



To: John McDonough  
From: Michelle M. Alexander, Director of Community Development  
Date: March 3, 2016  
Subject: TA16-0001 An Ordinance to Amend the Sandy Springs Zoning Ordinance, related to Micro-breweries and Distilleries

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***Department of Community Recommendation:***

**Provide policy directive and approval to proceed** with amending the zoning code.

***Background:***

The City Council requested an initiation of a zoning text amendment related to the definition of brewpubs in the City of Sandy Springs. Presently, the Code is silent on the issue of brewpubs and micro-producers of alcoholic beverages. The City's Zoning Ordinance does not distinguish between brewpubs, small craft breweries and small/large industrial breweries. It refers only to "brewpubs" in the Definitions Section of the Code, yet does not permit such uses in any zoning district, except in the Industrial Districts, as processing.

***Discussion:***

The purpose of the proposed zoning changes are intended to address:

- The difference between industrial manufacturing of alcoholic beverages and smaller scale breweries, wineries and distilleries;
- Establish definitions for breweries/distilleries/wineries, micro-producers and brewpubs;
- Identify where these uses may be located in the City;
- Establish consistency with State Code.

The following provides a summary of the proposed amendments:

- The proposed amendments create three (3) classifications according to the scale of the facilities. Larger manufacturing breweries/distilleries/wineries would be allowed in any district that presently permits manufacturing. Smaller scale micro-producers and brewpubs would be allowed in additional zoning districts that allow low intensity industrial and commercial uses or have strict design criteria.

See attached draft Staff Report for detailed text amendments, to be further reviewed with Legal.

***Amendment Schedule:***

Planning Commission Public Hearing –  
City Council Public Hearing –

***Attachment(s)*** Draft Mark-up; Draft Ordinance

**CITY OF SANDY SPRINGS**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**STAFF REPORT**

**REQUEST FOR A ZONING TEXT AMENDMENT**  
**Z16-0000: ALCOHOLIC BEVERAGE PRODUCTION**  
**ZONING AMENDMENTS**  
**PUBLIC HEARING**

**DATE OF PLANNING COMMISSION MEETING:**

**Author of Staff Report:**

**Date of Staff Report:**

**Applicable City Code Provisions:** Chapter 117 (Zoning Ordinance)

**Executive Summary**

An ordinance to revise and expand the existing definition of a brewpub within the City, and to make provisions for small-scale brewery operations that exceed the current definition of a brewpub in the Code.

**Background**

The City Council requested an initiation of a zoning text amendment related to the definition of brewpubs in the City of Sandy Springs. Presently, the City is silent on issue of brewpubs and micro-producers of alcoholic beverages. The City's Zoning Ordinance does not make any distinction between brewpubs, small craft breweries and small/large industrial breweries. The Zoning Ordinance refers only to "brewpubs" in the Definitions Section of the Code, and does not address the differing scale breweries, wineries or distilleries nor does it permit such uses in any zoning district, except in the Industrial Districts, where manufacturing is permitted.

**HISTORY:** Code

The purpose of the proposed zoning changes are intended to address:

- The difference between industrial manufacturing of alcoholic beverages and smaller scale breweries, wineries and distilleries;
- Establish definitions for breweries/distilleries/wineries, micro-producers and brewpubs;
- Identify where these uses may be located in the City;
- Establish consistency with State Code.

The following provides a summary of the proposed amendments:

- The proposed amendments create three (3) classifications according to the scale of the facilities. Larger manufacturing breweries/distilleries/wineries would be allowed in any district that presently permits manufacturing. Smaller scale micro-producers and brewpubs would be allowed in additional zoning districts that allow low intensity industrial and commercial uses or have strict design criteria.

## Discussion of the Proposed Draft Ordinance

The full text of the proposed draft ordinance is attached to this report. The sections proposed for modification are cited below, which would be updated to reflect new definitions of alcoholic beverage production facilities, and the three (3) use matrices in the Zoning Ordinance. The specific changes to the ordinance are:

### ARTICLE III DEFINITIONS

The section would be modified to remove the existing definition for a “Brewpub” and replace with the new definitions for:

**Brewery/distillery/winery** - An industrial facility where malt, brewed or distilled beverages are produced (in spaces in excess of the micro-producer limits) on the premises and then sold or distributed for off premises consumption and must be licensed by the Alcohol & Tobacco Division of the Georgia Department of Revenue.

**MICRO-PRODUCERS.** This will be an overarching category that will include microbreweries, micro-wineries and micro-distilleries. A space limit of 20,000 square feet per facility will be established for microbreweries, micro-wineries and micro-distilleries. And where 25% or more of the facility’s production is sold directly to the consumer on-site, within a retail shop, bar, tasting room, tap-room, restaurant or other similar facility.

**Brewpub** - A retail food service use which involves the preparation and serving of food to seated patrons with on premises consumption of malt or brewed beverages produced at, and owned by the brewery in the same premises, or immediately adjacent premises, and which is licensed by the Alcohol & Tobacco Division of the Georgia Department of Revenue. The facility will be limited in production to a maximum of 10,000 gallons per year sold to diners on-site, and up to 5,000 barrels to be sold to distributors for retail sale, and the restaurant must account for at least 50% of the pub’s revenue. Must comply with OCGA Sections 3-4-180(e), 3-5-38(e), and 3-5-36 as amended from time to time.

**ORDINANCE**  
**PROPOSING AMENDMENTS TO THE TEXT OF CHAPTER 117A**  
**OF THE CODE OF THE CITY OF SANDY SPRINGS (ZONING)**  
**TO PERMIT PRODUCERS OF BEER, WINE AND DISTILLED SPIRITS**  
**INSIDE THE CITY’S COMMERCIAL & INDUSTRIAL ZONING DISTRICTS**

**WHEREAS**, City Council initiated a zoning text amendment, proposing to amend existing zoning regulations to permit producers of beer, wine and distilled spirits inside the City’s Commercial and Industrial zoning districts (“Proposed Amendments”); and

**WHEREAS**, a public hearing on the Proposed Amendments was held before the City Council and Planning Commission on **date**, following notice to the public and to adjacent property owners as required by law; and

**WHEREAS**, legal notice of the public hearing was advertised in accordance with **Ga. Code Sec. ; and**

**WHEREAS**, on **date**, the Planning Commission voted to recommend that City Council should adopt the Proposed Amendments; and

**WHEREAS**, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice requires the Proposed Amendments, and that the Proposed Amendments are consistent with the Comprehensive Plan; now, therefore,

**BE IT ORDAINED** by the Council of the City of Sandy Springs, Georgia, that the Zoning Ordinance of the Code of the City of Sandy Springs, be and hereby is amended and reenacted as follows:

**ARTICLE XIX: ADMINISTRATIVE PERMITS AND USE PERMITS: PART III: USE PERMITS**

19.4.9.1. **BREWERIES, DISTILLERIES & WINERIES.** (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. **Allowed in These Districts with Use Permit Only:** M-1, M-1A & M-2

B. **Standards:**

1. Applicants are required to obtain the alcoholic beverage manufacturing license from the City, and comply with the State regulations relating to the manufacture, sale, and distribution of beer, spirits and wine, as revised from time to time, promulgated by the State Revenue Department, and is hereby incorporated into and made a part of this chapter as if fully set out in this section.

2. A brewery, distillery and winery shall be authorized to provide guided tours of said facility, during which a “free tasting” of malt beverages, distilled spirits or wine may be conducted by the manufacturer. Said tours and tastings shall be permitted in accordance with the provisions of O.C.G.A. Title 3, Alcoholic Beverages, as amended from time to time.
3. No tastings of any alcoholic beverages shall be permitted between the hours of 12:00 a.m. and 8:00 a.m. any day of the week. In addition, no pouring or tastings shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or on any other days or times prohibited by state law. Promotional or educational tours of a facility shall also only be permitted within these allowed timeframes.
4. All tasting processes and procedures shall adhere to and be in strict compliance with O.C.G.A. Title 3, Alcoholic Beverages.
5. Must comply with the Code of the City of Sandy Springs Chapter 6 Alcoholic Beverages, as amended from time to time.
6. Parking to be determined by recommendations of the Planning Staff and subsequent Council approval, on a case by case basis pursuant to the conceptual plans provided.

19.4.9.2. BREW PUB. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

- A. Allowed in These Districts with Administrative Permit Only: C-1, C-2 and MIX
- B. Standards:

1. Applicants are required to obtain the applicable alcoholic beverage license from the City, and comply with the State regulations, OCGA Section 3-5-36, relating to the manufacture, sale, and distribution of beer, as revised from time to time, promulgated by the State Revenue Department, and is hereby incorporated into and made a part of this chapter as if fully set out in this section.
2. A licensee operating a brewpub shall be authorized to provide guided tours of said facility, during which a “free tasting” of malt beverages may be conducted. Said tours and tastings shall be permitted in accordance with the provisions of O.C.G.A. Title 3, Alcoholic Beverages, Chapter 560-2-7-.01, as amended from time to time.
3. No tastings of any malt beverages shall be permitted between the hours of 12:00 a.m. and 8:00 a.m. any day of the week. In addition, no pouring or tastings shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or on any other days or times prohibited by state law. Promotional or educational tours of a facility shall also only be permitted within these allowed timeframes.
4. Must comply with the Code of the City of Sandy Springs Chapter 6 Alcoholic Beverages, as amended from time to time.
5. Parking to be determined by recommendations of the Planning Staff on a case by case basis pursuant to the conceptual plans provided.

And:

19.4.29. OPEN DISTILLERIES. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

- A. Allowed in These Districts with Use Permit Only: C-1, C-2 and MIX

B. Standards:

1. These smaller production facilities shall be limited to 20,000 square feet.
2. Applicants are required to obtain the applicable alcoholic beverage license from the City, and comply with the State regulations relating to the manufacture, sale, and distribution of distilled spirits, as revised from time to time, promulgated by the State Revenue Department, and is hereby incorporated into and made a part of this chapter as if fully set out in this section.
3. A licensee operating a distillery shall be authorized to provide guided tours of said facility, during which a “free tasting” of distilled spirits may be conducted. Said tours and tastings shall be permitted in accordance with the provisions of O.C.G.A. Title 3, Alcoholic Beverages, Chapter 560-2-6-.03, as amended from time to time.
4. No tastings of any alcoholic beverages shall be permitted between the hours of 12:00 a.m. and 8:00 a.m. any day of the week. In addition, no pouring or tastings shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or on any other days or times prohibited by state law. Promotional or educational tours of a facility shall also only be permitted within these allowed timeframes.
5. Must comply with the Code of the City of Sandy Springs Chapter 6 Alcoholic Beverages, as amended from time to time.
6. Parking to be determined by recommendations of the Planning Staff and subsequent Council approval, on a case by case basis pursuant to the conceptual plans provided.

19.4.30. WINERIES. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. Allowed in These Districts with Use Permit Only: C-1, C-2 and MIX

B. Standards:

1. These smaller production facilities shall be limited to 20,000 square feet.
2. Applicants are required to obtain the applicable alcoholic beverage license from the City, and comply with the State regulations relating to the manufacture, sale, and distribution of distilled spirits, as revised from time to time, promulgated by the State Revenue Department, and is hereby incorporated into and made a part of this chapter as if fully set out in this section.
3. A licensee operating a winery shall be authorized to provide guided tours of said facility, during which a “free tasting” of wine may be conducted. Said tours and tastings shall be permitted in accordance with the provisions of O.C.G.A. Title 3, Alcoholic Beverages, Chapter 560-2-10-.01, as amended from time to time.
4. No tastings of any alcoholic beverages shall be permitted between the hours of 12:00 a.m. and 8:00 a.m. any day of the week. In addition, no pouring or tastings shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or on any other days or times prohibited by state law. Promotional or educational tours of a facility shall also only be permitted within these allowed timeframes.
5. Must comply with the Code of the City of Sandy Springs Chapter 6 Alcoholic Beverages, as amended from time to time.
6. Parking to be determined by recommendations of the Planning Staff and subsequent Council approval, on a case by case basis pursuant to the conceptual plans provided.

- 19.4.31. **BREWERIES.** (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)
- A. Allowed in These Districts with Use Permit Only: C-1, C-2 and MIX
  - B. Standards:
    - a. These smaller production facilities shall be limited to 20,000 square feet.
    - b. Applicants are required to obtain the applicable alcoholic beverage license from the City, and comply with the State regulations relating to the manufacture, sale, and distribution of distilled spirits, as revised from time to time, promulgated by the State Revenue Department, and is hereby incorporated into and made a part of this chapter as if fully set out in this section.
    - c. A licensee operating a brewery shall be authorized to provide guided tours of said facility, during which a “free tasting” of malt beverage may be conducted. Said tours and tastings shall be permitted in accordance with the provisions of O.C.G.A. Title 3, Alcoholic Beverages, Chapter 560-2-7-.01, as amended from time to time.
    - d. No tastings of any alcoholic beverages shall be permitted between the hours of 12:00 a.m. and 8:00 a.m. any day of the week. In addition, no pouring or tastings shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or on any other days or times prohibited by state law. Promotional or educational tours of a facility shall also only be permitted within these allowed timeframes.
    - e. Must comply with the Code of the City of Sandy Springs Chapter 6 Alcoholic Beverages, as amended from time to time.
    - f. Parking to be determined by recommendations of the Planning Staff and subsequent Council approval, on a case by case basis pursuant to the conceptual plans provided.

**1. (Chicklet Chart —Zoning Districts) is hereby amended as follows:**

Use Types Zoning Districts

**Breweries, Distilleries & Wineries** be permitted in the M-1, M-1A and M-2 Industrial Districts, as a manufacturing use via a Use Permit granted by the City Council.

**Micro-producers** - be permitted in the C-1, C-2 and MIX Commercial Districts via a Use Permit granted by the City Council.

**Brewpubs** - be permitted with and Administrative Permit in the C-1, C-2 and MIX Commercial Districts.

**CITY OF SANDY SPRINGS**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
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**Applicable City Code Provisions:** Chapter 117 (Zoning Ordinance)

**Executive Summary**

An ordinance to revise and expand the existing definition of a brewpub within the City, and to make provisions for small-scale brewery operations that exceed the current definition of a brewpub in the Code.

**Background**

The City Council requested an initiation of a zoning text amendment related to the definition of brewpubs in the City of Sandy Springs. Presently, the City is silent on issue of brewpubs and micro-producers of alcoholic beverages. The City's Zoning Ordinance does not make any distinction between brewpubs, small craft breweries and small/large industrial breweries. The Zoning Ordinance refers only to "brewpubs" in the Definitions Section of the Code, and does not address the differing scale breweries, wineries or distilleries nor does it permit such uses in any zoning district, except in the Industrial Districts, where manufacturing is permitted.

**HISTORY:** Code

The purpose of the proposed zoning changes are intended to address:

- The difference between industrial manufacturing of alcoholic beverages and smaller scale breweries, wineries and distilleries;
- Establish definitions for breweries/distilleries/wineries, micro-producers and brewpubs;
- Identify where these uses may be located in the City;
- Establish consistency with State Code.

The following provides a summary of the proposed amendments:

- The proposed amendments create three (3) classifications according to the scale of the facilities. Larger manufacturing breweries/distilleries/wineries would be allowed in any district that presently permits manufacturing. Smaller scale micro-producers and brewpubs would be allowed in additional zoning districts that allow low intensity industrial and commercial uses or have strict design criteria.

## **Discussion of the Proposed Draft Ordinance**

The full text of the proposed draft ordinance is attached to this report. The sections proposed for modification are cited below, which would be updated to reflect new definitions of alcoholic beverage production facilities, and the three (3) use matrices in the Zoning Ordinance. The specific changes to the ordinance are:

### **ARTICLE III DEFINITIONS**

The section would be modified to remove the existing definition for a “Brewpub” and replace with the new definitions for:

**BREWERY/DISTILLERY/WINERY** - An industrial facility where malt, brewed or distilled beverages are produced on the premises and then sold or distributed for off premises consumption and must be licensed by the Alcohol & Tobacco Division of the Georgia Department of Revenue.

**MICRO-PRODUCERS.** This will be an overarching category that will include microbreweries, micro-wineries and micro-distilleries. A limit of 15,000 barrels per year will be established for microbreweries, while production at micro-wineries and micro-distilleries will be limited to no more than 5,000 gallons per year. The 5,000 gallon limit as a dividing line for licenses for wineries and distilleries. And where 25% or more of the facility’s production is sold directly to the consumer on-site, within a retail shop, bar, tasting room, tap-room, restaurant or other similar facility.

**BREWERY PUB** - A retail food service use which involves the preparation and serving of food to seated patrons with on premises consumption of malt or brewed beverages produced at, and owned by the brewery in the same premises, or immediately adjacent premises, and which is licensed by the Alcohol & Tobacco Division of the Georgia Department of Revenue. The restaurant seating area must be at least forty percent (40%) of the gross square footage of the restaurant facility.

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**TO PERMIT PRODUCERS OF BEER, WINE AND DISTILLED SPIRITS**  
**INSIDE THE CITY’S COMMERCIAL & INDUSTRIAL ZONING DISTRICTS**

**WHEREAS**, City Council initiated a zoning text amendment, proposing to amend existing zoning regulations to permit producers of beer, wine and distilled spirits inside the City’s Commercial and Industrial zoning districts (“Proposed Amendments”); and

**WHEREAS**, a public hearing on the Proposed Amendments was held before the City Council and Planning Commission on **date**, following notice to the public and to adjacent property owners as required by law; and

**WHEREAS**, legal notice of the public hearing was advertised in accordance with **Ga. Code Sec. ; and**

**WHEREAS**, on **date**, the Planning Commission voted to recommend that City Council should adopt the Proposed Amendments; and

**WHEREAS**, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice requires the Proposed Amendments, and that the Proposed Amendments are consistent with the Comprehensive Plan; now, therefore,

**BE IT ORDAINED** by the Council of the City of Sandy Springs, Georgia, that the Zoning Ordinance of the Code of the City of Sandy Springs, be and hereby is amended and reenacted as follows:

**ARTICLE XIX: ADMINISTRATIVE PERMITS AND USE PERMITS: PART III: USE PERMITS**

19.4.10 **BREWERIES, DISTILLERIES & WINERIES.** (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

A. **Allowed in These Districts with Use Permit Only:** M-1, M-1A & M-2

B. **Standards:**

1. Applicants are required to obtain the alcoholic beverage manufacturing license from the City, and comply with the State regulations relating to the manufacture, sale, and distribution of beer, spirits and wine, as revised from time to time, promulgated by the State Revenue Department, and is hereby incorporated into and made a part of this chapter as if fully set out in this section.

2. A brewery, distillery and winery shall be authorized to provide guided tours of said facility, during which a “tasting” of malt beverages, distilled spirits or wine may be conducted by the manufacturer. Said tours and tastings shall be permitted in accordance with the provisions of O.C.G.A. Title 3, Alcoholic Beverages, as amended from time to time.
3. No tastings of any alcoholic beverages shall be permitted between the hours of 12:00 a.m. and 8:00 a.m. any day of the week. In addition, no pouring or tastings shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or on any other days or times prohibited by state law. Promotional or educational tours of a facility shall also only be permitted within these allowed timeframes.
4. All tasting processes and procedures shall adhere to and be in strict compliance with O.C.G.A. Title 3, Alcoholic Beverages.
5. Parking to be determined by recommendations of the Planning Staff and subsequent Council approval, on a case by case basis pursuant to the conceptual plans provided.

19.4.10 MICRO-DISTILLERIES. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

- A. Allowed in These Districts with Use Permit Only: C-1, C-2 and MIX
- B. Standards:

1. Applicants are required to obtain the applicable alcoholic beverage license from the City, and comply with the State regulations relating to the manufacture, sale, and distribution of beer, spirits and wine, as revised from time to time, promulgated by the State Revenue Department, and is hereby incorporated into and made a part of this chapter as if fully set out in this section.
2. A micro-producer licensee operating a micro-brewery, micro-distillery or micro-winery shall be authorized to provide guided tours of said facility, during which a “tasting” of malt beverages, distilled spirits or wine may be conducted by the micro-producer. Said tours and tastings shall be permitted in accordance with the provisions of O.C.G.A. Title 3, Alcoholic Beverages, as amended from time to time.
3. No tastings of any alcoholic beverages shall be permitted between the hours of 12:00 a.m. and 8:00 a.m. any day of the week. In addition, no pouring or tastings shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or on any other days or times prohibited by state law. Promotional or educational tours of a facility shall also only be permitted within these allowed timeframes.
4. All tasting processes and procedures shall adhere to and be in strict compliance with O.C.G.A. Title 3, Alcoholic Beverages.
5. Parking to be determined by recommendations of the Planning Staff and subsequent Council approval, on a case by case basis pursuant to the conceptual plans provided.

19.4.11 BREWERY PUB. (See applicable provisions of this Ordinance for Zoning Districts, if any, which allow this Use within the district.)

- A. Allowed in These Districts with Administrative Permit Only: C-11, C-2 and MIX
- B. Standards:

6. Applicants are required to obtain the applicable alcoholic beverage license from the City, and comply with the State regulations relating to the manufacture, sale, and distribution of beer, spirits and wine, as revised from time to time, promulgated by the State Revenue Department, and is hereby incorporated into and made a part of this chapter as if fully set out in this section.
7. A licensee operating a brewpub shall be authorized to provide guided tours of said facility, during which a “tasting” of malt beverages, distilled spirits or wine may be conducted by the micro-producer. Said tours and tastings shall be permitted in accordance with the provisions of O.C.G.A. Title 3, Alcoholic Beverages, as amended from time to time.
8. No tastings of any alcoholic beverages shall be permitted between the hours of 12:00 a.m. and 8:00 a.m. any day of the week. In addition, no pouring or tastings shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or on any other days or times prohibited by state law. Promotional or educational tours of a facility shall also only be permitted within these allowed timeframes.
9. All tasting processes and procedures shall adhere to and be in strict compliance with O.C.G.A. Title 3, Alcoholic Beverages.
10. Parking to be determined by recommendations of the Planning Staff on a case by case basis pursuant to the conceptual plans provided.

**1. (Chicklet Chart —Zoning Districts) is hereby amended as follows:**

Use Types Zoning Districts

**Breweries, Distilleries & Wineries** be permitted in the M-1, M-1A and M-2 Industrial Districts, as a manufacturing use via a Use Permit granted by the City Council.

**Micro-producers** - be permitted in the C-1, C-2 and MIX Commercial Districts via a Use Permit granted by the City Council.

**Brewpubs** - be permitted with and Administrative Permit in the C-1, C-2 and MIX Commercial Districts.