

July 22, 2009

Waste Energy LLC
c/o Chuck Davis
121 B Venture Blvd
Spartanburg, SC 29301

RE: ZONING TEXT AMENDMENT UDO-202

Dear Mr. Davis:

The attached report of the Planning Board to the Forsyth County Board of Commissioners and City of Winston-Salem City Council is sent to you at the request of the Commissioners and Council Members.

When the text amendment is scheduled for public hearing, you will be notified by the Clerk to the County Commissioners and the City Secretary, of the date on which the Commissioners and City Council will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning

Attachment

pc: County Manager's Office
City Secretary

ACTION REQUEST FORM

DATE: July 22, 2009
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Text Amendment proposed by Waste Energy, LLC

SUMMARY OF INFORMATION:

Zoning Text Amendment proposed by Waste Energy, LLC to amend Chapter A, Article II of the UDO to allow Ethyl Alcohol Manufacturing to occur in Manufacturing B (UDO-202).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

STAFF REPORT

DOCKET # UDO-202

STAFF: [Kirk Ericson](#)

REQUEST

This text amendment is proposed by Waste Energy, LLC to amend Chapter A of the Unified Development Ordinances (UDO) to exclude Ethyl Alcohol Manufacturing from the definition of the “Manufacturing C” use.

BACKGROUND

The proposed text amendment would allow Ethyl Alcohol Manufacturing to be considered a “Manufacturing B” use rather than a “Manufacturing C” use. This would allow the petitioner to locate a proposed ethanol manufacturing facility in the Union Cross Business Park. The Union Cross Business Park is zoned LI, and as such, cannot accommodate “Manufacturing C” facilities. Rather than engaging in the rezoning process to rezone a single parcel in this park to GI (which allows “Manufacturing C”), the petitioner has proposed a text amendment to revise the definition of the “Manufacturing C” use.

In January 2006, the Planning Board recommended approval of UDO-149, a text amendment which clarified the definitions and use conditions for Manufacturing A, B, and C. This amendment eliminated redundant and confusing references to the use and storage of toxic, hazardous, or explosive materials used in manufacturing processes, and refocused the definitions of these uses to rely on simple performance standards to explain their differences. Under the current, revised manufacturing definitions, “Manufacturing A” uses are engaged in the assembly of products from pre-structured components or materials. “Manufacturing B” uses engage in more intensive manufacturing processes, but must still be completely contained within an enclosed structure. “Manufacturing C” uses allow for the most intensive manufacturing processes and allow for outside manufacturing and storage of materials. However, certain uses, because of their potential impacts on adjoining properties, are considered “Manufacturing C” uses by the ordinance even where these uses occur completely indoors. NAICS group 325 (Chemical Manufacturing), which includes “Ethyl Alcohol Manufacturing (NAICS group 325193)”, is currently listed as one of these uses.

ANALYSIS

Staff believes the process for manufacturing ethyl alcohol, or ethanol, to be appropriate for “Manufacturing B” where such process occurs indoors. The performance standards of the “Manufacturing B” use will ensure that the processes associated with this use will occur completely indoors (any outdoor storage or manufacturing of ethyl alcohol would still be classified as “Manufacturing C”). Staff believes this manufacturing process, if kept indoors, would have no more of an impact on adjacent property than any current “Manufacturing B” use. While staff still believes that, in general, NAICS group 325 (Chemical Manufacturing) is a “Manufacturing C” use, this specific sub-use is not. Staff believes that exempting certain sub-uses from group 325 (or any other NAICS group) will have a positive impact on industrial

development in the community when appropriate. In fact, the UDO already exempts the uses “Pharmaceutical and Medicine Manufacturing” and “Soap and Cleaning Compound Manufacturing” from the list of “Chemical Manufacturing” uses which are always considered “Manufacturing C”.

Additionally, staff believes this text amendment is preferable to a rezoning, which would otherwise be necessary to locate a “Manufacturing C” use in the LI-zoned Union Cross Business Park. This ordinance revision has been developed in collaboration with Winston-Salem Business, Inc. and is consistent with the *Legacy* objective of supporting quality Industrial development in an increasingly urbanized community.

RECOMMENDATION

APPROVAL

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved approval of the zoning text amendment.

SECOND: Lynne Mitchell

VOTE:

FOR: Wesley Curtis, Arnold King, Arthur King, Clarence Lambe, Darryl Little, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

UDO-202
AN ORDINANCE AMENDING
CHAPTER A OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO EXCLUDE “ETHYL ALCOHOL MANUFACTURING”
FROM THE DEFINITION OF MANUFACTURING C

Be it ordained by the City Council of the City of Winston-Salem, 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

MANUFACTURING C. 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 may occur either inside an enclosed building or outside on the premises. Noise, odor, dust, vibration, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties. The following NAICS groups shall only be permitted in Manufacturing C:

- 3111 Animal Food Manufacturing
- 321 Wood Product Manufacturing (Except 32191 Millwork)
- 322 Paper Manufacturing (Except 3222 Converted Paper Project Manufacturing)
- 324 Petroleum and Coal Products Manufacturing
- 325 Chemical Manufacturing (Except ~~325193 Ethyl Alcohol Manufacturing~~, 32541 Pharmaceutical and Medicine Manufacturing, and 32561 Soap and Cleaning Compound Manufacturing)
- 326 Plastics and Rubber Products Manufacturing (Except 3261 Plastic Product Manufacturing)
- 327 Nonmetallic Mineral Product Manufacturing (Except 327215 Glass products made of purchased glass)
- 331 Primary Metal Manufacturing
- 332 Fabricated Metal Product Manufacturing (Except 3322 Cutlery and Handtool Manufacturing, 3325 Hardware Manufacturing, 3326 Spring and Wire Product Manufacturing, and 3327 Machine Shops; Turned Product; and Screw, Nut and Bolt Manufacturing)
- 3353 Electrical Equipment Manufacturing
- 335911 Storage Battery Manufacturing
- 335912 Primary Battery Manufacturing
- 3363 Transportation Equipment Manufacturing (Except 3363 Motor Vehicle Parts Manufacturing)

Section 2. This ordinance shall be effective upon adoption.