

## **MEMORANDUM**

**To:** Mayor and City Council  
**From:** Richard Hathcock, Senior Planner  
**Date:** February 24, 2020  
**Subject:** Text Amendment  
Chapter 27—Breweries Ordinance

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### **ITEM DESCRIPTION**

This item is a request to consider zoning text amendments to the *Chapter 27-Zoning Ordinance* and to revise definitions within *Chapter 4- Alcoholic Beverage Ordinance*. The proposed revisions are attached to this memo.

### **DISCUSSION**

Microbreweries and breweries have seen a sharp rise in popularity throughout metropolitan Atlanta. Staff desires to determine suitable zoning districts for the allowance of this use and other similarly associated uses. This ordinance is a means to set specific standards as to where microbreweries and breweries can be located and provisions to the size of the development of these uses.

This ordinance sets forth standards for the barrel production of malt beverages. The industry standard for microbreweries is 15,000 barrels of malt beverages, annually. Whereas, any production over 15,000 barrels would be classified as a brewery. There shall, also, be a limit to the size of the development of microbreweries and distilleries, which shall be a 15,000 square foot building foot print.

Attached are required updates to Chapter 4-Alcoholic Beverages and Chapter 27-Zoning Ordinance. You will find attached the updated definitions; uses tables for commercial, nonresidential districts and Perimeter Center zoning districts; and updates to the supplemental use regulations.

### **RECOMMENDATION**

Staff recommends **APPROVAL**.

Planning Commission recommends **APPROVAL**.

**AN ORDINANCE TO AMEND CHAPTER XXVII (ZONING ORDINANCE) OF THE CITY OF DUNWOODY CODE OF ORDINANCES TO EXPAND EATING AND DRINKING ESTABLISHMENTS CATEGORIES AND BUILDING CODES; AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Dunwoody is charged with protecting the health, safety and welfare of the citizens of the City; and

**WHEREAS**, the City of Dunwoody’s Zoning Ordinance, Chapter XXVII, currently does not include the recent proliferation of eating and drinking establishments: microbreweries, distilleries and wine specialty shops; and

**WHEREAS**, the Mayor and City Council of the City of Dunwoody desire to foster an atmosphere of flexibility and progress in the City of Dunwoody; and

**NOW, THEREFORE**, the Mayor and City Council of the City of Dunwoody HEREBY ORDAIN that Chapter XXVII is amended as follows:

**Section I:** Zoning Ordinance, Chapter XXVII of the City of Dunwoody Code, is hereby amended by adding new business categories to Article II (Zoning Districts), Division 2 (Nonresidential and Mixed-use Zoning Districts), Section 27-72 (Uses Allowed) to read as follows:

	<b>Eating and Drinking Establishments</b>											
Microbrewery	S	-	-	P	P	P	P	P	P	P	S	
Wine Specialty Shop	S	-	-	P	P	P	P	P	P	P	S	
Distillery	S	-	-	P	P	P	P	P	P	P	S	
Brewery	-	-	-	-	-	-	-	S	S	-		

**Section II:** Chapter XXVII of the City Code, is further amended by adding new business categories to Article II, Division 5 (Perimeter Center Districts), Sec. 27-104, Figure 27-104-5 (Districts) to read as follows:

<b>Eating and Drinking Establishments</b>						
Microbrewery	P	P	P	-		
Wine Specialty Shop	P	P	P	-		
Distillery	P	P	P	-		

**Section III:** Chapter XXVII of the City Code, is further amended by adding new Code Section Sec. 27-138, to be entitled "Distillery," to Article III (Uses And Use-Specific Regulations), Division 2 (Supplement Use Regulations), to read as follows:

**Sec. 27-138. - Distillery.**

Where allowed, the individual establishment shall not exceed a building footprint of 15,000 square feet.

Note: All subsequent existing section numbers have been increased by one, until Section 27-143.

**Section IV:** Chapter XXVII of the City Code, is further amended by adding new Code Section Sec. 27-143, to be entitled "Microbreweries," to Article III, Division 2, to read as follows:

**Sec. 27-143. - Microbreweries.**

Where allowed, the individual establishment shall not exceed a building footprint of 15,000 square feet.

Note: All subsequent existing section numbers have been increased by two, until Section 27-158.

**Section V:** Chapter XXVII of the City Code, is further amended by adding new Code Section Sec. 27-158, to be entitled "Wine specialty shop," to Article III, Division 2, to read as follows:

**Sec. 27-158. - Wine specialty shop.**

- (a) It shall be unlawful for a wine specialty shop to sell or have on premises spirituous liquors.
- (b) A wine specialty shop shall be allowed to sell growlers containing draft beer, as long as they follow provisions set forth in Article II of this chapter.
- (c) Shall be allowed to serve draft beers by the glass for consumption on the premises only during the same hours as are permitted in Article V under this chapter for the sale of "malt beverages and wine packaged sales." Malt beverages fees shall apply for consumption on the premises of draft beer.
- (d) Only the licensee or an employee shall dispense beers from a tap. Free samples of wine or beer shall not exceed two ounces.
- (e) Sampling or tasting of wine and beer is only permitted within the designated portion of the premises.
- (f) Shall not exceed 50,000 square feet in floor area.

STATE OF GEORGIA  
CITY OF DUNWOODY

**ORDINANCE 2020-XX-XX**

**Section VI:** Chapter XXVII of the City Code, is further amended to update the remaining reserved section numbers available for use in Article III (Uses And Use-Specific Regulations), Division 2 (Supplement Use Regulations), to read as follows:

**Secs. 27-159–27-165. - Reserved.**

**Section VII:** This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

**SO ORDAINED**, this \_\_\_\_ day of \_\_\_\_\_, 2020.

Approved:

\_\_\_\_\_  
Lynn Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

\_\_\_\_\_  
Sharon Lowery, City Clerk (Seal)

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City Attorney