

**STATE OF GEORGIA  
HENRY COUNTY**

**ORDINANCE NO. 23-7**

**AN ORDINANCE BY HENRY COUNTY GEORGIA, TO AMEND VARIOUS SECTIONS OF THE UNIFIED LAND DEVELOPMENT CODE (ULDC) TO PROVIDE FOR NEW AND/OR AMENDED DEFINITIONS, REGULATING STANDARDS FOR VINEYARDS AND WINERIES.**

**WHEREAS**, the Unified Land Development Code (ULDC) was adopted and made a part of the Henry County Code of Ordinances by the Henry County Board of Commissioners (BOC) on September 15, 2009; and

**WHEREAS**, *Section 12.02.11, Requirements for Amendments* of the ULDC outlines the procedural process for amendments to the Code; and

**WHEREAS**, the BOC wishes to amend the ULDC (ULDC-AM-22-08) to provide for new and/or enhanced development standards regarding vineyards and wineries.

**WHEREAS**, County and State requirements for legal advertisement and a public hearing have been met;

**NOW, THEREFORE, BE IT ORDAINED** by the Henry County Board of Commissioners, and it is hereby ordained by the authority of the same, that

**I.**

*Section 2.03.03. Nonresidential land uses in base zoning district* of the ULDC be amended such as “*Vineyards with or wineries*” shall be added to the permitted use table with the notations “S” and “4.03.36.

**II.**

*Appendix A. Definitions* of the ULDC be amended to add the following definition to be placed alphabetically:

*Malt beverages. A fermented drink in which the primary ingredient is the grain, or seed, of the barley plant, which has been allowed to sprout slightly in a traditional way called "malting" before it is processed.*

*Vineyard. A plantation of grape-bearing vines, grown mainly for winemaking, but also raisins, table grapes and non-alcoholic grape juice.*

*Winery. A winery which makes at least 40% of its annual production from agricultural produce grown in the state where the winery is located and; is located on the premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.*

### III.

A new Section 4.03.36. *Vineyards with or without Wineries* of the ULDC be added to read as follows:

- A. *Vineyards are permissible in the RA zoning district (not within a subdivision) subject to the site design standards for that district. Vineyards with Wineries are permissible with an approved conditional use within the RA zoning districts, subject to the standards of the zoning district and in accordance with section 4.01.03, appearance standards for commercial buildings, and subject to the supplemental standards set forth in this section.*
- B. *Functions for Vineyards with Wineries may include the following;*
  - 1. *Allowance of special events with a special event permit.*
  - 2. *Alcoholic Beverage Sales*
    - a. *Sales of flights of individual 1.5 oz. servings of different wines of any other Georgia Farm winery for consumption on premises;*
    - b. *Sales by the glass for consumption on premises of*
      - (1) *wine produced from grapes, berries or fruits grown on site;*
      - (2) *wine of any other winery;*
      - (3) *Distilled spirits and malt beverages are expressly prohibited.*
    - c. *Retail sales in closed packages for consumption off premises of*
      - (1) *wine produced from grapes, berries or fruits grown on site;*
      - (2) *wine of any other winery.*
  - 3. *Sales of pre-prepared cold meat, cheese and bread platters typically associated with wine tasting;*
  - 4. *Install a full-service kitchen intended to support special events;*
    - a. *Full-Service restaurants are prohibited.*
  - 5. *Patron operating hours and activities (operation of winery tours, events, tastings, etc.) shall be allowed Wednesday through Sunday between the hours of 10:00 am and 8:00 pm without a special event permit.*
  - 6. *The use of outdoor speakers. (when granted, such use must conform to provisions provided by the Henry County Noise Ordinance Sec.3-17-40)*
- C. *Vineyards with wineries shall meet all requirements for commercial developments as per Chapter 8.00.00 of the ULDC.*
- D. *The following site design standards are required for Vineyards with or without Wineries:*

*Table 4.03.36(D) Standards for Vineyards with Wineries*

<i>Development Feature</i>	<i>Standard</i>
<i>Minimum site area</i>	<i>15 acres for vineyards with wineries</i>
<i>Minimum harvesting agricultural area</i>	<i>5 acres for vineyards with wineries</i>
<i>Minimum lot width</i>	<i>500 feet</i>

<i>Minimum road frontage</i>	<i>175 feet</i>
<i>Minimum setback from any residential zoning district for buildings</i>	<i>100 feet</i>
<i>Buffer Requirements</i>	<i>There shall be a minimum 100-foot (100') undisturbed or enhanced buffer along the perimeter of the property, except where access is required.</i>
<i>Building Design</i>	<i>Brick, stone, stucco, glass, cement fiberboard, or masonry materials meeting the architectural review approval of Planning and Zoning, and Building and Plan Review departments.</i>
<i>Outdoor lighting</i>	<i>Exterior lighting shall be downcast of moderate brightness and shall not cause glare on any abutting property.</i>
<i>Parking, Drop-off and pick-up areas</i>	<i>Designed and located away from residential areas Separated from parking areas. Screened from view of adjacent properties and from the public right-of-way.</i>
<i>Outside Storage</i>	<i>Screened from view from adjacent properties and from the public right-of-way. Setback a minimum of 100 feet from any residentially zoned property.</i>
<i>Refuse and solid waste containers</i>	<i>Enclosed, except for an access gate, and screened from view from adjacent properties and from the public right-of-way. Setback a minimum of 100 feet from any residentially zoned property.</i>
<i>Loudspeakers / Intercom Paging Systems</i>	<i>Prohibited</i>
<i>Outdoor Speakers</i>	<i>Must conform to provisions provided by the Henry County Noise Ordinance. Sec. 3-17-40</i>
<i>Transportation Requirements</i>	<i>Henry County DOT shall determine whether the development shall meet commercial road improvement standards at the time of development plan review.</i>
<i>Fencing Requirements</i>	<i>A 6-foot solid privacy fence is required along entrances that are within 175 feet of another structure on adjacent properties.</i>
<i>Access requirements</i>	<i>Paved and dust-free driveways are required when within 175 feet of another structure on adjacent properties.</i>

**IV.**

It is the intention of the BOC, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Henry County, Georgia.

**V.**

All ordinances, parts of ordinances, or regulations in conflict herewith are hereby repealed.

**VI.**

Should any section, part or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof not specifically declared to be invalid or unconstitutional.

**VII.**

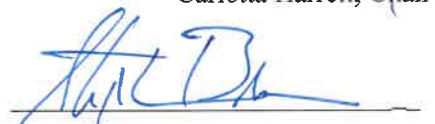
This ordinance shall take effect and be in force from and after the date of its adoption, the public welfare demanding it.

**BE IT SO ORDAINED, THIS 6<sup>TH</sup> DAY OF JUNE, 2023.**

**BOARD OF COMMISSIONERS  
OF HENRY COUNTY, GEORGIA**

  
\_\_\_\_\_  
Carlotta Harrell, Chair

ATTEST:

  
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Stephanie Braun, County Clerk