



**YADKIN COUNTY
PLANNING BOARD**

Meeting Minutes
August 12, 2013

Members Present

Barry Hennings, Chairman
Jerry Hutchens, Vice Chairman
Teresa Swain
Steve Brown
Resha Peregrino-Brimah (Alternate)

Members Absent

Dean Swaim
Mark Hollar (Alternate)

Others Present:

Mike Poston, Services & Development Director
Dawn Vallieres, Planner

Guests

Call To Order

Chairman Barry Hennings called the Meeting to order at 7:05 PM. The attendance and quorum were noted. Resha Peregrino-Brimah was made a voting member for this meeting.

Minutes Approved

The Board voted 5 - 0 to approve the February 11, 2013 Minutes as submitted.

Public Comments

No one from the public was present.

Old Business

There was no old business.

New Business

Services & Development Director, Mike Poston, gave a presentation on eight proposed amendments to the Yadkin County Zoning Ordinance.

Amendment 1- to match new language of the NC statute regarding Boards of Adjustment. The State of North Carolina legislature updated fifty year old statutes establishing standards for the Board of Adjustment. The new statute clarifies the language on showing that no reasonable use of a property could be made and changes the necessary vote for a conditional use permit from four-fifths to a majority. A four-fifths vote is still needed for a variance or to overturn a determination by planning staff. Our proposed amendment adopts the exact language from the state statute.

A Board member posed a question. Under Board of Adjustment amendment 1, the entire zoning variance section is wiped out and rewrote? Yes, we took the language verbatim



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from the state statute for our proposed amendment even though several items were quite similar.

Amendment 2- To allow Microbreweries by right in CB and HB, as a Conditional Use in RA. To allow Breweries by right in MI-1 and MI-2.

We have had some requests for microbreweries. Per state statute, in a county that allows any type of alcoholic sales, a beer producer can sell on-site.

The proposed standards for a Brewery as a Conditional Use in RA are identical to the current standards for a winery as a Conditional Use in RA. Staff also included large scale brewery to be permitted in MI districts while we were bringing the amendments before the Planning Board. We have not had any requests for large breweries. The Table of Uses would need to be updated to reflect these uses also.

The six million barrels definition was questioned. Why only two categories? This definition was from the American Brewers Association, to use an industry standard. There are more potential categories but we believe two will simplify the issue. Brewpubs are similar enough to microbreweries that we did not attempt to classify each level.

A question was asked about homebrew. Is there a break between microbrewery and homebrew? If you are brewing at home for personal consumption you would have to reach a very large amount before ABC regulations would apply. The zoning ordinance would only apply to commercial operations. The County would not be the only regulatory body that these operations (microbreweries) would have to answer to.

Should we exclude personal use from microbrewery? We can add commercial or that the ordinance does not apply to home brewing for personal use.

Amendments 3 through 6 - To update all references to ARTICLE 17. CONDITIONAL USES, ARTICLE 18. PARKING AND LOADING, ARTICLE 19. BUFFERS AND SCREENING, ARTICLE 20. SIGNS to accurately reflect ordinance numbering.

The Board had no questions on Amendments 3 through 6.

Amendment 7- To allow tattooing by right in CB and HB .

We have had some interest in tattooing as a business. The ordinance does not currently allow it. The NAICS classifies tattoo parlors under personal care services which includes ear piercing, tanning salons, barber shops, etc. We do permit tanning salons and businesses of that sort in HB and CB.

Standards for tattoo parlors were questioned. Staff did look at what other requirements apply to these businesses. Department of health regulations do apply to these operations. The State of North Carolina has regulations that would apply, also. Land use impacts



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such as traffic from these businesses would be similar to other businesses (commercial versus residential).

Amendment 8- To change the standards for a Conditional Use Permit to operate an Outdoor Firing Range.

Our current standards require a range to be 3000 feet from any residential use, school or church.

We looked at what surrounding rural counties had for standards for ranges.

300 feet or 500 feet is what we have found for common setbacks. Some of these were from range some were from shooting station. We modeled our proposed amendment on Rowan County's. So basically, 300 feet from any part of the range. One of the longest requiring distances is 100 yard and we are going to require a berm behind that so you would still be looking at a rather large piece of property. You won't be putting it on any smaller parcels. We were trying to see if it would fit on 30-40 acre parcels. And because we reduced setbacks we required a few other things. Signs posted every 100 feet, control of access- so no one could just walk out on a firing range while target shooting was going on. We established hours of operation where before it had been up to the Board of Adjustment to set the hours. We proposed no shooting 11pm to 7 am because that is what our noise ordinance calls for. We do not have a decibel meter. Our noise ordinance does not mention decibels so we were trying to keep it in line with our other ordinances. We proposed later hours on Sunday. There was an exception for special events. A site plan to show where the targets would be is required. More specific details than what we would normally require for a Conditional Use Permit site plan. There would still be screening requirements.

Questions were raised regarding the 300 foot setback from any property line. Iredell County also does 500 feet from any existing residence. We could look at adding language that would require a greater distance from an existing residence or structure.

The Planning Board felt that the setbacks needed to be looked at and that the hours needed to be thought about also. Many people are in bed well before 11 pm. A suggestion was made to shorten the hours in the evening and to give perhaps 6 times per year to extend hours for special events.

A question was asked about shooting after dark. Is it going to be a lighted facility? There is nothing that says it can't be. The Planning Board felt that bright lights potentially only 300-315 feet from a neighbor could be a problem. Staff could incorporate some limitations on lighting.

Under a conditional use permit, it is always a case-by-case basis to determine if it will be allowed. The Board of Adjustment would need to take into account the specific parcel and the surrounding land uses. Adjacent property owners who have concerns can come to the Board with those fact based specific concerns.



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A question was asked about which districts these would be permitted in. Will this be permitted in any districts? No, only as a conditional use in RA, MI-1, or MI-2.

Do any other counties have more restrictive standards for ranges wanting to locate near subdivisions as opposed to individual residences? No, there wasn't anything specifically but that gets back to the Board of Adjustment process. In all conditional use permit cases going before the Board of Adjustment, in addition to the specific standards, they are to consider if it is in harmony with the existing land uses. We can certainly make adjustments. If you have suggestions or modifications staff can document and incorporate any from the Planning Board.

Does the current shooting range definition differentiate from personal shooting and commercial shooting? Yes, it has to be a commercial operation, they must be charging a fee for services.

Discussion returned to setback distances and noise from a range. The Planning Board felt that 300 feet seems awfully close. Staff can check what some other counties standards are. Staff can certainly look at increasing the distance from any existing dwelling.

Is control of access going to be standard? The applicants will have to describe how they are going to control the access to the Board of Adjustment. We have avoided referring to NRA guidelines because of the issues involved in enforcing someone else's regulations, especially a private group's, in a meaningful way. We could look at including specific access standards if the Planning Board felt that was appropriate.

There is a need to look at lighting if there is going to be shooting after dark. There are screening, buffering, other things that could help with lights, noise. Are signs every 100 feet going to stop someone from walking onto the range? Not necessarily. With screening and buffering standards the Board of Adjustment does have the ability to require a fence in addition to the buffer. The Board of Adjustment already has that type of authority in the existing current standards for firing range. Review standards can be modified.

How long before a non-conforming use can no longer be resumed? 365 days. A non-conforming use could go before the Board of Adjustment and apply for a resumption of a non-conformity if it was in operation after 2003. The Board of Adjustment would have to take into account the impacts of the resumption or expansion.

Are there any outdoor ranges in the county? No, not currently, just people that shoot on their property for personal shooting so don't meet the definition of our ordinance for a firing range. The Town of Yadkinville has one by the water plant but that is for law enforcement officers.

Chairman Barry Hennings asked for a motion to make a favorable recommendation on zoning text amendments 1-7 to the County Commissioners. Teresa Swain made a motion



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to make a favorable recommendation on zoning text amendments 1-7 to the County Commissioners with the addition of language clearly defining microbreweries as commercial enterprises to make a clear distinction from home breweries for personal consumption. The motion was seconded by Resha Peregrino-Brimah. The vote was unanimous 5/0 in favor.

Staff made notes of the issues of concern such as setbacks from property lines and residences, required versus optional fencing, and hours of operation. Different potential hours of operation were discussed. The Planning Board decided to take a while to think about this proposed amendment.

Jerry Hutchens made a motion to table Amendment 8 on firing ranges until the next Planning Board meeting. Teresa Swain seconded. The vote was unanimous 5/0 in favor.

Board Comments

A Board member commented on solar farms and that there was one proposed on his road. There was a brief discussion on it. Staff has received an application for it.

Adjournment

Chairman Barry Hennings called for a motion to adjourn. The motion was made and seconded. The Board voted 5 - 0 to adjourn. There being no further business, the meeting was adjourned at 8:25 PM.

Respectfully Submitted,

Dawn Vallieres
Secretary to the Planning Board

Approved on _____ 2013

Chairman