

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO AMEND ARTICLE XIX AND III OF THE SANDY SPRINGS  
ZONING ORDINANCE RELATED TO BREWPUBS, MICRO-PRODUCERS AND  
LARGESCALE MANUFACTURING OF ALCOHOLIC BEVERAGES**

**WHEREAS**, the Mayor and City Council of the City of Sandy Springs find that from time to time it is necessary to amend sections of the Zoning Ordinance to correct, clarify, and update the provisions of the Ordinance; and

**WHEREAS**, the Mayor and City Council of Sandy Springs have determined that revision of the regulations relating to nonconforming conditions is required for use of the ordinance by staff, citizens, and the development community; and

**NOW, THEREFORE**, to accomplish the foregoing, the Mayor and City Council of the City of Sandy Springs, Georgia, pursuant to their authority, do hereby adopt the following Ordinance:

1.

19.4.9.1. BREWRIES, 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 an alcoholic beverage manufacturing license from the City and comply with state law and Department of Revenue Rules and Regulations relating to the manufacture, sale, and distribution of malt beverages, distilled spirits and wine.
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 and as provided by state law and Department of Revenue Rules and Regulations.
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 only be permitted during the allowed times for pouring or tastings.
4. All tasting processes and procedures shall adhere to and be in strict compliance with state law and Department of Revenue Rules and Regulations.

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5. Applicants shall comply with Chapter 6 Alcoholic Beverages of the Code of Ordinances of the City of Sandy Springs.
6. Parking shall 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 state law and Department of Revenue Rules and Regulations relating to the manufacture, sale, and distribution of malt beverages.
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 state law and Department of Revenue Rules and Regulations.
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 only be permitted during the allowed times for pouring or tastings.
4. Applicants shall comply with Chapter 6 Alcoholic Beverages of the Code of Ordinances of the City of Sandy Springs.
5. Parking shall be determined by recommendations of the Planning Staff on a case by case basis pursuant to the conceptual plans provided.

And:

19.4.29. DISTILLERIES – MICRO-PRODUCER. (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:

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1. These smaller production facilities shall be limited to 20,000 square feet.
  2. All activities associated with micro-producing facilities must be wholly contained within the maximum-allowable 20,000 square foot building.
  3. Distilleries shall not be located within 500 feet of another similar facility.
  4. Applicants are required to obtain the applicable alcoholic beverage license from the City and comply with state law and Department of Revenue Rules and Regulations relating to the manufacture, sale, and distribution of distilled spirits.
  5. 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 and as provided by state law and Department of Revenue Rules and Regulations.
  6. Operation time of the facility shall be permitted only during the allowed times for pouring or tastings. 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 only be permitted during the allowed times for pouring or tastings.
  7. Applicants shall comply with Chapter 6 Alcoholic Beverages of the Code of Ordinances of the City of Sandy Springs.
  8. Parking shall 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 – MICRO-PRODUCER. (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. All activities associated with micro-producing facilities must be wholly contained within the maximum-allowable 20,000 square foot building.

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3. Wineries shall not be located within 500 feet of another similar facility.
4. Applicants are required to obtain the applicable alcoholic beverage license from the City and comply with state law and Department of Revenue Rules and Regulations relating to the manufacture, sale, and distribution of wine.
5. 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 and as provided by state law and Department of Revenue Rules and Regulations.
6. 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 only be permitted within the allowed times.
7. Applicants shall comply with Chapter 6 Alcoholic Beverages of the Code of Ordinances of the City of Sandy Springs.
8. Parking shall 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 – MICRO-PRODUCER. (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. All activities associated with micro-producing facilities must be wholly contained within the maximum-allowable 20,000 square foot building.
3. Brewery shall not be located within 500 feet of another similar facility.
4. Applicants are required to obtain the applicable alcoholic beverage license from the City and comply with state law and Department of Revenue Rules and Regulations relating to the manufacture, sale, and distribution of malt beverages.
5. 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

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shall be permitted in accordance with and as provided by state law and Department of Revenue Rules and Regulations.

6. Operation time of the facility shall be permitted only during the allowed times for pouring or tastings. 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 only be permitted during the allowed times for pouring or tastings.
7. Applicants shall comply with Chapter 6 Alcoholic Beverages of the Code of Ordinances of the City of Sandy Springs.
8. Parking shall be determined by recommendations of the Planning Staff and subsequent Council approval, on a case by case basis pursuant to the conceptual plans provided.

Amend the Definitions Sections as follows:

3.3.2. B

Babysitting. A service in which shelter, care, and supervision are provided for four (4) or fewer children below the age of twelve (12) on an irregular basis.

Banner. Any sign of lightweight fabric or similar material that is either with frame or without frame and hung or mounted to a pole, building or other background by one or more edges. Flags are not considered banners.

Basement/Cellar. A level below a floor of a building with a minimum of one-half (1/2) of the total wall area below grade. A basement is not a story.

Beacon. Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also any light with one (1) or more beams that rotate or move.

Bed and Breakfast Inn. A residence in which the frequency and volume of visitors are incidental to the primary use as a private residence and where guest rooms are made available for visitors for fewer than thirty (30) consecutive days. Breakfast is the only meal served to paying guests and is included in the charge for the room.

Berm. A planted earthen mound.

Bike Path. A path which serves to separate bicycle riders from vehicle and pedestrian traffic. Bike paths can meander through wooded areas, traverse the edge of open space, and may parallel existing roadways or paths.

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Board of Appeals or BOA. An advisory board created pursuant to this Ordinance which consists of seven (7) members appointed by the City Council with the powers authorized by this Ordinance.

Boarding House. A residential use other than a hotel or motel in which lodging is provided to non-household members and which includes the provision of meals.

Brewery/distillery/winery. An industrial facility where malt beverages, wine, or distilled spirits are produced (in spaces in excess of the micro-producer limits) on the premises and then sold or distributed for off premises consumption in compliance with state law and Department of Revenue licensing requirements.

Brewpub. An eating establishment, as defined in Section 6.1 of the Code of Ordinances of the City of Sandy Springs, in which malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36.

Buffer/Zoning Buffer. A natural undisturbed portion of a lot, except for approved access and utility crossings, which is set aside to achieve a visual barrier between the use on the lot and adjacent lots and/or uses. A zoning buffer is achieved with natural vegetation and must be replanted subject to the approval of the Director when sparsely vegetated. Clearing of undergrowth from a zoning buffer is prohibited except when approved by the Director.

Buildable Area. That portion of a parcel which is not located in a minimum setback, utility corridor, driveway, slopes to build street, tree save area, landscape strip, specimen tree area, state water buffer, tributary buffer, zoning buffer, wetland, stormwater and sanitary sewer easement, and which contains sufficient square footage to meet the minimum requirements for building area required by the appropriate zoning district.

Building. Any structure with a roof, designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

Building Line. A building line is one which is no closer to a property line than the minimum yard requirements.

Burial Ground. An area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set aside for burial purposes.

Burial Object. Any item reasonably believed to have been intentionally placed with the human remains at the time of burial or interment or any memorial, tombstone, grave marker, or shrine which may have been added subsequent to interment. "Burial object" also means any inscribed or uninscribed marker, coping, curbing, enclosure, fencing, pavement, shelter, wall, stoneware, pottery, or other grave object erected or deposited incident to or subsequent to interment.

Business. A commercial or industrial enterprise, and those who constitute it, involving retailing, wholesaling, warehousing, outside storage, manufacturing or the delivery of services regardless of whether

payment is involved. The term "business" does not include uses which are customarily incidental (accessory) to another use.

And then Amend the Definitions Sections as follows:

3.3.13. M

Maintenance or Repair, Ordinary. The upkeep of any exterior of any structure, parking lot or sign in or on a property to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in outer design, material or appearance thereof. Painting, reroofing, resurfacing, replacement of a broken sign face and other similar types of ordinary upkeep and maintenance shall be deemed ordinary maintenance and repair.

Massing. A building's mass, or shape, is defined by its component parts, including the size of its footprint and number of stories. Individual characteristics of mass include building form, roof shape, and orientation. Varying the massing of a building may be achieved by varying the surface planes of the building with porches, balconies, bay windows, and/or overhangs, and/or stepping-back the buildings from the second floor and above, and/or breaking up the roofline with different elements to create smaller compositions.

Material Change in Appearance. A change in a structure or a parking lot within an overlay district that exceeds ordinary maintenance or repair (defined below), and requires either a sign permit, building permit or land disturbance permit such as, but not limited to:

- A. Erection, alteration, restoration, addition or removal of any structure (including signs) or parking lot;
- B. Relocation of a sign or building;
- C. Commencement of excavation; or
- D. Change in the location of advertising visible from the public right-of-way.

Mayor. Mayor means the Mayor of the City.

Medical Related Lodging. A use which provides temporary lodging for family members of a patient hospitalized in the City.

Micro-Producers. Micro-breweries, micro-wineries, and micro-distilleries, the facilities for which are limited to 20,000 square feet with all activities associated with the micro-producing facility being wholly contained within the maximum allowable 20,000 square feet.

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Mineral Extraction. Severance and/or removal of sand, stone, gravel, top soil, and other mineral resources whenever such severance and/or removal is not conducted in conjunction with a permitted development activity.

Mini-Warehouse. A structure or group of structures containing separate spaces/stalls which are leased or rented on an individual basis for the storage of goods.

Mobile Home/House Trailer/Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, mobile home includes travel trailers and similar vehicles placed on a site for one hundred eighty (180) consecutive days or more. For all other purposes including insurance purposes under FEMA sponsored programs, mobile home does not include travel trailers and similar vehicles.

Mobile Home Park. Use of property for two (2) or more mobile homes for living purposes, and spaces or lots set aside and offered for use for mobile homes. A mobile home park does not include a mobile home sales lot.

Model Home. A dwelling unit used for conducting business related to the sale of a development.

Modification. A request to change an approved condition of zoning or use permit, except for conditions that pertain to a change in use, increase in density, and/or increase in height.

Modification, Administrative. A modification that constitutes a technical change only and does not involve a matter of significant public interest, as determined by the Director.

Modification, Zoning. A modification that involves a matter of significant public interest, as determined by the Director.

Modular Home. A factory-fabricated, single family dwelling unit built in one or more sections, designed for placement on a permanent foundation and not having a permanent chassis.

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Multi-Tenant. Two (2) or more businesses that provide goods and/or services within separate structures located on the same site or within the same structure that provides wall separation and private access for each business.

2.

This Ordinance is effective July 1, 2016; and

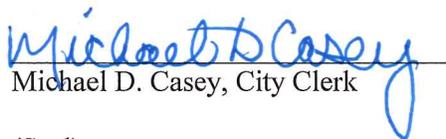
**APPROVED AND ADOPTED** this the 21<sup>st</sup> day of June, 2016.

Approved:



Russell K. Paul, Mayor

Attest:



Michael D. Casey, City Clerk

(Seal)

