwelling unit exceed the occupancy limits permitted by the state and local fire and building  
42 codes.
- 43 2. Between the hours of 10 PM and 7 AM, the occupancy load of the unit may not exceed the  
44 maximum allowed number of overnight tenants.
- 45 3. Compliance with the Stonecrest Noise Ordinance.
- 46 4. All marketing and/or advertising for short-term rental units must contain information  
47 concerning the occupancy limit of the short-term rental unit, and the maximum parking  
48 available on the property. Advertising for more than the allowable occupancy or allowable  
49 parking is prima facie evidence of a violation of the city code. Further, failure to include  
50 such occupancy limits and maximum parking availability is prima facie evidence of a  
51 violation of the city code.
- 52 5. Short-term rental units must be properly maintained and regularly inspected by the owner or  
53 agent to ensure continued compliance with applicable property maintenance, zoning,  
54 building, health and life safety code provisions.
- 55 6. No external signage may be permitted on the property.
- 56 7. Parked vehicles shall be provided in the driveway and not on-street parking.
  - 57 • Shall not be parked on the city right-of-way or along any roadways at any time; and
  - 58 • Shall be parked outdoors on the property only on designated hard surfaced areas with  
59 concrete or asphalt surfacing; and shall not be permitted outside such hard-surfaced  
60 areas (i.e., no parking in yards or neighbor's properties).
- 61 8. Capacity shall be subject to the approval of the Fire Marshal's Office
- 62 9. If, during the first one-year period, a short-term rental unit becomes in violation of any  
63 zoning, building, health or life safety code provision, the special land use becomes void at  
64 the completion of one year.
- 65 10. The Special Land Use Permit is not transferable and will only be permitted for the  
66 owner/operator Charmain Hancock.

67  
68 **Section 2.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
69 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their  
70 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.  
71 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent

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73 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is  
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75 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is  
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77 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent  
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79 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually  
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81 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

82 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for  
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84 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the  
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86 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the  
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88 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the  
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90 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any  
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92 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  
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96 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and  
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98 effect.

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

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

105 **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.

108 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the  
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110 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of  
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112 Stonecrest, Georgia.

**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**