

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____ **AGENDA ITEM NUMBER:** _____

SUBJECT:-

- A. Public Hearing on Zoning Text Amendment proposed by proposed by City-County Planning Board Staff to amend Chapters A and B of the *Unified Development Ordinances* to create provisions for the "Agricultural Tourism" use classification (UDO-184).
- B. Approval of Ordinance

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board recommended approval of the rezoning text amendment.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

STAFF REPORT

DOCKET # UDO-184

STAFF: [Kirk Ericson](#)

REQUEST

This UDO text amendment is proposed by City-County Planning Board staff to amend Chapter A, Article II, and Chapter B, Articles II and III of the *Unified Development Ordinances* to create provisions for Agricultural Tourism in Forsyth County. This request was made by the Forsyth County Soil and Water Conservation Board.

BACKGROUND

Legacy recommends preserving the farmland, natural areas, and rural character of Growth Management Area (GMA) 5, the Rural Area of Forsyth County. This area includes rural lands in the western portion of the county proximate to the Yadkin River as well as land in the northeast area of the county. These areas are unlikely to have municipal sewer service in the foreseeable future. Additional provisions may be warranted to retain their rural, agricultural character. As land closer to the urban core becomes scarcer and more expensive, rural land becomes increasingly attractive for suburban development. In order to preserve the rural character of these areas, agriculture must be retained as an economically viable land use. Agricultural Tourism provides a way of increasing the economic potential of agriculture by allowing for certain recreational, educational, entertainment, or limited business activities operated in association with a bona-fide farm. Provisions for Agricultural Tourism are common in North Carolina, and Forsyth County is surrounded by counties that have already adopted such ordinance provisions, including Yadkin, Davie, Surry, and Guilford.

ANALYSIS

Staff believes Agricultural Tourism will be a useful rural preservation tool and will help agricultural land owners maintain agricultural use of their property. Examples of activities allowed under Agricultural Tourism include wineries; educational farm tours and demonstrations; corn mazes; outdoor special events such as weddings; bed and breakfasts; and limited restaurant and retail uses. The Agricultural Tourism provisions will not restrict other uses already allowed on bona-fide farms. Use conditions further limit the circumstances under which Agricultural Tourism activities may be carried out. A farm must also be located in a Voluntary Agricultural District and must contain a minimum of twenty contiguous acres, exclusive of acreage containing the Agricultural Tourism use, in a single ownership to utilize the Agricultural Tourism provisions. Staff notes that a companion provision to establish a Voluntary Agricultural District is currently under consideration by the Forsyth County Commissioners for inclusion in the County Code, which is separate from the UDO. If a farm loses its Voluntary Agricultural District status, use of all Agricultural Tourism Uses would be required to be discontinued. Additionally, the Agricultural Tourism provisions would only be available for property zoned AG (Agricultural) and YR (Yadkin River).

Use conditions and setbacks are included in the proposed ordinance as a way of increasing the positive integration of Agricultural Tourism land uses into a primarily rural context, which includes very low density residential. Agricultural Tourism uses would be required to be setback at least seventy-five feet from all adjacent property lines and street rights-of-way, with the exception of restaurant or retail uses, which would be required to be setback at least one hundred and fifty feet from all adjacent property lines and street rights-of-way. Restaurants would also be limited to a maximum seating capacity of one hundred and fifty persons, with County Fire Department approval. Additionally, any retail facility would be limited to a low maximum gross floor area of 1,500 square feet. These size limitations are included as a safeguard against the use of Agricultural Tourism as a back-door route to commercial zoning in GMA 5. Limitations also exist for outdoor special events: Outdoor special events would be allowed up to six times per month, with only one outdoor special event occurring at any time. Outdoor special events would be allowed a maximum duration of three days each, and a maximum of five hundred people would be permitted at each event at any one time.

RECOMMENDATION

APPROVAL

UDO TEXT AMENDMENT PROPOSED BY CITY-COUNTY PLANNING BOARD STAFF TO AMEND CHAPTERS A AND B OF THE *UNIFIED DEVELOPMENT ORDINANCES* TO CREATE PROVISIONS FOR THE “AGRICULTURAL TOURISM” USE CLASSIFICATION (UDO-184).

Kirk Ericson presented the staff report.

PUBLIC HEARING

FOR:

Don Nielsen, 100 N. Cherry Street, Winston-Salem, NC 27101

- I support this text amendment. It will help Forsyth County farmers and agricultural land owners.
- This will be a competitive advantage for Forsyth County.

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning text amendment.

SECOND: Arthur King

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

UDO-184
AN ORDINANCE AMENDING
CHAPTERS A AND B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO CREATE PROVISIONS FOR THE LAND USE “AGRICULTURAL TOURISM”

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 - Definitions Ordinance, Article II – Definitions is amended as follows:

Chapter A - Definitions Ordinance

Article II – Definitions

AGRICULTURAL TOURISM (F). Any recreational, educational, entertainment, or limited business activity operated in association with and located on the same zoning lot as a Voluntary Agricultural District. Agricultural Tourism includes, but is not limited to the following uses:

Wineries

Educational Farm Tours, Demonstrations, or Facilities

Corn Mazes

Restaurant (Without Drive Through Service)

Retail Store, Specialty or Miscellaneous

General Merchandise Store

Outdoor Special Events Directly Related to Agricultural Activities Taking Place on Site

Weddings

Bed and Breakfast

Section 2. Chapter B - Zoning Ordinance, Article II – Zoning Districts, *Official Zoning Maps*, and Uses 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 B.2.6 displays the principal uses allowed in each zoning district and references use 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.

Said table is amended by inserting a new row for the use "Agricultural Tourism (F)" under the Agricultural Uses heading, and adding a "Z" under said use for the AG and YR zoning districts. Additionally, 5.1 shall be added in the conditions column for the "Agricultural Tourism" use.

2-5 USE CONDITIONS

2-5.5.1 AGRICULTURAL TOURISM (F)

(A) Location

Agricultural Tourism uses shall be operated by the property owner in association with a Voluntary Agricultural District of a minimum of twenty (20) contiguous acres of land in single ownership in GMA 5. When the farm loses its Voluntary Agricultural District status the Agricultural Tourism use shall be discontinued.

(B) Setbacks

Any activity, structure, building, parking or storage area(s) associated with a Restaurant (without drive-through service), Retail Store, Specialty or Miscellaneous, or General Merchandise Store use shall observe a minimum one hundred and fifty (150) foot setback from all adjacent property lines and street rights-of-way. All other Agricultural Tourism uses shall observe a minimum seventy-five (75) foot setback from all adjacent property lines and street rights-of-way.

(C) Restaurant (Without Drive-Through Service)

Any Restaurant (without drive-through service) shall have a maximum seating capacity of one hundred and fifty (150) persons with County Fire Department approval.

(D) Retail Store, Specialty or Miscellaneous, or General Merchandise Store

Any Specialty, Miscellaneous, or General Merchandise Store shall have a maximum gross floor area of one thousand, five hundred (1500) square feet.

(E) Parking

The Director of Inspections may allow alternative compliance for Section B.3-3, Parking Stacking, and Loading Areas, as warranted. The landscape and streetyard requirements of this ordinance shall not apply.

(F) Outdoor Special Events

a. Only one type of outdoor special event shall occur at any one time.

b. Outdoor Special Events are allowed up to six (6) times per month for three (3) consecutive days each.

c. Outdoor Special Events shall accommodate a maximum of five hundred (500) people at any one time.

d. Any structure associated with an Outdoor Special Event shall be setback a minimum of one hundred and fifty (150) feet from all adjacent property lines and street rights-of-way. Any parking or other activity associated with an Outdoor Special Event shall be setback a minimum of seventy-five (75) feet from all adjacent property lines and street rights-of-way.

(G) Building Code

All applicable building code requirements shall apply to buildings used in conjunction with any Agricultural Tourism use.

Section 3. Chapter B - Zoning Ordinance, Article III – Other Development Standards is amended as follows:

Chapter B - Zoning Ordinance

Article III - Other Development Standards

3-3.2 OFF-STREET PARKING REQUIREMENTS

Table B.3.8
PARKING REQUIREMENTS

AGRICULTURAL USES		
Agricultural Production, Crops (W)	None	
Livestock (W)	None	
Agricultural Production, Crops (F)	None	
Livestock (F)	None	
<u>Agricultural Tourism (F)</u>	<u>Specific parking requirements shall be based on the UDO use classification most comparable to each Agricultural Tourism use being requested [Restaurant (without drive-through service), etc.]</u>	
Animal Feeding Operation	2 spaces per 3 employees plus 1 space	
Fish Hatchery	2 spaces per 3 employees plus 1 space	

Section 4. This ordinance shall be effective upon adoption.