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**PLANNING AND NEIGHBORHOOD SERVICES**

**Zoning Staff Report**

<b>Case: ZT 2015-001 Breweries, Distilleries and Wineries</b>		
<b>Reference Name</b>	Amendment of Chapter 520; Chapter 530; Chapter 7210; Chapter 1610	
<b>Applicant</b>	Town of Indian Trail and Tibor Pavlusik	
<b>Submittal Date</b>	January 28, 2015	
<b>Location</b>	Town-wide	
<b>Tax Map Number</b>	N/A	
<b>Plan Consistency</b>	Town of Indian Trail Comprehensive Plan	Consistent With Goals of the Adopted Comprehensive Plan
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommends Approval of Proposed Text Amendment.

**Project Summary**

This is a request to amend Chapters 520, 530, 1610 and add new Chapter 7210 to the Unified Development Ordinance (UDO) to permit Breweries, Distilleries and Wineries in appropriate districts subject to Use Standards where applicable. These uses are currently not identified within the UDO table of permitted uses and therefore a text amendment proposal has been submitted to accommodate them.

**Staff Recommendation**

Staff recommends, based on the guidance of the adopted plans, that the text amendment be supported by recommending its approval to the Town Council.

**Background**

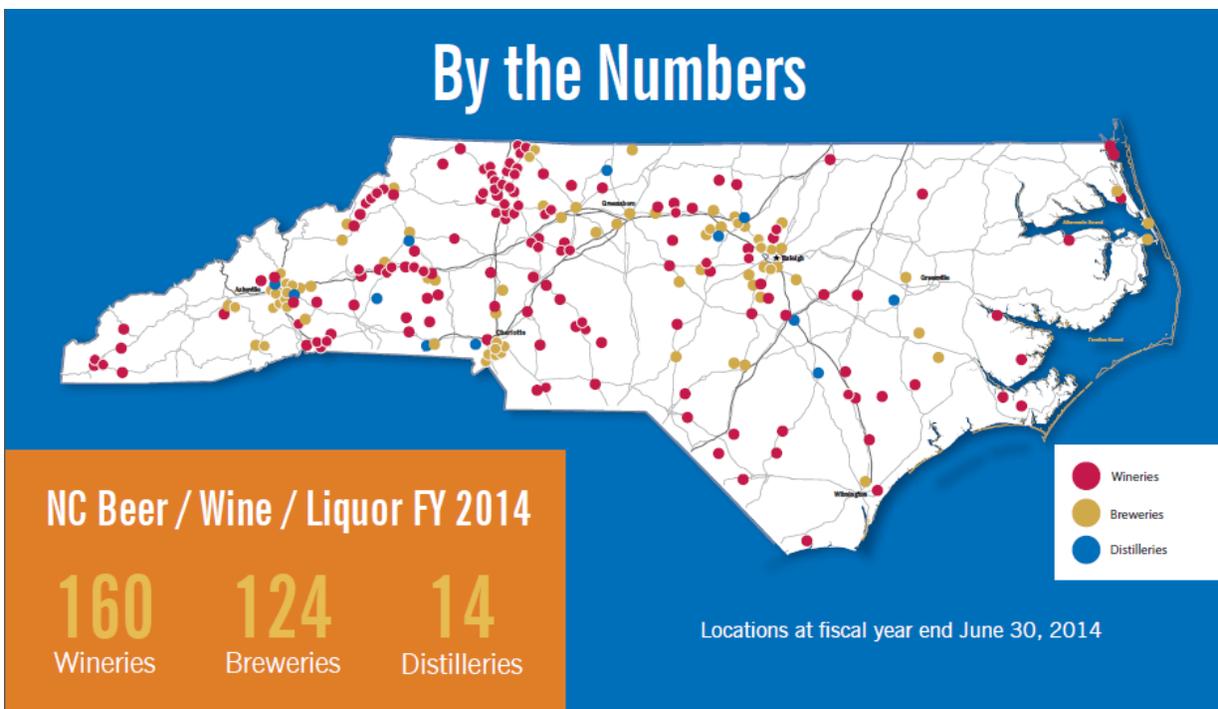
This text amendment proposal was originally initiated by a Charlotte area entrepreneur, Mr. Tibor Pavlusik, to help facilitate development of an Indian Trail distillery business within an industrial zoning district (no specific location). Recognizing the emerging trend in distilled spirits, beer and wine that focuses on locally produced, high quality products (referred to as “craft”), staff felt this was an opportune time to address the broader craft alcohol industry by expanding Mr. Pavlusik’s text amendment proposal to address additional aspects. Mr. Pavlusik is in agreement with the proposed text included herein.

These additional aspects contemplate the craft alcohol trend of merging, under “one roof,” the traditional industrial production environment, (where alcohol products are made) with the commercial environment where products are consumed onsite, similar to a bar area and/or made available for retail purchase for home consumption. Some establishments within this industry

also integrate full service restaurants and/or other food services with their production facilities. Examples of these “mixed” businesses in the Charlotte area include Rock Bottom Brewery in Uptown Charlotte, Old Mecklenburg Brewery near South Boulevard in Charlotte, and others.

Prior to discussing the specific aspects of the proposed amendment, it’s important to recognize the economic impact the craft alcohol industry has had on a national and local level. Staff’s research found the following trends/statistics:

- The craft brewing industry contributed \$33.9 Billion to the U.S. economy in 2012, and more than 360,000 jobs. (Brewers Association, 2012)
- There were 1,211 microbreweries and 1,165 brewpubs in the U.S. in 2013. By comparison, there were 89 commercial breweries of any type in 1970. (Brewers Association, 2013)
- There was a 400% increase in micro-distilleries in the U.S. between 2005 and 2012. (APA, March 2014)
- Wineries producing between 1,000 and 5,000 cases per year grew 16.5% between 2011 and 2014. (APA, March 2014)



- According to the North Carolina Alcoholic Beverage Control 2014 Annual Report, there are 124 breweries, 14 distilleries, and 160 wineries in North Carolina (See map above). Of those reported numbers, approximately 14 breweries, 2 distilleries, and 14 wineries are in the Mecklenburg/Union County area. (North Carolina Alcoholic Beverage Control Commission)

### **Current and Proposed Legislation (Senate Bill 24)**

Recent proposed legislation in the Senate (Senate Bill 24) proposes to allow the sale of spirits produced at distilleries for off-premise consumption (i.e., self distribution). It also proposes to allow liquor tasting at trade shows, conventions, beverage festivals, street and holiday festivals and similar events. Currently, liquor tasting events are only permitted at the distillery that produces the spirit.

The amendment before you is consistent with current regulations in that it would permit only on-premise tastings at the respective distillery when combined with an associated restaurant or similar use, in accordance with all Federal regulations and requirements. It does not propose to permit off-premise sales of distilled spirits, which is presently handled exclusively by State ABC stores.

### **Analysis**

In consideration of the above noted trend in brewing and distilling of alcoholic beverages and its potential economic impact on the local economy, Staff has drafted comprehensive UDO language to permit distillery, brewery, and winery uses within both industrial and select commercial districts. To effect this, amendments are required to UDO Sections 520 and 530 (use tables), Section 1610.100 (definitions) and Section 7210 (use standards). While the proposed amendments are comprehensive in nature, they are prepared in a manner where the scope of work can be reduced or increased by staff relatively easily based on feedback from the Planning Board and/or Town Council.

As previously noted, these craft establishments are fairly common within the Charlotte area and North Carolina, with an establishment recently opening as close as the Town of Mint Hill near Idlewild Road (Barking Duck Brewery). In preparing the proposed text amendment, Staff consulted the ordinances of other communities with facilities on the ground as well as national planning resources to gain insight in preparing a suitable ordinance amendment. The following will summarize this research.

### ***Research***

A complete benchmark table containing Staff's findings of neighboring municipalities can be found in Attachment 1. In particular, it shows how the City of Charlotte, the Town of Matthews and the Town of Mint Hill classify breweries, distilleries and/or wineries, identifies which zoning districts the uses are permitted, and identifies what performance standards or special restrictions (if any) may be applied to a particular use.

Generally, the research shows how municipalities attempt to minimize any land use incompatibility in the location of brewery and distillery uses. Where applicable, use standards have been used to ensure a integration within the community of the uses and the structures in which they are housed. The above-mentioned municipalities classify brewery and distillery uses into two (2) types of zoning districts: commercial or industrial. In some cases these uses are also permitted within urban scale, mixed-use districts that would be comparable to Indian Trail's Village Center Overlay. Additional performance standards are required in certain areas to ensure size compatibility and harmonious integration of industrial functions within commercial zones as well as commercial uses within industrial districts. See Attachment 1 for a complete list of requirements.

One notable example of a thriving brewery and distillery use can be found in the Town of Chapel Hill. Top of the Hill (picture below) includes a distillery, brewery and a restaurant, bar and special event space all located in a central downtown location. The brewery and distillery use is permitted as an accessory use to an existing restaurant within the commercial area, without any additional requirements. Chapel Hill has seen incredible success of the uses, as they are located within a former publishing company building giving re-purpose to an underutilized structure. According to Staff at the Chapel Hill, this venture has furthered their Town's economic development efforts and there have been no negative effects within the community. In fact, its success is thought to come in great part because of its location within a very mixed, pedestrian friendly zone.



***Proposed Amendments***

Based on Staff’s findings, we attempted to strike a balance between the industrial production aspects of the brewery, distillery and winery industry and the emerging trend of having associated commercial restaurants and tasting rooms within the same facility. It is Staff’s intent to ensure industrial uses in commercial zones and commercial uses in industrial zones fit in accordance with their surrounding areas. To that extent, we offer the following amendments for the Board’s consideration, also included as Exhibit A of Attachment 2 (Ordinance).

**UDO Chapter 1610.100, Definitions**

**C. Breweries, Distilleries and Wineries (including taproom and taste room)**

**a. Breweries (including mirco-breweries and cideries)**

An establishment, whether as a principal or accessory use, which manufactures or produces beer regardless of alcohol content.

**b. Distillery (including micro-distillery)**

An establishment, whether as a principal or accessory use, which manufactures or produces distilled spirits.

**c. Winery (including vineyard)**

An establishment, whether as a principal or accessory use, which manufactures or produces wine or sparkling wine.

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**E. Taproom or Taste Room**

An area maintained predominately for the purpose of tasting, selling and consumption of the alcohol beverages manufactured on the premises or at a production facility of an associated use, including the sale of take home containers such as kegs, bottles and cans as may be allowed under Federal, State and County law.

**UDO Chapters 520 and 530, Business and Commercial and Industrial Zoning Districts Use Tables**

**BUSINES AND COMMERCIAL**

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
<b>Eating and Drinking Establishments</b>							
<u>Breweries, Distilleries and Wineries</u>	<u>P/S*</u>	-	<u>P/S*</u>	<u>P/S*</u>	<u>P/S*</u>	<u>P/S*</u>	<u>*See Special Requirements under UDO Section 7210</u>  <u>SUP for outdoor operations per UDO Section 7210</u>

## INDUSTRIAL

USE GROUP	Industrial Districts		Use Standard
Use Category	LI	HI	
<u>Breweries, Distilleries and Wineries</u>	<u>P/S*</u>	<u>P/S*</u>	<u>*See Special Requirements under UDO Section 7210</u>  <u>SUP for outdoor operations per UDO Section 7210</u>

The tables above reflect the proposed changes of: 1) Adding Breweries, Distilleries and Wineries to the list of permitted uses for Business and Commercial Zoning Districts under “Eating and Drinking Establishments” and under a new use category for Industrial Districts 2) Providing special requirements under the Use Standards to minimize impacts to adjacent properties and other aspects. (See proposed UDO Chapter 7210, which follows).

At this time, Staff is *not* recommending brewery, distillery and winery uses be permitted within the Neighborhood Business District (NBD) as the intent for the NBD is to allow small retail business services such as convenience shopping and services in close proximity to residential neighborhoods. Staff is otherwise of the opinion that these are appropriate uses within the industrial and other commercial districts, subject to compliance with the proposed use standards.

### 7210. Distilleries, Breweries and Wineries

#### **Chapter 7210. Breweries, Distilleries and Wineries**

The following regulations shall apply to all Brewery, Distillery and Winery Uses as described in UDO Section 1610.100.

- A.** Uses within the Industrial Zoning District [Light Industrial (LI) and Heavy Industrial (HI), and applicable overlay zoning districts:
1. Uses in the HI District shall not be open to the general public for activities such as onsite tours, product tasting room activities, and/or other food and beverage service activities; and
  2. Uses shall not produce odors, gas, dust or any other pollutants detrimental to the health, safety or general welfare of persons living or working in the surrounding properties; and
  3. Size limitations for non-production related activities in the LI District (i.e., tap or tasting room, food service and similar) shall not exceed 50% of the total floor area. For non-production related activities exceeding 50% of the total floor area, a Special Use Permit shall be required; and
  4. Parking requirements shall be calculated in accordance with Chapter 1020.010, *Parking Ratios* under the “Industrial” use category for “Manufacturing and Production.” Parking requirements for uses in the LI District that include a taproom or tasting room and/or a food and beverage service area shall be calculated under the “Restaurant” use category and shall ensure vehicular access, parking and circulation areas that are designed to minimize conflicts with the access, parking and circulation for adjacent industrial establishments; and
  5. Outdoor storage shall comply with the provisions of UDO Section 7180, *Outdoor Storage*; and
  6. Outdoor activities, such as live or recorded music, shall not be audible from any occupied residential home and/or from within the enclosed building of any adjacent

business establishment; and

**7.** Uses shall comply with all applicable Federal, State and County regulations.

**B.** Uses within Commercial Zoning Districts [Regional Business District (RBD), General Business District (GBD), Central Business District (CBD), and applicable overlay zoning districts:

**1.** Shall include at least one of the following associated uses: restaurant, taproom or tasting room; and

**2.** Uses shall not produce odors, gas, dust or any other pollutants detrimental to the health, safety or general welfare of persons living or working in the surrounding properties; and

**3.** Size limitations for production related activities (i.e., production of alcohol or alcoholic beverages) shall not exceed 50% of the total floor area. For production activities exceeding 50% of the total floor area, a Special Use Permit shall be required; and

**4.** Parking requirements for production related activities shall be calculated in accordance with Chapter 1020.010, *Parking Ratios* under the “Industrial” use category for “Manufacturing and Production.” Parking for non-production related activities (i.e., taproom or tasting room, food service, and similar) shall be calculated under the “Restaurant” use category and shall ensure vehicular access, parking and circulation areas that are designed to minimize conflicts with the access, parking and circulation for adjacent establishments; and

**5.** For uses located within new buildings, the street facing or front facing façade shall maintain a commercial appearance with fenestration through store fronts, windows and doors. Uses located within existing buildings shall comply with this requirement as much as possible.

**6.** Outdoor storage shall comply with the provisions of UDO Section 7180, *Outdoor Storage*; and

**7.** Uses located within new buildings shall not have outdoor storage or loading docks located within a front yard. For uses located within existing buildings, outdoor storage or loading docks may be located within the front yard if provided by the existing building and site layout; and

**8.** Outdoor loading or distribution activities between the hours of 10pm and 7am shall require a Special Use Permit; and

**9.** Outdoor activities, such as live or recorded music, shall not be audible from any occupied residential home and/or from within the enclosed building of any adjacent business establishment; and

**10.** Uses shall comply with all applicable Federal, State and County regulations.

**C.** Uses within the Downtown Overlay O-DD and Village Center Overlay O-VCD:

**1.** Shall comply with the requirements of the base zoning district as stated in UDO Section 7210 A or B; and

**2.** Any outdoor storage operations shall require a Special Use Permit.

## **Rationale for Proposed Chapter 7210**

Proposed Chapter 7210 will provide specific use standards for uses locating within industrial, commercial and overlay districts within the Town of Indian Trail (the Town).

Staff's intent with the above-proposed Chapter 7210 is as follows:

- Ensure compatibility with surrounding uses;
- Protect the identity and purpose of the zoning districts in which the uses locate;
- Promote economic development; and
- Protect existing residential, commercial, and industrial uses and zones by minimizing any negative effects such as noise, and aesthetics.

To this extent, Staff has drafted general requirements for all zones such as parking requirements, environmental requirements for the health and safety of the community, and limitations for outdoor storage activities. At this time, Staff is of the opinion that the existing outdoor storage provisions of the UDO adequately address any concerns with regarding to storage uses and does not propose specific language regarding separation requirements for outdoor storage (i.e., grain silos, etc). More specific requirements based on individual zoning districts are explained below.

*Industrial Zoning Districts:* Industrial districts within the Town are intended to accommodate manufacturing, production and wholesale uses. In the Light Industrial (LI) district, Staff felt it appropriate to enable some non production activities (tasting room, restaurant, and other commercial activities, etc.), while protecting the character of the district by imposing size limitations for non-production activities. A Special Use Permit approval by the Board of Adjustment (i.e. public hearing, etc) would be required to allow these non-production activities to exceed more than half the size of the entire establishment. The Heavy Industrial (HI) district is intended for heavy production, processing and assembly uses. In order to protect the true industrial nature of the zone, non-production activities would not be permitted in the Heavy Industrial district

*Business and Commercial Zoning Districts:* By comparison to industrial areas within the Town, business and commercial zones are intended to accommodate retail and commercial uses conveniently located to residential areas so as to provide goods and services to residents. The use standards listed for breweries, distilleries and wineries wishing to locate in a commercial zone aim to protect the commercial character of these zones. In particular, production uses must have a non-production component (i.e., tasting room, restaurant or similar use), shall have size limitations for production related uses, and shall have limited hours for outdoor loading and distribution activities. In order to protect the aesthetics of the commercial areas, in certain instances breweries in commercial zones shall not have outdoor storage or loading docks in a front yard.

*Downtown Overlay and Village Center Overlay:* The overlay districts are intended to accommodate a mix of land uses, with broad-reaching guidelines to encourage integrated development of pedestrian oriented areas (including business, office, entertainment and residential options). Taking into account the intended mixed-use nature of the overlay districts and aiming to protect existing residential uses or zones, Staff proposes additional requirements for uses located within the overlay districts, including requiring a Special Use Permit for any outdoor storage operations.

## **Required Consistency Findings**

The Planning Board is required to make two consistency findings, one for consistency with Town adopted plans and another regarding the benefit of the public. Staff is of the opinion the following findings can be made:

1. The proposed UDO amendment is consistent with the following goals of the Comprehensive Plan:
  - ***Downtown Revitalization Goal #1:*** As it enables breweries, distilleries and wineries to locate within Downtown Indian Trail by right with special requirements and contribute to the success and revitalization of the Downtown economy; and
  - ***Economic Development Goal #1:*** As it allows breweries, distilleries and wineries by right with special requirements supporting a more balanced tax base within our community. Allowing these new uses creates a diverse local economy and helps the Town of Indian Trail capture a percentage of the \$33.9 billion dollars generated by the industry in the U.S. The amendment aims to create vibrant communities and encourage local dollars to be reinvested in the local community; and
  - ***Land Use Goals 1, 3 and #5:*** As it promotes integrated land development with varying uses and minimizes land-use incompatibility and conflicts by imposing specific use standards. Brewery, distillery and winery uses are ideal in many circumstances for adaptive reuse of older or underutilized warehouse or industrial buildings.
  
2. This UDO ordinance amendment is in the best interest of the public because it enables a commercial use to locate within appropriate non-residential zoning districts subject to specific standards thereby minimizing any land use conflicts and incompatibility. The uses are optimal for existing underutilized warehouse structures and encourage community redevelopment. Lastly, the amendment also promotes diverse mixed-use land development and aims to create vibrant communities by fostering local reinvestment, particularly within the downtown and village center overlay districts.

Staff recommends that the Planning Board make the required consistency findings and recommend adoption to the Town Council of this UDO Text Amendment (ZT2015-001) as presented.

### **Staff Contact**

Gretchen Coperine

Senior Planner

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Attachment 1: Benchmark Table - Surrounding Municipalities

Attachment 2: Draft Ordinance with Exhibit A (Draft Text Amendment)

**PB ATTACHMENT 1: BENCHMARK TABLE**

**ATTACHMENT 1**  
**BREWERIES, DISTILLERIES, WINERIES**  
**BENCHMARK TABLE OF NEIGHBORING MUNICIPALITIES**

<b>Jurisdiction</b>	<b>Use Definition</b>	<b>Zoning Districts</b>	<b>Restrictions</b>
<b>Charlotte</b>	Breweries	U-I (Urban Industrial) I-1 (Light Industrial) I-2 (Heavy Industrial)	<ul style="list-style-type: none"> <li>• Maximum 60,000 square feet</li> <li>• Primary vehicular access shall be provided commercial roads (no residential or private roads)</li> <li>• Outdoor production located no closer than 300 feet from residential use or zone</li> </ul>
<b>Charlotte</b>	Breweries	TOD (Transit Oriented Development) MUDD (Mixed Use Development District) UMUD (Uptown Mixed Use District) PED (Pedestrian Overlay District) TS (Transit Supportive Overlay) B-1 and B-2 (Business Districts)	<ul style="list-style-type: none"> <li>• Establishment must include at least one of the following uses associated with it: restaurant, nightclub, bar or lounge</li> <li>• Must meet minimum size: associated restaurant, nightclub bar or lounge shall be 20% of total square footage of the brewery or 1,500 square feet whichever is less</li> <li>• Size restriction 15,000 square feet for brewery and associated uses</li> <li>• Use can be up to 25,000 square feet if located in building built prior to 1980 to encourage re-development of older, vacant buildings</li> <li>• Fenestration (windows and doors) along 30% of facade if located on public right-of-way, private street or rapid transit line to engage the street</li> <li>• Primary vehicular access shall be provided commercial roads (no residential or private roads)</li> </ul>
<b>Matthews</b>	Microbreweries	ENT (Entertainment District) B-1, B-3, B-H (Business Districts) HUC (Historic Urban Core) I-1, I-2 (Industrial Districts) MUD (Mixed Use District) TS (Transit Supportive District)	<ul style="list-style-type: none"> <li>• Maximum 5,000 square feet if located in the HUC districts</li> <li>• Maximum 7,500 square feet if located in the Business, Industrial, MUD, TS and ENT districts</li> <li>• HUC, MUD, TS and ENT: tap room oriented toward the street, minimum 500 square foot tap room which open 25% of the time the brewery is open</li> <li>• No loading or distribution between 9pm and 7am if located within 500 of dwelling unit or institutional use</li> </ul>
<b>Matthews</b>	Distilleries	I-1 and I-2 (Industrial Districts)	<ul style="list-style-type: none"> <li>• Maximum of 3,000 square feet in I-1 districts</li> <li>• May be more than 3,000 square feet if within I-2</li> <li>• Minimum 500 foot separation from dwelling unit</li> <li>• Must not create smells or odors detectable from the right-of-way</li> </ul>
<b>Mint Hill</b>	Brewery Tap Room	General Industrial	<ul style="list-style-type: none"> <li>• Permitted by right – no special requirements listed</li> </ul>

**PB ATTACHMENT 2: DRAFT ORDINANCE**



2. This UDO ordinance amendment is in the best interest of the public because it enables a commercial use to locate within appropriate non-residential zoning districts subject to specific standards thereby minimizing any land use conflicts and incompatibility. The uses are optimal for existing underutilized warehouse structures and encourage community redevelopment. Lastly, the amendment also promotes diverse mixed-use land development and aims to create vibrant communities by fostering local reinvestment, particularly within the downtown and village center overlay districts.

**WHEREAS**, the Town Council received the Planning Board transmittal for a recommendation of approval in the required public hearing held on **April \_\_, 2015** and after receiving the transmittal, public comment, and deliberation, concurred with the required findings and amendment recommendation as transmitted by the Planning Board.

NOW THEREFORE, BE IT ORDAINED ON **April \_\_, 2015** BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

**Section 1** – UDO CHAPTERS 520, 530, 7210, and 1610 are hereby amended as shown in Exhibit A of this Ordinance; and

**Section 2-** This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS **April \_\_, 2015**.

THE TOWN COUNCIL OF INDIAN TRAIL

By \_\_\_\_\_  
Honorable Michael L. Alvarez, Mayor

Attest:

\_\_\_\_\_  
Peggy Piontek, Town Clerk

## EXHIBIT A

### 520.020 Allowed Uses

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
<b>Eating and Drinking Establishments</b>							
<u>Breweries, Distilleries and Wineries</u>	<u>P/S*</u>		<u>P/S*</u>	<u>P/S*</u>	<u>P/S*</u>	<u>P/S*</u>	<u>*See Special Requirements under UDO Section 7210</u>  <u>SUP for outdoor operations per UDO Section 7210</u>
Restaurants	P	P	P	P	P	P	
Private Club/Tavern	-	-	S	S	-		
<b>Entertainment Sports (indoor basketball, soccer, batting)</b>							
Small	-	-	P	P	P	S	
Medium	-	-	S	P	P	S	
Large	-	-	-	S	S	-	
<b>Financial Services</b>							
Banks	P	P	P	P	P	P	
Consumer Investment Services	P	P	P	P	P	P	
Consumer Loan Offices	P	P	P	P	P	P	
Payday Loan Stores	-	-	S	S	-	-	
Pawn Shop	-	-	S	S	-	-	
Savings and Loan Association	P	P	P	P	P	P	

530.020 Allowed Uses

USE GROUP	Industrial Districts		Use Standard
Use Category	LI	HI	
<b>Other</b>			
Agricultural Operations	P	P	
<u>Breweries, Distilleries and Wineries</u>	<u>P/S*</u>	<u>P/S*</u>	<u>*See Special Requirements under UDO Section 7210</u>  <u>SUP for outdoor operations per UDO Section 7210</u>
Emergency Services	P	P	
Utilities, Minor	P	P	
Utilities, Major	S	S	
<b>Wireless Communication Facilities</b>			
Co-located	P	P	See Chapter 7160
Freestanding Towers	P	P	See Chapter 7160

## **DIVISION 700. SUPPLEMENTARY USE REGULATIONS**

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**Chapter 7210. Breweries, Distilleries and Wineries**

The following regulations shall apply to all Brewery, Distillery and Winery Uses as described in UDO Section 1610.100.

- A. Uses within the Industrial Zoning District [Light Industrial (LI) and Heavy Industrial (HI), and applicable overlay zoning districts:**
1. Uses in the HI District shall not be open to the general public for activities such as onsite tours, product tasting room activities, and/or other food and beverage service activities; and
  2. Uses shall not produce odors, gas, dust or any other pollutants detrimental to the health, safety or general welfare of persons living or working in the surrounding properties; and
  3. Size limitations for non-production related activities in the LI District (i.e., tap or tasting room, food service and similar) shall not exceed 50% of the total floor area. For non-production related activities exceeding 50% of the total floor area, a Special Use Permit shall be required; and
  4. Parking requirements shall be calculated in accordance with Chapter 1020.010, *Parking Ratios* under the “Industrial” use category for “Manufacturing and Production.” Parking requirements for uses in the LI District that include a taproom or tasting room and/or a food and beverage service area shall be calculated under the “Restaurant” use category and shall ensure vehicular access, parking and circulation areas that are designed to minimize conflicts with the access, parking and circulation for adjacent industrial establishments; and
  5. Outdoor storage shall comply with the provisions of UDO Section 7180, *Outdoor Storage*; and
  6. Outdoor activities, such as live or recorded music, shall not be audible from any occupied residential home and/or from within the enclosed building of any adjacent business establishment; and
  7. Uses shall comply with all applicable Federal, State and County regulations.
- B. Uses within Commercial Zoning Districts [Regional Business District (RBD), General Business District (GBD), Central Business District (CBD), and applicable overlay zoning districts:**
1. Shall include at least one of the following associated uses: restaurant, taproom or tasting room; and
  2. Uses shall not produce odors, gas, dust or any other pollutants detrimental to the health, safety or general welfare of persons living or working in the surrounding properties; and
  3. Size limitations for production related activities (i.e., production of alcohol or alcoholic beverages) shall not exceed 50% of the total floor area. For production activities

exceeding 50% of the total floor area, a Special Use Permit shall be required; and

4. Parking requirements for production related activities shall be calculated in accordance with Chapter 1020.010, *Parking Ratios* under the “Industrial” use category for “Manufacturing and Production.” Parking for non-production related activities (i.e., taproom or tasting room, food service, and similar) shall be calculated under the “Restaurant” use category and shall ensure vehicular access, parking and circulation areas that are designed to minimize conflicts with the access, parking and circulation for adjacent establishments; and
5. For uses located within new buildings, the street facing or front facing façade shall maintain a commercial appearance with fenestration through store fronts, windows and doors. Uses located within existing buildings shall comply with this requirement as much as possible.
6. Outdoor storage shall comply with the provisions of UDO Section 7180, *Outdoor Storage*; and
7. Uses located within new buildings shall not have outdoor storage or loading docks located within a front yard. For uses located within existing buildings, outdoor storage or loading docks may be located within the front yard if provided by the existing building and site layout; and
8. Outdoor loading or distribution activities between the hours of 10pm and 7am shall require a Special Use Permit; and
9. Outdoor activities, such as live or recorded music, shall not be audible from any occupied residential home and/or from within the enclosed building of any adjacent business establishment; and
10. Uses shall comply with all applicable Federal, State and County regulations.

**C. Uses within the Downtown Overlay O-DD and Village Center Overlay O-VCD:**

1. Shall comply with the requirements of the base zoning district as stated in UDO Section 7210 A or B; and
2. Any outdoor storage operations shall require a Special Use Permit.

### **1610.100 Other Use Group**

The “other” use group includes the following:

#### **A. Agriculture, Crop**

The use of land for the production of row crops, field crops, tree crops; timber, bees, apiary products, or fur-bearing animals.

#### **B. Agriculture, Animal**

The feeding, breeding, raising or holding of cattle, swine, poultry or other livestock, whether held in a confinement area or open pasture.

#### **C. Breweries, Distilleries and Wineries (including taproom and taste room)**

##### **a. Breweries (including mirco-breweries and cideries)**

An establishment, whether as a principal or accessory use, which manufactures or produces beer regardless of alcohol content.

##### **b. Distillery (including micro-distillery)**

An establishment, whether as a principal or accessory use, which manufactures or produces distilled spirits.

##### **c. Winery (including vineyard)**

An establishment, whether as a principal or accessory use, which manufactures or produces wine or sparkling wine.

#### **D. Outdoor Advertising**

The use of a site for the placement of off-premise signs

#### **E. Taproom or Taste Room**

An area maintained predominately for the purpose of tasting, selling and consumption of the alcohol beverages manufactured on the premises or at a production facility of an associated use, including the sale of take home containers such as kegs, bottles and cans as may be allowed under Federal, State and County law.

#### **F. Wireless Communication Antenna and Tower**

Facilities related to the use of the radio spectrum for the purposes of transmitting or receiving radio signals, and may include, but are not limited to radio towers, television towers, telephone exchanges, micro-wave relay towers, telephone transmission equipment buildings, and commercial mobile radio service facilities. The wireless communication antenna and tower category includes all associated equipment unless the written context clearly indicates otherwise. The term associated equipment may include, but is not limited to equipment shelter or platform, lighting, monopole, tower, mounting hardware, and supporting electrical or mechanical equipment.