

**ORDINANCE 2019-20**

**AN ORDINANCE BY THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES (ZONING), APPENDIX A, ARTICLE IV SECTION 402, DEFINED WORDS AND TERMS, ARTICLE VII, USE PROVISIONS, SECTION 712, GC, GENERAL COMMERCIAL, SECTION 714, LI, LIGHT INDUSTRIAL DISTRICT, SECTION 716 [CBD], CENTRAL BUSINESS DISTRICT AND SECTION 720, [MU], MIXED USE DISTRICT 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 (Zoning) regarding Appendix A, Article IV, Section 402, Defined Words and Terms; Article VII, Use of Provisions, Section 712 GC, General Commercial District, Section 714, LI, Light Industrial District, Section 716, [CBD], Central Business District, and Section 720, [MU], Mixed Use District 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.

*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 underlined).*

**ARTICLE IV. – DEFINED WORDS AND TERMS**

Section 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.

Section 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.

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

Section 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.

Section 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 underlined).*

## **ARTICLE VII – USE PROVISIONS**

### **Section 712 – GC, General Commercial Districts**

Section 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 underlined).*

### **Section 714 – LI, Light Industrial District**

Section 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 underlined).*

### **Section 716 [CBD] – Central Business District**

Section 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 underlined).*

**Section 720 – [MU] – Mixed Use District**

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

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

**Renumbering.** 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 21<sup>st</sup> day of October 2019.

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Max Bacon, Mayor

Attest:

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Terri Graham, City Clerk

SEAL

As to form:

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Scott Cochran, City Attorney