

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: December 3, 2020

AGENDA ITEM NUMBER: 2A - 2B

SUBJECT:

- A. PUBLIC HEARING ON AN ORDINANCE AMENDMENT PROPOSED BY PLANNING AND DEVELOPMENT SERVICES STAFF TO REVISE THE PRINCIPAL USES IN THE LIMITED INDUSTRIAL (LI) AND GENERAL INDUSTRIAL (GI) ZONING DISTRICTS, OUTDOOR STORAGE AREA REQUIREMENTS FOR THE USE MANUFACTURING B, AND TO CONSOLIDATE THE CITY AND COUNTY DEFINITIONS OF THE USES MANUFACTURING A AND MANUFACTURING B INTO ONE COUNTYWIDE DEFINITION FOR EACH USE OF THE UNIFIED DEVELOPMENT ORDINANCES (UDO-CC4)**
- B. ORDINANCE AMENDMENT TO REVISE THE PRINCIPAL USES IN THE LIMITED INDUSTRIAL (LI) AND GENERAL INDUSTRIAL (GI) ZONING DISTRICTS, OUTDOOR STORAGE AREA REQUIREMENTS FOR THE USE MANUFACTURING B, AND TO CONSOLIDATE THE CITY AND COUNTY DEFINITIONS OF THE USES MANUFACTURING A AND MANUFACTURING B INTO ONE COUNTYWIDE DEFINITION FOR EACH USE OF THE UNIFIED DEVELOPMENT ORDINANCES**

COUNTYMANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

See attached staff report. After consideration, the Planning Board recommended approval of the zoning text amendment.

ATTACHMENTS:- X YES NO

SIGNATURE: _____

DATE: November 30, 2020

UDO-CC4

AN ORDINANCE AMENDING CHAPTER 5 AND CHAPTER 11 OF THE *UNIFIED DEVELOPMENT ORDINANCES* (UDO) TO REVISE PRINCIPAL USES IN THE LIMITED INDUSTRIAL (LI) AND GENERAL INDUSTRIAL (GI) ZONING DISTRICTS; TO REVISE THE OUTDOOR STORAGE AREA REQUIREMENTS OF MANUFACTURING B; AND TO REVISE THE DEFINITIONS OF MANUFACTURING A AND MANUFACTURING B

Be it ordained by the Forsyth County Board of Commissioners, that the Unified Development Ordinances are amended as follows:

Section 1. Chapter 5, Subsection 5.1.1 of the UDO is amended as follows:

5 USE STANDARDS

5.1 PERMITTED USES

5.1.1 Principal Use Table

TABLE 5.1.1: PRINCIPAL USE TABLE																																						
Z = Permit from Zoning Officer																																						
P = Planning Board Review; A = Special Use Permit from BOA; E = Elected Body Special Use Permit																																						
(Lo) = Following a use indicates the use is a low-intensity use.																																						
(Hi) = Following a use indicates the use is a high-intensity use.																																						
USE TYPE	RESIDENTIAL DISTRICTS									COMMERCIAL DISTRICTS									IND. DIST.	I & MU DIST.	C O N D I T I O N S																	
	Y	A	4	3	2	1	1	S	S	M	M	1	1	M	M	N	L	P	G	N		P	L	S	H	G	C	-	M	R	B	E	L	G	C	I	-	M
RETAIL AND WHOLESALE TRADE USES																																						
Furniture and Home Furnishings Store (Lo)																		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	<u>Z</u>	<u>Z</u>	Z				Z		
Motorcycle Dealer (Hi)																		Z	Z		Z	Z	A	Z					<u>Z</u>	<u>Z</u>	A					Z		
Nursery, Lawn and Garden Supply Store, Retail (Hi)																			Z	Z	Z	Z			Z					<u>Z</u>	<u>Z</u>						Z	
Outdoor Display Retail (Hi)																		Z																				5.2.63
BUSINESS AND PERSONAL SERVICE USES																																						
Car Wash (Hi)																		Z	Z	Z	Z	Z		Z					<u>Z</u>	<u>Z</u>					Z		5.2.14	

Note: Items to be added are indicated in red with an underline; items to be deleted are indicated in red with a ~~strikethrough~~.

USE TYPE	RESIDENTIAL DISTRICTS												COMMERCIAL DISTRICTS												IND. DIST.	I & MU DIST.	C O N D I T I O N S				
	Y R	A A	4 3	3 2	2 1	1 1	S S	S S	R R	R R	R R	M M	R R	C	N	L	P	G	N	P	L	S	H	G	C	M R B		L	G	C	I
	R	R	R	R	R	S	S	R	R	R	R	M	R	C	N	L	P	G	N	P	L	S	H	G	C	M	L	G	C	I	M
	0	0	0	0	5	2	9	7	0	5	8	2	8	U	H	O	O	O	O	B	B	B	B	B	B	S	E	I	I	I	P
INSTITUTIONAL AND PUBLIC USES																															
Institutional Vocational Training Center (Hi)														Z	Z		Z				Z	Z	Z	Z		<u>Z</u>	<u>Z</u>				
MANUFACTURING AND MINING																															
Manufacturing B (Hi)																										Z	Z	<u>Z</u>			5.2. 55

Section 2. Chapter 5, Subsection 5.2.55 of the UDO is amended as follows:

5.2 USE-SPECIFIC STANDARDS

5.2.55 MANUFACTURING A AND B

A. MANUFACTURING PROCESSES

1. MANUFACTURING A

Manufacturing operations, including storage of materials, processing, fabrication or assembly of products, and loading and unloading of new materials and finished products ~~must~~ shall occur completely within an enclosed building.

2. MANUFACTURING B

Manufacturing operations, including processing, fabrication, or assembly of products shall occur completely within an enclosed building. Storage and unloading/loading of materials and finished products may occur outdoors.

B. STORAGE TANKS STANDARDS FOR MANUFACTURING A AND MANUFACTURING B USES

1. SIZE OF STORAGE TANKS

External tanks and/or process equipment shall not exceed twenty-five percent (25%) of the building footprint of the building(s) on site.

2. LOCATION AND SCREENING OF STORAGE TANKS

Note: Items to be added are indicated in red with an underscore; items to be deleted are indicated in red with a ~~strikethrough~~.
UDO-CC4 August 5, 2020

- a. External storage tanks physically connected to the principal building and/or process equipment shall be located to the sides or rear of the principal building, or so as not to be visible from public rights-of-way contiguous to the subject property.
- b. In situations where this is not practicable, such as multiple primary street frontages or other site limitations, screening shall be required.
- c. Screening shall be opaque architectural screening of masonry, stone, or the same material as that of the principal building, adequate to completely screen storage tanks and/or equipment; or a twenty (20) foot wide type III bufferyard shall be installed.
- d. Screening shall be installed around the base of storage tanks and/or process equipment to minimize visual impacts on adjacent public rights-of-way.
- e. No screening is required for storage tanks and/or process equipment located more than five hundred (500) feet from public rights-of-way.
- f. Storage tanks shall be painted colors which are consistent to those of the principal structure.

C. OUTDOOR STORAGE AREA STANDARDS FOR MANUFACTURING B USES

1. LOCATION

Outdoor storage areas shall be located to the sides or rear of the principal building, or so as not to be visible from public rights-of-way contiguous to the subject property.

2. SCREENING REQUIRED FROM PUBLIC RIGHTS-OF-WAY

- a. Outdoor storage areas visible from any contiguous public rights-of-way, including controlled-access highways, shall require screening.
- b. Outdoor screening shall consist of:
 - i. Opaque architectural screening of masonry, stone, or the same materials as that of the principal building, a minimum of six (6) feet in height; or
 - ii. A twenty (20) foot wide type III bufferyard in accordance with Table 6.3.2.A.4, Type III Bufferyard.
- c. No screening is required for outdoor storage areas located more than five hundred (500) feet from public rights-of-way.

Section 3. Chapter 11, Section 11.2 of the UDO is amended as follows:

11 MEASUREMENT & DEFINITIONS

11.2 DEFINITIONS

TABLE 11.2.2: DEFINITIONS	
M	
MANUFACTURING A (F)	A manufacturing establishment engaged in the fabrication or assembly of products from prestructured materials or components whose operations, including storage of materials; processing, fabrication or assembly of products; and loading and unloading of

Note: Items to be added are indicated in red with an underline; items to be deleted are indicated in red with a ~~strikethrough~~.
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	new materials and finished products occurs completely within an enclosed building. Because of the nature of its operations and products, Manufacturing A produces little or no noise, odor, vibration, glare, and/or air and water pollution, and, therefore, has minimal impact on surrounding properties. Notwithstanding the previous requirements, NAICS groups only permitted in Manufacturing C shall not be permitted in Manufacturing A.
MANUFACTURING A (W)	A manufacturing establishment engaged in the fabrication or assembly of products from prestructured materials or components whose operations, including storage of materials; indoor agriculture; processing, fabrication or assembly of products; and loading and unloading of new materials and finished products occurs completely within an enclosed building. Because of the nature of its operations and products, Manufacturing A produces little or no noise, odor, vibration, glare, and/or air and water pollution, and, therefore, has minimal impact on surrounding properties. Notwithstanding the previous requirements, NAICS groups only permitted in Manufacturing C shall not be permitted in Manufacturing A.
MANUFACTURING B (F)	A manufacturing establishment whose operations, including storage of materials; processing, fabrication or assembly of products; and loading and unloading of new materials and finished products occurs completely within an enclosed building. Noise, odor, dust, or vibration from the manufacturing process may result in only minor impacts on adjacent properties. Notwithstanding the previous requirements, NAICS groups only permitted in Manufacturing C shall not be permitted in Manufacturing B.
MANUFACTURING B (W)	A manufacturing establishment whose operations, including storage of materials; indoor agriculture; and processing, fabrication or assembly of products; and loading and unloading of new materials and finished products occurs completely within an enclosed building. Storage and unloading/loading of materials and finished products may occur outdoors. Noise, odor, dust, or vibration from the manufacturing process may result in only minor impacts on adjacent properties. Notwithstanding the previous requirements, NAICS groups only permitted in Manufacturing C shall not be permitted in Manufacturing B.

Section 4. This ordinance shall be effective upon adoption.

Note: Items to be added are indicated in red with an underline; items to be deleted are indicated in red with a ~~strike through~~.
UDO-CC4 August 5, 2020

STAFF REPORT

DOCKET: UDO-CC4
STAFF: [Steve Smotherman](#)

REQUEST

A request by City-County Planning and Development Services staff to amend Chapters 5 and 11 of the Unified Development Ordinances (UDO) to revise principal uses within the Limited Industrial (LI) and General Industrial (GI) zoning districts, to revise the outdoor storage area requirements of Manufacturing B, and to consolidate Winston-Salem and Forsyth County definitions of Manufacturing A and Manufacturing B into one countywide definition.

BACKGROUND

In recent years, the Planning Board and staff have noticed a trend towards heavy commercial uses wishing to locate in industrial areas. In 2017 and 2018, two business rezoning requests (W-3332 and W-3388) were approved for formerly-GI-zoned property in the Stratford Industrial Park (located at the intersection of South Stratford Road and Kimwell Drive). Both rezonings were necessary to allow for retail uses not permitted in the GI district: a furniture store and a motorcycle dealer.

The Planning Board believed such heavy retail uses were appropriate in industrial areas and suggested that staff consider an ordinance amendment allowing such retail uses in the LI and GI districts. Such an amendment could reduce further rezonings to commercial districts in industrially-zoned areas, reducing the risk of further commercial district expansion and minimizing the loss of good industrial sites in the community.

On a related point, Planning staff has also seen a need for further differentiating between Manufacturing A and Manufacturing B uses. Presently, Manufacturing A processes are to produce “little or no noise, odor, vibration, glare and/or air or water pollution” resulting in “*minimal impact* on surrounding properties,” while Manufacturing B processes are to produce “noise, odor, vibration, glare and/or air or water pollution that result in *minor impacts* on adjacent properties.” Outdoor storage is only permitted for Manufacturing C uses, which includes heavy industrial uses such as metal manufacturing, chemical manufacturing, and battery manufacturing. A review of our peer cities indicates that a broader array of manufacturing uses are allowed to have outdoor storage areas within their jurisdictions, provided they are adequately screened.

ANALYSIS

Planning staff believes that six commercial uses (Car Wash; Furniture and Home Furnishings Store; Institutional Vocational Training Facility; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; and Outdoor Display Retail) would be appropriate in the LI and GI districts. The addition of Car Wash, Motorcycle Dealer, and Outdoor Display Retail make particular sense as the repair and leasing of motor vehicles and trucks are already permitted in the LI and GI districts.

Commercial uses are typically permitted in one or more industrial districts of peer cities in North Carolina (e.g. Greensboro, High Point, Charlotte). Charlotte allows a broad array of commercial uses in industrial districts including the sale of many bulky items plus restaurants, convenience stores, gas stations, and shopping centers up to 70,000 square feet.

Revising the definitions and use conditions for Manufacturing A and Manufacturing B regarding outdoor storage would help create three distinct levels of industrial intensity:

- Manufacturing A, being the least intense manufacturing district, would only allow indoor storage of materials. This use is presently permitted in 7 different zoning districts: Corporate Park Office (CPO), General Business (GB), Entertainment (E), LI, GI, Central Industrial (CI), and Mixed-Use-Special Use (MU-S);
- Manufacturing B would allow both indoor storage and outdoor storage of materials screened from public streets, allowing for the moderate intensity manufacturing uses currently promoted for LI and GI districts; and
- Manufacturing C would allow indoor storage or outdoor storage of materials without screening requirements. Such high intensity manufacturing would only be allowed in GI districts.

This amendment recommends that Manufacturing B no longer be allowed in the CI district if screened outdoor storage areas are permitted. The CI zoning district is found only in the Innovation Quarter in Downtown Winston-Salem, where outdoor storage would not be compatible with the pedestrian-friendly mixed-use character proposed for the area.

The proposed screening requirements for outdoor storage areas for Manufacturing B uses are similar to the standards already required for outdoor storage tanks in association with Manufacturing A and B, found in Section 5.2.55 of the UDO, which are as follows:

- Outdoor storage areas shall be located to the sides or rear of a principal building that is not visible from a contiguous public right-of-way;
- Outdoor storage areas visible from contiguous public rights-of-way and highways shall be screened by opaque materials such as masonry, stone, or the same material as the principal building, a minimum of six (6) feet in height; or by a twenty (20) foot wide type III bufferyard; and

- Outdoor storage areas located 500 feet or more from contiguous public rights-of-way are exempted from these screening requirements.

The final amendment is to consolidate the Winston-Salem and Forsyth County definitions of Manufacturing A and Manufacturing B into one countywide definition for each use. The definitions became distinct when an urban agriculture UDO amendment was approved for Winston-Salem. Since these proposed amendments affect both Winston-Salem and Forsyth County, it is the appropriate time to combine definitions and simplify the UDO.

Staff believes that the proposed use changes to the LI and GI districts are reasonable and should reduce the need for business district rezonings in the future. Allowing screened outdoor storage areas for Manufacturing B provides an industrial manufacturing option already allowed in our peer cities in the state.

RECOMMENDATION

APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-CC4
AUGUST 13, 2020**

Steve Smotherman presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe recommended approval of the ordinance amendment.

SECOND: Jack Steelman

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe,
Chris Leak, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

Aaron King
Director of Planning and Development Services

(For publication in the WS Journal Legal Section on
October 30, 2020 and November 6, 2020)

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the Board of Commissioners will hold a public hearing on Thursday, November 12, 2020. The public hearing will be conducted remotely, as allowed by the Board's Remote Participation Policy during this state of emergency.

1. Public hearing on an ordinance amendment proposed by Planning and Development Services staff to revise the principal uses in the Limited Industrial (LI) and General Industrial (GI) zoning districts, outdoor storage area requirements for the use Manufacturing B, and to consolidate the city and county definitions of the uses Manufacturing A and Manufacturing B into one countywide definition for each use of the Unified Development Ordinances (UDO-CC4)
2. Public hearing on an ordinance amendment proposed by Planning and Development Services staff to amend section 3.2.2 of the Unified Development Ordinances pertaining to certificates of appropriateness (UDO-CC5)

There will be no meeting place where members of the public can be physically present. The Meeting will be broadcast live at 2:00 p.m. on local cable channel WSTV 13-The Government Channel, http://winston-salem.granicus.com/MediaPlayer.php?publish_id=29 and <https://vimeo.com/forsythcountync>.

All persons interested in the proposed amendments are invited by the Board of Commissioners to present their views. If you wish to submit a written comment, please email to sloopam@forsyth.cc by Friday, November 13, 2020.

FORSYTH COUNTY BOARD OF COMMISSIONERS
Ashleigh M. Sloop, Clerk to the Board