

Petition No. 2013-050

Petitioner: Charlotte-Mecklenburg Planning Department

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

ORDINANCE NO.

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 9: GENERAL DISTRICTS

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

- a. Amend Table 9.101 by adding “Breweries” 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>Breweries</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 “breweries” to the list of permitted uses in alphabetical order, as follows:

Breweries, 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 (5.5) for breweries. The new entry shall read as follows:

(5.5) Breweries, 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 (2.5) for breweries. The new entry shall read as follows:

(2.5) Breweries, subject to the regulations of Section 12.544.

B. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

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

(.5) Breweries, 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 breweries are excluded from the list of heavy industrial uses that are not permitted in TS. In addition, a subsection letter is missing from in front of the entry “Heavy Industrial uses permitted.....”, and a subsection entry for (o) is missing. Renumber the entries in alphabetical order to align with the existing numbering system. The remaining entries and text remain the same. The revised section shall read as follows:

(l) 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; 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.

(lm) Jails and prisons.

(mn) Manufactured home sales and repair.

(~~h~~o) Mining and extraction establishments.

- (b) Amend Section 10.905, “Uses”, subsection (2) by modifying the sentence to include reference to the fact that the use may have prescribed conditions. Add a new subsection and re-alphabetize the entries accordingly. The new entry adds breweries 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:

(2) The following use, which is not permitted in some of the underlying districts, shall be permitted by right or under prescribed conditions:

(a) Breweries (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.

(~~a~~b) Residential uses, subject to the standards of this overlay district.

C. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Amend Section 12.544, “Reserved”, by replacing “reserved” with a new title, “Breweries” and add new prescribed conditions. The revised text shall read as follows:

Section 12.544 Reserved Breweries.

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

(a) The brewery shall include at least one of the following uses associated with the brewery, and located in the same building: a restaurant, nightclub, bar, or lounge. The restaurant, nightclub, bar or lounge shall meet the following conditions:

1. All prescribed conditions associated with the restaurant, nightclub, bar or lounge use shall be met, including any separation distances to residential uses and districts.

2. For breweries and all associated uses, the minimum

size of the associated restaurant, nightclub, bar or lounge shall be 20% of the total square footage for the brewery and all associated uses, or 1,500 square feet, whichever is less.

- (b) Maximum size for the brewery and all associated uses: 15,000 square feet. To encourage the adaptive reuse of older or underutilized buildings, the maximum size for all uses shall be increased to 25,000 square feet, if the brewery and associated restaurant, nightclub, bar or lounge locate in a building constructed prior to 1980.
- (c) If the brewery is located on a public right-of-way, private street, or rapid transit line, the associated restaurant, nightclub, bar or lounge use 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, the Planning Director or designee may approve alternative approaches.
- (d) Off-site distribution of manufactured beer 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.
- (4) In PED and TS, breweries 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 shall include one of the following uses associated with the brewery, and located in the same building: a restaurant, nightclub, bar, or lounge. The restaurant, nightclub, bar or lounge shall meet the following conditions:

 - 1. All prescribed conditions associated with the restaurant, nightclub, bar or lounge use shall be met, including any separation distances to residential uses and districts.
 - 2. For breweries and all associated uses, the minimum

size of the restaurant, nightclub, bar or lounge shall be 20% of the total square footage for the brewery and all associated uses, or 1,500 square feet, whichever is less.

- (b) Maximum size for the brewery and all associated uses: 15,000 square feet. To encourage the adaptive reuse of older or underutilized buildings, the maximum size for all uses shall be increased to 25,000 square feet, if the brewery and associated restaurant, nightclub, bar or lounge locate in a building constructed prior to 1980.
- (c) If the brewery is located on a public right-of-way, private street, or rapid transit line, the associated restaurant, nightclub, bar or lounge use 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 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, _____, 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 _____ day of _____, 2013, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this _____

day of _____, 2013.