

**STATE OF GEORGIA  
COUNTY OF DEKALB  
CITY OF STONECREST**

**ORDINANCE NO. 2022-01-02**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST, GEORGIA, BY AMENDING CHAPTER 4 (ALCOHOLIC BEVERAGES) AND CHAPTER 27 (ZONING ORDINANCE); TO PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, the governing body of the City of Stonecrest, Georgia (“City”) is the Mayor and Council thereof; and

**WHEREAS**, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of Georgia authorizes the City to adopt plans and exercise the power of zoning; and

**WHEREAS**, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

**WHEREAS**, the Mayor and Council desire to amend Chapter 4 (Alcoholic Beverages) and chapter 27 (Zoning Ordinance); and

**WHEREAS**, from time-to-time amendments may be proposed for public necessity, general welfare, or sound zoning practice that justify such action; and

**WHEREAS**, the Director of Planning and Planning Commission recommend approval based on the City Staff Report and said report is hereby incorporated by reference herein; and

19           **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has  
20   been properly held prior to the adoption of this Ordinance; and

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

23           **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**  
24   **THE CITY OF STONECREST, GEORGIA**, and by the authority thereof:

25           **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended  
26   by amending Chapter 4 (Alcoholic Beverages) and chapter 27 (Zoning Ordinance) as it relates to  
27   alcohol licensees and use by inserting the provisions set forth in Exhibit A attached hereto and  
28   made a part by reference.

29           **Section 2.** That text added to current law appears in bold underlined. Text removed from  
30   current law appears struckthrough.

31           **Section 3.** The preamble of this Ordinance shall be considered to be and is hereby  
32   incorporated by reference as if fully set out herein.

33           **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all  
34   sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their  
35   enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

36   (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent  
37   allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is  
38   severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is  
39   hereby further declared to be the intention of the Mayor and Council that, to the greatest extent  
40   allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually  
41   dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

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

**Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

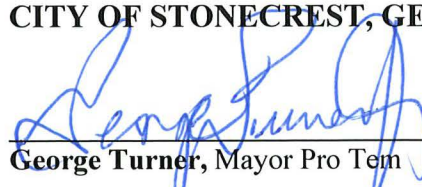
**Section 6.** The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

**Section 7.** It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia.

ORDAINED this 13<sup>th</sup> day of January, 2022.

[SIGNATURES TO FOLLOW]

**CITY OF STONECREST, GEORGIA**

  
George Turner, Mayor Pro Tem

**ATTEST:**

  
City Clerk 



**APPROVED AS TO FORM:**



City Attorney

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**EXHIBIT A**  
**(SEE ATTACHED)**

Chapter 4 – ALCOHOLIC BEVERAGES

ARTICLE II. - LICENSING

Sec. 4.2.5. Temporary permits.

Any nonprofit civic organization may be issued temporary alcoholic beverage permits for events. Such permits shall have the effect of a license issued pursuant to the provisions of this article and shall authorize sale by the drink of such alcoholic beverages as are specified in the permit. The nonprofit civic organization must make application and pay a fee in the amount established by action of the city council, a copy of which is on file with the clerk of the city. Such civic organizations shall comply with all the general ordinances and the licensing and regulations for a consumption on the premises establishment, apart from having a full-service kitchen.

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ARTICLE I. – IN GENERAL

Restaurant means an eating and drinking establishment where food and drink are prepared, served, and consumed primarily within the principal building.

**Eating and drinking establishments mean those establishments whose primary purpose is to derive income from the sale of food and drink, including malt beverages, wine and/or distilled spirits consumed primarily within the principal building, and without a drive-in or drive-thru component where such establishment is open for use by patrons beyond 12:30 a.m. Entertainment shall be incidental thereto.**

Nightclub means a commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment is allowed, where music may be live, disc-jockey, karaoke, and/or non-acoustic. **a place of entertainment open at night serving food and/or liquor with all booths and tables unobstructed and open to view, dispensing alcoholic beverages and in which music, dancing or entertainment is conducted with or without a floor show. The principal business of a nightclub shall be entertaining, and the serving of alcoholic beverages shall be incidental thereto.**

Special events facility means a building and/or premises used as a customary meeting or gathering place for personal social engagements or activities, where people assemble for parties, weddings, wedding receptions, reunions, birthday celebrations, other business purposes, or similar such uses for profit, in which food and beverages may be served to guests.

1. The term "special events facility" shall not include places of worship.
2. **Small Special Event Facility shall mean assembly and entertainment uses with a seating or occupant capacity of no more than 100 persons.**
3. **Large Special Event Facility shall mean assembly and entertainment uses with a seating or occupant capacity of more than 100 persons.**

**Smoking Lounge means an establishment which sells tobacco and/or promotes the smoking of tobacco products or other any other substance on its premises. The term "smoking lounge" includes but, is not limited to cigar lounges, hookah cafes, tobacco lounges, tobacco clubs, or tobacco bars.**

Chapter 27 – Zoning Ordinance

ARTICLE 4. – USE REGULATIONS

DIVISION 3. – TEMPORARY USE REGULATIONS

**Sec. 4.3.5. - Temporary outdoor events.**

Temporary outdoor events may include temporary art shows, carnival rides, special outdoor social or religious event, entertainment, athletic events, rodeos, horseshows, and other events of community interest.

A. Use regulations. Temporary outdoor events shall be governed by the following regulations:

1. Site conditions.

a. Employees shall be uniformed and identified.

b. Security or off-duty police officers shall be on-site during operating hours.

c. Portable toilets or access to bathrooms shall be provided.

**d. Approval from the property owner**

**e. Traffic Control Plan must be approved by the fire marshal's office**

2. If the temporary outdoor event involves structures that require issuance of a building permit, a site plan of the event shall be included with the building permit application. The site plan submittal required by article 7 of this chapter shall indicate compliance with all zoning ordinance requirements.

B. Lot and parcel restrictions. Temporary outdoor event activities shall be set back at least 100 feet from any residential district or use.

C. Temporary sites for worship. The establishment of sites and tents for temporary worship conducted on a site not designated as a place of worship requires the grant of a special administrative permit by the director of planning.

**Sec. 4.3.2. Duration, frequency and hours of operation of temporary outdoor uses.**

The maximum duration, frequency and hours of operation for temporary outdoor uses shall be limited as shown in Table 4.3, below:

Table 4.3. Temporary Outdoor Uses Operational Requirements

Operational requirement maximums for temporary outdoor uses				
Temporary Use	Duration	Frequency	Hours of Operation	Special Administrative Permit Required?
Christmas tree sales	Nov. 15 through Jan. 1		Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes

Pumpkin and Halloween sales	Sept. 15 through Oct. 31		Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Charitable/non-profit event	7 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary Produce stand	One full year	Year round	Daylight hours only	Yes
All other seasonal sales	3 consecutive days	4 times/calendar year	Daylight hours only	Yes
Temporary outdoor retail sales display	30 consecutive days	4 times/calendar year	Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Temporary outdoor event	14 consecutive days	<del>2 times/calendar year</del>	Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes
Yard sales	3 consecutive days	Once/6 months	Daylight hours only	No
Farmer's Markets	Year Round	3 consecutive days per month or one day per week	Cease at 9:00 p.m. Mon.—Thurs. and Sun; 10:00 p.m. Fri. and Sat.	Yes

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DIVISION 2. SUPPLEMENTAL USE REGULATIONS

**Sec. 4.2.59. - Eating and Drinking Establishments**

**Eating and Drinking Establishment that also operate another use**

**Any establishment that serves food and drink, but which also operates as another use under Chapter 4 (the Alcohol Code) with separate parking regulations shall follow the parking regulations in Chapter 27 applicable to that use.**

**Sec. 4.2.60. – Smoking Lounges**

**Smoking Lounges shall be subject to the following restrictions:**

- A. Smoking of hookah in any establishment that serves alcohol or food shall be prohibited.**
- B. Hours of operation shall not extend past 11:00 p.m.**
- C. Shall not serve patrons under the age of 19 or as restricted by Georgia statute.**