

February 13, 2017

Item # **Z**

**BRIEFING
DRAFT**

ZONING TEXT AMENDMENT

UDO-271

UDO-271
AN ORDINANCE REVISING
CHAPTER A AND CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ADD REGULATIONS FOR MICRO-BREWERY OR MICRO-DISTILLERY USE
AND SPECIAL EVENTS CENTER USE

Be it ordained by the Board of Commissioners of Forsyth County, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter A, Article II of the *UDO* is amended as follows:

Chapter A – Definitions Ordinance
Article II – Definitions

MICRO-BREWERY OR MICRO-DISTILLERY. A facility, no larger than twelve thousand (12,000) square feet of gross floor area, for the brewing of beer or the distilling of alcoholic beverages. Said facility may include a tasting room or taproom, as well as a retail space to sell the beer or liquor to patrons on site.

SPECIAL EVENTS CENTER. A facility that may be rented by individuals or groups for private functions including banquets, fundraisers, weddings, parties and other events. Said facility may be no larger than twenty thousand (20,000) square feet of gross floor area and may include on-site food preparation or catering facilities.

ENTERTAINMENT FACILITY, LARGE. (W) Any facility which has a permitted occupancy of three hundred (300) or more and is established primarily to provide entertainment activity (indoor and/or outdoor) to the general public or to a private membership and not otherwise classified as Restaurant (without drive-through service); Adult Establishment; Stadium, Coliseum, or Exhibition Building; Special Events Center or Club or Lodge. Such entertainment activities shall include dancing, live music performances, amplified music, musical entertainment provided by a disc jockey, karaoke, and any similar entertainment related activities.

Section 2. Chapter B, Article II of the *UDO* is amended as follows:

Chapter B – Zoning Ordinance

Article II - Zoning Districts, *Official Zoning Maps*, and Uses

2-4 PERMITTED USES

2-4.1 TABLE B.2.6

Table 2.6 displays the principal uses allowed in each zoning district and references uses conditions. Table B.2.6 should be read in conjunction with the definitions of principal uses and other terms in Section A.2. Land, buildings, and structures shall only be used in accordance with the districts shown on the Official Zoning Maps, and subject to all requirements and conditions specified in this Ordinance.

Section 3. Chapter B, Article II of the *UDO* is amended as follows:

Chapter B – Zoning Ordinance

Article II - Zoning Districts, *Official Zoning Maps*, and Uses

2-5 USE CONDITIONS

2-5.51.1 MICRO-BREWERY OR MICRO-DISTILLERY

- (A) Size. A micro-brewery or micro-distillery shall be no larger than twelve thousand (12,000) square feet of gross floor area.
- (B) Taproom or Tasting Room. A taproom or tasting room must be included in micro-breweries or micro-distilleries located in the PB, LB, NSB, HB, CB and MU-S districts. A taproom or tasting room must account for a minimum of ten percent (10%) of the gross floor area devoted to this use.

2-5.74.1 SPECIAL EVENTS CENTER

- (A) Size. A special events center shall be no larger than twenty thousand (20,000) square feet of gross floor area.
- (B) Special events center uses in the YR, AG, RS-40, RS-30, RS-20, PB, LB, NSB, HB, GB, LI, C and MU-S districts shall be subject to the following requirements:
 - (1) Access. A special events center shall have direct vehicular access to a major or minor thoroughfare or collector street as defined in the *Transportation Plan*. For facilities created by converting existing structures, the maximum distance from a thoroughfare or collector street shall not exceed fifteen hundred (1,500) feet. All measurements shall be made by drawing a straight line from the nearest point of the lot line where the special events center is to be located to the accessed major or minor thoroughfare or collector street.
 - (2) Setback. No activity areas associated with this use, including, but not limited to, the special events center structure, outdoor event space or parking shall be located less than forty (40) feet from neighboring residentially zoned property.
 - (3) Buffer. All sites containing special events centers shall be buffered from adjacent residentially zoned property by a Type III bufferyard.

NOTE: Items to be deleted are indicated with a strikethrough; items to be added are indicated with an underscore.
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2-5.74.2 STADIUM, COLISEUM, OR EXHIBITION BUILDING

- (A) Size. A stadium, coliseum or exhibition building shall be larger than twenty thousand (20,000) square feet of gross floor area.
- (B) Stadium, coliseum or exhibition building uses in the PB, HB, GB, C and MU-S districts shall be subject to the following requirements:
 - (1) Access. A stadium, coliseum or exhibition building shall have direct vehicular access to a major or minor thoroughfare or collector street as defined in the *Transportation Plan*. For facilities created by converting existing structures, the maximum distance from a thoroughfare or collector street shall not exceed fifteen hundred (1,500) feet. All measurements shall be made by drawing a straight line from the nearest point of the lot line where the stadium, coliseum or exhibition building is to be located to the accessed major or minor thoroughfare or collector street.
 - (2) Setback. No activity areas associated with this use, including, but not limited to, the stadium, coliseum or exhibition building structure, outdoor event space or parking shall be located less than forty (40) feet from neighboring residentially zoned property.
 - (3) Buffer. All sites containing a stadium, coliseum or exhibition building shall be buffered from adjacent residentially zoned property by a Type III bufferyard.

Section 4. Chapter B, Article III of the *UDO* is amended as follows:

Chapter B – Zoning Ordinance

Article III – Other Development Standards

3-3 PARKING, STACKING AND LOADING AREAS

3-3.2 OFF-STREET PARKING REQUIREMENTS

Table B.3.8 MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS		
PRINCIPAL USES (Legend at end of table)	MOTOR VEHICLE PARKING SPACES	BICYCLE PARKING SPACES— Applicable to Growth Management Areas (GMAs) 1, 2, and 3 only.
	MINIMUM REQUIREMENTS NOTES: (Supplemental landscaping required if parking exceeds 175% of minimum requirements.)	REQUIREMENTS If not exempt: (Minimum—2 spaces, Maximum—20 spaces No supplemental landscaping required.)
RETAIL AND WHOLESALE TRADE		
<u>Micro-Brewery or Micro-Distillery</u>	<u>1 space per 100 SF for Taproom/Tasting Room + 1 space per 575 SF of brewing or distillery space</u>	<u>1 space per 5,000 SF GFA, 2 space minimum</u>
INSTITUTIONAL AND PUBLIC USES		
<u>Special Events Center</u>	<u>1 space per 225 SF GFA</u>	<u>1 space per 20,000 SF GFA, 2 space minimum</u>

Section 5. Chapter B, Article VI of the *UDO* is amended as follows:

Chapter B – Zoning Ordinance

Article VI – Administration and Amendments

6-1 ADMINISTRATION

6-1.4 BOARD OF ADJUSTMENT

(A) Special Use Permits Authorized by the Board of Adjustment

- (1) Board of Adjustment Review.The Board of Adjustment shall review all request for permits as designated in Table B.2.6 and Section B.2-5.
- (2) Planning Board Report.Applications for special use permits may be approved by the Board of Adjustment after such board receives a report from the Planning Board and holds a duly advertised public hearing in each case, except that the Planning Board shall not be required to review and report on applications for:
 - (a) Riding Stables per Table B.2.6;
 - (b) Kennels Outdoor per Table B.2.6;
 - (c) Shooting Ranges, Outdoor per Table B.2.6;
 - (d) Manufactured Homes Class A, Class B and Class C per Table B.2.6;
 - (e) Expansion or Conversion of a Nonconforming Use per Sections B.5-2.3(B) and B.5-2.4(A);
 - (f) Accessory Uses as follows:
 - (i) Dwelling, Accessory (Detached) per Section B.2-6.4(C);
 - (ii) Separation, Processing, Storage or Wholesale Sale of Materials in LCIDs per Section B.2-5.41(N); or
 - (iii) Home Occupations in Rural Areas (GMAs 4 and 5) per Section B.2-6.4(D)(2)(b);

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- (g) Accessory Structures as follows:
 - (i) Exceeding size limits for accessory structures per Section B.3 1.2(E);
- (h) Parking reductions for churches per Sections B.2-5.21(D) and B.2-5.22(C);
- (i) Veterinary Services per Table B.2.6;
- (j) Reserved.
- (k) Keeping of horses, mules, donkeys, goats, sheep, or cattle (~~W~~) per Section B.3-11.4;
- (l) Child Daycare, Large Home;
- (m) Transmission Towers per Table B.2.6;
- (n) Campground;
- (o) Special Events Center.

Section 6. This ordinance shall be effective upon adoption.

STAFF REPORT

DOCKET # UDO-271
STAFF: Walter Farabee

REQUEST

This UDO text amendment is proposed by City-County Planning and Development Services staff to amend Chapters A and B of the *Unified Development Ordinances* (UDO) to create regulations for the uses “Micro-Brewery or Micro-Distillery” and “Special Events Center”. The text amendment is a follow-up to the report Planning Staff presented to the Planning Board in April, 2016 concerning these uses.

BACKGROUND

Micro-breweries and micro-distilleries are facilities that brew beer or distill alcoholic beverages and that often have other complimentary activities in the same structure such as a taproom or tasting room. The number of these establishments has grown considerably in recent years across the nation and locally in Winston-Salem. Events centers are another type of business that has experienced significant interest recently as individuals desire more unique options to host functions such as banquets, weddings, parties and other events. The proliferation of such uses is a recent trend, and specific land use regulations for these uses have not been established in many municipalities. Our *Unified Development Ordinances* (UDO) currently lack specific use classifications or regulations for breweries, distilleries and event centers. However, a number of these businesses already exist in our community, and Inspections staff has had to classify these businesses as the closest use in the UDO at the time of permitting.

Currently there are more than half a dozen breweries and distilleries operating in Winston-Salem. Most of these operations have been classified as the principal use “restaurant without drive-through” with the breweries or distilleries being considered accessory uses. One of the breweries is classified as Manufacturing A due to its larger size and location within an industrial park. Several additional breweries are planned to open within the coming year in Winston-Salem and Forsyth County.

Similarly, many existing event centers have been classified under the “stadium, coliseum or exhibition building” use which was originally intended for larger scale venues such as the LJVM Coliseum. This use is permitted only in more intense commercial, entertainment, industrial and mixed use districts; however, some existing event centers exist in residential or institutional zoning districts as part of churches or clubs/lodges.

Lacking appropriate use classifications and regulations for these new uses is a common problem for many municipalities across North Carolina. When comparing the five largest cities in the state,

Durham, Greensboro and Charlotte are the only municipalities with use regulations for micro-breweries, while Durham is the only one with existing micro-distillery regulations. Of the largest municipalities in the state, Greensboro is the only one with a special events facilities use.

ANALYSIS

Planning Staff believes that the creation of new use specifically for these business types is necessary given recent trends. The new use classifications will eliminate the uncertainty for businesses seeking to establish these uses, and allow Inspections staff to properly designate and regulate the uses. Staff recommends the creation of two new UDO uses: “micro-breweries or micro-distilleries” and “special events centers”.

Given the similarities between breweries and distilleries they have been classified together and limited to a maximum gross floor area of twelve thousand square feet to limit the impact of such facilities on adjacent neighborhoods. In addition to these facilities brewing beer and distilling alcoholic beverages, they may also include a tasting room or taproom, as well as a retail space to sell their goods to patrons on site. This use would be permitted by right in business, entertainment, mixed-use and industrial districts. Due to the need to retain street-level activity in business, entertainment and mixed-use districts, micro-breweries or micro-distilleries in these districts must include a taproom or tasting room of at least 10% of the gross floor area of the establishment. Lastly, parking is required at a rate of one parking space per 100 square feet of taproom or tasting room space plus one parking space per 575 square feet of brewing or distilling space.

Special events centers are defined in this amendment as rentable facilities for private functions with a maximum gross floor area of twenty thousand square feet. Such facilities may include on-site preparation or catering facilities and host functions such as banquets, fundraisers, weddings and parties. They are proposed to be permitted by right in business, entertainment, industrial, campus and mixed-use districts. Given the current demand for rural or country-style event venues, this use is also proposed to be allowed in agricultural and large lot residential zoning districts with a Special Use Permit from the Board of Adjustment. Parking would be required at a rate of one parking space per 225 square feet for the use.

Due to the need to protect nearby residential properties from potential negative impacts of this use, additional requirements are proposed for special events centers in business, campus and mixed-use districts. New facilities must have direct vehicular access to a major or minor thoroughfare or collector street. If the special events center is located in a converted existing structure, it must be located no more than 1,500 feet from a thoroughfare or collector street. All activity areas, including the structure, any outdoor event space and parking must be located no closer than 40 feet from neighboring residentially zoned property. Additionally, a Type III bufferyard is also required adjacent to residential zoning. These requirements for access, setbacks and bufferyards are also proposed to be applied to the larger stadium, coliseum or exhibition building use to reflect the similar impacts of these two similar uses.

Breweries, distilleries and event center uses are likely to become even more common in the future and it is important that we are prepared to accurately classify and regulate such uses. These uses have the potential to greatly benefit the local economy but also have the potential to impact established community character if not appropriately located or designed. Staff believes the proposed use regulations, size limitations and other standards will ensure the proper placement of these businesses and the preservation of the character of the community around them.

RECOMMENDATION

APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-271
SEPTEMBER 8, 2016**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

Melynda Dunigan asked if the zoning districts that allow restaurants and bars are the same as the ones that would allow microbreweries, or would there be some difference? Aaron King, stated that restaurants are no longer allowed in General Industrial. Neighborhood Business does allow restaurants, but is not proposed in this text amendment as a district that would allow microbreweries.

George Bryan asked if extending the changes to the current uses make the regulations for stadium, coliseum or exhibition buildings tighter? If so, in what ways, in terms of setbacks and buffers? Kirk Ericson stated the setbacks of 40 feet do exist for these uses and other commercial uses currently against all residential zoning districts. The difference is that this text amendment goes above and beyond that, in that it also includes setback provisions for outdoor areas. A lot of these newer event centers (the coliseum both on the large and small scale) now have things going on outside, like tables, dining and various things happening. This actually provides extra protection beyond what would be applied in both the current larger coliseum use and others uses in the ordinance by requiring that 40 feet setback from all those outdoor activity areas as well. Also, the Type III bufferyard is more intense than what would be required for standard commercial uses. The goal with this was where there is residential adjacent to this use, is to acknowledge the impact this use can have and provide some screening and separation.

Melynda Dunigan expressed her concern that the special event center use is proposed to be allowed in large lot residential districts and she felt that a Board of Adjustment special use permit does not give a serious enough level of consideration for those uses adjacent to other residential zoning.

MOTION: Clarence Lambe moved approval of the text amendment.

SECOND: Paul Mullican

VOTE:

FOR: George Bryan, Tommy Hicks, Arnold King, Clarence Lambe, Paul Mullican,
Brenda Smith, Allan Younger

AGAINST: Melynda Dunigan

EXCUSED: None

A. Paul Norby, FAICP

Director of Planning and Development Services