

C21

ORDINANCE AMENDMENT REVIEW SHEET

Amendment: C20-2013-026 Breweries

Description: Consider an ordinance to amend Title 25 of the City Code to allow breweries to sell alcohol that is produced on-site for on-site consumption.

Proposed Language: See attached draft ordinance details.

Summary

- Allows brewers to sell beer and ale that is produced on-site for on-site consumption.
- Sales/consumption area is limited in size.
- Sale of beer and ale on-site is permitted if the brewery is 540 feet or more from single family residences; if closer than 540 feet, the sale of beer and ale on-site is a conditional use.
- On-site parking is required.

Background: Initiated by Council Resolution 20131003-054.

In June, 2013, the Texas State Senate passed bill SB 518, to allow brewers in the state of Texas to sell beer and ale produced on-site at a brewery for on-site consumption. The proposed code amendment C20-2013-026 changes Austin's land development code to allow brewers in Austin to sell their product on-site for on-site consumption.

Staff Recommendation: Staff recommends the proposed code amendment.

Board and Commission Actions

February 18, 2014: Recommended by the Codes and Ordinances Subcommittee on a 4-0-1 vote (Commissioner Oliver abstaining).

March 11, 2014: A public hearing has been set at Planning Commission.

Council Action

March 20, 2014: A public hearing has been set.

Ordinance Number: NA

City Staff: Greg Dutton **Phone:** 974-3509 **Email:** Greg.Dutton@austintexas.gov

AN ORDINANCE AMENDING CITY CODE CHAPTER 25-2 RELATING TO THE SALE OF BEER OR ALE AT A BREWERY AND ASSOCIATED PARKING REQUIREMENTS.

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

PART 1. A new City Code Section 25-2-865 (*Light Manufactured Use*) is added to read:

25-2-865 LIGHT MANUFACTURING USE.

(A) This section applies to the following uses and zoning districts, where the principal use of the property is a brewery:

- (1) light manufacturing use with industrial park (IP) zoning district;
- (2) light manufacturing use with major industry (MI) zoning district;
- (3) light manufacturing use with limited industrial service (LI) zoning district;
- (4) light manufacturing use with North Burnet/Gateway (NBG) zoning district; or
- (5) limited warehousing and distribution use within North Burnet/Gateway (NBG) zoning district.

(B) The sale of beer or ale produced on-site for on-site consumption:

- (1) is a permitted use, if the brewery is at least 540 feet from any single family residential use, as measured from lot line to lot line;
- (2) is a conditional use, if the brewery is less than 540 feet from any single family residential use, as measured from lot line to lot line; and
- (3) shall not exceed 33 percent or 5,000 square feet of the total floor area of the principal developed use, whichever is less.
- (4) notwithstanding (B)(3), beer and ale sold on-site may be consumed in an area exceeding 33 percent or 5,000 square feet of the total floor

area of the principal developed use, whichever is less, during a
brewery tour.

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(C) On-site parking is required according to Schedule A of Appendix A
(*TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS*)

(D) A site plan or site plan exemption is required for this section.

PART 2 City Code Chapter 25-6 Schedule A of Appendix A (*TABLES OF OFF-STREET PARKING AND LOADING REQUIREMENTS*) is amended to read:

SCHEDULE A

The minimum off-street parking requirement for a use is the sum of the parking requirements for the activities on the site, in accordance with the following table:

<i>Activity</i>	<i>Requirement</i>
<u>Liquor sales for on-site consumption at a brewery</u>	
<u><2500 sq. ft</u>	<u>1 space for each 275 sq. ft.</u>
<u>2500-5000 sq. ft</u>	<u>1 space for each 100 sq. ft.</u>
Office or administrative activity	1 space for each 275 sq. ft.
Indoor sales, service, or display	1 space for each 500 sq. ft.
Outdoor sales, services, or display	1 space for each 750 sq. ft.
Indoor storage, warehousing, equipment servicing, or manufacturing	1 space for each 1,000 sq. ft.
Outdoor storage, equipment servicing, or manufacturing	1 space for each 2,000 sq. ft.
Commercial off-street parking requires one bike parking space for every 10 motor vehicle parking spaces.	

PART 3. This ordinance takes effect on _____, 2014.

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Lee Leffingwell
Mayor

ATTEST: _____
Jannette S. Goodall
City Clerk

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RESOLUTION NO. 20131003-054

WHEREAS, through passage of Senate Bills 516, 517, and 518 and House Bills 1764, 1765, and 1766, the 83rd Texas Legislature amended state law to allow Texas craft brewers to sell a limited amount of beer on-site for on-premise consumption; and

WHEREAS, currently, Title 25 of the City Code only allows the sale of beer on-site for on-premise consumption, except for restaurants with 51% food sales, on land zoned Commercial—Liquor Sales (CS-1) and with a Cocktail Lounge use; and

WHEREAS, there are currently 13 craft breweries in Austin who could potentially make use of the new legislation to sell a limited amount of beer on-site for on-premise consumption without opening a full restaurant; and

WHEREAS, most of these Austin breweries are on property with Limited Industrial Services Designation and are operating under Light Manufacturing use because that is the use required for breweries; and

WHEREAS, sale of craft beer as an accessory use to the primary activity of brewing may be less impactful on surrounding neighborhoods than Cocktail Lounge use or CS-1 zoning; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council initiates amendments to Title 25 (Land Development) of the City Code and directs the City Manager to develop an ordinance simplifying the process for breweries to have on-site consumption of alcoholic beverages.

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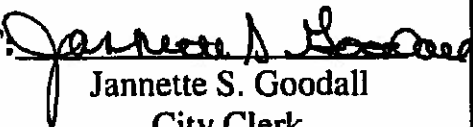
BE IT FURTHER RESOLVED:

That the amendments include the conditions that:

1. For breweries operating more than 540 feet from any Single Family Residential use, sale of beer on-site for on-premise consumption is to be a permitted use; and
2. For breweries operating less than 540 feet from any Single Family Residential use, sale of beer on-site for on-premise consumption is to be a conditional use.

ADOPTED: October 3, 2013

ATTEST:


Jannette S. Goodall
City Clerk