



# AGENDA REPORT

**To:** Planning Commission  
**From:** Ben Song, Community Development Director  
**Agenda:** June 7, 2022 Planning Commission Meeting  
**Item:** Zoning Ordinance Text Amendment (A-22-003) to Define and Regulate Distillery Use

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## Item Summary

Staff recommends a text amendment to the Johns Creek Zoning Ordinance to define “distilled spirits,” “distiller” and “distillery,” and formally regulate this use in the C-2 (Community Business) Zoning District.

## Background

In order to remain competitive with neighboring cities and promote economic development, the Mayor and City Council approved a new Alcohol Ordinance in November 2021. In comparison to the Alcoholic Beverages Ordinance (Chapter 6), the Zoning Ordinance lacks certain definitions and uses, and an amendment is required to align the two ordinances together to eliminate existing discrepancies.

## Analysis

Allowing for a distillery use in the C-2 (Community Business) zoning district would be appropriate, as there are only five C-2 zoned properties in Johns Creek, and all have specific uses regulated by zoning conditions and/or site plans. Therefore, even if distilleries were made a permitted use in C-2 zoning, no property is currently allowed to operate a distillery as a primary use without requiring a rezoning.

## Recommendations

In order to promote economic development and eliminate any discrepancies between the Alcoholic Beverages Ordinance and the Zoning Ordinance, Staff recommends amending Article III “Definitions” and Article IX “Community Business Districts” of the Zoning Ordinance to regulate distilleries as follows:

- 1. Add definition for “Distilled Spirits”, “Distiller” and “Distillery”**

***Section 3.3.4.D.***

*Distilled Spirits. Any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume, including, but not limited to, all fortified wines.*

*Distiller. A manufacturer of distilled spirits.*

Distillery. A domestic manufacturing facility for distilled spirits that is licensed by the state. Provided that licenses are issued as required by the Alcoholic Beverages Ordinance, a distiller/distillery is authorized to sell distilled spirits by the package, by the drink and to operate flight tastings on-premises of the distillery as provided for and subject to the limitations of state law.

## 2. Add distillery use to the C-2 Zoning District

**Section 9.2.2.A. Permitted Uses.** Structures and land may be used for only the following purposes:

1. Any Use Permitted in the C-1 District
2. Automotive Garage
3. Automotive Repair Garage
4. Automobile & Light Truck Sales/Leasing
5. Batting Cage, Outdoor
6. Bowling Alley
7. Brewery
8. Car Wash
9. Check Cashing Establishment
10. Distillery
- ~~40-11.~~ Drive-in Theater
- ~~41-12.~~ Garage, Automobile Repair
- ~~42-13.~~ Landscaping Business
- ~~43-14.~~ Lawn Service Business
- ~~44-15.~~ Laundry and/or Dry Cleaning Plant Distribution Center. Not including processing, fabrication or manufacturing.
- ~~45-16.~~ Pawn Shop
- ~~46-17.~~ Plant Nursery
- ~~47-18.~~ Plumbing Shop associated with retail sales
- ~~48-19.~~ Radio and Television Stations
- ~~49-20.~~ Service Establishments
- ~~20-21.~~ Skating Rink
- ~~21-22.~~ Smoke Shop
- ~~22-23.~~ Tinsmithing Shop associated with retail sales

### Attachments

1. Draft Amendments to Section 3.3.4.D. and Section 9.2.2.A. of the Zoning Ordinance
2. Research – Distillery Use in Neighboring Jurisdictions