

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

- A. Public Hearing on Zoning Text Amendment proposed by City-County Planning staff to revise Chapters A and B of the *Unified Development Ordinances* to amend provisions for Agricultural Tourism. (UDO-220).
- 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-220

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, Article II of the Unified Development Ordinances to revise existing provisions for the Agricultural Tourism use classification in Forsyth County.

BACKGROUND

Agricultural Tourism provisions were adopted by the Forsyth County Commissioners in early 2008 (UDO-184). Agricultural Tourism provides a way of increasing the economic potential of agriculture by allowing for certain recreational, educational, entertainment, or limited business activities to be operated in association with a bona-fide farm. The provisions of UDO-184 allow a wide variety of Agricultural Tourism uses on bona-fide farms with appropriate use conditions. These provisions have been successful in giving farmers more options in the profitable use of their land.

There has been confusion, however, about how UDO-184 relates to the allowance for certain “Agritourism” uses that already are allowed by right on bona-fide farms as provided for in the North Carolina General Statutes (NCGS 106-581.1 and 99-E30). Uses directly related to the agricultural activity taking place on a bona-fide farm are considered “Agritourism” uses by the State Statutes. This provision does not include uses beyond those normally found on a farm, such as limited restaurants or retail stores as allowed by our current UDO Agricultural Tourism provisions.

ANALYSIS

This text amendment is intended to remove confusion on which Agricultural Tourism uses are subject to UDO regulation by removing uses covered under the State Statutes from our “Agricultural Tourism” definition. The existing UDO use conditions adopted in 2008 have been successful in protecting adjacent residential property from potential negative impacts of more intense Agricultural Tourism uses. As such, staff is not recommending any changes to these use conditions at this time. This text amendment also corrects a reference to a use which no longer exists (Retail Store, Specialty or Miscellaneous) in the existing ordinance. This use was consolidated with other retail uses in a recent text amendment to become the use “Retail Store”. Overall, staff believes Agricultural Tourism is still a useful rural preservation tool and will help agricultural land owners maintain continued agricultural use of their property. This text amendment should improve the implementation of Agricultural Tourism projects and staff recommends approval of this text amendment.

RECOMMENDATION

APPROVAL.

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-220
JANUARY 13, 2011**

Glenn Simmons presented the staff report.

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, Clarence Lambe, Darryl Little, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

UDO-220
AN ORDINANCE REVISING
CHAPTERS A AND B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO AMEND PROVISIONS FOR 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

2-5 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); ~~or Retail Store, Specialty or Miscellaneous, or General Merchandise Store~~ use shall observe a minimum one hundred 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 fifty (150) persons with County Fire Department approval.

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

Any ~~Specialty, Miscellaneous, or General Merchandise~~ Retail Store shall have a maximum gross floor area of one thousand five hundred (1,500) 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

(1) Only one type of outdoor special event shall occur at any one time.

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

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

(4) Any structure associated with an Outdoor Special Event shall be setback a minimum of one hundred 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.

(H) Agritourism Uses as Defined in the North Carolina General Statutes

Agritourism uses as referenced in NCGS 106-581.1 and defined in North Carolina General Statute 99E-30 shall not be subject to the requirements of Section B.2-5.5.1.

Section 3. This ordinance shall be effective upon adoption.