PLANNING COMMISSION

TMOD 19-005

THE CITY OF STONECREST GEORGIA

PLANNING COMMISSION STAFF REPORT

MEETING DATE: October 1st, 2019

GENERAL INFORMATION

Petition Number:	TMOD 19-0005
Applicant:	Legal Department
Project Location:	City-Wide
Discussion:	This is the adoption of New Article 27 Party House, amend IV, Table 4.1 Use table a to the permitted locations of Party House, Amend Article IV, Section 4.2.58 to provide supplemental regulations for Party House, amend and adopt.

STATE OF GEROGIA
DEKALB COUNTY
CITY OF STONECREST

ORDINANCE 2019-____-____

AN ORDINANCE TO REVISE THE CITY OF STONECREST ZONING REGULATIONS TO REGULATE PARTY HOUSES IN RESIDENTIAL DISTRICTS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PUPOSES.

WHEREAS, the duly elected governing authority of the City of Stonecrest ("City") is the Mayor and Council thereof; and

WHEREAS, the City of Stonecrest's current Zoning Ordinance is codified as Chapter 27 of the City Code; and

WHEREAS, the Council finds that the City has had numerous problems with persons in single family residential homes running party home businesses, disturbing the neighborhood and causing an increase in nuisance and criminal activity; and

WHEREAS, the Mayor and City Council find that in order to curb negative outcomes due to commercial party houses, the City would be duly served to regulate the location and circumstances of such property uses; and

WHEREAS, the health, safety, and welfare of the citizens of Stonecrest, Georgia, will be positively impacted by the adoption of this Ordinance; and

WHEREAS, a property-advertised hearing pursuant to the Georgia Zoning Procedures Act has been held by the Mayor and City Council prior to adoption of this Ordinance.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Stonecrest hereby ordain as follows:

SECTION I.

The City of Stonecrest Zoning Code as it currently exists in Chapter 27 of the City Code is hereby revised by revising Article 4 ("Use Regulations"), Division 1 ("Overview of Use Categories and Use Table"), Table 4.1 ("Use Table"), to add "Party House" to "Residential" use designation and placing same in the category of "SA" (Special Administrative Permit) in Zoning Districts "RE" and "RLG," and prohibited in every other zoning district.

Article 4 is further revised by adding new Section 4.2.58 ("Party Houses") to Division 2 ("Supplemental Use Regulations") to read as follows:

Sec. 4.2.58. Party Houses.

(a) A Single Family Residential Property may only be utilized as a "Party House" by Special Administrative Permit in the "RE" and "RLG" zoning districts and only on lots with at least 300 feet of frontage on a public street and a primary structure no less than 4,000 square feet in area.

(b) An event defined as a "Party House" may only be conducted inside the primary structure and/or in a completely fenced back yard.

(c) With exception of traditional internal lighting and porch lights, no other illumination may be utilized during a "Party House" event, including, but not limited to, strobe lighting, disco-ball light, spotlight or any other light used to draw attention to the structure.

(d) Any music utilized for the "Party House" event must be contained solely inside the primary structure and shall be subject to the applicable provisions of the City's Noise Ordinance contained in Chapter 18, Article VII of the City Code.

(e) In addition to a Special Administrative Permit, the owner of each "Party House" cannot have such an event at the residence without acquiring an occupation tax certificate from the City. A Special Administrative Permit and Occupation Tax Certificate for a "Party House" may only be granted to the owner of the property.

(f) Event guests at a "Party House" must park only on the designated driveway or on the public street directly in front of the residential lot on which the event is taking place, on the same side of the street, and only for the length of the street frontage directly abutting the property.

(g) A qualifying event at a "Party House" may not continue past 11p.m. on Sunday – Thursday, or midnight on Friday-Saturday or any Federal Holiday.

(h) Neither a Special Administrative Permit nor an Occupation Tax Certificate may be granted to any property for a "Party House" that is located within 2000 feet of any City or County park facility, senior housing or public or private school, or be within 1,000 feet of more than 2 other residential lots.

(i) No alcohol may be sold during a qualifying event of a "Party House" and no more than one (1) drink may be included as part of a cover charge for

said event. For purposes of this provision, one drink shall be either a 12 oz. malt beverage, 12 oz. glass of wine or an alcoholic drink featuring no more than 1.5 oz. of any distilled spirit.

(j) A Special Administrative Permit and Occupation Tax Certificate for a "Party House" shall authorize the owner of the property no more than ten (10) such qualifying events in any calendar year.

SECTION II.

Article 9 ("Definitions") of the City of Stonecrest Zoning Code is hereby amended by revising Section 9.1.3 ("Defined Terms") to add a definition of "Party House" to read as follows:

"*Party House*: A single-family detached dwelling unit, including all accessory structures, which is used for the purpose of hosting a commercial event. For this definition, commercial event includes parties, ceremonies, receptions or similar-scale gatherings where the attendees are charged entry to the event, either in cash money or other remuneration, or the structure and its curtilage otherwise functions as a commercial recreation facility. An event produced by an owner-occupier of the property, or a long-term lessee residing on the property for a period not less than one year, where no remuneration is charged to guests shall not qualify under this definition."

SECTION III.

The City of Stonecrest Code is hereby further amended by revising Chapter 16 ("Miscellaneous Provisions and Offenses"), Article III ("Offenses Against Public Peace, Order and Safety"), Division I ("Generally"), Section 16-20 ("Disorderly Conduct") by adding subsections (b)(13) and (b)(14) to read as follows:

Sec. 16-20. Disorderly Conduct.

. . . .

(b) The following acts, among others, are declared to be disorderly conduct:

. . . .

(13) Hosting a "party house," as defined in the zoning ordinance, in violation of any provisions related to same in the Zoning Code or any other applicable ordinance of the City.

(14) Attending a "party house," as defined in the zoning ordinance, and causing any disturbance in violation of the city's Noise Ordinance or being visibly drink in the front yard of the "party house" or public street.

SECTION IV.

The City of Stonecrest Code is further revised by amending Chapter 18 ("Nuisances"), Article VII ("Noise"), Section 18-63(a) ("Sound Between the Hours of 11:00 p.m. and 7:00 a.m.") to read as follows:

Sec. 18-63. Sound Between the Hours of 11:00 p.m. and 7:00 a.m.

(a) *Single-Family Detached Dwellings*. It is unlawful for any person, between the hours of 11:00 p.m. and 7:00 a.m., or, in case of a "party house," as defined in the zoning code, from its start time to its full conclusion, being no later than 12:00 a.m., to make, cause or allow any sound from a source within his ownership or control that projects, emits, or transmits into any single-family detached dwelling in a residential area owned or occupied by another, such that the sound is plainly audible anywhere within the interior of a sealed dwelling.

. . . . .

SECTION V.

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

SECTION VI.

This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

SECTION VII.

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

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent

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

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

SECTION IX.

The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

So Ordained this _____ day of _____, 2019.

Approved:

_____
Jason Lary, Sr., Mayor

As to form:

_____
Winston A. Denmark., City Attorney

Attest:

_____

Megan Reid, City Clerk