

# ZONING ORDINANCE TEXT AMENDMENT APPLICATION

## CITY OF CHARLOTTE

FY2012 Petition #: <u>2014-062</u>
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Office Use Only

Section #: City of Charlotte Zoning Ordinance: Sections 2.2201, 9.101, 9.101, 9.1003, 9.8503, 9.903, 9.1206, 10.811, 10.905, and 12.544

Purpose of Change: 1.) To amend the Zoning Code of the City of Charlotte to include the use of "Winery" as production of wine, including cider and mead production, and with the same restrictions as the use of "Brewery." 2.) To amend Section 12.544 to clarify residential distance requirement for an associated consumer uses of a brewery or winery with limited hours of operation.

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Petition #:

Petitioner: Brian Beauchemin and Deanna Bradish

**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 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
<b><u>Wineries</u></b>	<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 item, "Wineries" to item 2.5. The new entry 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, "Wineries" to item 6.5 titled. The new entry 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.

<b>INDUSTRIAL USES</b>				
	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 (17) for wineries. The new entry shall read as follows:

(17) 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 excluded from 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." 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 at least one of the following uses associated with the brewery or winery, 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. In the event that the brewery or winery restricts the hours of operation of its restaurant, nightclub, bar, or lounge use (the "Associated Consumer Uses") to between the hours of 12:00 pm (noon) and 11:00 pm, then the applicable requirement for distance from a residential use shall be as follows: The area designated for the Associated Consumer Use shall be separated by at least one hundred (100) feet from the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district. This distance shall be measured from the closest edge of the Associated Consumer Use to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district.
  2. For breweries and wineries 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 or winery 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 or winery and associated restaurant, nightclub, bar or lounge 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 associated restaurant, night club, 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 or wine (including cider

and mead) 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 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 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. In the event that the brewery or winery restricts the hours of operation of its restaurant, nightclub, bar, or lounge use (the "Associated Consumer Uses") to between the hours of 12:00 pm (noon) and 11:00 pm, then the applicable requirement for distance from a residential use shall be as follows: The area designated for the Associated Consumer Use shall be separated by at least one hundred (100) feet from the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadrplex only) when located in a single family zoning district. This distance shall be measured from the closest edge of the Associated Consumer Use to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadrplex only) when located in a single family zoning district.

2. For breweries, wineries 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, winery 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, winery and associated restaurant, nightclub, bar or lounge 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 associated restaurant, night club, 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 or wine (including cider and mead) 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 \_\_\_\_\_, 20\_\_\_\_, 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 the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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