

STATE OF GEORGIA
FULTON COUNTY

First Reading: February 10, 2020
Second Reading: March 9, 2020

**ORDINANCE TO AMEND CHAPTER 3. ALCOHOLIC BEVERAGES OF THE CODE
OF ORDINANCES OF THE CITY OF ROSWELL REGARDING CIGAR LOUNGES
AND FOR OTHER PURPOSES AND ARTICLE 4 AND 5 OF THE UNIFIED
DEVELOPMENT CODE**

WHEREAS, State law provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law; and

WHEREAS, the Mayor and Council of the City of Roswell are charged with the protection of the public health, safety and welfare; and

WHEREAS, the Mayor and Council have determined that alcohol regulations relating to cigar shops should be amended:

NOW, THEREFORE, the Mayor and Council of the City of Roswell, pursuant to their authority, do hereby adopt the following amendment:

1.

Chapter 3 Alcoholic Beverages, Article 3.1 In General, Section 3.1.2 Definitions, subsection (d) is amended by adding a new definition to read as follows:

Cigar Lounge means a retail establishment that derives over fifty-one percent (51%) of its total gross sales from handmade cigars based on State of Georgia tax receipts and over seventy percent (70%) of its total gross sales from handmade cigars and other cigar related products. Such retail establishments shall not sell or permit the use of:

- (1) vape products, including electronic smoking devices, component parts or e-liquids
- (2) cigarettes
- (3) unrolled tobacco
- (4) hookah products such as "hookahs," glass pipes or bongs
- (5) machine rolled tobacco products

2.

Chapter 3 Alcoholic Beverages, Article 3.7 Requirements for Consumption On-Premises, Section 3.4.1 Zoning Requirements; Existing Licenses subsection (a) is amended by deleting said subsection in its entirety and a new Section 3.4.1 (a) to read as follows:

Section 3.4.1 Zoning Requirements; Existing Licenses

- (a) No alcoholic beverage license shall be granted unless the premises to be licensed are located in NX, CX, SH, CC, PV, CH, OR, IX, or the Historic Overlay District. No package malt beverage license or package wine license shall be granted in PV or the District formerly known as the Parkway Village Overlay District except in retail supermarkets having a gross building area of at least twenty-four thousand (24,000) square feet or in drug stores having a gross building area of at least eight-thousand (8000) square feet. No pouring license shall be granted in PV or the district formerly known as Parkway Village Overlay District except at outlets licensed as restaurants under section 3.7.3, a craft beer and wine market under section 3.7.18, a cigar lounge under 3.7.7 or as a “manufacturer” as defined in section 3.1.2 of this article. Any license shall meet the distance requirements of section 3.4.2 of this article.

3.

Chapter 3 Alcoholic Beverages, Article 3.7 Requirements for Consumption On-Premises License is amending by inserting a Section 3.7.7 which shall be entitled Cigar Lounges which shall read as follows:

Section 3.7.7 Cigar Lounge

Cigar Lounge meeting the definition contained in Section 3.1.2 of the Roswell Code of Ordinances may be eligible for a consumption on the premises license with limited hours provided such shops meet all requirements for a consumption on the premises license other than kitchen and food requirements and such establishments meet the following requirements:

- a) have a maximum capacity as determined by the Fire Marshall of 40 persons
- (b) shall not be located within 100 yards of another cigar lounge
- (c) must have a filtration system exceeding ninety-eight percent efficiency
- (d) meet all State of Georgia requirements regarding indoor smoking
- (e) Only sell or serve alcoholic beverages between the hours of 8:00 a.m. and 11:30 p.m. Monday through Saturday and if authorized for Sunday sales, between the hours of 11:55 a.m. and 11:30 p.m. on Sundays.

4.

Article 4 of the Unified Development Code, Section 4.5, Allowed Uses, Section 4.5.2, Use Table is amended by adding a cigar lounge to the CX (Commercial Mixed Use), SH (Shopfront Mixed Use), CC (Commercial Corridor), PV (Parkway Village) and CH (Commercial Heavy) zoning classifications as a use under the retail sales uses.

Article 5 of the Unified Development Code, Section 5.5, Allowed Uses, Section 5.5.2, Use Table is amended by adding a cigar lounge to the DX (Downtown Mixed Use) and DH (Downtown House) zoning classifications as a use under the retail sales uses.

5.

This Ordinance shall take effect and be in force from and after the day of its adoption, the public welfare demanding it.


6.

Repeal of Conflicting Provisions. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

7.

Renumbering. It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Roswell, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell, Georgia, on the 9th day of March 2020.


Lori Henry, Mayor

Attest:


Marlee Press, City Clerk
(SEAL)



Regular Meeting

Monday, March 9, 2020

7:00 PM

4. Approval of a Resolution of the City of Roswell Expressing Support for the Georgia Local Government Infrastructure Finance Authority Act.

Resolution No. 2020-03-09

The Georgia Local Government Infrastructure Finance Authority Act amends Title 36 of the O.C.G.A. to provide for comprehensive regulation of local government infrastructure financing. This act will create the Georgia Municipal and Local Government Infrastructure Finance Authority that would work in conjunction with the Georgia Municipal Association (GMA) to issue tax-exempt bonds that could provide for pooled financing opportunities for local governments across the State. The benefits of pooled financing include lower interest rates and lower costs of borrowing. This legislation would benefit the City of Roswell by providing another low-cost tool for funding capital needs.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Matthew Tyser, Councilmember
SECONDER:	Marie Willsey, Councilmember
IN FAVOR:	Hall, Judy, Palermo, Tyser, Willsey, Zapata

Administration and Finance Department - Councilmember Matthew Tyser

5. Approval of an Ordinance to amend Chapter 3, Alcoholic Beverages of the Code of Ordinances of the City of Roswell regarding Cigar Lounges. (Second Reading)

Ordinance No. 2020-03-01

This ordinance was approved with changes that were made at first reading and additional language was added. The following was approved on second reading:

Chapter 3 Alcoholic Beverages, Article 3.1 In General, Section 3.1.2 Definitions, subsection (d) is amended by adding a new definition to read as follows:

Cigar Lounge means a retail establishment that derives over fifty-one percent (51%) of its total gross sales from handmade cigars based on State of Georgia tax receipts and over seventy percent (70%) of its total gross sales from handmade cigars and other cigar related products. Such retail establishments shall not sell or permit the use of:

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- (3) unrolled tobacco
- (4) hookah products such as "hookahs," glass pipes or bongs
- (5) machine rolled tobacco products

Chapter 3 Alcoholic Beverages, Article 3.7 Requirements for Consumption On-Premises, Section 3.4.1 Zoning Requirements; Existing Licenses subsection (a) is amended by deleting said subsection in its entirety and a new Section 3.4.1 (a) to read as follows:

Regular Meeting**Monday, March 9, 2020****7:00 PM****Section 3.4.1 Zoning Requirements; Existing Licenses**

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RESULT: APPROVED 2ND READING W/CHANGES [5 TO 0]

MOVER: Matthew Tyser, Councilmember

SECONDER: Matt Judy, Councilmember

IN FAVOR: Hall, Judy, Tyser, Willsey, Zapata

ABSTAIN: Michael Palermo