

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

From: Russell Martin, AICP, Community Development Director
Tom Boland, Economic Development Manager

Date: October 14, 2019

CC: Tammi Saddler-Jones, City Administrator

RE: Zoning Code Amendment – Wineries

BACKGROUND

Over the past year, the Community Development Department has met with a winery looking to locate their business within the City of Smyrna. Community Development staff has worked with the winery to identify potential business locations, as well as assist with the permitting and licensing process. The City's Zoning Ordinance is silent on wineries and does not list the use as a permitted use under any zoning district in the City. The City recently updated the Zoning Ordinance to include breweries and distilleries within the General Commercial (GC), Light Industrial (LI), Central Business District (CBD) and Mixed Used (MU) zoning districts. Wineries fall under a separate classification under the State Code of Georgia and are permitted separately from breweries and distilleries. Community Development is proposing a code amendment to the Zoning Ordinance to identify the zoning districts where wineries can be permitted.

ANALYSIS

Community Development has reviewed the City's Zoning Ordinance and found that wineries are not identified as permitted uses within any zoning district in the City. As currently written, Community Development staff would have to make an interpretation as to which zoning districts wineries would be permitted. The proposed code amendment would clearly define what wineries are, as well as identify the specific zoning districts where they would be permitted.

Community Development is proposing to amend Section 402 of the Zoning Ordinance to add specific definitions related to wineries. These terms include the definitions for winery, wine, table wine, fortified wine, and dessert wine. These terms need to be defined to maintain consistency with state law and to provide clarity as to the definition of a winery. The definitions will also provide a clear distinction between wineries, breweries and distilleries.

Community Development is proposing to amend Sections 712, 714, 716 and 720 of the Zoning Ordinance to add wineries as permitted uses under the General Commercial (GC), Light Industrial (LI), Central Business District (CBD) and Mixed Use (MU) zoning districts. These are the four zoning districts staff feels are the most appropriate zoning districts for wineries. In

addition, these zoning districts are consistent with other area municipalities that allow wineries and are also the zoning districts we currently allow breweries and distilleries. The proposed code amendment allows for wineries to have accessory tasting rooms, where the winery can set up tastings for the public. Finally, staff is proposing that the manufacturing of wines takes place within a wholly enclosed building.

The City's Alcoholic Beverage Ordinance will also need to be amended to address licensing.

The Planning and Zoning Board heard the proposed text amendments at the October 14, 2019 meeting and recommended approval of the proposed amendment by a vote of 5-0.

STAFF COMMENTS

Community Development has researched the state law and surrounding municipalities to review how these governing authorities address wineries within their jurisdictions. These municipalities included Cobb County and Marietta. The proposed code amendments below are consistent with state law and ordinances of surrounding municipalities. With these proposed code amendments, the City of Smyrna will be competitive with other municipalities in attracting wineries into the City. Therefore, Community Development recommends **approval** of the proposed code amendments below to address wineries within the City's Zoning Ordinance:

Section 402 of the Zoning Ordinance shall be amended to add new sections to provide definitions related to wineries. The proposed sections shall read as follows (amended portions are highlighted).

(402.17.1) Dessert wine: A wine having an alcoholic strength of more than 14 percent alcohol by volume but not more than 24 percent alcohol by volume.

(402.27.1) Fortified wine: Any alcoholic beverage containing not more than 24 percent alcohol by volume made from honey, fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.

(402.57.1.1) Table wine: A wine having an alcoholic strength of not more than 14 percent alcohol by volume.

(402.59.1) Wine: Any alcoholic beverage containing not more than 24 percent alcohol by volume made from honey, fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

(402.59.2) Winery: Any establishment where wines are manufactured.

Section 712 of the Zoning Ordinance shall be amended to add wineries to the list of permitted uses under the General Commercial (GC) zoning district. The proposed sections shall read as follows (amended portions are highlighted).

- (712.12.1) Breweries, distilleries, **wineries** and brewpubs, including accessory tasting rooms.
- a. Manufacturing shall be conducted within a wholly enclosed building.

Section 714 of the Zoning Ordinance shall be amended to add wineries to the list of permitted uses under the Light Industrial (LI) zoning district. The proposed sections shall read as follows (amended portions are highlighted).

- (714.4.1) Breweries, distilleries, **wineries** 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 wineries to the list of permitted uses under the Central Business District (CBD) zoning district. The proposed sections shall read as follows (amended portions are highlighted).

- (716.22) Breweries, distilleries, **wineries** 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 wineries to the list of permitted uses under the Mixed Use (MU) zoning district. The proposed sections shall read as follows (amended portions are highlighted).

- (720.2(19)) Breweries, distilleries, **wineries** and brewpubs, including accessory tasting rooms.
- a. Manufacturing shall be conducted within a wholly enclosed building.