

**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 22-009 IN DISTRICT ONE TO**
3 **ALLOW FOR PERSONAL CARE HOME AT 1805 SPRINGHILL COVE; TO PROVIDE**
4 **SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF**
5 **CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE**
6 **DATE; AND TO PROVIDE FOR OTHER LAWFUL PUPOSES.**

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8 **WHEREAS,** the City of Stonecrest (“City”) has advertised and held a public hearing on
9 November

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11 8, 2022 in front of the Planning Commission regarding SLUP 22-009, the request for special land
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13 use permit to operate a personal care home for four (4) residents within the RSM (Residential
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15 Small Lot) District with conditions at 1805 Spring Hill Cove, Lithonia, Georgia 30058.; and

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

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

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

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31 **Section 1.** SLUP 22-009, a request for special land use permit to operate a personal care
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33 home for four (4) residents within the RSM (Residential Small Lot) District, in accordance with
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35 Chapter 27-Article 4.1 Use Table and Sections 4.2.31 and 4.2.41.B of the City of Stonecrest
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37 Zoning Code at 1805 Spring Hill Cove, Lithonia, Georgia 30058, is **APPROVED WITH**
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39 **CONDITIONS** as follows:

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- 41 1. Limit the use of personal care home only to (4) persons.
- 42 2. Access shall be limited to the existing curb cut off Spring Hill Cove.
- 43 3. All refuse containers shall be screened from public view except during pick up.
- 44 4. No identification sign for personal care home shall be posted on the property.
- 45 5. Owner/Operator must live on the property according to the supplemental regulations cited
46 in the Stonecrest Zoning Ordinance Sec. 4.2.31 and 4.2.41.
- 47 6. The applicants shall secure the necessary certification by the State of Georgia and the
48 necessary business license, building permits and certification of occupancy for three people
49 from the city of Stonecrest.
- 50 7. The Special Land Use Permit shall be issued to (operator) for the operation of a personal
51 care home and shall not be transferable.
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53 **Section 2.** (a) It is hereby declared to be the intention of the Mayor and Council that all
54 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their
55 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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

62 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for
63 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the
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69 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
70 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
71 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
72 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to
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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80 **Section 3.** The City Clerk, with the concurrence of the City Attorney, is authorized to
81 correct any scrivener’s errors found in this Ordinance, including its exhibits, as enacted.

82 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby
83 expressly repealed.
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86 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of the
87 State of Georgia and the City of Stonecrest.
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90 **Section 6.** It is the intention of the governing body, and it is hereby ordained that the
91 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
92 Stonecrest, Georgia.
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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