

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

ORDINANCE NO. 2023-O-006

AN ORDINANCE AMENDING ARTICLE 7 – DISTRICT USES AND REGULATIONS OF THE 1992 ZONING ORDINANCE OF CHEROKEE COUNTY, TO PROVIDE USE REQUIREMENTS AND STANDARDS FOR PACKAGE STORES SELLING DISTILLED SPIRITS; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the County; and

WHEREAS, on November 8, 2022, a referendum was conducted in Cherokee County to establish the package sales of distilled spirits in unincorporated Cherokee County, with the question, “Shall the issuance of licenses for the package sale of distilled spirits be approved?”; and

WHEREAS, the package sale of distilled spirits referendum received approval from the voters of Cherokee County by 79.2%; and

WHEREAS, the Board of Commissioners seek to amend Chapter 6 – Alcoholic Beverages of the Code of Ordinances, Cherokee County, Georgia, by separate ordinance, to provide licensure requirements for package stores selling distilled spirits; and

WHEREAS, the Board of Commissioners, accompanying an amendment to the Code of Ordinances, seek to amend Article 7 – District Uses and Regulations of the 1992 Zoning Ordinance of Cherokee County, to provide use requirements and standards for package stores selling distilled spirits; and

WHEREAS, the Board of Commissioners does hereby find the following revisions to Article 7 – District Uses and Regulations of the 1992 Zoning Ordinance of Cherokee County, attached hereto as **Exhibit A**, to be a reasonable exercise of Cherokee County’s police power, and in the best interests of the public health, safety, and welfare; and

NOW, THEREFORE, BE IT RESOLVED by the Cherokee County Board of Commissioners, and it is hereby so resolved by the authority of the same, that Article 7 – District Uses and Regulations of the 1992 Zoning Ordinance of Cherokee County is hereby amended to provide use requirements and standards for package stores selling distilled spirits, fulfilling the mandate of the voters of Cherokee County, Georgia; and

NOW, THEREFORE, BE IT RESOLVED THAT this ordinance, upon adoption, is effective on September 1, 2023; and

SO RESOLVED, APPROVED, AND ADOPTED this 6th day of June, 2023.

By:


HARRY B. JOHNSTON, Chairman

Attest:


CHRISTY BLACK, County Clerk

(S.E. ALI)

EXHIBIT A

Table 7.2 – Permitted Uses

Delete “2155” “Beer, wine, and liquor store,” NAICS 445310 use

Cherokee County Zoning Ordinance

Table 7.2 - Permitted Uses

January 10, 2023

LBCS	LBCS Description	NAICS Description	NAICS Code	Supp. Req.	AG	Res	Ol	CP	NC	GC	LI	HI
2151	Grocery store, supermarket, or bakery	Baked Goods Stores	445291									
2152	Convenience store	Convenience Stores Without Fuel Pumps	445120									
2153	Specialty food store	Confectionery and Nut Stores	445292									
2153	Specialty food store	All Other Specialty Food Stores	445299									
2154	Fruit and vegetable store	Fruit and Vegetable Markets	445240									
2155	Beer, wine, and liquor store	Beer, Wine, and Liquor Stores	445310	7.7-3g	H							
2160	Health and personal care	Food (Health) Supplement Stores	446191									
2160	Health and personal care	All Other Health and Personal Care Stores	446199									
2161	Pharmacy or drug store	Pharmacies and Drug Stores	446110									
2162	Cosmetic and beauty supplies	Cosmetics, Beauty Supplies, and Perfume Stores	446120									
2163	Optical	Optical Goods Stores	446130									
2200	Finance and Insurance											
2230	Bank, credit union, or savings institution	Commercial Banking	522110									
2230	Bank, credit union, or savings institution	Savings Institutions	522120									

Replace with “2155” “Beer and wine package stores and package stores selling distilled spirits” NAICS 445320 use, as follows:

LBCS	LBCS Description	NAICS Description	NAICS Code	Supp Req.	GC
2155	Beer, wine, and liquor store	Beer and wine package stores and liquor stores, package (package stores selling distilled spirits)	445320	7.7-27 TND & PUD ¹	S

1 – Also a Special Use in Traditional Neighborhood Development (TND) and on properties within existing Planned Unit Developments (PUD) that have been designated for commercial use.

Insert Section 7.7-27, as follows:

7.7-27 Beer, wine, and liquor store (LBCS 2155)

- a. Compliance with Chapter 6 – Alcoholic Beverages of the Code of Ordinances, Cherokee County, Georgia is required.
- b. Beer and wine package stores, in addition to liquor stores, also known as package stores selling distilled spirits, require a Special Use Permit (SUP) and are only permitted: (1) in the General Commercial (GC), (2) as part of a Traditional Neighborhood Development (TND), or (3) on properties within an existing Planned Unit Development (PUD) that have been designated for commercial use.
- c. Prior to applying for a SUP for those uses described in (b), above, an applicant must apply for the necessary alcohol license for the use and obtain a Preliminary Certificate of Compliance from the County. The Preliminary Certificate of Compliance must be a part of the SUP application for the uses described in (b), above.