



# Text Amendment to allow for Wine Shops & Beer Shops

1. Amend Chapter 40 Sec 40-72 – to allow the uses.
2. Amend Chapter 40 Sec 40-261 – to create development standards for the uses.
3. Amend Chapter 40 Sec 40-548 – to create definitions for the uses.

Applicant: Maxwell Sussman

# Background

- Applicant owns Veggie Wagon – currently permitted as retail establishment in NB district
- The business currently holds off-premise wine and malt beverage permit
- Applicant proposes on-premise wine and malt beverage consumption



# Current ordinance allowances for malt beverage and wine on premise

- Bars and taverns
- Breweries
- Standard restaurants and eateries
  
- Veggie Wagon does not meet definition of standard restaurant or brewery
- Bars & breweries prohibited in NB

# 1. Amend Chapter 40 Sec 40-72 – to allow for Wine and Beer shops (on-premise)

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
<b>Wine and beer shops (Retail/Off-premise)</b>									P		P			
<u>Wine Shop (On-premise)</u>									<u>P</u>	<u>P</u>	<u>P</u>			
<u>Beer Shop (On-premise)</u>										<u>P</u>				

The current ordinance only allows for wine shops (off-premise) as retail.

# ABC permit requirements

## Wine shop

- Wine Shop Permit
- Retail sales on and off-premise
- Sale of wine for consumption on premise cannot exceed 40% of the establishment's total sale for 30 days

## Beer shop

- On-premise Malt Beverage Permit
- Retail sales on and off-premise
- No limitation or percentage to off-premise sales

## 2. Amend Chapter 40 Sec 40-261 – to create development standards for the uses.

- Standards for Wine Shops (On-premise):
  - All Wine Shops shall meet all requirements of the ABC Permit.
- Standards for Beer Shops (On-premise):
  - All Beer Shops shall meet all requirements of the ABC Permit.
  - Any indoor or outdoor areas shall be located three times the minimum setback yard for the district from any lot line and/or any residential use. The additional setbacks shall not apply to property lines adjacent to the right-of-way.

Larger setback yard protects neighboring properties and mitigates any concerns associated with the use





Minimum Setback  
Proposed setback

### 3. Amend Chapter 40 Sec 40-548 – to create a definition of Event Venues and Meeting Facilities

Beer Shop means an establishment substantially engaged in retail sale of malt beverages on and off premises subject to the ABC Commission regulations.

Wine Shop means an establishment substantially engaged in retail sale of unfortified wine and fortified wine for consumption on and off premises subject to the NC ABC Commission regulations.





## Land Use Plan Consistency

General Conformity with the Land Use Plan by promoting a healthy year-round economy.

The Neighborhood Business Zoning District aligns with both the High Density Residential/Light Commercial and the Low Intensity Commercial Character Areas in the Land Use Plan.

## Recommendation:

Staff proposes to define each use and supports the proposed amendment that would limit beer shops to have larger setbacks to protect the neighboring properties and to mitigate concerns of the use.

P&Z Recommended unanimous approval.



### **High Density Residential / Light Commercial**

Primarily attached, multi-story residential units (up to four stories) located within walking distance of activity centers and/or the waterfront. Structures are condominiums and apartments, and are often used as vacation and rental units. Streets move automobiles and pedestrians efficiently. Limited commercial may also be acceptable at select locations if the surrounding context is appropriate. Some single family structures may also persist.



### **Low Intensity Commercial**

Smaller-scale, lower intensity commercial uses that complement the neighborhood or a distinct node of activity. Structures (3 stories max.) have active ground floor uses. Streets serve pedestrians and automobiles; includes on-street parking wherever possible.



# Motion

## Approval

- The Council, Whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following ordinance amendment to Amend Chapter 40, Art. III. – Zoning District Regulations, Art. IX. – Development Standards for Particular Uses, and Art. XVIII. Definitions to create standards for Wine Shops and Beer Shops is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans or
- Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.
- Further Direction/Discussion