

February 22, 2006

Robert E. Leak, Jr.
Winston-Salem Business, Inc.
1080 West Fourth Street
Winston-Salem, NC 27101

RE: ZONING TEXT AMENDMENT UDO-149

Dear Mr. Leak:

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 Jane Cole, Clerk to the County Commissioners and Renee Henderson, City Secretary, of the date on which the Commissioners and City Council will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Renee Henderson, City Secretary

ACTION REQUEST FORM

DATE: February 22, 2006
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Text Amendment proposed by Winston-Salem Business, Inc. and the Inspections Division Staff

SUMMARY OF INFORMATION:

Zoning Text Amendment proposed by Winston-Salem Business, Inc. and the Inspections Division Staff to amend Chapter A – Definitions Ordinance; and Chapter B, ARTICLE II – USE CONDITIONS regarding Manufacturing A, B, and C (UDO 149).

PLANNING BOARD ACTION:

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

STAFF REPORT

DOCKET #: UDO-149

STAFF: Kirk Ericson

REQUEST

This UDO text amendment is proposed by Winston-Salem Business Inc. and the City-County Inspections Division to amend Chapter A, Article II “Definitions” section of the *Unified Development Ordinances* to clarify the use classifications of “Manufacturing A”, “Manufacturing B”, “Manufacturing C”, and “Meat Packing Plant” by eliminating redundant and confusing references to the use and storage of certain materials used in manufacturing processes, to update and clarify each of the previously mentioned definitions; to amend Chapter B, Article II, Section 2-5 “Use Conditions” to create use conditions to assist in regulating the built form of manufacturing establishments, and to modify the use conditions for “Meat Packing Plant”; and to amend Chapter B, Article II, Section 2-6 “Permitted Use Table” to reference the previously mentioned use conditions.

BACKGROUND

Winston-Salem Business Inc. and the City-County Inspections Division are requesting this text amendment. This amendment is intended to distinguish manufacturing processes related to land use zoning from the storage and use of certain materials used in the manufacturing process which are already regulated by other federal, state and local authorities. Additionally, this amendment is intended to clarify the distinctions between manufacturing A, B, and C, to allow Inspections to more easily regulate manufacturing operations, and to improve the built character of manufacturing establishments.

An earlier version of this text amendment was withdrawn in May of 2004 to allow for further discussion and refinement before resubmitting for Planning Board consideration.

ANALYSIS

Currently, the UDO defines three different classes of manufacturing operations. “Manufacturing A” is the least intensive category, and is engaged in the fabrication or assembly of products from prestructured materials or components. This definition also refers to several specific SIC groups which are allowed in this manufacturing class. “Manufacturing B”, which is somewhat more intensive, allows a broad variety of manufacturing processes which occur wholly within the confines of an enclosed structure. Lastly, “Manufacturing C” allows for process operations and materials storage partially or totally located in an open-air environment. Because these manufacturing classifications potentially impact adjacent properties to varying degrees, each is permitted only within certain zoning districts. This UDO text change is intended to strengthen and clarify the distinctions between these manufacturing classes and to facilitate greater ease of Inspections administration.

Currently, “Manufacturing B” and “Manufacturing C” also include references to the use and storage of toxic, hazardous, or explosive materials. Such terms have very specific meaning with respect to various Local, State, and Federal agencies whose charge it is to oversee the safe use and storage of such materials. This UDO text change is intended to clarify and distinguish the regulatory role of the City-County Inspections Division regarding zoning and land use enforcement matters. The City-County Planning Staff, the City-County Inspections Division, and the City and County Fire Departments concur that references to toxic, hazardous, or explosive materials should be deleted from the UDO definitions. More appropriately, matters regarding the use and storage of such materials should rest with the regulatory agencies (principally the Fire Department) which have the most updated requirements governing the use of these materials. Since those requirements are regularly updated along with the procedures for administering and enforcing those requirements, using the UDO to specify them is redundant and may potentially be in conflict by not staying current with the state of the art in such regulations.

In order to emphasize the distinctions between manufacturing classes, their definitions have been modified. The definition for “Manufacturing A” has been modified to include language stating that these processes shall occur completely within an enclosed building. The definitions for “Manufacturing B” and “Manufacturing C” have been modified to remove any language referring to toxic, hazardous, or explosive materials. Again, this language is redundant, and causes unnecessary regulatory confusion for City-County Inspections.

To further clarify the distinctions between manufacturing classes, the definition of “Manufacturing C” now refers to several North American Industry Classification System (NAICS) groups which, due to inherent characteristics of their processes, are only permitted in Manufacturing C. The use of NAICS groups here is intended to make it easier for City-County Inspections to regulate which zoning districts certain manufacturing uses may be allowed. Additionally, all language referring to Standard Industrial Classification (SIC) codes in the definition of “Manufacturing A” has been removed. In addition to the fact that SIC codes have been superseded, Planning Staff believes the performance standards in the definition of “Manufacturing A” are sufficient to ensure the lower intensity character of manufacturing operations in this group.

Furthermore, the definition for “Meat Packing Plant” has been expanded to include NAICS groups which are engaged in the slaughtering or preparation of chicken and seafood in addition to the groups already mentioned in this definition. It is the position of the Planning Staff that these NAICS groups should be subject to the same standards as the current processes contained within the “Meat Packing Plant” definition. In addition, language referring to “the North Carolina Health Board and Public Health department” in the use conditions for “Meat Packing Plant” has been replaced with language referring to “all applicable health regulations”. This clarification ensures that meat packing plants will follow all applicable Federal, State, or Local health regulations.

Use conditions relating to Manufacturing A and B have been created in order to better regulate the built form of manufacturing operations. In order to create a more appealing physical environment, storage tanks in these groups shall be behind the building or otherwise located so as not to be visible from public rights-of-way contiguous to the subject property. In situations where this is not practicable, screening shall be required. Storage tanks shall be screened by

opaque architectural screening of masonry, stone, or the same materials as that of the principal building; or a Type III vegetative bufferyard. This condition will help manufacturing operations fit in better with their surrounding uses. However, no screening is necessary for storage tanks located more than five hundred feet from public rights-of-way. Additionally, a use condition shall be created to ensure that manufacturing operations and all related processes and storage shall be located within an enclosed structure in Manufacturing A and B.

These UDO changes will strengthen the inherent distinctions between Manufacturing A, B, and C, improve the built form of manufacturing operations, eliminate confusion and redundancy, facilitate the timely approval of various regulatory permits, and in the process, promote a more clear regulatory environment for quality industrial development in Winston-Salem and Forsyth County. This ordinance revision was developed in close collaboration with Winston-Salem Business, Inc. and is consistent with *Legacy* objectives to support quality Industrial development in an increasingly urbanized community.

RECOMMENDATION

APPROVAL

Kirk Ericson presented the staff report.

PUBLIC HEARING

FOR:

Bob Leak, Winston-Salem Business, Inc., 1080 West Fourth Street, Winston-Salem, NC 27101

- I am President of Winston-Salem Business, Inc.
- This is basically just clarification language. The text amendment originated from a conversation I was having about outdoor storage tanks and whether having an outdoor storage tank attached to a building was outside storage or is it integral to processing for that company.

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following points were made:

1. The UDO text amendment analysis sheet was very helpful.

MOTION: Dara Folan moved approval of the Zoning Text Amendment.

SECOND: Jerry Clark

VOTE:

FOR: Clark, Eickmeyer, Folan, King, Lambe, Mullican, Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

UDO-149

AN ORDINANCE AMENDING CHAPTER A, ARTICLE II “DEFINITIONS”, CHAPTER B, ARTICLE II “USE CONDITIONS”, AND CHAPTER B, ARTICLE II “PERMITTED USE TABLE” OF THE *UNIFIED DEVELOPMENT ORDINANCES*

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* are hereby amended as follows:

Section 1. Chapter A, Article II – “DEFINITIONS” is amended by adding and removing the following:

MANUFACTURING A. A manufacturing establishment ~~primarily~~ 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 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. This definition includes all uses in the following SIC groups:

- ~~23~~ _____ Apparel and Other Textile Products
- ~~375~~ _____ Motorcycles, Bicycles, and Parts
- ~~38~~ _____ Instruments and related products (except medical Instruments and Supplies, SIC group 384; and Photographic Equipment and Supplies, SIC group 386)
- ~~39~~ _____ Miscellaneous Manufacturing Industries

MANUFACTURING B. 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 ~~and which does not produce or utilize as an integral part of the manufacturing process toxic, hazardous, or explosive materials.~~ 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 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. ~~Toxic, hazardous, or explosive materials may be produced or utilized as an integral part(s) of the manufacturing process.~~ 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)

<u>322</u>	<u>Paper Manufacturing (Except 3222 Converted Paper Product Manufacturing)</u>
<u>324</u>	<u>Petroleum and Coal Products manufacturing</u>
<u>325</u>	<u>Chemical Manufacturing (Except 32541 Pharmaceutical and Medicine Manufacturing and 32561 Soap and Cleaning Compound Manufacturing)</u>
<u>326</u>	<u>Plastics and Rubber Products Manufacturing (Except 3261 Plastic Product Manufacturing)</u>
<u>327</u>	<u>Nonmetallic Mineral Product Manufacturing (Except 327215 Glass products made of purchased glass)</u>
<u>331</u>	<u>Primary Metal Manufacturing</u>
<u>332</u>	<u>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)</u>
<u>3353</u>	<u>Electrical Equipment Manufacturing</u>
<u>335911</u>	<u>Storage Battery Manufacturing</u>
<u>335912</u>	<u>Primary Battery Manufacturing</u>
<u>3363</u>	<u>Transportation Equipment Manufacturing (Except 3363 Motor Vehicle Parts Manufacturing)</u>

MEAT PACKING PLANT. An establishment primarily engaged in the slaughtering, processing, or preparation of cattle, hogs, sheep, lambs, calves, poultry, fish, and seafood for meat to be sold or to be used on the same premises in canning, cooking, curing, and freezing, and in making sausage, lard, and other products. This definition includes all uses in the following SIC NAICS groups:

<u>201</u>	<u>Meat Products</u>
<u>311611</u>	<u>Animal Slaughtering Products, Except Poultry</u>
<u>311612</u>	<u>Meat processed from carcasses</u>
<u>311613</u>	<u>Rendering or meat byproducts</u>
<u>311615</u>	<u>Poultry</u>
<u>311711</u>	<u>Seafood canning products</u>
<u>311712</u>	<u>Fresh and frozen seafood</u>

Section 2. Chapter B, Article II – “PERMITTED USE TABLE” is amended by adding the following:

TABLE 2-6 PERMITTED USE TABLE

Add use condition 47.1 to the “CONDS” column in the Permitted Use Table for rows “Manufacturing A” and “Manufacturing B”

Section 3. Chapter B, Article II – “USE CONDITIONS” is amended by adding and removing the following:

2-5.47.1 MANUFACTURING A AND B

(A) MANUFACTURING PROCESSES

(1) Location of manufacturing operations. Manufacturing operations, including storage of materials, processing, fabrication or assembly of products, and loading and unloading of new materials and finished products must occur completely within an enclosed building.

(B) STORAGE TANKS

(1) Size of Storage Tanks. External storage tanks and/or process equipment shall not exceed twenty five (25) percent of the building footprint of the building(s) on site.

(2) Location and Screening of Storage Tanks. 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. In situations where this is not practicable, such as multiple primary street frontages or other site limitations, screening shall be required. 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 Type III Bufferyard shall be installed. Screening shall be installed around the base of storage tanks and/or process equipment to minimize visual impacts on adjacent public rights-of-way. No screening is required for storage tanks and/or process equipment located more than five hundred (500) feet from public rights-of-way. Storage tanks shall be painted colors which are consistent to those of the principal structure.

2-5.48

MEAT PACKING PLANT

(A) SETBACKS

No portion of a building or other enclosure to be used for retention of animals or processing of animal products shall be located less than three hundred (300) feet from property zoned RS, RM, IP or C.

(B) BUILDING DESIGN AND CONSTRUCTION

Building design and construction must comply with ~~requirements of the North Carolina Board of Health and the Public Health Department. Any rendering of animal products is expressly prohibited except to produce~~ lard all applicable health regulations.

~~**(C) SEPTIC TANK/SEWERAGE SYSTEM**~~

~~All animal solid and liquid byproducts and waste shall be disposed of daily in an adequate septic tank or public sewerage system approved under the requirements of Section 3-10 of this ordinance.~~

Section 4. This ordinance shall be effective upon adoption.