

ORDINANCE 2018-21

AN ORDINANCE BY THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES (ZONING), SECTIONS 402, 712, 714, 716 AND 720 OF THE CODE OF ORDINANCES OF THE CITY OF SMYRNA

BE IT ORDANINED BY THE MAYOR AND COUNCIL OF THE CITY OF SMYRNA, GEORGIA

WHEREAS, State law provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law; and

WHEREAS, the Mayor and Council of the City of Smyrna are charged with the protection of the public health, safety, and welfare; and

WHEREAS, the Mayor and Council now wish to update the City of Smyrna Code of Ordinances regarding Sections 402, 712, 714, 716, and 720 of the City's Zoning Ordinances

NOW, THEREFORE, the Mayor and Council of the City of Smyrna, pursuant to their authority, do hereby adopt the following amendments.

Zoning Code Amendment

Section 402 of the Zoning Ordinance shall be amended to add new sections to provide definitions related to breweries and distilleries. The proposed sections shall read as follows:

Sec. 402. – Defined words and Terms.

(402.6.1) Barrel: 53 gallons of distilled spirits or 31 gallons of malt beverages.

(402.7.2) Brewer: A manufacturer of malt beverages.

402.7.3) Brewery: Any establishment where malt beverages are manufactured, except brewpubs.

(402.7.4) Brewpub: Any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation established by state law. As used in this paragraph , the term eating establishment means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least fifty percent (50%) of its total annual gross food and beverage sales from the sale of prepared meals or food; provided,

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however, that when determining the total annual gross food and beverage sales, barrels of malt beverages sold to licensed wholesale dealers, or to the public for consumption off premises, shall not be used.

(402.18.1) Distilled spirits: Any alcoholic beverage obtained by distillation or containing more than twenty-four percent (24%) alcohol by volume.

(402.18.2) Distiller: A manufacturer of distilled spirits. In the case of distilled spirits, “manufacturer” means 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.

(402.18.3) Distillery: Any establishment where distilled spirits are manufactured.

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

Section 712 of the Zoning Ordinance shall be amended to add breweries, brewpubs and distilleries to the list of permitted uses under the General Commercial (GC) zoning district. The proposed sections shall read as follows:

(712.12.1) Breweries, distilleries and brewpubs, including accessory tasting rooms.

- a. Manufacturing shall be conducted within a wholly enclosed building.

(712.12.2) Carnivals and/or circuses, provided that such activities are not operated within any road right of way, easement for vehicular access or parking lot, and provided that carnival rides, concessions, and other such activities be conducted at least 250 feet from any residential district.

Section 714 of the Zoning Ordinance shall be amended to add breweries, brewpubs and distilleries to the list of permitted uses under the Light Industrial (LI) zoning district. The proposed sections shall read as follows:

(714.4.1) Breweries, distilleries and brewpubs, including accessory tasting rooms.

- a. Manufacturing shall be conducted within a wholly enclosed building.

Section 716 of the Zoning Ordinance shall be amended to add breweries, brewpubs and distilleries to the list of permitted uses under the Central Business District (CBD) zoning district. The proposed sections shall read as follows:

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(716.22) Breweries, distilleries and brewpubs, including accessory tasting rooms.

- a. Manufacturing shall be conducted within a wholly enclosed building.

Section 720 of the Zoning Ordinance shall be amended to add breweries, brewpubs and distilleries to the list of permitted uses under the Mixed Use (MU) zoning district. The proposed sections shall read as follows:

(720.2(19)) Breweries, distilleries and brewpubs, including accessory tasting rooms.

- a. Manufacturing shall be conducted within a wholly enclosed building.

It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Smyrna, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

The above Ordinance was read and approved by the Mayor and Council of the City of Smyrna, Georgia, on the 17th day of December, 2018.

A. Max Bacon, Mayor

Attest:

Terri Graham, City Clerk

SEAL

As to form:

Scott Cochran, City Attorney