

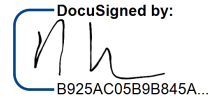


To: Honorable Mayor and City Council Members

From: Robert Buscemi RA, Community Development Director

Date: August 14, 2023, for September 6, 2023, Mayor and City Council Meeting (First Presentation – August 21, 2023)

Agenda Item: **RZ23-03** - A text amendment with respect to the following alcohol-related uses of Limited Food Service Restaurant and Limited Tap Establishment within Chapter 64, Zoning of the City of Milton City Code.



Department Recommendation:

The Community Development Department recommends approval of the proposed text amendment.

Executive Summary:

The proposed creation of these two Use Permits and definitions are a result of providing the opportunity for the owners of these uses to have the ability to move physical locations if necessary. These types of uses are only currently permitted within the Crabapple Form Based Code area.

Please note that only establishments that were initially licensed on or before January 1, 2022, pursuant to Chapter 4, of the Milton Code of Ordinances will be considered.

Community Zoning Information Meeting – April 25, 2023: There was no one from the public who made comments/suggestions on the proposed text amendment.

Planning Commission Meeting – May 24, 2023: There was not a meeting based on the fact that there was not a quorum of the Planning Commission. Based on direction from the City Attorney, the item had to be re-advertised for the July Planning Commission meeting.

Planning Commission Meeting – July 26, 2023: The Planning Commission recommended that after adding the use “Limited Food Service Restaurant” under the Crabapple Form Based Code Standards and Tables, Table 9: Specific Function and Use remain “blank” across all Districts (By doing this, it would indicate that this use is not permitted in the City.). The Commission also

requested that Staff investigate when the last time the only previously approved “Limited Food Service Restaurant” paid excise taxes to the City. The City’s Finance Department’s indicates that the last time excise taxes were paid was in March of 2023.

The Commission unanimously recommended approval of the proposed text amendment as presented with Staff with the one change to leave the Table 9 for “Limited Food Service Restaurant” blank across all districts in the Table. Staff notes that by eliminating it as an allowed use, the proposed use permit is not needed. The proposed text amendment reflects these changes as recommended by the Planning Commission.

Funding and Fiscal Impact:

There is no impact on Funding or Fiscal Impact

Alternatives:

The Mayor and City Council may choose not to approve the proposed text amendment.

Legal Review:

Paul Frickey, Jarrard & Davis, July 2023

Concurrent Review:

Steve Krokoff, City Manager

DocuSigned by:
Steven Krokoff
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Attachments:

Ordinance RZ23-03

**AN ORDINANCE TO AMEND CHAPTER 64, ZONING WITH RESPECT TO THE
FOLLOWING ALCOHOL-RELATED USES OF LIMITED FOOD SERVICE RESTAURANT AND
LIMITED TAP ESTABLISHMENT**

BE IT ORDAINED by the City Council of the City of Milton, GA while in a regularly called council meeting on September 6, 2023, at 6:00 p.m. as follows:

SECTION 1. That the amended Chapter 64, Zoning regarding alcohol related uses specifically Limited Food Service Restaurant and Limited Tap Establishment is hereby adopted and approved; and is attached hereto as if fully set forth therein; and

SECTION 2. That the amendments of Article XIX Crabapple Form Based Code and Article IX Administrative Permits and Use Permits are hereby adopted and approved; and are attached hereto as if fully set forth herein; and

SECTION 3. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed; and

SECTION 4. That this Ordinance shall become effective upon its adoption.

ORDAINED this the 6th day of September 2023.

Peyton Jamison, Mayor

Attest:

Tammy Lowit, City Clerk

Article XIX- Crabapple Form Based Code, Article 6- Definition of Terms

Limited food service restaurant: any establishment that meets all of the requirements of a restaurant but does not meet the requirements of an eating establishment. A limited food service restaurant must derive at least 30 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

Limited tap establishment: any establishment that does not sell food prepared on the premises and that provides a limited selection of craft beer on tap for consumption on premises only. An establishment with a limited tap license is limited to having five or fewer malt beverage taps. Establishments with a limited tap license must limit consumption for any individual to a maximum of 48 ounces within a calendar day and must obtain approval from the fire marshal and building official in accordance with applicable codes.

Article XIX – Crabapple Form Based Code, Article 5 – Standards and Tables, Table 9: Specific Function and Use.

d. Retail

Limited Food Service Restaurant¹⁰ – “U” – T5

Limited Tap Establishment¹⁰ – “U” – T4-Open

10. No use permits will be considered unless the establishment was initially licensed on or before January 1, 2022, pursuant to Chapter 4, Article III, Division 3 of the Milton Code of Ordinances.

Article IX – Administrative Permits and Use Permits

Sec. 64-1851 – Limited Food Service Restaurant

(a) Required districts. Crabapple Form Based Code T-5

(b) Standards:

(1) No outdoor amplified music shall be allowed.

(2) No signage shall face residential uses.

(3) Deliveries shall occur between 7:30 a.m. and 7:30 p.m.

(4) Days and hours of operation shall be pursuant to chapter 4 of the Milton code of Ordinances.

(5) Must derive a minimum of 30 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

(6) It may not operate as a nightclub as defined in chapter 4 of the Milton Code of Ordinances. Nightclubs are strictly prohibited.

(7) Limited Food Service Restaurants shall not sell or offer to sell:

a. Any cannabidiol (CBD), vape products as described with the definition of vape shop in section 64-1 of the Milton Code of Ordinances, or any prohibited substances as defined in section 32-114 of the Milton Code of Ordinances.

b. Any games of chance including but not limited to those identified in O.C.G.A. § 50-27-3.

(8) Coin-operated or amusement machines prohibited.

Sec. 64-1852 – Limited Tap Establishment

(a) Required districts. Crabapple Form Based Code T4-Open and T-5

(b) Standards.

- (1) No outdoor amplified music shall be allowed.
- (2) No signage shall face residential uses.
- (3) Deliveries shall occur between 7:30 a.m. and 7:30 p.m.
- (4) Days and hours of operation shall be pursuant to chapter 4 of the Milton code of Ordinances.
- (5) May have five or fewer craft beer taps.
- (6) Consumption is limited to 48 ounces for any individual within a calendar day.
- (7) The establishment must obtain approval from the fire marshal and building official in accordance with applicable codes.
- (8) Limited Tap Establishments shall not sell or offer to sell:
 - a. Any cannabidiol (CBD), vape products as described with the definition of vape shop in section 64-1 of the Milton Code of Ordinances, or any prohibited substances as defined in section 32-114 of the Milton Code of Ordinances.
 - b. Any games of chance including but not limited to those identified in O.C.G.A. § 50-27-3.
- (9) Coin-operated or amusement machines prohibited.