

TMOD-21-009 Attachment 1 - Staff Report



PLANNING & ZONING STAFF REPORT

MEETING DATE: November 22, 2021

GENERAL INFORMATION

- Petition Number:** TMOD 21-009
- Applicant:** Stonecrest Planning and Zoning Department
- Project Location:** City-Wide
- Proposed amendment:** Amendment to the Stonecrest Code of Ordinance, Chapter 4 – Alcoholic Beverages, and Chapter 27 – Zoning Ordinance to further define and regulate special events, temporary outdoor events, late-night establishments, and similar uses.

FACTS AND ISSUES:

- Currently staff is spending an inordinate amount of time processing applications for temporary special outdoor events.
- In particular, certain locations are applying for special event permits, or what the Zoning Ordinance refers to as Special Administrative Permits, on a regular basis, with very little lead time for staff to review and coordinate with DeKalb County
- Proper coordination for Special Outdoor Events with the DeKalb Fire Marshall, Police, Sanitation, and Health Departments takes 30 to 45 days.
- Many establishments get a business license for a certain use, but really operate as another. Definitions of such uses needs to be improved, and closely coordinated with Finance Department who administers business licenses.
- Late night hours for alcohol sales are the latest in the county, 3:55 AM M-F, 2:55 AM Sat and Sun.



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GOAL OF THE PROPOSED CHANGES

To more clearly define the types of entertainment related businesses and the requirements governing their operation.

RECOMMENDED ACTION: In agreement with Staff recommendations the Planning Commission Recommend Approval to the City Council on October 5, 2021.

TMOD-21-009 - Attachment 2 - Proposed Changes

TMOD-21-009
STONECREST ZONING CODE UPDATE
REVISIONS and NEW ORDINANCES

Removal of Sec. 4.2.5. – Temporary Permits

Proposal: Delete the provisions for Temporary Alcohol licenses in Chapter 4 -Alcoholic Beverages. This would require a location to already have a license or to hire a caterer, which is allowed in Sec. 4.2.6.

Track changes version of proposed changes.

~~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.~~

Revise the definitions of entertainment related uses

Proposal: To clarify the terms and definitions used to describe entertainment related uses found in Article 9, Definitions, Sec 9.1.3 Defined terms.

A. Revise the term “restaurant” and add term for eating and drinking establishments

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.

B. Revise definition of Nightclub

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.

C. Revise definition of special events facility by adding the terms small and large

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

D. Add definition of Smoking Lounge

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.

Revise Supplemental use criteria regarding entertainment related uses.

A. Revise regulations regarding Temporary Outdoor Events.

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.

B. Edit Table 4.3 (Sec. 4.3.2) to eliminate 2/year regulation for temporary outdoor events

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	2 times/calendar year	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

C. Add New Section 4.2.59 - Eating and Drinking Establishments – supplemental use provision

Sec. 4.2.59 – 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.

D. Add New Section 4.2.60- Smoking Lounges – supplemental use provision

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.