



Town of Boiling Springs
Board of Planning & Adjustment
Meeting Agenda Packet
March 19, 2019



Town of Boiling Springs

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BOARD OF PLANNING & ADJUSTMENT MEETING AGENDA MARCH 19, 2019

ROUTINE BUSINESS

1. **Chairman's Call to Order**
2. **Recognize Citizen's Present & Public Comment**
3. **Minutes from January 15, 2019 Meeting**

REGULAR BUSINESS

4. **Code of Ordinances Text Amendments:**

- (1) Adding a definition for "Brewery, Winery, Cidery" in Title IX, Section 151.007.
- (2) Amending the Table of Uses to add a row for *Brewery, Winery, Cidery* to allow as a conditional use in the M-1 Manufacturing District, subject to SR 45.
- (3) Establishing a new Special Requirement titled "SR 45 Brewery, Winery, Cidery" to outline the minimum terms of a conditional permit for a proposed Brewery, Winery, Cidery.
- (4) Adding a definition for "Micro-brewery/winery/cidery" in Title IX, Section 151.007.
- (5) Amending the Table of Uses to add a row for "Micro-brewery/winery/cidery" to allow as a conditional use in the B-1 and B-2 Commercial Districts, subject to SR 46.
- (6) Establishing a new Special Requirement titled "SR 46 Micro-brewery/winery/cidery" to outline the minimum terms of a conditional permit for a proposed Micro-brewery/winery/cidery.

5. **Remarks**

6. **Adjourn**

The Board of Planning and Adjustment desires all citizens have an opportunity to address the Board in an open and productive manner. Individuals not on the agenda but wishing to speak should register with the Clerk prior to the start of the meeting. During the Public Comment portion of the meeting speakers have three (3) minutes unless otherwise approved by the Board. Groups are urged to appoint a spokesperson. If you require additional time, we ask you be placed on the agenda for the next regularly scheduled meeting of the Board. This policy allows the Board members adequate time to familiarize themselves with an issue.



Board of Planning & Adjustment

Meeting Minutes
January 15, 2019

Board Present: Alan McWhirter, Ellen Humphries, Wayne Johnson, Buster Bryson, Pat Hamrick, Bill Daves

Staff Present: Town Manager Lucas Shires, Town Clerk Kim Greene, Planning and Zoning Consultant Ben Farmer

Others Present: Mayor Bill Ellis, Councilman Patrick Litton, Councilman Daniel Thomas, Robert Pitchford

Agenda Item I

Call to Order

Chairman Wayne Johnson called the meeting to order at 5:30 p.m.

Agenda Item II

Recognize Citizen's Present & Public Comment

No citizens in attendance commented.

Agenda Item III

Minutes from July 24, 2018 Meeting

Pat Hamrick made the motion to approve the minutes of the July 24, 2018 Special meeting. Ellen Humphries seconded the motion and the vote was unanimous.

The Town Clerk administered the oath of office to Buster Bryson. The term will end June 30, 2021.

Agenda Item IV

Code of Ordinances Text Amendments:

The Planning Board was asked to make a recommendation to the Town Council in favor of or against proposed text amendments.

Ben Farmer discussed the proposed text amendments with the Planning Board:

Proposed Text Amendment 1_Business Regulations - Chapter 111: Alcoholic Beverages

Adding a phrase at the end of Chapter 111 Alcoholic Beverages would make it consistent with the vote.

Currently, Chapter 111 reads that it is unlawful to sell alcohol in the Town of Boiling Springs. Now that the alcohol referenda have allowed existing businesses in our zoning jurisdiction to obtain ABC permits to sell the approved types of alcohol, it is important that the town acknowledges that certain businesses may sell alcohol under the appropriate conditions. It is the opinion of staff that updating Chapter 111 this way will further protect the already legitimate remainder of Chapter 111. Below is Chapter 111 with the proposed addition underlined.

It shall be unlawful for any person or persons to drink or to consume, attempt to drink or consume, display or allow to be viewed or displayed or to offer, give, sell or barter any beer, malt liquor, ale, wine or any other alcoholic beverage, whether the container thereof be opened or un-opened, on or in any public road, street, highway, parking area or sidewalk, or at or in any municipal building, public park, public school or college, athletic contest or at any other place, premise or property which is open to the general public within the Town limits without the prior approval and issuance of required permits from the Town of Boiling Springs, North Carolina.

Proposed Text Amendment 2 Title IX Section 151.007 Definitions

Adding a definition for “Bar and Tavern” in Title IX, Section 151.007.

Bar and Tavern: An establishment primarily engaged in selling and serving alcoholic beverages and providing entertainment for patrons.

Proposed Text Amendment 3 Title XV Land Usage Chapter 151 – Appendix A: Table of Permitted and Conditional Uses

Amending the Table of Uses to add a row for Bar and Tavern to allow as a conditional use in the B-1 Commercial District subject to SR 43.

USE TYPE	R-20	R-15	R-15TH	R-10	I-1	O&CS	B-1	B-2	M-1	SR
Bar and Tavern							C			43

Proposed Text Amendment 4 Title XV Land Usage Chapter 151 – Appendix B: Special Requirements to the Table of Permitted and Conditional Use

Establishing a new Special Requirement titled “SR 43 Bar and Tavern” to outline the terms of a Conditional Use Permit for a proposed Bar and Tavern in the B-1 District.

SR 43 Bar and Tavern

- A. Bars and taverns shall be permitted only when requested as a Conditional Use within the B-1 District and accompanied by an approved Conditional Use Permit.
- B. No such establishment shall be located within 50 feet of any other bar, night club or tavern including the sale of alcohol. The distance shall be measured in a straight line from the zoning lot of the proposed establishment line to the nearest point of the lot line for the existing establishment.
- C. No such establishment shall be located within 150 feet of a church, elementary or secondary school, or public park. The distance shall be measured in a straight line from the front, back, or side of the main building of the proposed establishment facing the residential property to the nearest point of the lot line or property, whether such district or use is located within town jurisdiction or not.
- D. The main entrance of the building shall be oriented toward a street where the abutting property is zoned predominantly for non-residential use.
- E. A minimum of 6-foot high opaque fence shall be erected adjacent to the property line of abutting residences.
- F. Parking areas related to the establishment shall be located no closer than 10 feet to the property line of abutting residences.

Chairman Johnson and the Planning Board reviewed the proposed amendments. The Planning Board, per recommendation from Staff, made corrections/additions which are noted above.

Motion – Proposed Text Amendment 1

Alan McWhirter made the motion to recommend the Town Council approve Amendment #1 Business Regulations - Chapter 111: Alcoholic Beverages as proposed. Bill Daves seconded and the vote was unanimous.

Motion – Proposed Text Amendment 2

Ellen Humphries made the motion to recommend the Town Council approve Amendment #2 Title IX Section 151.007 Definitions; adding a definition for “Bar and Tavern” in Title IX, Section 151.007 as proposed. Bill Daves seconded and the vote was unanimous.

Motion – Proposed Text Amendment 3

Buster Bryson made the motion to recommend the Town Council approve Amendment #3 Title XV Land Usage Chapter 151 – Appendix A: Table of Permitted and Conditional Uses; Amending the Table of Uses to add a row for Bar and Tavern to allow as a conditional use in the B-1 Commercial District subject to SR 43 as proposed. Alan McWhirter seconded and the vote was unanimous.

Motion – Proposed Text Amendment 4

Pat Hamrick made the motion to recommend the Town Council approve Amendment #4 Title XV Land Usage Chapter 151 – Appendix B: Special Requirements to the Table of Permitted and Conditional Use; establishing a new Special Requirement titled “SR 43 Bar and Tavern” to outline the terms of a Conditional Use Permit for a proposed Bar and Tavern in the B-1 District as revised below. Alan McWhirter seconded and the vote was unanimous.

SR 43 Bar and Tavern

- A. Bars and taverns shall be permitted only when requested as a Conditional Use within the B-1 District and accompanied by an approved Conditional Use Permit.
- B. No such establishment shall be located within 50 feet of any other bar, ~~night club~~ or tavern ~~including the sale of alcohol~~. The distance shall be measured in a straight line from the zoning lot of the proposed establishment line to the nearest point of the lot line for the existing establishment.
- C. No such establishment shall be located within 150 feet of a church, elementary or secondary school, or public park. The distance shall be measured in a straight line from the front, back, or side of the main building of the proposed establishment facing the ~~residential subject~~ property to the nearest point of the lot line or property, whether such district or use is located within Town jurisdiction or not.
- D. The main entrance of the building shall be oriented toward a street where the abutting property is zoned predominantly for non-residential use.
- E. A minimum of 6-foot high opaque fence shall be erected adjacent to the property line of abutting residences. Materiality and final design are subject to the approval of the Board of Adjustment.
- F. Parking areas related to the establishment shall be located no closer than 10 feet to the property line of abutting residences.

Agenda Item V

Remarks

None.

Adjourn

There being no further business to come before the Board, Chairman Johnson declared the meeting adjourned at 6:04 p.m.



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BOARD OF PLANNING & ADJUSTMENT

AGENDA ITEM 5

MARCH 19, 2019

ZONING TEXT AMENDMENTS – STAFF REPORT

To: Boiling Springs Planning and Adjustment Board
From: Ben Farmer, MPA - Planning and Zoning Consultant

Date: 3/07/19
Meeting: 3/19/19

ANALYSIS

Town of Boiling Springs voters approved several alcohol referenda that allow the sale of unfortified wine and malt beverages in Town Limits. Currently, the Code of Ordinances do not regulate establishments engaged in manufacturing these alcoholic beverages. In order to establish regulations that are consistent with the 2018 referenda results, staff is initiating several text amendments.

Staff has reviewed the brewery and winery regulations of several North Carolina communities, many of a similar size to Boiling Springs. Those example regulations served as a starting point for developing these proposed text amendments. These proposed text amendments affect proposed breweries, wineries, and cideries as well as micro-breweries, micro-wineries, and micro-cideries.

It is in the opinion of staff these proposed text amendments will sufficiently apply zoning rules to proposed large and small establishments engaged in manufacturing alcoholic beverages within the Town of Boiling Springs zoning jurisdiction while taking deliberate steps to protect surrounding properties. Without these text amendments, no new such establishments can be permitted.

There are six proposed text amendments:

1. Adding a definition for “Brewery, Winery, Cidery” in Title IX, Section 151.007.
2. Amending the Table of Uses to add a row for *Brewery, Winery, Cidery* to allow as a conditional use in the M-1 Manufacturing District, subject to SR 45.
3. Establishing a new Special Requirement titled “SR 45 Brewery, Winery, Cidery” to outline the minimum terms of a conditional permit for a proposed Brewery, Winery, Cidery.
4. Adding a definition for “Micro-brewery/winery/cidery” in Title IX, Section 151.007.
5. Amending the Table of Uses to add a row for “Micro-brewery/winery/cidery” to allow as a conditional use in the B-1 and B-2 Commercial Districts, subject to SR 46.
6. Establishing a new Special Requirement titled “SR 46 Micro-brewery/winery/cidery” to outline the minimum terms of a conditional permit for a proposed Micro-brewery/winery/cidery.

RECOMMENDED TEXT AMENDMENTS

Proposed Text Amendment 1

Adding a definition for “Brewery, Winery, Cidery” in Title IX, Section 151.007.

Brewery, Winery, Cidery: A Brewery is a commercial enterprise and related facility engaged in the production, sale, and distribution of beer and other fermented malt beverages that produces more than 5,000 barrels per year. A Winery or Cidery is such a facility engaged in the production, sale, and distribution of wine, cider, and other fermented fruit beverages, that produces more than 30,000 gallons per year. Such establishment may include the sale of their products for on-premise consumption and/or the on-premise retail sale of their products and related merchandise including the sale of take-home containers such as kegs, bottles and cans as may be allowed under Federal, State and County Law.

Proposed Text Amendment 2

Amending the Table of Uses to add a row for Brewery, Winery, Cidery to allow as a conditional use in the M-1 Manufacturing District, subject to SR45.

The proposed new row in the Table of Uses will appear as follows:

USE TYPE	R-20	R-15	R-15TH	R-10	I-1	O&CS	B-1	B-2	M-1	SR
Brewery, Winery, Cidery									C	45

The Board of Adjustment will determine which proposed establishments obtain a Conditional Use Permit and what additional conditions should be applied to the specific application.

Proposed Text Amendment 3

Establishing a new Special Requirement titled “SR 45 Brewery, Winery, Cidery” to outline the minimum terms of a conditional permit for a proposed Brewery, Winery, Cidery.

Many of the use types in the Table of Uses are subject to further regulations, called “Special Requirements”. All of the uses that are allowed as a conditional use in one or more district has an associated special requirement that outlines the minimum of what must be met in order to obtain a Conditional Use Permit. Existing Special Requirements begin on page 68GGG in Title IX in the Code of Ordinances. **The proposed SR 45 is as follows:**

SR 45 Brewery, Winery, Cidery

- A. A Brewery, Winery, Cidery shall be permitted only when requested as a Conditional Use within the M-1 District and accompanied by an approved Conditional Use Permit.
- B. No such establishment shall be located within 300 feet of a church, elementary or secondary school, residentially zoned property, or public park. The distance shall be measured in a straight line from the front, back, or side of the main building of the proposed establishment facing the residential property to the nearest point of the lot line or property, whether such district or use is located within town jurisdiction or not.
- C. Outdoor storage of goods and materials used in assembly, fabrication, or processing shall not exceed 25 percent of the gross floor area of all buildings on a lot.
- D. Outdoor storage uses shall be screened from view from any public right-of-way and from all abutting properties by a landscape screen in accordance with Section 151.140(2) of the Town Code of Ordinances.
- E. The main entrance of the building shall be oriented toward a street where the abutting property is zoned predominantly for non-residential use.
- F. A minimum of 6-foot high opaque fence shall be erected adjacent to the property line of abutting residences - materiality and final design are subject to the approval of the Board of Adjustment.
- G. Parking areas related to the establishment shall be located no closer than 30 feet to the property line of abutting residences.

Proposed Text Amendment 4

Adding a definition for “Micro-brewery/winery/cidery” in Title IX, Section 151.007.

Micro-brewery/winery/cidery: A micro-brewery is a brewery which produces no more than 5,000 barrels per year. A micro-winery or micro-cidery is a winery or cidery that produces no more than 30,000 gallons per year. Such establishment may include the sale of their products for on-premise consumption and/or the on-premise retail sale of their products and related merchandise including the sale of take-home containers such as kegs, bottles and cans as may be allowed under Federal, State and County Law.

Proposed Text Amendment 5

Amending the Table of Uses to add a row for "Micro-brewery/winery/cidery" to allow as a conditional use in the B-1 and B-2 Commercial Districts, subject to SR 46.

The proposed new row in the Table of Uses will appear as follows:

USE TYPE	R-20	R-15	R-15TH	R-10	I-1	O&CS	B-1	B-2	M-1	SR
Micro-brewery/winery/cidery							C	C		46

The Board of Adjustment will determine which new establishments obtain a Conditional Use Permit and what additional conditions should be applied to the specific application.

Proposed Text Amendment 6

Establishing a new Special Requirement titled "SR 46 Micro-brewery/winery/cidery" to outline the minimum terms of a conditional permit for a proposed Micro-brewery/winery/cidery.

Many of the use types in the Table of Uses are subject to further regulations, called "Special Requirements". All of the uses that are allowed as a conditional use in one or more district has an associated special requirement that outlines the minimum of what must be met in order to obtain a Conditional Use Permit. Existing Special Requirements begin on page 68GGG in Title IX in the Code of Ordinances. **The proposed SR 46 is as follows:**

SR 46 Micro-brewery/winery/cidery

- A. A Micro-brewery/winery/cidery shall be permitted only when requested as a Conditional Use within the B-1 or B-2 District and accompanied by an approved Conditional Use Permit.
- B. No such establishment shall be located within 50 feet of any Brewery, Winery, Cidery, other micro-brewery/winery/cidery, or bar or tavern. The distance shall be measured in a straight line from the zoning lot of the proposed establishment line to the nearest point of the lot line for the existing establishment.
- C. No such establishment shall be located within 150 feet of a church, elementary or secondary school, or public park. The distance shall be measured in a straight line from the front, back, or side of the main building of the proposed establishment facing the residential property to the nearest point of the lot line or property, whether such district or use is located within town jurisdiction or not.
- D. The main entrance of the building shall be oriented toward a street where the abutting property is zoned predominantly for non-residential use.
- E. A minimum of 6-foot high opaque fence shall be erected adjacent to the property line of abutting residences - materiality and final design are subject to the approval of the Board of Adjustment.
- F. Parking areas related to the establishment shall be located no closer than 10 feet to the property line of abutting residences.
- G. Outdoor storage of goods and materials used in assembly, fabrication, or processing shall not exceed 25 percent of the gross floor area of all buildings on a lot.
- H. Outdoor storage uses shall be screened from view from any public right-of-way and from all abutting properties by a landscape screen in accordance with Section 151.140(2) of the Town Code of Ordinances.