

Memorandum



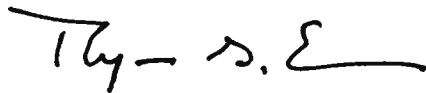
DATE June 15, 2012

TO Members of the Economic Development Committee:
Tennell Atkins (Chair), Ann Margolin (Vice Chair), Jerry Allen, Monica Alonzo,
Sheffie Kadane

SUBJECT **Proposed Code Amendment on Micro Breweries and Wineries**

On Monday, June 18, 2012, the Economic Development Committee will be briefed on a proposed development code amendment for alcoholic beverage manufacturing uses including micro breweries and wineries. The City Plan Commission recommended approval of the proposed amendments on May 3, 2012. The material is attached for your review.

Please feel free to contact me if you need additional information.



Ryan S. Evans
Assistant City Manager

c: The Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Thomas P. Perkins, Jr. City Attorney
Rosa Rios, City Secretary
Craig Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge
A.C. Gonzalez, First Assistant City Manager
Jill Jordan, P.E., Assistant City Manager
Forest Turner, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Edward Scott, Director, Controller's Office
Frank Libro, Public Information Office
Theresa O'Donnell, Director, Sustainable Development and Construction
Karl Zavitkovsky, Director, Office of Economic Development
Rick Galceran, Director, Public Works
Stephanie Pegues Cooper, Assistant to the City Manager

DCA 112-003

Proposed Code Amendment on Micro Breweries and Wineries

**City Council
Economic Development Committee
June 18, 2012**



Background

- Currently most manufacturing of alcoholic beverages are considered an industrial (inside) potentially incompatible use and are only allowed by Specific Use Permit in the Industrial Manufacturing zoning district.
- The code does recognize brew pubs, where beer and ale is manufactured on site on a small scale and sold for consumption on premise, as an allowed accessory use for a bar or restaurant use.
- An applicant submitted a request for a code amendment to create a new use for micro breweries where beer would be manufactured for distribution but tastings would be available to the public.

Background

- Currently, Section 51A-4.203(a)(3) of the Development Code lists the manufacturing of several products as potentially incompatible. Potentially incompatible uses are land uses that may be highly noxious in noise, dust, or odor or may be otherwise hazardous in itself or to surrounding uses.
- Examples include:
 - Asphalt or asphalt products
 - Fertilizers
 - Insecticides, fungicides, disinfectants, or related chemicals
 - Paper
 - Raw plastic
 - Soaps or detergents

Background

- Staff developed a proposal to address all manufacturing of alcoholic beverages which distinguished between small scale and larger scale operations.
- The Zoning Ordinance Committee (ZOC) discussed the manufacturing of alcoholic beverages over three meetings in March and April 2012. ZOC discussed issues including potential negative operational characteristics of the use, appropriate parking requirements and appropriate size thresholds for a “micro” use.
- The City Plan Commission recommended approval of the proposal on May 3, 2012

Issues

- A potentially incompatible industrial inside use requires IM Industrial Manufacturing zoning and a Specific Use Permit (SUP).
- Without a designated use for small scale alcoholic beverage manufacturing there has not been a consistent application of current code provisions.
- Potential breweries or wineries must change their zoning and request an SUP or find a property with a PD zoning that uses Chapter 51 or has a food manufacturing type use allowed



Deep Ellum Brewery, St. Louis & Malcolm X



Deep Ellum Brewery, St. Louis & Malcolm X



Deep Ellum Brewery, St. Louis & Malcolm X



Rahr Brewery, Ft. Worth



Rahr Brewery, Ft. Worth



Rahr Brewery, Ft. Worth



Rahr Brewery, Ft. Worth



Times Ten Cellars Winery, Prospect Ave & Kidwell St (Lakewood)



Times Ten Cellars Winery, Prospect Ave & Kidwell St (Lakewood)



Times Ten Cellars Winery, Prospect Ave & Kidwell St (Lakewood)

Proposal

- Amend the code to create a large-scale alcoholic beverage manufacturer as a new industrial use.
- Amend the alcoholic beverage establishment use in the code to create a new sub-use for a small-scale alcoholic beverage manufacturer.
- Amend accessory use provisions for restaurants and bars to specify a maximum percentage of accessory alcoholic beverage manufacturing.

CPC Recommendation

Large scale alcoholic beverage manufacturing
(larger than 10,000 square feet of floor area)

- Districts permitted:
 - By right in industrial districts.
 - By SUP only in CA districts.

CPC Recommendation (cont)

Small scale alcoholic beverage manufacturing
(10,000 square feet and less floor area)

- Districts permitted:
 - By right in industrial districts.
 - By SUP in SC, GR, LC, HC, and central area (Chapter 51).
 - By SUP in CR, RR, CS, central area districts, mixed use district, urban corridor, WMU districts (Chapter 51A).

CPC Recommendation (cont)

Additional provisions for both large and small scale alcoholic beverage manufacturing:

- Retail sales of alcoholic beverages and related items and tastings or sampling is allowed in accordance with TABC regulations.
- Except for loading, all activities must occur within a building.
- Silos and containers of spent grain are allowed as outdoor storage. Containers of spent grain must be screened. All other outdoor storage or repair is prohibited.
- If an SUP is required, silos and outdoor storage areas for spent grain must be shown on the site plan.
- Drive-through facilities are prohibited.

Possible Additional Regulation

- Require a Specific Use Permit for any alcoholic beverage manufacturing use in industrial zoning districts when located within 500 feet of private property in a residential zoning district.

Next Steps

- Scheduled for City Council consideration on June 27, 2012

ORDINANCE NO. _____

An ordinance amending Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” and Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code by amending Sections 51-4.209, 51-4.216, 51-4.217, 51A-4.123, 51A-4.124, 51A-4.127, 51A-4.203, 51A-4.210, 51A-4.217, and 51A-13.306; providing for the creation of a new microbrewery, microdistillery, or winery subuse; providing for the creation of a new alcoholic beverage manufacturing use; providing that alcoholic beverage manufacturing is not a potentially incompatible industrial use; providing that alcoholic beverages may be manufactured as an accessory use if the floor area does not exceed 40 percent of the total floor area for the main use; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Paragraph (1), “Alcoholic Beverage Establishments,” of Section 51-4.209, “Bar and Restaurant Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(1) Alcoholic beverage establishments.

(A) Definitions:

CPC Recommendation

(i) BAR, LOUNGE, OR TAVERN means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premise consumption.

(ii) MICROBREWERY, MICRODISTILLERY, OR WINERY means an establishment for the manufacture, blending, fermentation, processing, and packaging of alcoholic beverages with a floor area of 10,000 square feet or less that takes place wholly inside a building. A facility that only provides tasting or retail sale of alcoholic beverages is not a microbrewery, microdistillery, or winery use.

(iii) PRIVATE-CLUB BAR means an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code that derives 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code. PRIVATE-CLUB BAR does not include a fraternal or veterans organization, as defined in the Texas Alcoholic Beverage Code, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. PRIVATE-CLUB BAR does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code.

(B) Districts permitted:

(i) Bar, lounge, or tavern and private club-bar. By SUP only in SC, GR, LC, HC, central area, industrial, GO, MO, MF-3, and MF-4 districts.

(ii) Microbrewery, microdistillery, or winery. By right in industrial districts. By SUP only in SC, GR, LC, HC, and central area districts.

(C) Required off-street parking:

(i) Bar, lounge, or tavern and private club-bar.

(aa) Except as otherwise provided, one space per 100 square feet of floor area.

(bb[~~ii~~]) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the bar, lounge, or tavern use.

(ii) Microbrewery, microdistillery, or winery.

(aa) Except as otherwise provided, one space per 600 square feet of floor area.

CPC Recommendation

(bb) One space per 1,000 square feet of floor area used for storage.

(cc) One space per 100 square feet of floor area used for retail sales and seating.

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURES TOTAL REQUIRED SPACES OR BERTHS

0 to 5,000	NONE
5,000 to 25,000	1
25,000 to 50,000	2
Each additional 50,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Bar, lounge, or tavern and private club-bar.

(aa) Food may be prepared and served under this use.

(bb[~~h~~]) Music, entertainment, or facilities for dancing may be provided under this use.

(cc[~~h~~]) The person owning or operating the use shall, upon request, supply the building official with any records needed to document the percentage of gross revenue for the previous 12-month period derived from the sale or service of alcoholic beverages for on-premise consumption.

(dd[~~iv~~]) Unless the person owning or operating the use supplies the building official with records to prove otherwise, an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code is presumed to derive 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption.

(ii) Microbrewery, microdistillery, or winery.

(aa) Retail sales of alcoholic beverages and related items and tastings or sampling are allowed in accordance with Texas Alcoholic Beverage Commission regulations.

(bb) Except for loading, all activities must occur within a building.

CPC Recommendation

(cc) Silos and containers of spent grain are allowed as outdoor storage. Containers of spent grain must be screened. All other outdoor storage or repair is prohibited.

(dd) If an SUP is required, silos and outdoor storage areas for spent grain must be shown on the site plan.

(ee) Drive-through facilities are prohibited.

(ff) This use is permitted as an accessory use if it is customarily incidental to the main use and occupies no more than 40 percent of the total floor area of the main use.”

SECTION 2. That Section 51-4.216, “Industrial and Manufacturing Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended by adding a new Paragraph (15), “Alcoholic Beverage Manufacturing,” to read as follows:

“(15) Alcoholic beverage manufacturing.

(A) Definition: An establishment for the manufacture, blending, fermentation, processing, and packaging of alcoholic beverages with a floor area exceeding 10,000 square feet that takes place wholly inside a building. A facility that only provides tasting or retail sale of alcoholic beverages is not an alcoholic beverage manufacturing use.

(B) Districts permitted: By right in industrial districts. By SUP only in central area districts.

(C) Required off-street parking:

(i) Except as otherwise provided, one space per 600 square feet of floor area.

(ii) One space per 1,000 square feet of floor area used for storage.

(iii) One space per 100 square feet of floor area used for retail sales and seating.

(D) Required off-street loading:

CPC Recommendation

<u>SQUARE FEET OF MANUFACTURING TOTAL REQUIRED OR STORAGE FLOOR AREA</u>	<u>SPACES OF BERTHS</u>
10,000 to 50,000	1
50,001 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Retail sales of alcoholic beverages and related items and tastings or sampling are allowed in accordance with Texas Alcoholic Beverage Commission regulations.

(ii) Except for loading, all activities must occur within a building.

(iii) Silos and containers of spent grain are allowed as outdoor storage. Containers of spent grain must be screened. All other outdoor storage or repair is prohibited.

(iv) If an SUP is required, silos and outdoor storage areas for spent grain must be shown on the site plan.

(v) Drive-through facilities are prohibited.

(vi) This use is permitted as an accessory use if it is customarily incidental to the main use and occupies no more than 40 percent of the total floor area of the main use.”

SECTION 3. That Paragraph (6) of Subsection (a), “General Provisions,” of Section 51-4.217, “Accessory Uses,” of Division 51-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended to read as follows:

“(6) Except as otherwise provided, a[A]n alcohol related establishment that is customarily incidental to a main use, such as an alcohol related establishment within a hotel, restaurant, or general merchandise store, will be considered as part of the main use when determining the gross revenue derived by the establishment from the sale of alcoholic beverages for on-premise consumption.”

CPC Recommendation

SECTION 4. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “Light Industrial (LI) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Alcoholic beverage manufacturing.
- Gas drilling and production. *[SUP]*
- Industrial (inside) for light manufacturing.
- Inside industrial. *[RAR]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 5. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “Industrial/Research (IR) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Alcoholic beverage manufacturing.
- Gas drilling and production. *[SUP]*
- Industrial (inside). *[See Section 51A-4.203(b)(1).]*
- Industrial (inside) for light manufacturing.
- Industrial (outside). *[See Section 51A-4.203(b)(2).]*
- Medical/infectious waste incinerator. *[SUP]*
- Municipal waste incinerator. *[SUP]*
- Organic compost recycling facility. *[SUP]*
- Pathological waste incinerator. *[SUP]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

CPC Recommendation

SECTION 6. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “Industrial Manufacturing (IM) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Alcoholic beverage manufacturing.
- Gas drilling and production. *[SUP]*
- Industrial (inside). *[SUP may be required. See Section 51A-4.203(a); otherwise RAR.]*
- Industrial (inside) for light manufacturing.
- Industrial (outside). *[SUP may be required. See Section 51A-4.203(a); otherwise RAR.]*
- Medical/infectious waste incinerator. *[SUP]*
- Metal salvage facility. *[SUP]*
- Mining. *[SUP]*
- Municipal waste incinerator. *[SUP]*
- Organic compost recycling facility. *[RAR]*
- Outside salvage or reclamation. *[SUP]*
- Pathological waste incinerator. *[SUP]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 7. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “CA-1(A) District,” of Section 51A-4.124, “Central Area Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Alcoholic beverage manufacturing.*[SUP]*
- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

CPC Recommendation

SECTION 8. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “CA-2(A) District,” of Section 51A-4.124, “Central Area Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Alcoholic beverage manufacturing. *[SUP]*
- Gas drilling and production. *[SUP]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 9. That Subparagraph (J), “Retail and Personal Service Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “UC Districts,” of Section 51A-4.127, “Urban Corridor Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(J) Retail and personal service uses.

- Alcoholic beverage establishments. *[[UC-2 and UC-3 only.] See Section 51A-4.210(b)(4).]*
- Animal shelter or clinic without outside runs.
- Business school. *[UC-2 and UC-3 only.]*
- Commercial amusement (inside). *[UC-2 and UC-3 only. SUP may be required. See Section 51A-4.210(b)(7)(B).]*
- Commercial parking lot or garage.
- Dry cleaning or laundry store without drive-in or drive-through service.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet. *[UC-2 and UC-3 only.]*
- General merchandise or food store 100,000 square feet or more. *[SUP]*
- Household equipment and appliance repair.
- Nursery, garden shop, or plant sales.
- Personal service uses.

CPC Recommendation

- Restaurant without drive-in or drive-through service.
- Temporary retail use.
- Theater. *[DIR required. This use is limited to a theater with less than 1,000 seats. See Section 51A-4.210(b)(30).]*

SECTION 10. That Paragraph (3) of Subsection (a), “Potentially Incompatible Industrial Uses,” of Section 51A-4.203, “Industrial Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(3) Main uses that manufacture the following products are hereby declared to be potentially incompatible industrial uses:

- Asphalt or asphalt products
- ~~[-Alcoholic beverages]~~
- Brick, tile, or clay
- Cement
- Charcoal, lampblack, or fuel briquettes
- Chemicals, including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black or bone black, cleaning or polishing preparations, creosote, exterminating agents, hydrogen or oxygen, industrial alcohol, potash, plastic materials or synthetic resins, rayon yarns, or hydrochloric, picric, or sulphuric acids or derivatives
- Coal, coke, or tar products
- Excelsior or packing materials
- Fertilizers
- Gelatin, glue, or size
- Glass or glass products, including structural or plate glass or similar products
- Graphite or graphite products
- Gypsum
- Heavy metal casting or foundry products, including ornamental iron work or similar products
- Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds
- Linoleum or oil cloth
- Lumber, plywood, veneer, or similar wood products
- Matches
- Miscellaneous metal alloys or foil, including solder, pewter, brass, bronze, or tin, lead, or gold foil, or similar products
- Paint, varnishes, or turpentine
- Paper
- Porcelain products, including bathroom or kitchen equipment, or similar products
- Raw plastic

CPC Recommendation

-Rubber, natural or synthetic, including tires, tubes, or similar products
-Soaps or detergents
-Stone products, including abrasives, asbestos, stone screenings, and sand or lime products”

SECTION 11. That Subsection (b), “Specific Uses,” of Section 51A-4.203, “Industrial Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Paragraph (0), “Alcoholic Beverage Manufacturing,” to read as follows:

“(0) Alcoholic beverage manufacturing.

(A) Definition: An establishment for the manufacture, blending, fermentation, processing, and packaging of alcoholic beverages with a floor area exceeding 10,000 square feet that takes place wholly inside a building. A facility that only provides tasting or retail sale of alcoholic beverages is not an alcoholic beverage manufacturing use.

(B) Districts permitted: By right in industrial districts. By SUP only in central area districts.

(C) Required off-street parking:

(i) Except as otherwise provided, one space per 600 square feet of floor area.

(ii) One space per 1,000 square feet of floor area used for storage.

(iii) One space per 100 square feet of floor area used for retail sales and seating.

(D) Required off-street loading:

<u>SQUARE FEET OF MANUFACTURING OR STORAGE FLOOR AREA</u>	<u>TOTAL REQUIRED SPACES OF BERTHS</u>
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10,000 to 50,000	1
50,001 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

CPC Recommendation

(E) Additional provisions:

(i) Retail sales of alcoholic beverages and related items and tastings or sampling are allowed in accordance with Texas Alcoholic Beverage Commission regulations.

(ii) Except for loading, all activities must occur within a building.

(iii) Silos and containers of spent grain are allowed as outdoor storage. Containers of spent grain must be screened. All other outdoor storage or repair is prohibited.

(iv) If an SUP is required, silos and outdoor storage areas for spent grain must be shown on the site plan.

(v) Drive-through facilities are prohibited.”

SECTION 12. That Paragraph (4), “Alcoholic Beverage Establishments,” of Subsection (b), “Specific Uses,” of Section 51A-4.210, “Retail and Personal Service Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(4) Alcoholic beverage establishments.

(A) Definitions:

(i) BAR, LOUNGE, OR TAVERN means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premise consumption.

(ii) MICROBREWERY, MICRODISTILLERY, OR WINERY means an establishment for the manufacture, blending, fermentation, processing, and packaging of alcoholic beverages with a floor area of 10,000 square feet or less that takes place wholly inside a building. A facility that only provides tasting or retail sale of alcoholic beverages is not a microbrewery, microdistillery, or winery use.

CPC Recommendation

(iii) PRIVATE-CLUB BAR means an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code that derives 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code. PRIVATE-CLUB BAR does not include a fraternal or veterans organization, as defined in the Texas Alcoholic Beverage Code, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. PRIVATE-CLUB BAR does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code.

(B) Districts permitted:

(i) Bar, lounge, or tavern and private club-bar. By SUP only in GO(A)*, CR, RR, CS, industrial, central area, mixed use, multiple commercial, MF-4(A), LO(A), MO(A), UC-2, and UC-3 districts. *Note: This use is subject to restrictions in the GO(A) district. See Subsection (a)(3).

(ii) Microbrewery, microdistillery, or winery. By right in industrial districts. By SUP only in CR, RR, CS, walkable urban mixed use, central area, mixed-use, and urban corridor districts.

(C) Required off-street parking:

(i) Bar, lounge, or tavern and private club-bar.

(aa) Except as otherwise provided, one space per 100 square feet of floor area.

(bb[~~h~~]) One space per 500 square feet of floor area used for the manufacture of alcoholic beverages as an accessory use to the bar, lounge, or tavern use.

(ii) Microbrewery, microdistillery, or winery.

(aa) Except as otherwise provided, one space per 600 square feet of floor area.

(bb) One space per 1,000 square feet of floor area used for storage.

(cc) One space per 100 square feet of floor area used for retail sales and seating.

~~[(iii) If more than ten off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305.]~~

CPC Recommendation

(D) Required off-street loading:

<u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u>	<u>TOTAL REQUIRED SPACES OR BERTHS</u>
0 to 5,000	NONE
5,000 to 25,000	1
25,000 to 50,000	2
Each additional 50,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) Bar, lounge, or tavern and private club-bar.

(aa) Food may be prepared and served as an accessory use.

(bb[~~h~~]) Music, entertainment, or facilities for dancing may be provided under this use.

(cc[~~h~~]) The person owning or operating the use shall, upon request, supply the building official with any records needed to document the percentage of gross revenue for the previous 12 month period derived from the sale or service of alcoholic beverages for on-premise consumption.

(dd[~~iv~~]) Unless the person owning or operating the use supplies the building official with records to prove otherwise, an establishment holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code is presumed to derive 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption.

(ii) Microbrewery, microdistillery, or winery.

(aa) Retail sales of alcoholic beverages and related items and tastings or sampling are allowed in accordance with Texas Alcoholic Beverage Commission regulations.

(bb) Except for loading, all activities must occur within a building.

(cc) Silos and containers of spent grain are allowed as outdoor storage. Containers of spent grain must be screened. All other outdoor storage or repair is prohibited.

CPC Recommendation

(dd) If an SUP is required, silos and outdoor storage areas for spent grain must be shown on the site plan.

(ee) Drive-through facilities are prohibited.”

SECTION 13. That Paragraph (5) of Subsection (a), “General Provisions,” of Section 51A-4.217, “Accessory Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(5) Alcohol related accessory uses.

(i) Except as otherwise provided, a[~~A~~]n alcohol related establishment that is customarily incidental to a main use, such as an alcohol related establishment within a hotel, restaurant, or general merchandise store, is not limited to the five percent area restriction contained in Section 51A-4.217(a)(3), and will be considered as part of the main use when determining the gross revenue derived by the establishment from the sale of alcoholic beverages for on-premise consumption.

(ii) Accessory microbrewery, microdistillery, or winery uses and accessory alcoholic beverage manufacturing uses may not occupy more than 40 percent of the total floor area of the main use. Any use which exceeds these area restrictions is considered a separate main use.”

SECTION 14. That Item (ii), “Examples of Permitted Uses,” of Subparagraph (B), “Restaurant or Bar,” of Paragraph (5), “Retail Use Categories,” of Subsection (d), “Use Categories,” of Section 51A-13.306, “Uses,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(ii) **Examples of permitted uses.**

Alcoholic beverage establishment.

Bar, tavern, lounge, or brew pub.

Microbrewery, microdistillery, or winery. [Only in WMU districts.]

Pizza or other meal delivery facility.

Restaurant, fast food restaurant, take-out, yogurt, ice cream, or coffee shop.”

CPC Recommendation

SECTION 15. That Item (iii), “Examples of Prohibited Uses,” of Subparagraph (A), “Light Industrial,” of Paragraph (8), “Fabrication Use Categories,” of Subsection (d), “Use Categories,” of Section 51A-13.306, “Uses,” of Division 51A-13.300, “District Regulations,” of Article XIII, “Form Districts,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(iii) Examples of Prohibited Uses.

Brewery, winery, or large-scale catering establishment, except for microbrewery, microdistillery, or winery in WMU districts.

Bus or rail transit vehicle maintenance or storage facility.

Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping, or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site.

Crematorium or pet crematorium.

Electronics service center.

Food or beverage production.

Labor hall.

Lawn, tree, or garden service.

Laundry, dry-cleaning, carpet cleaning plants, or large-scale cleaning establishment.

Leather production.

Lumberyard and wood products, sheet metal shop, or soft drink bottling.

Stone, clay, glass, and concrete products.”

SECTION 16. That the director of sustainable development and construction shall revise the use charts to reflect the change in use regulations made by this ordinance, and shall provide these charts for publication in the Dallas Development Code.

SECTION 17. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 18. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

CPC Recommendation

SECTION 19. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 20. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____