



Agenda Abstract

BOARD OF COMMISSIONERS

Meeting Date: March 13, 2023
Department: Planning and Economic Development
Agenda Section: Regular
Public hearing: Yes
Date of public hearing: Jan. 19, 2023

PRESENTER/INFORMATION CONTACT

Planning and Economic Development Manager Shannan Campbell

ITEM TO BE CONSIDERED

Subject: Unified Development Ordinance text amendment – Adding Brewery and Micro-Brewery as land uses

Attachments:

1. Ordinance amending the UDO
2. Consistency Statement

Summary:

The town's UDO does not recognize these land uses specifically. Instead, the "closest approximate land use" that have been assigned were "Manufacturing" and "Food Preparation Business". Neither of which adequately addresses the land use impacts and function of breweries and micro-breweries. An example of a true Food Preparation Business would be a large-scale catering operation that hosts on and off-site events or a specialty foods manufacturer that also has onsite tasting or retail operations (like Southern Supreme Fruitcake & More in Bear Creek, NC as a seasonally appropriate example). Similarly manufacturing and breweries operate differently in that manufacturers generally employ a small number of people that product large batch goods in big industrial type facilities. Breweries generally have public tasting rooms and on-site retail sales, either at the outset or they eventually want to add these elements, leading to issues with parking. Breweries generally function as central gathering spaces hosting live music, theatrical performances, and special events, whereas Food Preparation Businesses and Manufacturing Facilities do not- generally.

Food Preparation Business

The enterprise of creating foods or beverages for off-site retail sale or serving (catering). When combined with on-site retail sale and on-site consumption, this will be classified as a combination restaurant/food preparation business. When combined with on-site retail sale and off-site consumption, this will be classified a combination retail/food preparation business.

Manufacturing Facility

A building or structure in which manufacturing, processing, creating, renovating, painting, cleaning, and assembling of goods, merchandise or equipment occurs, and which does not require an air quality permit from the State of North Carolina or a SPECIAL Industrial Users Permit from the Town Utilities Director.

Definitions of both land uses from the UDO.

Similarly, the UDO does not really recognize Micro-breweries and the closest approximate use in impact and scale is 'Bar' or 'Restaurant' (if food sales is a component of the business).

Bar	Premises used primarily for sale or dispensing of alcoholic beverages by the drink for on-site consumption, and where food may be available for consumption on the premises as accessory to the principal use with the provision of live entertainment allowed as an accessory use (See also definitions for Performance Facility and Restaurant.)
Restaurant	Business specializing in preparing and/or serving food on-site. A restaurant may also serve alcoholic beverages for on- or off-site consumption provided it has the proper license from the state for such sales and is classified as an eating establishment by virtue of its food/alcohol sales ratio. The provision of live entertainment allowed as an accessory use.

Definitions of both land uses from the UDO.

In December, the Planning Board was tasked with thinking through some of the land use impacts of Breweries and Micro-breweries and assisted in deciding which zoning districts are most appropriate for the uses and reviewed parking requirements as well as any other "use standards" we should be considering when it comes to breweries and micro-breweries. Attached is the staff proposal along with comments and suggestions the Planning Board has incorporated to date.

Joint Public Hearing comments on this item were limited but included a question about whether or not the provision of live music should be included in the definition of either use.

January Joint Public Hearing Minutes:

- C. Unified Development Ordinance text amendment —Adding brewery and microbrewery as land uses
Section 5.1.8 table of permitted uses; Section 6.13.3.4 minimum number of parking spaces required; Section 9.2 definitions

Campbell introduced the item and explained that staff had been having to fit these uses into existing uses such as manufacturing or bar and restaurant, which does not address the land uses well. Campbell said the Planning Board had reviewed the proposed amendment in December and that the language defining the difference between breweries and microbreweries is shared from the state's definition. She thanked a Planning Board member who pointed out that the wording was confusing in the first draft.

Mayor Weaver asked Campbell to clarify previous changes that she recalled had been made to the ordinance about parking requirements. Campbell said there are minimums and maximums, but a 5% flexibility has been included in either direction. Other members asked similar clarifying questions of Campbell about abbreviations in the table of uses and staff procedures in determining how many parking spaces to require for various uses.

During the public comments, Fowler asked why live entertainment was not included. Campbell said this use is implied with the public tasting room, but she is concerned that including it could lead it to a different use, such as an event venue.

February Regular Planning Board Meeting:

- . Unified Development Ordinance text amendment – Adding brewery and micro-brewery as land uses (Section 5.1.8 Table of Permitted Uses; Section 6.13.3.4 Minimum Number of Parking Spaces Required; Section 9.2 Definitions)

Campbell reviewed the text amendment and reminded the board that staff has to look for a similar existing uses when breweries and micro-breweries are presented for development, and they do not fit well with the closest options. She said the change is also meant to answer questions as to whether the town supports these uses. She reminded that during the joint public hearing there was a question from the public about including language for live music. She said such language is intentionally not included to avoid the possibility of this type of use evolving into an event venue. It was made clear that this lack of inclusion of specific language does not prevent breweries and micro-breweries from having events regularly that would include music. She made a distinction between this and routine, ticketed music events.

Johnston asked if there were any changes since the last discussion. Campbell said there were none. Salvi asked what these uses would have to do to become an event venue. Campbell responded they would have to potentially rezone or relocate.

Motion: Schultz moved to recommend approval of the text amendment to the town board. Giglia seconded.

Vote: 7-0.

Financial impacts:

None.

Staff recommendation and comments:

Staff recommends approval as written.

Action requested:

Approve, deny, or approve with changes the language modifying the unified development ordinance – adding Brewery and Micro-Brewery as land uses (Section 5.1.8 Table of Permitted Uses; Section 6.13.3.4 Minimum Number of Parking Spaces Required; Section 9.2 Definitions).