



# AGENDA REPORT

**To:** Planning Commission  
**From:** Ben Song, Community Development Director  
**Agenda:** June 2, 2020 Planning Commission Meeting  
**Item:** **Zoning Ordinance Text Amendment (A-20-001) to Define and Regulate Brewery Use**

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## Item Summary

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

## Background

In late 2017, the Georgia State Legislature amended Title 3 of the Official Code of Georgia Annotated (O.C.G.A.) to allow brewers to sell and serve a limited amount of beer or malt beverage on premise. In early 2018, the City Council amended the Zoning Ordinance to define “brewpub” as: “[a]n accessory use to any eating establishment, or any brewery where beer or malt beverages are manufactured or brewed, subject to the barrel limitation prescribed in O.C.G.A. § 3-5-36 for retail and sale consumption on the premise.”

As breweries themselves are not prohibited uses in the M-1A Industrial Park District or M-1 Light Industrial District, they are permitted by default in these zoning districts. However, the Zoning Ordinance lacks a clear definition of “brewery,” and also does not account for recent development trends where breweries and brewpubs have situated themselves in commercial settings. Of note, neighboring jurisdictions have allowed breweries/brewpubs in commercial zoning districts (Attachment 2).

## Analysis

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

## Recommendations

In order to better promote community economic development and quality of life, Staff recommends amending Article III “Definitions” and Article IX “Community Business Districts” of the Zoning Ordinance to regulate breweries as follows:

1. Add definition for “brewery”

**Section 3.3.2.B.**

Brewery. A facility where beer or malt beverages are manufactured or brewed.

2. Add brewery 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

~~7-8.~~ Car Wash

~~8-9.~~ Check Cashing Establishment

~~9-10.~~ Drive-in Theater

~~10-11.~~ Garage, Automobile Repair

~~11-12.~~ Landscaping Business

~~12-13.~~ Lawn Service Business

~~13-14.~~ Laundry and/or Dry Cleaning Plant Distribution Center. Not including processing, fabrication or manufacturing.

~~14-15.~~ Pawn Shop

~~15-16.~~ Plant Nursery

~~16-17.~~ Plumbing Shop associated with retail sales

~~17-18.~~ Radio and Television Stations

~~18-19.~~ Service Establishments

~~19-20.~~ Skating Rink

~~20-21.~~ Tinsmithing Shop associated with retail sales

**Attachments**

1. Draft Amendments to Section 3.3.2.B. and Section 9.2.2.A. of the Zoning Ordinance
2. Research – Brewery Use in Neighboring Jurisdictions

**AN ORDINANCE TO AMEND THE CITY OF JOHNS CREEK CODE OF ORDINANCES, APPENDIX A – ZONING, TO ADD DEFINITION FOR BREWERY AND REGULATE THE USE IN C-2 COMMUNITY BUSINESS DISTRICT**

**WHEREAS**, the City of Johns Creek, Georgia is authorized by the Official Code of Georgia Annotated (O.C.G.A.) § 36-31-7, to license and regulate alcoholic beverages within the City limit;

**WHEREAS**, the Johns Creek City Council in 2018 amended the Zoning Ordinance to define “brewpubs” as an accessory use to any eating establishment or brewery;

**WHEREAS**, the Zoning Ordinance lacks a clear definition of “brewery”; and

**WHEREAS**, the City recognizes the Code of Ordinances Appendix A – Zoning should be amended to add a definition for “brewery” and regulate the use in the C-2 (Community Business) zoning district.

**NOW THEREFORE**, the Mayor and Council of the City of Johns Creek hereby ordain that Appendix A – Zoning, Article III, Section 3.3. “Definitions” and Article IX, Section 9.2. “C-2 Community Business District” are amended as follows:

***Section 3.3.2.B.***

*Brewery.* A facility where beer or malt beverages are manufactured or brewed.

***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. Drive-in Theater
11. Garage, Automobile Repair
12. Landscaping Business
13. Lawn Service Business
14. Laundry and/or Dry Cleaning Plant Distribution Center. Not including processing, fabrication or manufacturing.
15. Pawn Shop
16. Plant Nursery
17. Plumbing Shop associated with retail sales
18. Radio and Television Stations
19. Service Establishments
20. Skating Rink

21. Tinsmithing Shop associated with retail sales

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

Approved:

\_\_\_\_\_  
Michael E. Bodker, Mayor

ATTEST:

Approved as to Form and Content:

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Joan C. Jones, City Clerk

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City Attorney

(Seal)

## Research – Brewery Use in Neighboring Jurisdictions

Neighboring Jurisdiction	Allowed Zoning District
<b>Alpharetta</b>	<p>Brewery as Permitted Use in L-I (Industrial)</p> <p>Brewery as Conditional Use in CUP (Community Unit Plan); O-I (Office Institutional); C-1 (Neighborhood Commercial); C-2 (General Commercial); PSC (Planned Shopping Center); and MU (Mixed Use)</p>
<b>Duluth</b>	<p>Brewery as Permitted Use in M-1 (Light Industrial District) and M-2 (Heavy Industrial District)</p> <p>Brewery as Special Use in C-2 (General Business District); HC-Retail (Highway Commercial-Retail District); HC-Auto (Highway Commercial-Auto District); and CBD<sup>1</sup> (Central Business District)</p>
<b>Peachtree Corners</b>	<p>Microbrewery as Permitted Use<sup>2</sup> in: C-2 (General Business District); C-3 (Highway Business District); M-1 (Light Industry District); and M-2 (Heavy Industry District)</p>
<b>Roswell</b>	<p>Brewery<sup>3</sup> and Microbrewery<sup>4</sup> as Permitted Use in IX (Industrial Flex District) and IL (Light Industrial District)</p> <p>Microbrewery as Limited Use in: NX (Neighborhood Mixed District); CX (Commercial Mixed District); SH (Shopping Mixed District); CC (Commercial Corridor District); PV (Parkway Village District); CH (Commercial Heavy District); DX (Downtown Mixed District); DS (Downtown Shopfront District) and DH (Downtown House District). The Limited Use standard is “the individual establishment cannot exceed 15,000 square feet of gross floor area.”</p>

<sup>1</sup> Only if the brewery has retail components

<sup>2</sup> Pursuant to the requirements of O.C.G.A 3-4-24.2 and 3-5-24.1

<sup>3</sup> With the production of 15,000 barrels or more malt beverage per year

<sup>4</sup> With the production of fewer than 15,000 barrels of malt beverage