



**LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT**  
302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092  
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE 704-732-9010 FAX

To: Board of Commissioners  
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: April 15, 2016

Re: UDO Proposed Amendments #2016-2  
Lincoln County Planning and Inspections Department, applicant

*The following information is for use by the Lincoln County Board of Commissioners and the Planning Board at their joint meeting/public hearing on May 2, 2016.*

### PROPOSAL

Staff is proposing amendments to the Lincoln County Unified Development Ordinance as follows:

- 1) Amend Sections 2.2.1.B and 2.5.1.F to allow a microbrewery as a permitted use in the B-G (General Business) and B-N (Neighborhood Business) districts and in the Eastern Lincoln Development District (ELDD).
- 2) Amend Sections 2.2.1.B and 2.5.1.F to allow a microbrewery combined with a restaurant as a permitted use in the B-G (General Business) and B-N (Neighborhood Business) districts and in the Eastern Lincoln Development District (ELDD).
- 3) Amend Section 4.4 to establish standards for a microbrewery and for a microbrewery combined with a restaurant, limiting the maximum size.

### BACKGROUND

Craft beer has become increasingly popular in North Carolina and other states, with small breweries opening in many places, helping to boost the local economy.

Staff has received several inquiries about the possibility of opening a microbrewery in the Denver area, but the UDO currently permits a brewery only in the I-G (General Industrial) district, no matter its size. (A brewery is included under the industrial classification for beverage production.) Operators of microbreweries typically rely on customers sampling their products and often prefer to locate in commercial areas for greater visibility.

Under the state's ABC regulations and under the options that were submitted to the county's voters and approved in a referendum in 2002, a stand-alone brewery in Lincoln County could serve only its own products.

Part 2 of this proposal would allow a brewery in combination with a restaurant, which would allow the establishment to obtain an ABC permit to serve other beers and other types of alcoholic beverages as well.

Following is the full text of the proposed amendments:

## UDO Proposed Amendments #2016-2

*Proposed added text is underlined.*

### §2.2 Permitted Land Uses

#### §2.2.1 Use Table

**P = Permitted** | **S = Special Use (§9.10)** | **C = Conditional Use (§9.11)** | **\* = Group of Uses (§2.3)**

Commercial Uses	R-R	R-T	R-S	R-SF	R-CR	R-14	R-20	R-MR	R-MF	O-R	B-N	B-G	B-C	I-L	I-G	Use Standard
<u>Microbrewery</u>											<u>P</u>	<u>P</u>				<u>§4.4.4</u>
<u>Microbrewery combined with restaurant</u>											<u>P</u>	<u>P</u>				<u>§4.4.5</u>

### §2.5.1 Eastern Lincoln Development District

#### F. Permitted Use Chart

#### Permitted Use Chart

Eastern Lincoln Development District Uses		ELDD
P = PERMITTED	S = SPECIAL (9.10)	C = CONDITIONAL (9.11)
Commercial Uses		
	<u>Microbrewery</u>	<u>P</u>
	<u>Microbrewery combined with restaurant</u>	<u>P</u>

## §4.4 Commercial Use Standards

### §4.4.4 Microbrewery

- A. The maximum size of the microbrewery and all associated uses shall be 15,000 square feet.

### §4.4.5 Microbrewery combined with restaurant

- A. The maximum size of the microbrewery and all associated uses shall be 25,000 square feet.
- B. The associated restaurant shall be located in the same building as the microbrewery and shall meet the definition and requirements of N.C. General Statutes 18B-1000(6).\*

\* Restaurant – An establishment substantially engaged in the business of preparing and serving meals. To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than thirty percent (30%) of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages. A restaurant shall also have a kitchen and an inside dining area with seating for at least 36 people.



## LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT

302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092  
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE 704-732-9010 FAX

### **Zoning Amendments** **Staff's Proposed Statement of Consistency and Reasonableness**

Case No. **UDO Proposed Amendments #2016-2**

Applicant **Lincoln County Planning and Inspections Dept.**

Proposed amendments

**1) Amend Sections 2.2.1.B and 2.5.1.F to allow a microbrewery as a permitted use in the B-G (General Business) and B-N (Neighborhood Business) districts and in the Eastern Lincoln Development District (ELDD).**

**2) Amend Sections 2.2.1.B and 2.5.1.F to allow a microbrewery combined with a restaurant as a permitted use in the B-G (General Business) and B-N (Neighborhood Business) districts and in the Eastern Lincoln Development District (ELDD).**

**3) Amend Section 4.4 to establish standards for a microbrewery and for a microbrewery combined with a restaurant, limiting the maximum size.**

This proposed amendment **is consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

**Objective 4.2 of the Land Use Plan calls for updating the county's land use regulations to help foster desired economic growth. Allowing microbreweries in commercial areas will help attract new businesses.**

This proposed amendment **is reasonable and in the public interest** in that:

**Microbreweries have been established in many places, helping to boost the local economy and to offer more options for dining. Restaurants that serve alcoholic beverages are already permitted in the B-G and the B-N districts.**



## **UDO Text Amendment Application**

Lincoln County Planning and Inspections Department

Zoning Administrator

302 N. Academy St., Suite A, Lincolnton, NC 28092

Phone: (704) 736-8440 Fax: (704) 732-9010

### **Part I**

Applicant Name Lincoln County Planning and Inspections Department

Applicant Address 302 N. Academy St., Suite A, Lincolnton, NC 28092

Applicant Phone Number (704) 748-1507

### **Part II**

Briefly describe the proposed text amendment.

**1) Amend Sections 2.2.1.B and 2.5.1.F to allow a microbrewery as a permitted use in the B-G (General Business) and B-N (Neighborhood Business) districts and in the Eastern Lincoln Development District (ELDD).**

**2) Amend Sections 2.2.1.B and 2.5.1.F to allow a microbrewery combined with a restaurant as a permitted use in the B-G (General Business) and B-N (Neighborhood Business) districts and in the Eastern Lincoln Development District (ELDD).**

**3) Amend Section 4.4 to establish standards for a microbrewery and for a microbrewery combined with a restaurant, limiting the maximum size.**

*I hereby certify that all of the information provided for this application and attachments is true and correct to the best of my knowledge.*

Randy Hawkins  
Applicant

March 18, 2016  
Date