

Section 513.A. C-2A Zoning District (Special Commercial Overlay District - Distilled Spirits Sales for Consumption on the Premises; Open Area and Patio Sales; Development and Design Conditions within District; Use Restrictions Within District).

The C-2A Zoning Overlay District is intended primarily to cover an area of the City that is accessible to large numbers of people and that is capable of serving the traveling public and the local populace, within which, those businesses licensed by the City to sell distilled spirits for consumption on the premises may operate. The C2A District is intended to contribute to and enhance trade, tourism, entertainment, recreational, lodging and dining facilities; to further employment opportunities and capital investment in the City; to promote the general welfare of the general populace of the City and the surrounding areas; and to increase the tax base of the City. Within, the C2A District, properly permitted restaurants, hotels and private clubs may sell distilled spirits by the drink for consumption on the premises. The C2A District is designed to encompass an area of the City that presently has the road structure and infrastructure to handle increased growth and traffic. The City of Bremen is anticipated to see major growth within its boundaries within the near future, and the C2A District is created as a magnet area, removed from primary residential and youth recreation areas. This district is intended to: 1) promote economic activity primarily in the form of restaurants, hotels, golf and private clubs, and convention centers in an area of the City that is capable of handling large or increased volumes of traffic; 2) increase sales and use tax revenues available to the City to better provide for services city-wide; 3) and to offer attractive, inviting and varied dining and lodging services to area residents and the traveling public.

1). *Boundaries of the District.* The initial C-2A Zoning Overlay District shall primarily be located in that part of the City of Bremen in close proximity to the U.S. Highway 27 corridor lying south of U. S. Highway 78 and areas along and in proximity to the U. S. Interstate 20/U. S. Highway 27 interchange, and adjoining roadways within that area. The boundaries of the District shall be as shown on the overlay transparency adopted as a part of this Ordinance and incorporated by reference into the Official Zoning Map for the City of Bremen. Though the Overlay transparency as made a part of the Official Zoning Map shall rule the boundary locations, the area covered by the District may be generally described as a strip of land being 1000 feet in width adjacent to and adjoining the rights of way (on both sides of said right of way) of certain designated roadway within the City of Bremen, said roadways being: 1) U.S. 27 (south of U.S. Hwy 78); 2) I-20; 3) that portion of Business 27/Alabama Street within Carroll County, lying south of the Haralson County line; 4) Price Creek Road; 5) Waco Road; 6) Murphy Industrial Blvd; 7)

Murphy Campus Road; and 8) Bremen-Mt. Zion Road. Also included within the District will be a strip of land running along and adjacent to the easterly right of way of Greenwood Street sufficient in width to join with the 1,000 foot wide strip adjoining the westerly right of way of U.S. Highway 27. Islands created by the joining of these strips of land may also be included within the overlay district, but if so included they will be shown on the Overlay Transparency to have been included. The boundary lines of the Overlay District may at times exceed the 1,000 foot boundaries in those areas zoned commercial, manufacturing or PUD, as of the date of this ordinance, where the majority of the tract falls within the Overlay District; in those instances the boundary line of the Overlay District may exceed 1000 feet in width, but will be shown on the Overlay Transparency as having been included within the District. A building or structure divided by a boundary line shall be considered to lie totally within the Overlay District for the purposes of this Ordinance. The boundaries of this District shall be described on an overlay to the Official Zoning Map and will be considered an integrated part of the Official Zoning Map. The overlay shall be in the form of a transparency through which the underlying zoning classification of parcels of property will be visible. The boundaries of the district may from time to time be amended. Such an amendment will constitute a "zoning decision" requiring passage in accordance with the Zoning Procedures Act of the State of Georgia. The governing body of the City may amend the boundaries of the District so as to include within the District an amount of land up to 500 feet in width lying adjacent to and adjoining the right of way of any state, or federal roadway or through street of the City of Bremen, that is deemed appropriate, by the governing authority, for inclusion within the C2A District. The Mayor and City Council may apply the C2A District to any highway corridor upon concluding that:

- a) A major purpose of the highway is to carry through traffic, and;
- b) Development along the highway in the absence of the C2A District zoning provisions could have an adverse impact on it's level of service; impair the public health, safety, convenience and welfare; and/or impede the maintenance or creation of a convenient attractive and harmonious community; and
- c) The allowance of restaurants, hotels and/or private clubs, permitted to sell distilled spirits by the drink for consumption on the premises, within the expanded C2A District will promote the economic well-being of the area to be included within the expanded district and will not otherwise harm the welfare of the general populace of the City.

2). *Adoption of the C-2A Overlay District.* The Official C-2A Zoning Overlay District transparency is hereby adopted as the Official C-2A Zoning Overlay District by the governing authority of the City, signed and dated by the Mayor of the City of Bremen. The C-2A Zoning Overlay District, as adopted, is by reference hereby incorporated into, and made a part of, the Official Zoning Map for the City of Bremen.

3). *Keeping of the Official C-2A Zoning Overlay District Transparency.* The Official C-2A Zoning Overlay District transparency shall be kept with and as a part of the Official Zoning Map for the City of Bremen in accordance with this Ordinance.

4). *No Change in Zoning Classification of Underlying Parcels Contained within the Boundaries of the Overlay District.* The zoning classification of a parcel of land found to lie within the boundaries of the C-2A Zoning Overlay area will not change merely because of its placement within the overlay area.

5). *Permitted Uses.* The sale of distilled spirits for consumption on the premises will be permitted within the C-2A Overlay District, so long as: 1) the underlying zoning classification falls within either the C-2, M-1, M-2 or PUD zoning classifications, as defined in Section 513, Section 514 and Section 515, respectively, of the Zoning Ordinance of the City of Bremen, adopted 12/8/03; and, 2) the business has been properly licensed to serve distilled spirits by the drink for consumption on the premises by the City of Bremen and the State of Georgia, in accordance with applicable State and local laws governing said licensure; and, the licensed business maintains its required minimum 60% food sales to 40% maximum alcoholic beverage sales ratio the city's alcoholic beverage ordinance.

6). *Additional Permitted Uses on those parcel or tracts of land lying within the C-2A Overlay District having an underlying C-2 Zoning Classification.* Hotels, containing fifty or more separate lodging rooms offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment. Restaurants located within a hotel may be licensed to serve distilled spirits by the drink for consumption on the premises, so long as they meet the requirements for seating capacity and maintain the required food to alcohol sales ratio set out in the Alcohol Beverage Ordinance for the City of Bremen. Hotels-Motels are not permitted to stock an *in-room* cabinet with distilled spirits or sell distilled spirits in individual quest rooms.

7). *Special Considerations.*

a) *Only Areas Within C2A Overlay District Allowed Licenses to Sell Distilled Spirits by the Drink for Consumption on Premises.* The sale of distilled spirits by the drink for consumption on the premises shall not be licensed or permitted within the boundaries of the City of Bremen, except on those land parcels that are: 1) zoned with one of the four referenced classifications set out in subsection 513.A(5) above and, 2) lie within the boundaries of the C-2A Zoning Overlay District.

b) *License for Sale of Distilled Spirits by the Drink for Consumption on the Premises a Privilege.* All licenses granted under the provisions of the Bremen Alcohol Beverage Ordinance shall be a mere grant of privilege to carry on the business during the term of the license subject to all terms and conditions imposed by the city ordinances and state law. All Businesses licensed under the Alcohol Beverage Ordinance and operating in an area governed by this Ordinance shall have printed on the front these words: "This license is a mere privilege subject to being revoked and annulled, and is subject to any further ordinances which may be enacted".

8). *Consumption Sales Only.* Persons holding a license to sell distilled spirits for consumption on the premises shall not be permitted to sell any distilled spirits by the package or bottle. Sale of malt beverages or wine by the package or bottle, with food service, does not violate the provisions of this section.

9). *Hours and Days of Sale.* Distilled spirits shall not be sold for consumption on the premises except between the hours of 10:00 a.m. until 12:00 a.m. midnight, Monday through Saturday. Distilled spirits shall not be sold for consumption at any time in violation of any local ordinance or regulation or of any special order of the mayor and city council

10). *Advertising in Official Legal Organ of City.* A notice of each application to sell distilled spirits for consumption on the premises shall be advertised in the official legal organ of the County within which the premise, to be licensed, is located. Said advertisement notice shall run at least once a week for the two weeks immediately preceding the hearing of the application.

11). *Open Area and Patio Sales.*

a) *Alcoholic beverage sales can be made by a licensed consumption on premises establishment in a patio/open area type environment if the establishment has been approved to do so by the City Manager.*

b) The requirement for approval of a patio/open area type environment is that the patio/open area be enclosed by some structure providing for public ingress/egress only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sale area with an open drink without the licensee's knowledge.

c) The height of the structure required in subsection (b) of this section shall be a minimum of three and a half feet above ground level. It does not have to be solid nor does it have to restrict visibility into or out of the patio/open sales area. The structure shall be approved by the city's building inspection department and the city's fire department as required by the governing regulations or codes, prior to being permitted.

d) The only exit from this type area is to be through the licensed establishment's main premises or through an approved fire exit (not for general public use unless an emergency exists). The fire exit should be of the type that sounds an alarm so that the establishment will be alerted in the event of unauthorized use when no emergency exists.

e) If a licensee desires a patio/open sales area inside an existing structure, plans will be reviewed and approved on an individual basis by the City Manager. Interior type patio/sales areas must also meet the requirements of the city's development and fire codes.

f) Nothing contained in this section shall prohibit a hotel or motel with a licensed consumption on the premises restaurant from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel or motel provided such functions are catered in connection with a meeting, conference, convention or similar type gathering at such hotel or motel. "Patio areas," as that term is used in this subsection, do not have to conform to the standards in this section.

12). *Advertising; Signs.*

a) No outdoor advertising or signs with respect to the promotions of the sale of alcoholic beverages, or the prices of such beverages, shall be permitted on the exterior or any retail consumption on the premises dealer or in the windows of any such establishment that may be viewed from the outside.

b) No signs shall be erected anywhere in the incorporated area of the city advertising or promoting the sale of alcoholic beverages, except that a store displaying its merchandise may, in the same manner as such other merchandise is displayed, erect a sign or signs indicating the counter on which the merchandise is displayed provided the lettering of such signs does not exceed in size the lettering of signs on other counters where other products are sold. The name, brand or type of alcoholic beverage served and the price per serving may be provided to customers on a regular printed menu.

c) Sign limitations. Retail package licensees of beer or wine shall indicate plainly by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed, the price of an alcoholic beverage exposed or offered for sale.

13). Development and Design Conditions Within the C2A Overlay District..

On all properties within the C2A Overlay District lying on or adjacent to a Federal or State highway, all uses under this section are subject to the following conditions:

a) A site plan is required to be submitted for review and approval for the development of any parcel within the C2A District. The site plan review procedure shall be carried out in accordance with the applicable city procedures. A site plan shall be submitted and approved prior to any site preparation.

b) The minimum distance between all driveways, curb cuts or access points of any kind onto a service road or unified access road to the main highway shall be approved by the state Department of Transportation or the City Manager as applicable. All such entrances shall be constructed of materials that will eliminate the potential for soil and mud to be tracked onto the street or highway.

c) No loading or unloading of material shall take place in any front or corner side yard or any parcel, which fronts on the highway right-of-way. Buildings will be designed so as to provide service entrances at the rear.

d) No parking shall be permitted on the highway right-of-way. All parcels shall be expected to provide sufficient offstreet parking to meet their individual needs.

e) For every four (4) rows of parking spaces delineated, one (1) raised parking island shall be provided, thereby creating separated parking areas to aid in safe and orderly use to the lot and confine vehicular movement to marked drives. Raised or curved circulation islands shall be constructed at the ends of the rows of parking spaces or at other locations where circulation drives intersect. For all uses providing clientele parking, all circulation drives shall be clearly defined and marked appropriately with arrows and the like to assist public circulation into, on and out of the property and through parking lot areas.

f) Adequate circulation drives shall interconnect all lot access points with all vehicle parking, loading, servicing and like areas and structures, thereby creating an on-site circulation network which, together with any service drives abutting the lot, will provide a safe and convenient means for lot servicing and fire protection.

g) Circulation drives used by vehicles to reach a drive-by sales or service window, depository or similar facility shall be one-way and shall be of sufficient length to prevent a line of waiting vehicles from backing up into a street or onto adjoining property.

h) Any commercial development shall be subject to the following:

1) Coordination of pedestrian and vehicular circulation patterns shall be encouraged between property owners.

2) Such use shall have access designed so as not to impede traffic on a public street intended to carry through traffic. To such end, access via the following means shall be given favorable consideration in site plan review:

i) Access to the site is provided by a public street other than the one intended to carry through traffic; and/or

ii) Access to the site is provided by a functional frontage road, service drive or joint driveway which provides controlled access to the site and/or several adjacent sites; and/or

iii) Acceleration/deceleration lanes, turning lanes and/or stacking lanes are provided to improve access to the site and/or several adjacent sites.

3) All areas subject to vehicular traffic including frontage roads, accessways, loading areas and service areas shall be constructed in accordance with the minimum paving specifications in force in the city at the time of improvement.

4) Filling stations and automobile repair facilities shall adequately screen areas designed for the outdoor storage of more than two abandoned, wrecked or inoperable vehicles on the site.

5) All commercial uses shall provide at least one, regular sized garbage container, outside the establishment adequately screened from the view of the highway.

6) All commercial uses shall provide and maintain a landscaped area along the length of their frontage with the highway or service road right-of-way as may be reasonably necessary.

14). Use Permitted. Land or structures within the C2A District zone may be used as permitted in the underlying zoning district in which the lot or tract of land is located, subject to the above conditions, the restrictions of the respective zoning district, and with the following:

- a) Restaurants (free-standing, in malls or shopping center complexes, or within Hotels), Golf Clubs and Private Clubs, lying within applicable zoning classification areas, that otherwise meet the zoning requirements and setback limitations of the City's Alcohol Beverage Ordinance, may be permitted by the City to sell distilled spirits by the drink for consumption on the premises.**
- b) The premise, to be licensed, must meet the following distance requirements:**

- (1) *Distilled spirits, malt beverages, or wine by the drink.* No license shall be issued to any person to sell distilled spirits, malt beverages or wine by the drink for consumption on the premises, where the place of business of the licensee is located within three hundred (300) feet from any church, school, or college campus.**

- (2) *Wine.* No license shall be issued to any package wine retailer hereunder where the place of business of the licensee is located within three hundred (300) feet of any church, school, or college campus.**

- (3) *Malt beverages.* No license shall be issued to any package malt beverage retailer where the place of business of the licensee is located within three hundred (300) feet of any church, school, or college campus.**

- (4) *Private residences.* No licenses shall be issued to any person to sell any alcoholic beverages hereunder where the place of business of the licensee is located within one hundred 100 feet of any private residence, unless otherwise permitted in accordance with the provisions of the city's Alcoholic Beverage Ordinance.**

- (5) *Alcoholic treatment center.* No license shall be issued for the sale of alcoholic beverages within three hundred (300) feet of any alcoholic treatment center owned and operated by the state, Haralson County or Carroll County, respectively, or the city.**

(6) *Schools applicable.* The schools or colleges referred to herein shall include only such state, county, city, church or other public or private schools as teach the subjects commonly taught in the common schools and colleges of this state, and shall not include private schools or colleges wherein only specialized subjects, such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

(7) *Church applicable.* Church referred to herein shall include only such churches which maintain a permanent place of public religious worship, and include only those church owned properties upon, or within, which such activities take place.

8) *Method of measuring.* The distances set out in subsections (1), (2), (3), (4), and (5) shall be measured from the closest point of the building or structure located on the licensed premises and from which alcoholic beverages are sold, to the nearest property line of the residence, church, school, college campus, library or treatment center by the shortest straight line. For leased premises that lie entirely within a mall, shopping center, larger enclosed structure or Hotel, the measurement shall begin at the boundary line of the leased premises and not the larger structure.

15) **Use Restrictions.** Land and buildings lying within the C2A District zone may not be used for:

- a) Junkyards
- b) Individual Mobile homes and mobile home parks.
- c) Adult entertainment establishments.

16) *Overall Landscaping Requirements Within the C2A District.* Any part of the project site not used for buildings or other structures shall be landscaped in an amount equal to ten (10%) percent of the vehicular use area. (Vehicular use area includes parking lots, accessways, loading area and service areas.) Landscaped islands can count towards overall landscaping requirements; however, only trees and shrubs, or other approved plant materials shall be considered as landscaping elements.

a) Landscaping shall include a minimum of one (1) tree for each 500 square feet of landscaped area. Each tree shall have a caliper of two (2) inches at the time of planting.

b) Existing vegetation, which meets the requirements of this section, should be used as required planting, where practical.

c) All required planting shall be maintained in a healthy and productive condition.

d) A formal landscape plan shall be submitted as a part of the required site plan for all construction within the C2A District.

17) *Building and materials construction standards.* Any building constructed or erected on a site within the C2A District shall be of masonry construction, its equivalent or superior construction; provided, however, metal buildings with brick or masonry façade on the front exterior wall so as to give the appearance of masonry construction will be permitted. The exterior finish may be common brick, concrete blocks, tile bricks, enamel siding (so long as the front exterior wall is of brick or masonry construction), their equivalent or better, but no building thereon may be covered with asbestos siding or galvanized sheet metal. When the exterior walls are constructed of concrete or concrete blocks, unless the finish is stucco, gunite or their equal, the joints must be rubbed down and the wall covered sufficiently with standard waterproofing paint. Colors and textures of exterior building structures must be harmonious and compatible with the colors of their building within the property. All other types of construction not covered in the above must have the written approval of the City Manager.

18). *Sale or Possession for Sale Without License or Beyond Boundaries of Premises Covered by License Prohibited.* It shall be unlawful for any person to sell, or possess for the purpose of sale, any distilled spirits where such person does not have a license granted by the city to sell distilled spirits for consumption on the premises; or, to sell, or make deliveries of, distilled spirits for consumption beyond the boundaries of the premises covered by the license. Violations of this section shall result in a fine of not less than \$1,000.00 and/or incarceration for a period not to exceed sixty (60) days in jail.

19). *Conflict With Alcohol Beverage Ordinance.* If any provision or section of this Ordinance is in conflict with or is not consistent with any provision of the Alcoholic Beverage Ordinance of the City, the conflicting provision of the Alcoholic Beverage Ordinance will control.

20). *Record of Passage.* This Ordinance, introduced as a Bill for the Addition of a C2A Zoning Classification to the Zoning Ordinance of the City of Bremen, after being duly advertised, presented to the public at two separate public hearings, heard and recommended favorably by the Planning and Zoning Board was discussed, voted upon, and passed this the 10th day of January, 2005.

SHARON SEWELL, Mayor

COUNCILMEN:

J. CHRISTOPHER COATS

W. STEPHEN McINTOSH

W. O. PARRISH

DANNY L. ROBINSON

Attested: _____
BEVERLY CASH, City Clerk