

STATE OF GEORGIA

First Reading: November 13, 2017

Second Reading: January 22, 2018

CITY OF ROSWELL

**ORDINANCE TO AMEND CHAPTER 3 “ALCOHOLIC BEVERAGES” OF THE CODE
OF ORDINANCES OF THE CITY OF ROSWELL TO ALLOW FOR THE
MANUFACTURING OF WINE; TO AMEND THE UNIFIED DEVELOPMENT CODE
(UDC), ARTICLES 4, 5, 6 AND 9 TO ALLOW WINE MANUFACTURING WITHIN
THE CITY OF ROSWELL AND FOR OTHER PURPOSES**

WHEREAS, State law provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property and affairs; and

WHEREAS, the City of Roswell Code of Ordinances provides licensing requirements for the manufacturing of malt beverages and distilled spirits; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the public health, safety and welfare that the City of Roswell provide regulations on the manufacturing of wine and to allow wineries within the city; and

WHEREAS, the Mayor and Council wish to amend the Roswell Code of Ordinances to provide for such provided the same is allowed under Federal and State laws and regulations:

NOW, THEREFORE, the Mayor and Council of the City of Roswell, pursuant to their authority, do hereby adopt the following amendment:

1.

**Chapter 3 “Alcoholic Beverages,” Article 3.2 “Licensing” Section 3.2.5
“Manufacturer”** of the Code of Ordinances of the City of Roswell, Georgia is hereby amended by adding a new subsection (e) which shall read as follows:

Section 3.2.5. Manufacturer

(e) *Winery* a facility involved in the manufacturing of wine as defined in Section 3.1.2(d) which shall include the manufacturing of mead or honey wine when the formula and process for manufacturing the mead has federal approval. A head of household may produce 200 gallons of wine within a calendar year for their personal use without being subject to this Chapter.

2.

**Chapter 3 “Alcoholic Beverages,” Article 3.1 “In General,” Section 3.1.2
“Definitions”** of the Code of Ordinances of the City of Roswell, Georgia is hereby amended by adding a new definition to subsection (d) to read as follows:

Wine an alcoholic beverage containing not more than 21% alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. Mead or honey wine for purposes of this Chapter shall be classified wine as provided for under the Georgia Department of Revenue Regulations. This definition shall not include cooking wine unsuitable for human consumption as a beverage.

3.

Chapter 3 “Alcoholic Beverages,” Section 3.4.1 Zoning Regulations; Existing Licenses of the Code of Ordinances of the City of Roswell, Georgia is hereby amended by adding the following to the second sentence contained therein, which shall read as follows:

No pouring license shall be granted in PV or the District formerly known as the Parkway Village Overlay District except at outlets licensed as restaurants under Section 3.7.3 of this article, or as a “manufacturer” as defined in Section 3.1.2 of this article.

4.

Article 9 “Use Provisions,” Sec. 9.6. “Industrial Uses,” 9.6.1 “Light Industrial” of the Unified Development Code of the City of Roswell, Georgia is hereby amended by adding Winery to the use list under letter A, number 2 and a new subsection G. to read as follows:.

G. Winery

1. Defined. A facility involved in the manufacturing of wine as further defined by Section 3.2.5(e) of the Code of Ordinances of the City of Roswell, Georgia.

5.

Article 4, Section 4.5 “Allowed Uses”, Section 4.5.2, “Use Table” of the Unified Development Code of the City of Roswell, Georgia is hereby amended by adding the winery use as a “Limited” use in the zoning classifications of NX, CX, SH, CC, PV and CH.

6.

Article 5, Section 5.5, “Allowed Uses,” Section 5.5.2, “Use Table” of the Unified Development Code of the City of Roswell, Georgia is hereby amended by adding the winery use as a “Limited” use in the zoning classifications of DX, DS and DH.

7.

Article 6, Section 6.5, “Allowed Uses,” Section 6.5.2, “Use Table,” of the Unified Development Code of the City of Roswell, Georgia is hereby amended by adding the winery use as a “Permitted” use in the zoning classifications of IX and IL.

8.

Severability. Should any court of competent jurisdiction declare any section or part of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

9.

Repeal of Conflicting Provisions. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

10.

Renumbering. It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances and Unified Development Code of the City of Roswell, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell, Georgia, on the 22nd day of January 2018.


Lori Henry, Mayor

Attest:


Marlee Press, City Clerk

SEAL



Regular Meeting

Monday, January 22, 2018

7:00 PM

9. Presentation of the Fiscal Year (FY) 2017 Comprehensive Annual Financial Report (CAFR).

RESULT: PRESENTED

Community Development Department - Councilmember Michael Palermo

10. Approval of a Text Amendment to the Unified Development Code (UDC) to allow Mead as a Wine Manufacturer and Approval of a Text Amendment to Chapter 3 "Alcoholic Beverages" to the City of Roswell Code of Ordinances. (Second Reading) (The Second Reading was deferred at the December 11, 2017 Mayor and Council meeting)

Ordinance No. 2018-01-01

RESULT: APPROVED ON SECOND READING [UNANIMOUS]

MOVER: Matt Judy, Councilmember

SECONDER: Marie Willsey, Councilmember

IN FAVOR: Henry, Groer, Judy, Tyser, Willsey, Zapata

ABSENT: Michael Palermo

Environmental / Public Works Department - Councilmember Matt Judy

11. Approval for the Mayor and/or City Administrator to sign a contract with Steele & Associates for the Millbrook Circle Water Main Replacement Project in the amount of \$156,360.

RESULT: APPROVED [UNANIMOUS]

MOVER: Matt Judy, Councilmember

SECONDER: Marcelo Zapata, Councilmember

IN FAVOR: Henry, Groer, Judy, Tyser, Willsey, Zapata

ABSENT: Michael Palermo

12. Approval for the Mayor and/or City Administrator to sign a contract with stand-by contractor Wade Coots Company for the Walnut Lane water line replacement project in the amount of \$189,250.

RESULT: APPROVED [UNANIMOUS]

MOVER: Matt Judy, Councilmember

SECONDER: Sean Groer, Councilmember

IN FAVOR: Henry, Groer, Judy, Tyser, Willsey, Zapata

ABSENT: Michael Palermo