

STATE OF GEROGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE NO. ____ - _____

1 AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STONECREST,
2 GEORGIA, BY AMENDING DIVISION 1 (OVERVIEW OF USE CATEGORIES AND
3 USE TABLE) AND DIVISION 2 (SUPPLEMENTAL USE REGULATIONS) OF
4 ARTICLE 4 (USE REGULATIONS) AND ARTICLE 9 (DEFINITIONS) WITHIN
5 CHAPTER 27 (ZONING ORDINANCE); TO ADD TERMS, DEFINITIONS USED TO
6 DESCRIBE LAND USES ASSOCIATED WITH BREWERIES AND DISTILLERIES;
7 REVISE THE PERMITTED USE TABLE FOR BREWERY AND DISTILLERY
8 RELATED USES; ADD SUPPLEMENTAL USE REGULATIONS REGARDING CRAFT
9 DISTILLERIES AND CRAFT BREWERIES; TO PROVIDE SEVERABILITY; TO
10 PROVIDE A PENALTY; TO PROVIDE FOR REPEAL OF CONFLICTING
11 ORDINANCES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; AND TO
12 PROVIDE FOR OTHER LAWFUL PUPOSES.

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

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

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22 WHEREAS, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to
23 adopt ordinances relating to its property, affairs, and local government; and
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26 **WHEREAS**, the Mayor and City Council desire to amend Division 1 (Overview of Use
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28 Categories and Use Table) and Division 2 (Supplemental Use Regulations) of Article 4 (Use
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30 Regulations) and Article 9 (Definitions) within Chapter 27 (Zoning Ordinance); and
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32 **WHEREAS**, the City desires to add the terms and definitions used to describe land uses
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34 associated with breweries and distilleries found in Article 9, Definitions, Sec 9.1.13 Defined terms;
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36 and
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38 **WHEREAS**, the City desires to revise the Permitted Use Table, Sec. 4.1.3 with regard to
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40 brewery and distillery related uses to reflect that brewery and distillery related uses are only
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42 permitted with certain commercial, mixed-use and industrial land use categories; and
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44 **WHEREAS**, the City desires to add supplemental use regulations regarding craft
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46 distilleries and craft breweries to further clarify and regulate its activities; and
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48 **WHEREAS**, from time-to-time amendments may be proposed for public necessity,
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50 general welfare, or sound zoning practice that justify such action; and
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52 **WHEREAS**, the Director of Planning and Planning Commission recommend approval
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54 based on the City Staff Report and said report is hereby incorporated by reference herein; and
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56 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has
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58 been properly held prior to the adoption of this Ordinance; and
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60 **WHEREAS**, the health, safety, and welfare of the citizens of the City will be positively
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62 impacted by the adoption of this Ordinance.
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64 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL**
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66 **OF THE CITY OF STONECREST, GEORGIA**, and by the authority thereof:
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68 **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended
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70 by amending Division 1 (Overview of Use Categories and Use Table) and Division 2
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72 (Supplemental Use Regulations) of Article 4 (Use Regulations) and Article 9 (Definitions) within
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74 Chapter 27 (Zoning Ordinance) by adopting the provisions set forth in Exhibit A attached hereto
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76 and made a part by reference.

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

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

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

85 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
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87 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is
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89 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is
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91 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent
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93 allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually
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95 dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

96 (c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for
97 any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the
98 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
99 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
100 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any

101 of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to
102 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
103 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
104 effect.
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109 **Section 5.** The City Clerk, with the concurrence of the City Attorney, is authorized to
110 correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

111 **Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
112 repealed.
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114 **Section 7.** The Ordinance shall be codified in a manner consistent with the laws of the
115 State of Georgia and the City of Stonecrest.
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117 **Section 8.** It is the intention of the governing body, and it is hereby ordained that the
118 provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of
119 Stonecrest, Georgia.
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ORDAINED this _____ day of _____, 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)

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CHAPTER 27: ZONING ORDINANCE

ARTICLE 4 – USE REGULATIONS

DIVISION 1. OVERVIEW OF USE CATEGORIES AND USE TABLE

	NS	C-1	C-2	M	M-2	MU Districts	See Section 4.2
Brewpub/ Beer Growler, accessory	P	P	P	P		P	
Brewery, Craft		P	P	P		SP	✓
Distillery, Craft		P	P	P		SP	✓
Brewery, Large scale					P		
Distillery, Large scale					P		

CHAPTER 27: ZONING ORDINANCE

ARTICLE 4 – USE REGULATIONS

DIVISION 2. SUPPLEMENTAL USE REGULATIONS

Sec. 4.2.63 Craft breweries and Craft distilleries

- A. Shall be subject to all regulations of Chapter 4 of the Stonecrest Code of Ordinances concerning alcoholic beverages;**
- B. In commercial and mixed-use zoning districts, such facilities shall not exceed 20,000 square feet of gross floor area**
- C. No outdoor public address system shall be permitted**
- D. Beer and/or wine shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday.**
- E. Sale of beer, malt beverages, or distilled spirits in tap rooms or tasting rooms, or as carry-out packages, shall be limited to those produced on-site.**
- F. Outdoor placement of grain silos shall be allowed, subject to the Director of Planning & Zoning review and approval of their appearance, signage, location and height.**
- G. If placed outdoors, containers for spent grain shall be sealed and located in a screened service/dumpster area.**
- H. The sale of beer and/or wine on the premises is permitted on Sundays from 12:30 p.m. until 2:55 a.m. on Monday: (1)Any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served;(2) Any licensed establishment which derives at**

169 least 50 percent of its total annual gross income from the rental of rooms for overnight lodging;(3)
170 Any publicly owned civic and cultural center capable of serving prepared food with a full service
171 kitchen (a full service kitchen shall consist of a three-compartment pot sink, a stove or grill
172 permanently installed, and a refrigerator, all of which must be approved by the planning and
173 development, health and fire departments), prepared to serve food every hour it is open and
174 deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods
175 and recreational, promotional or entertainment or operational activities; or(4)A public stadium,
176 coliseum or auditorium.

- 177 I. Beer and/or wine may be sold for consumption on the premises from 12:00 midnight to 1:55 a.m.
178 on any Monday which is New Year's Day, January 1, of any year.
179 J. It shall be unlawful for a business holding a beer and/or wine consumption on the premises license
180 to fail to remove from its retail service area any and all cans, bottles, glasses, mugs, pitchers, cups,
181 or any other container used in the consumption of alcoholic beverages or to otherwise allow the
182 consumption of alcoholic beverages on its premises one hour or more after the business is
183 prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or
184 guest of the business.
185 K. A violation of subsection (a), (b) or (e) of this section by a licensee, majority stockholder, general
186 manager or managing partner of the licensee or licensed establishment shall result in license
187 suspension for a period of two days, which shall be scheduled to include a Friday and Saturday in
188 succession.
189 L. Any holder of a license for a micro distillery issued pursuant to this chapter is required to apply
190 for and obtain a distillery license from the state before any sales commence. Additionally, county
191 licensees are required to abide by all applicable state regulations and laws.
192 M. Outdoor Storage: There shall be no outdoor storage with the exception of solid waste
193 handling which occurs in an enclosure fully screened from adjoining streets.

194 CHAPTER 27: ZONING ORDINANCE

195 ARTICLE 9 – DEFINITIONS

196 Sec. 9.1.3. - Defined terms.

197 Brewpub means a commercial business which conducts the retail sale of beer (malt beverages with alcohol
198 content, as defined by federal law) which is brewed on the premises in compliance with applicable state and
199 federal laws. Such establishments may also include restaurants as an accessory use, which derives at least
200 50 percent of its total annual gross food and beverage revenue from the sale of prepared meals and
201 food and in which beer or malt beverages are manufactured or brewed subject to the barrel
202 production limits and regulations under state law.

203 Brewery, Craft (also known as micro-brewery) means a building or group of buildings where beer is
204 brewed, bottled, packaged, and distributed for wholesale and/or retail distribution, and that produces
205 small amounts of beer or malt beverage, less than 12,000 barrels in a calendar year. Much smaller
206 than large-scale corporate breweries, these businesses are typically independently owned. Such
207 breweries are generally characterized by their emphasis on quality, flavor and brewing technique.

208 Brewery, Large Scale means a building or group of buildings where beer is brewed, bottled, packaged,
209 and distributed for wholesale and/or retail distribution, and that produces more than 12,000 barrels
210 in a calendar year.

211 Distillery, Craft (also known as micro-distillery) means a building or group of buildings where distilled
212 spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for

wholesale and/or retail distribution in small quantity, less than 12,000 barrels per calendar year and in which such manufactured distilled spirits may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.2.

Distillery, Large-scale means a building or group of buildings where distilled spirits are manufactured (distilled, rectified or blended), bottled, packaged, and distributed for wholesale and/or retail distribution in large quantity, more than 12,000 barrels per calendar year.

Growler means a professionally sanitized reusable container not exceeding 64 ounces in volume used to transport draft beer for off-premises consumption.

Growler Store means a retail store that sales growlers

Malt Beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

"Manufacturer" means any maker, producer, or bottler of an alcoholic beverage. The term also means:

In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits;

In the case of malt beverages, any brewer; and

In the case of wine, any vintner.

Taproom means an establishment operated by a brewpub or microbrewery for the promotion of a brewpub or microbrewery's malt beverages by providing complimentary samples of malt beverages to the public and for the sale of such malt beverages. Samples of malt beverages can be given free of charge or for a fee.

Tasting room means an outlet operated by a farm winery or microdistillery for the promotion of wine or distilled spirits by providing complimentary samples of wine or distilled spirits to the public and for the sale of such wine or distilled spirits. Samples of wine or distilled spirits can be given free of charge or for a fee.

Micro brewery, see Craft brewery.