

FEB 19 2018

Petition #: 2017-174
Petitioner: Lindsay Dorrier, III

Revised 10-26-17

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE - ZONING ORDINANCE**

ORDINANCE NO. 9273

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION DISTRICTS

1. PART 2: DEFINITIONS

- a. Amend Section 2.201, "Definitions" by adding a definition in alphabetical order for "winery". The new definition shall read as follows:

Winery.

An establishment that manufactures wine, including cider and mead, exclusive from related agricultural uses.

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS

- a. Amend Table 9.101 by adding "Wineries" in alphabetical order as a use allowed under prescribed conditions in the I-1 and I-2 zoning districts, under the "Industrial Uses" header.

INDUSTRIAL USES			
	U-I	I-1	I-2
<u>Wineries</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

2. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend 9.1003, "Urban Industrial District; uses permitted under prescribed conditions" by adding a new use, "and Wineries" to subsection 2.5. The revised subsection shall read as follows:

(2.5) Breweries and Wineries shall meet the following prescribed conditions:

- (a) Maximum size: 60,000 square feet.
- (b) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.
- (c) Outdoor production, processing, or repair of equipment shall be located no closer than 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the outdoor production, processing, or repair area to the property line of the residential use or zoning district.

3. PART 11: INDUSTRIAL DISTRICT

- a. Amend Section 9.1103, "Uses permitted under prescribed conditions", by adding a new use, " and Wineries" to the title of 6.5; and in subsection (6.5)(1), (6.5)(2), (6.5)(2)(a), and (6.5)(2)(b) The revised section shall read as follows:

(6.5) Breweries and Wineries.

- (1) In I-1, breweries and wineries shall meet the following prescribed conditions:

- (a) Maximum size: 60,000 square feet.
- (b) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.
- (c) Outdoor production, processing, or repair of equipment shall be located no closer than 300' from any abutting residentially used or

zoned property. Distances shall be measured from the closest edge of the outdoor production, processing, or repair area to the property line of the residential use or zoning district.

- (2) In I-2, breweries and wineries shall meet the following prescribed conditions:
- (a) Breweries and wineries with a maximum size of 60,000 square feet shall meet the following prescribed conditions:
1. Maximum FAR of .80.
 2. Outdoor storage of goods and materials used in assembly, fabrication or processing is permitted, but shall not exceed 25% of the floor area of all buildings on a lot.
- (b) Breweries and wineries greater than 60,000 square feet in size shall meet the following prescribed conditions:
1. Maximum FAR of 1.0.
 2. All structures and buildings shall be located a minimum of 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the structure to the property line of the residential use or zoning district.
- (c) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.
- (d) Outdoor production, processing, or repair of equipment shall be located no closer than 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the outdoor production, processing, or repair area to the property line of the residential use or zoning district.

C. CHAPTER 9: GENERAL DISTRICTS

1. PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS

- a. Amend Table 9.101 by adding "Wineries" in alphabetical order as a use allowed under prescribed conditions in the TOD-M, TOD-E, MUDD, and UMUD zoning districts, under the "Industrial Uses" header.

INDUSTRIAL USES				
	TOD-M	TOD-E	MUDD	UMUD
<u>Wineries</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

2. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

- a. Amend Section 9.8503, "Mixed Use Development District; uses permitted under prescribed conditions", by adding "wineries" to the list of permitted uses in alphabetical order, as follows:

Wineries, subject to the regulations of Section 12.544.

3. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.903, "Uptown Mixed Use District; uses permitted under prescribed conditions" by adding a new item (18) for wineries. The new entry shall read as follows:

(18) Wineries, subject to the regulations of Section 12.544.

4. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1206, "Uses Permitted Under Prescribed Conditions", by adding a new item (11) for wineries. The new entry shall read as follows:

(11) Wineries, subject to the regulations of Section 12.544 (TOD-E and TOD-M only)

D. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

- a. Amend Section 10.811, "Uses" by adding a new item (5) to allow wineries with prescribed conditions. The new entry shall read as follows:

- (5) Wineries, permitted only in the underlying zoning districts of B-1, B-2, I-1 and I-2, and subject to the standards of 12.544.

2. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

- a. Amend Section 10.905, "Uses", subsection (1), under the entry for "Heavy Industrial uses...." by clarifying that wineries are included in the list of heavy industrial uses that are not permitted in TS. The revised section shall read as follows:

- (1) Heavy Industrial uses permitted by right or under prescribed conditions including, but not limited to: abrasive and asbestos products; aircraft and parts; agricultural chemicals; alcoholic beverages, with the exception of breweries and wineries; asphalt paving and roofing materials; brick, tile, and clay products; chemical manufacture, refining and processing; concrete, gypsum and plaster products; construction and related machinery; cut stone and stone products; electrical distribution equipment; electrical industrial apparatus; engines and turbines; fabricated metal products; farm and garden machinery; fats and oils processing; furniture and fixtures; glass and glassware; guided missiles, space vehicles, etc.; industrial machinery; leather tanning; manufactured housing; meat products, including slaughtering and dressing; motorcycles and parts; ordinance and accessories; paper and allied products; petroleum and coal products; plastic and rubber products; railroad equipment; refrigerator and service machinery; sugar refining, textile mill products; tires and inner tubes; wire products; and other similar uses.

- b. Amend Section 10.905, "Uses", subsection (2) adding a new subsection (2)(c). The new entry adds wineries as a use allowed, under prescribed conditions, when the underlying zoning district is B-1, B-2, I-1 or I-2. The new entry shall be as follows:

- (c) Wineries (only when the underlying zoning district is B-1, B-2, I-1, or I-2) and subject to the standards of this overlay district and to the prescribed conditions of Section 12.544.

E. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

(1) PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- (a) Amend Section 12.544, "Breweries", by replacing "Breweries" with a new title, "Breweries and Wineries", and adding one of the following: "and wineries", "or winery", "or wine", or " , or winery, " in subsections (1)(a), (1)(a)(2), (1)(b), (1)(c), (1)(d) (2), (2)(a), (2)(b), (2)(c), and (2)(d). The revised text shall read as follows:

Section 12.544 Breweries Breweries and Wineries

- (1) In TOD-M, TOD-E, MUDD and UMUD, breweries and wineries are subject to the following

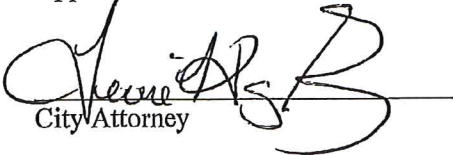
prescribed conditions:

- (a) The brewery or winery shall include an Eating, Drinking and Entertainment, located in the same building. The Eating, Drinking and Entertainment Establishment shall meet the following conditions:
 - 1. All prescribed conditions associated with the Eating, Drinking and Entertainment Establishment shall be met in accordance with the zoning district in which they are located, including any separation distances required in Section 12.546.
 - 2. The minimum size of the Eating, Drinking and Entertainment Establishment shall be 20% of the total square footage for the brewery or winery and the Eating, Drinking and Entertainment Establishment, or 1,500 square feet, whichever is less.
 - (b) Maximum size for the brewery or winery and the Eating, Drinking and Entertainment Establishment: 15,000 square feet. To encourage the adaptive reuse of older or underutilized buildings, the maximum size shall be increased to 25,000 square feet, if the brewery and Eating, Drinking and Entertainment Establishment locate in a building constructed prior to 1980.
 - (c) If the brewery or winery is located on a public right-of-way, private street, or rapid transit line, the Eating, Drinking and Entertainment Establishment shall have fenestration through vision glass, doors or active outdoor spaces along 30% of the length of the building side that fronts the public right-of-way, private street, or rapid transit line. If the building architecture or site prohibits meeting the above condition, the Planning Director, or designee, may approve alternative approaches
 - (d) Off-site distribution of manufactured beer or wine is permitted if vehicular access is from a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.
 - (e) All development and urban design standards of the district shall apply.
- (2) In PED and TS, breweries and wineries shall only be permitted when the underlying zoning district is B-1, B-2, I-1 or I-2, and the following prescribed conditions are met:
- (a) The brewery or winery shall include an Eating, Drinking and Entertainment Establishment, located in the same building. The Eating, Drinking and Entertainment Establishment shall meet the following conditions:
 - 1. All prescribed conditions associated with the Eating, Drinking and Entertainment Establishment shall be met in accordance with the zoning district in which they are located, including any separation distances required in Section 12.546.

2. The minimum size, of the Eating, Drinking and Entertainment Establishment shall be 20% of the total square footage for the brewery and the Eating, Drinking and Entertainment Establishment, or 15,000 square feet, whichever is less.
- (b) Maximum size for the brewery, or winery, and the Eating, Drinking and Entertainment Establishment: 15,000 square feet. To encourage the adaptive reuse of older or underutilized buildings, the maximum size uses shall be increased to 25,000 square feet, if the brewery, or winery, and Eating, Drinking and Entertainment Establishment locate in a building constructed prior to 1980.
- (c) If the brewery or winery is located on a public right-of-way, private street, or rapid transit line, the Eating, Drinking and Entertainment Establishment shall have fenestration through vision glass, doors or active outdoor spaces along 30% of the building side that fronts the public right-of-way, private street, or rapid transit line. If the building architecture or site prohibits meeting the above condition, Planning Director or designee may approve alternative approaches.
- (d) Off-site distribution of manufactured beer or wine is permitted if vehicular access is from a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.
- (e) All development and urban design standards of the district and underlying district, shall apply.

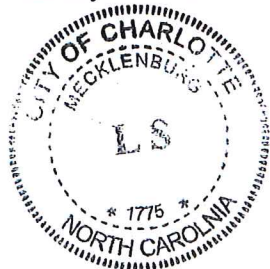
Section 2. That this ordinance shall become effective upon its adoption.

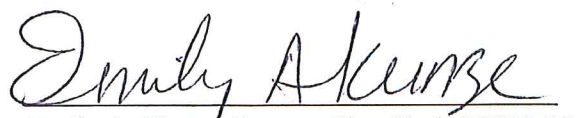
Approved as to form:


City Attorney

I, Emily A. Kunze Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of February, 2018, the reference having been made in Minute Book 144, and recorded in full in Ordinance Book 61, Page(s) 262-268.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 19th day of February, 2018.




Emily A. Kunze, Deputy City Clerk, NCCMC