

**STATE OF GEROGIA  
DEKALB COUNTY  
CITY OF STONECREST**

**ORDINANCE NO. \_\_\_\_ - \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST,  
GEORGIA, BY AMENDING DIVISION 1 (OVERLAY DISTRICTS), DIVISION 2  
(SUPPLEMENTAL USE REGULATIONS) AND DIVISION 4 (ARABIA MOUNTAIN  
CONSERVATION OVERLAY DISTRICT) OF ARTICLE 3 (OVERLAY DISTRICT  
REGULATIONS), ARTICLE 4 (USE REGULATIONS) AND ARTICLE 9  
(DEFINITIONS) WITHIN CHAPTER 27 (ZONING ORDINANCE); TO PROVIDE  
SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF  
CONFLICTING ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE  
DATE; AND TO PROVIDE FOR OTHER LAWFUL PUPOSES.**

**WHEREAS,** the governing body of the City of Stonecrest (“City”) is the Mayor and  
City 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 City Council desire to amend Division 1 (Overlay Districts),  
Division 2 (Supplemental Use Regulations) and Division 4 (Arabia Mountain Conservation  
Overlay District) of Article 3 (Overlay District Regulations), Article 4 (Use Regulations) and

Article 9 (Definitions) within 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

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

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

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

**Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended by  
amending Division 1 (Overlay Districts), Division 2 (Supplemental Use Regulations) and Division  
4 (Arabia Mountain Conservation Overlay District) of Article 3 (Overlay District Regulations),  
Article 4 (Use Regulations) and Article 9 (Definitions) within Chapter 27 (Zoning Ordinance) by  
adopting the provisions set forth in Exhibit A attached hereto and made a part by reference.

**Section 2.** That text added to current law appears in **red, bold and underlined**. Text  
removed from current law appears as **red, bold and strikethrough**.

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

72           **Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all

73 sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their

74 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

75 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent

76 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance  
77 is

78 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is

79 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent

80 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually

81 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

82 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall,  
83 for

84 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the

85 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the

86 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the

87 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable  
88 any

89 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to

90 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and

91 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and

92 effect.

93           **Section 5.** The City Clerk, with the concurrence of the City Attorney, is authorized to

94 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

95           **Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby

96 expressly repealed.

107  
108       **Section 7.** The Ordinance shall be codified in a manner consistent with the laws of the  
109  
110 State of Georgia and the City of Stonecrest.

111  
112       **Section 8.** It is the intention of the governing body, and it is hereby ordained that the  
113  
114 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of  
115  
116 Stonecrest, Georgia.

ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

[SIGNATURES TO FOLLOW]

**CITY OF STONECREST, GEORGIA**

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**Jazzmin Cobble, Mayor**

**ATTEST:**

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**City Clerk**

**APPROVED AS TO FORM:**

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**City Attorney**

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

119 CHAPTER 27: ZONING ORDINANCE

120 ARTICLE 3 – OVERLAY DISTRICT REGULATIONS

121 DIVISION 1. OVERLAY DISTRICTS

122 Article 3 Overlay District Regulations

Land Use	Stonecrest Area Overlay						Interstate 20 Corridor Overlay*			Arabia Mountain Conservation Overlay*	See Section 4.2
	T1	T2	T3	T4	T5*	T6*	T1	T2	T3		
							In Mixed Use Development	In Mixed Use Development	In Mixed Use Development		
<b>"Key: P - Permitted use</b> <b>Pa - Permitted as an accessory Use</b> <b>SA - Special administrative permit required</b> <b>SP - Special Land Use Permit (SLUP) required</b> <b>X - Prohibited Use</b>  <b>* Note : Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district, though the Overlay takes precedence.</b>											
Retail, 5,000 sf or less (with the exception of small box discount stores)	P	P	P	P	P						
Retail, over 5,000 sf (see also shopping center, with the exception of small box discount stores)	P	P	P	P	P						
Retail warehouses/wholesales providing sales of merchandise with no outdoor storage	P	P	P	P	P						
Shopping center	P	P	P	P	P		P	P	P		
Trade shops	P	P	P	P	P						
Winery/Vineyard										P	
<b>Temporary Commercial Uses</b>											
Temporary outdoor sales, seasonal	P	P	X	P	X		X	X	X		✓
Temporary produce stand	P	P	P	P							✓
Temporary outdoor retail sales	P	P		P							✓
Temporary outdoor sales or events	P	P	P	P							✓
Temporary trailer, as home sales office or construction trailer	P	P	P	P							✓
<b>Restaurant/Food establishments</b>											
Brewpub/Beer Growler	P	P	P	P							
Catering establishments	P	P	P	P							
Restaurants (acc. to hotel/motel)	P	P	P	P							
Restaurants (non-drive-thru)	P	P	P	P			P	P	P		
Restaurants with a drive-thru configuration	SP	SP	SP	SP							✓
<b>Transportation and Storage</b>											
Bus or rail stations or terminals for passengers	SP	SP	SP	SP						X	
Heliport	SP	SP	SP	SP			SP	SP	SP		✓
Parking, commercial lot	X	X	X	P			Pa	Pa	Pa	X	✓

Table 4.1. Use Table

	KEY: P - Permitted use Pa - Permitted as an accessory use										SA - Special administrative permit from Community Development Director SP - Special land use permit (SLUP)														
Use	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5	See Section 4.2
AGRICULTURAL ACTIVITIES																									
Agriculture and Forestry																									
Sawmill, Temporary or portable	P																		P	P					✓
Urban, community garden, up to 5 ac.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Urban, community garden, over 5 ac.	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	
Winery and Vineyard			SP																						✓
Animal Oriented Agriculture																									
Dairy	P																		P	P					✓
Keeping of livestock	P	P	P	P	P							P							P						✓
Keeping of poultry/pigeons	P	P	P	P	P							P							P						✓
Livestock sales pavilion	P																			P					✓
Riding academies or stables	P	P	P	P	P																				✓
RESIDENTIAL																									
Dwellings																									
Dwelling, cottage home						P	P	P	P	P		P													✓
Dwelling, mobile home											P														✓
Dwelling, multifamily								P	P	P			P								P	P	P	P	
Dwelling, townhouse							P	P	P	P		P		P							P	P	P	P	✓
Dwelling, urban single-family							P	P	P	P		P		P							P	P	P	P	✓
Dwelling, apartment										P			SP										P	P	
Dwelling, single-family (attached)							P	P	P	P				P							P	P	P	P	
Dwelling, single-family (detached)	P	P	P	P	P	P	P	P	P	P	P	P									P	P	P		
Dwelling, three-family								P	P	P		P									P	P	P	P	
Dwelling, two-family							P	P	P	P		P									P	P	P	P	
Dwelling, single-family, accessory (guesthouse, in-law suite)	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa												Pa	Pa	Pa	Pa	✓
Home occupation, no customer contact	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA									SA	SA	SA	SA	✓
Home occupation, with customer contact	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP									SP	SP	SP	SP	✓

## CHAPTER 27: ZONING ORDINANCE

## ARTICLE 3 – OVERLAY DISTRICT REGULATIONS

## DIVISION 4. ARABIA MOUNTAIN CONSERVATION OVERLAY DISTRICT

- Please provide:

Modify Sec. 3.4.5. Principal uses and principal structures, of the Arabia Mountain Conservation Overlay District, by adding Subsection A.6. Wineries/Vineyards and associated uses (with a Special Land Use Permit)

## CHAPTER 27: ZONING ORDINANCE

## ARTICLE 4 – USE REGULATIONS

## DIVISION 2. SUPPLEMENTAL USE REGULATIONS

**Wineries and associated uses**



138 A. Winery must be located on the same property as the vineyard used in the  
139 production of the wine. Said property must be a minimum of 15 acres.

140 1. Winery must be a minimum of 40% of the building dimensions

141 2. Tasting must be a minimum of 35% of the building dimensions

142 3. Workshop/garage must be a minimum of 25% of the building dimensions

143 B. Vineyards that do not have a winery used in the production of wine must have a  
144 minimum of 15 acres. Vineyard activities shall include the following:

145 1. Must be a plantation that grow grapes on the property

146 2. pruning the vines

147 3. picking the fruit

148 4. checking for insects (bugs)

149 5. planting new vines

150 6. repairing and making new trellises

151 7. training vines to trellises

152 8. pulling weeds

153  
154 C. The winery may have one tasting room (35% of tasting room) on premise for purposes  
155 of on-site consumption of wine and related activities.

156 D. The principal entrance through which vehicles will enter the premises of the winery and  
157 Tasting Room shall be on a public road designated as a collector or arterial road.

158 E. A winery may offer samples of its wine in the tasting room for consumption on premises  
159 or in closed packages for consumption off the premises. Alcoholic beverage sales for  
160 consumption on premises shall be limited to flights of individual 1.5 oz servings of different  
161 wines produced from grapes, berries or fruits grown on site.

162 F. Outdoor speakers and other created sounds must adhere to the noise ordinance  
163 regulations. See Article 7: Noises.

164 G. A retail sales area may be included in the Tasting Room, with package wine sales.  
165 Retail sales other than wine shall be limited to items used in connection with the serving,  
166 storing, or display of wine, or written material describing wine or food or the experience of  
167 consuming the same, or items displaying the name and/or logo of the winery.

168 H. All buildings must have an architectural appearance of a residential or agricultural  
169 building(s).

I. All operations, activities, and special events unrelated to the growing, harvesting or processing of grapes, berries, or fruits on the property of the winery shall cease by 11:30 PM eastern standard time.

1. A “Special Event” is 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. The event shall consist of 200 or less people at one time.

J. Food service shall be limited to cheese and crackers, unless otherwise approved herein. No indoor and outdoor ovens, fryers, grills, burners, or other commercial kitchen equipment shall be utilized in the preparation of food, unless otherwise approved herein by the Director of Planning & Zoning or his or her designee.

K. A retail sale may be included in the Tasting Room, with package sales limited to wine produced by the farm winery licensee.

L. Retail sales other than wine shall be limited to items used in connection with the serving, storing, or display of wine, or written material describing wine or food or the experience of consuming the same, or items displaying the name and/or logo of the winery.

M. Except as otherwise provided to provide any outdoor storage, outdoor display or outdoor sales on any portion of a subject lot; provided, however, that said prohibition shall not apply to farm winery tasting rooms as defined in O.C.G.A. § 3-6-21.1(a)(3) and restaurants which desire to sell outdoors provided that outdoor sales are restricted as follows:

1. Sales shall occur only within an area of the zoned premises approved by the Director of the Planning & Zoning or his or her designee.

2. Approved signage must be displayed within said area to advise patrons that alcoholic beverages cannot be removed from the outdoor dining area under any circumstances.

3. Any alcohol sold cannot be served in bottles, cans, plastic cups, or any other disposable containers, but only in glass containers.

4. Any restaurant or farm winery tasting room utilizing sidewalk right of way must comply with the regulations of the City of Stonecrest concerning such sidewalk dining facilities.

5. For the purposes of this ordinance front porch areas over which the restaurant or farm winery tasting room has control may be used in the same manner and under the same

regulations as sidewalk dining facilities for up to four tables provided the porch area is approved by the Director of Planning & Zoning or his or her designee.

N. A farm winery shall obtain and have a license as set forth in O.C.G.A. § 3-6-21.1, et seq.

O. Sunday sales shall be governed by O.C.G.A. § 3-6-21.2.

P. All lounge and restaurant areas, including all tables, booths, and other areas where customers are served and including all passageways for customers, shall be sufficiently well illuminated so that they may be viewed by those inside the premises. The sale or dispensing of alcoholic beverages in any back room or side room that is not open to the general public is prohibited, except that this prohibition shall not apply with respect to:

(1)

Private or special events which have been scheduled in advance;

(2)

Sales to hotel, cottages, bed breakfast and/or cabins;

(3)

Private clubs; or

(4)

Corporate events

A winery/vineyard may request to host the following events specifying the number of times per calendar month such events would be limited:

a. Catered dinners

b. Single food truck events. Must be licensed and adhere to the Department of Public Health and State of Agriculture Department regulations

c. Seasonal events

## CHAPTER 27: ZONING ORDINANCE

### ARTICLE 9 – DEFINITIONS

#### SECTION 9.1.3 DEFINED TERMS

Farm Winery: A winery which makes at least 40% of its annual production from agricultural produce grown in the state where the winery is located and; is located on the premises, a substantial portion of which is used for agricultural purposes, including the

cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.

Full kitchen: A kitchen designed, intended and equipped to produce meals for sale to the general public as a major function of the business.

Winery – means an agricultural processing plant used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits.

Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative offices, and warehousing. A winery may also include associated retail sales and tasting facilities of wine and related promotional items, as part of their operation.

Tasting room - means an outlet for the promotion of a winery's wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine can be given free of charge or for a fee.

Vineyard- cultivates grapes for wine, juice, and fresh fruit for local markets and consumers. Some vineyards process the grapes for consumption in-house, while others concentrate on the farming aspect, selling directly to wineries in the area.