



**Planning Board Agenda**  
**Thursday, September 12, 2019, 7:00 PM**

Town Hall, Town Council Meeting Room  
415 Central Avenue, Butner, NC 27509

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF JUNE 13, 2019 MEETING MINUTES
4. ADJUSTMENTS TO AND/OR APPROVAL OF THE SEPTEMBER 12, 2019 MEETING AGENDA
5. PUBLIC COMMENTS
6. CONSIDERATION OF A.19.04 – TEXT AMENDMENT TO THE LAND DEVELOPMENT ORDINANCE, ARTICLE 7 – USE STANDARDS AND TABLE 7-1 & CONSISTENCY STATEMENT

**A.19.04 Microbrewery/Microdistillery in LI District**

The Town approved an amendment to the Land Development Ordinance in June 2018 to allow microbreweries or microdistilleries in non-industrial districts. Due to increasing interest in smaller-scaled operations in non-commercial districts, staff proposes amending the ordinance to allow these uses in the Light Industrial zoning district.

7. CONSIDERATION OF A.19.05 – TEXT AMENDMENT TO THE LAND DEVELOPMENT ORDINANCE, ARTICLE 7 – USE STANDARDS & CONSISTENCY STATEMENT

**A.19.05 Prohibited Uses**

Currently, Section 7.1.1(D) allows the town to prohibit uses and these uses are shown with blank cells in the Table of Permitted Uses. Staff proposes expanding this section to specifically prohibit certain types of uses, particularly those which may be hazardous or noxious.

9. BOARD AND DEPARTMENT COMMENTS AND/OR UPDATES
10. ADJOURNMENT

**Planning Board Minutes**  
**Town of Butner, North Carolina**  
**Thursday, June 13, 2019, 7:00 P.M.**  
**Town Council Meeting Room, 415 Central Avenue**

**Members present:** Allan Lane, chairman, Bill Cheek, Richard Campbell, James Adams, Michael McFadden, Mark Pennington, and Mike Arrington.

**Staff present:** Mike Ciriello, Planning Director (PD), Jessica Gladwin, Planner

**Counsel:** Gerry Koinis.

**CALL TO ORDER:** Chairman Lane called the meeting to order at 7:00 p.m. and he led in prayer and the Pledge of Allegiance.

**ROLL CALL:** Chairman Lane called on PD Ciriello to conduct the roll call. Martin Sinicki and Iris Allen were absent.

**APPROVAL OF MINUTES, May 9, 2019:** J. Adams made a **motion** to accept the minutes as presented. Second by M. McFadden, motion passed.

**AGENDA:** Chairman Lane called for any additions or changes to agenda. There were none. B. Cheek made a **motion** to approve the agenda as printed, second by R. Campbell, motion passed.

**PUBLIC COMMENT:** Chairman Lane called for public comment. There were no public comments.

**CONSIDERATION OF A.19.01:** Chairman Lane called on J. Gladwin, Planner, to present the background on the proposed text amendments to the Land Development Ordinance.

Planner Gladwin gave the background on the proposed changes. The proposal is a follow up to discussion at the last meeting about the Gateway District. Currently the Special Use Permit goes to the Board of Adjustment and if the zoning request is in the Gateway District, the SUP must also go to the Planning Board. The proposed amendment change would impact 19.01 and 19.02. The proposal is to remove the Special Use Permit in the Gateway District.

PD Ciriello stated the current ordinance is redundant and presents possible conflicts within the town governmental bodies as far as decision making. R. Campbell asked if this changes the uses. PD Ciriello stated it does not change the uses, it changes the process.

R. Campbell made a **motion** to approve the text amendment, second by B. Cheek, motion passed.

J. Gladwin presented the Consistency Statement. B. Cheek made a **motion** to accept the

Consistency Statement, second by M. McFadden, motion passed. (See attached Consistency Statement.)

**CONSIDERATION OF A.10.02:** Chairman Lane called on Planner Gladwin to present information on this proposed text amendment.

Planner J. Gladwin stated that this expands A.19.01 a step further by addressing the uses allowed within the zone. She listed six categories. Planner Gladwin displayed the table of uses on the screen and asked Board members to consider the proposal and to suggest if there are other uses that should not be permitted. Planner Gladwin stated the uses highlighted on the display are ones staff proposes removing.

R. Campbell asked about the specific area that is included in the proposal and does it match the map in the packet that accompanies the next item for consideration. PD Ciriello stated the area is slightly different. PD Ciriello reminded the Board of the specific boundaries of the Gateway District.

Planner Gladwin displayed a map on the screen and indicated the area under discussion with this proposal, including specific locations within the district.

PD Ciriello stated this does not create any non-conforming parcels, which is always a concern when addressing zoning. This also removes some incompatibilities with the Master Plan's goals for that area.

R. Campbell made a **motion** to approve, second by M. McFadden , motion passed.

Planner J. Gladwin presented the Consistency Statement. M. McFadden made a **motion** to approve the Consistency Statement, second by B. Cheek, motion passed. (See attached Consistency Statement.)

**CONSIDERATION OF A.19.03:** Chairman Lane called on Planner Gladwin to present the background on this proposed text amendment.

Planner Gladwin stated this issue came about as a result of inquiries as to material standards in the Central Avenue Mixed Use (CX). Staff is proposing that material standards required in the Central Business (CB) zone also be applied to the CX zone.

Planner Gladwin displayed a zoning map on the screen and indicated the zone under discussion.

M. McFadden made a **motion** to approve the proposal, second by B. Cheek, motion passed.

Planner Gladwin presented the Consistency Statement. M. Pennington asked for the background on the original inquiry. There was a discussion about the value of the ordinance,

which sets standards but allows for creativity and flexibility.

M. McFadden made a **motion** to approve the Consistency, second by M. Pennington, motion passed. (See attached Consistency Statement.)

**BOARD MEMBER/DEPARTMENT COMMENTS:** Chairman Lane called for comments from Board members or Planning Director.

PD Ciriello reported on a rezoning case at the May 25 Town Council meeting. He pointed out the rules for rezoning and that a decision cannot be business specific. This creates concerns among citizens. Based on the importance of educating the public about planning the Town staff will hold an Open House on June 25 that will address the facets of planning. He stated the rezoning case will be before the Town Council again at the July meeting.

PD Ciriello stated that Planner Gladwin is reviewing the ordinances for any conflicts or potential issues. There has been some interest in the Ritchie Brothers property. There was some discussion about potential for the site and it being the gateway to the Town.

B. Cheek asked about the presence of tiny houses in the Town. PD Ciriello stated that the issue of a definition of “tiny house” must be addressed. There was a discussion about the future growth of housing within the Town limits and surrounding areas.

Planner Gladwin stated that Habitat for Humanity has received a permit for a house.

Chairman Lane asked about the projected dates on the east end connector project. There was a discussion about other highway projects and potential start dates.

Planner Gladwin reported the newsletter has made its debut. There is a monthly staff report update available.

**ADJOURNMENT:** Chairman Lane called for other business or a motion to adjourn. M. McFadden made a **motion** to adjourn. Second by B. Cheek. Motion passed.

Chairman Lane declared the meeting adjourned at 7:45 p.m.

Respectfully submitted,

Allan Lane, Chairman



**SUMMARY:** Traditionally, a brewery or distillery is considered a manufacturing use restricted to industrial areas with limited wholesale and retail sales. Due to increasing interest in smaller-scaled operations, the Town approved an amendment to the Land Development Ordinance (LDO) in June 2018 to allow microbreweries or microdistilleries in non-industrial districts.

By definition, a brewery produces and distributes beverages containing alcohol (beer, cider, fermented malt, or other), primarily for off-site sale and consumption and allows accessory uses (tasting rooms, restaurant, retail, demonstration areas, education and training facilities, or other brewing related uses). A distillery is a place where distillation takes place, especially the distillation of alcoholic spirits.

A microbrewery produces beer and malt beverages, less than 15,000 barrels of beer per year. These beverages are then either distributed or sold to the public. A microdistillery is a small, often boutique-style distillery which produces beverage-grade spirit alcohol in small quantities, usually done in single batches.

Currently, a microbrewery or microdistillery is allowed in the following zoning districts: Central Business (CB), Highway Business (HB), and all five Gateway districts (CX, SI, NI, CE, and CW). In commercial districts, these uses are allowed at least one accessory use: tasting room, tap room, restaurant, retail, demonstration area, education and training facility, or other use incidental to the facility and open and accessible to the public in commercial districts.

Staff proposes amending the LDO to allow microbrewery/microdistillery uses in the Light Industrial zoning district. A brewery or distillery would be permitted in this district and is allowed the same accessory uses as the smaller-scaled operations. Staff proposes amending the Table of Permitted Uses, Table 7-1 and Section 7.3.3(F)(7)(ii) as follows:

**7.3.3(F)(7) Microbrewery or Microdistillery**

- (ii) Microbreweries and microdistilleries ~~in commercial districts~~ shall include one (1) or more accessory uses such as a tasting room, tap room, restaurant, retail, demonstration area, education and training facility or other use incidental to the facility and open and accessible to the public.

**A.19.04**  
**AMENDMENT TO THE BUTNER LAND DEVELOPMENT ORDINANCE (LDO)**  
**ARTICLE 7, SECTION 7.1.4, TABLE 7-1, TABLE OF PERMITTED USES**  
**ARTICLE 7, SECTION 7.3.3(F)(7) MICROBREWERY OR MICRODISTILLERY**

*Whereas*, the Butner Town Council found it necessary to adopt the Butner Land Development Ordinance on September 24, 2008, to provide for the orderly, planned, and efficient growth of the Town of Butner; and

*Whereas*, the need to amend and/or change this same ordinance from time to time exists to provide for its efficient administration and enforcement or to address changing conditions of growth and development of the Town; and

*Whereas*, the Butner Planning Board held a public meeting on the proposed amendment on September 12, 2019 and made a [positive/negative] recommendation on the adoption of the proposed amendment on [date]; and

*Whereas*, a public hearing was conducted on the proposed amendments by the Butner Town Council on [date] at which evidence was presented.

**NOW THEREFORE BE IT ORDAINED BY THE BUTNER TOWN COUNCIL THAT:**

**AMENDMENTS TO LDO**

**ARTICLE 7 – USE STANDARDS**

**1) Section 7.1.4 Permitted Uses**

**Table 7-1, Table of Permitted Uses**

Allow microbreweries and microdistilleries in the Light Industrial (LI) zoning district.

**2) Section 7.3.3(F)(7) Microbrewery or Microdistillery**

(ii) Microbreweries and microdistilleries ~~in commercial districts~~ shall include one (1) or more accessory uses such as a tasting room, tap room, restaurant, retail, demonstration area, education and training facility or other use incidental to the facility and open and accessible to the public.

**TABLE 7-1 Table of Permitted Uses**



# TOWN OF BUTNER

415 Central Ave • Suite A • PO Box 270 • Butner, NC 27509 • 919-575-3032 • Fax 919-575-3034

## Map & Text Amendment Application

Case #: A-19.04

### 1. Application Type

Rezoning (Map Amendment):

- Standard Rezoning   
Conditional Use District Rezoning

Text Amendment

Date of Application 7/19/2019

### 2. Amendment Information

For All Rezoning

Name of Rezoning \_\_\_\_\_  
Location \_\_\_\_\_ Property Size (acres) \_\_\_\_\_  
Tax Parcel Number(s) \_\_\_\_\_  
Current Zoning \_\_\_\_\_ Proposed Zoning \_\_\_\_\_ Current Land Use \_\_\_\_\_

For Text Amendments Affected Section(s) of the LDO Table 7-1 ; section 7.3.3(F)(7)

### 3. Contact Information

Town of Butner  
Applicant \_\_\_\_\_  
PO BOX 270 \_\_\_\_\_ Butner NC 27509  
Applicant Address \_\_\_\_\_ City, State Zip \_\_\_\_\_  
919-575-3032 \_\_\_\_\_  
Telephone \_\_\_\_\_ Fax \_\_\_\_\_  
[Signature] \_\_\_\_\_ Jessica Gladwin \_\_\_\_\_ 7/19/2019  
Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Agent (Engineer, Surveyor, etc. if applicable)  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State Zip  
\_\_\_\_\_  
Telephone \_\_\_\_\_ Fax \_\_\_\_\_  
\_\_\_\_\_  
Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Property Owner (if applicable)  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State Zip  
\_\_\_\_\_  
Telephone \_\_\_\_\_ Fax \_\_\_\_\_  
\_\_\_\_\_  
Email \_\_\_\_\_  
\_\_\_\_\_  
Signature \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_



**4. Description of Request**

a. Briefly explain the nature of this request.

currently, Breweries & Distilleries are allowed in H1 & L1 districts. There is interest for microbreweries / microdistilleries in these districts as well. The accessory uses are the same — uses would be consistent within ordinance. Also, microbreweries / microdistilleries would be allowed in these districts under Ordinance Administrator's interpretation as "manufacturing." The amendment would allow these uses by right.

b. For All Rezoning & Text Amendments: Provide a statement regarding the consistency of this request with Town Plans and the surrounding land uses.

This amendment is consistent with the ordinance and intent of zoning districts if larger-scale manufacturing as part of the brewing/distilling process is allowed here, smaller-scale manufacturing should also be allowed in L1 district.

c. For Conditional Use District Rezoning: Provide a statement regarding the reasonableness of the rezoning request and any proposed conditions of approval.

N/A

**Staff Use Only:**

Date Application Received: 7/19/2019

Received By: JB

Fee Paid: \$ N/A

Case #: A.19.04 Microbrewery / Microdistillery in L1 districts

Date Planning Board Meeting Held (for rezonings): 9/12/2019

Notes:



**SUMMARY:** Staff proposes an amendment to the Land Development Ordinance (LDO), Article 7 – Use Standards to specifically address certain prohibited uses. Currently, Section 7.1.1(D) Prohibited Uses states that “a blank cell indicates that a particular Use Type is not allowed in the base zoning district.” Staff proposes expanding this section to specifically prohibit certain types of uses. As the town continues to grow and become more urbanized, the potential proximity of residential and commercial uses to hazardous or noxious uses also increases as long as certain uses are still allowed. Staff proposes prohibiting the following uses:

- (1) Acid manufacturing;
- (2) Ammonia, bleaching powder or chlorine manufacturing;
- (3) Creosote manufacturing or treatment plants;
- (4) Distillation of bones, coal, petroleum, refuse, tar and wood;
- (5) Explosives, ammunition fireworks or gunpowder manufacturing;
- (6) Fat rendering, production of fats and oils from animal and vegetable products by boiling or distillation;
- (7) Garbage, offal and animal reduction and processing;
- (8) Junkyard;
- (9) Linseed oil, shellac, turpentine manufacturing or refining;
- (10) Nitrogenous tankage, fish meal or manufacturing of any fertilizer materials;
- (11) Oilcloth or linoleum manufacturing;
- (12) Ore reduction; and,
- (13) Pulp mills.

**LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT STANDARDS:** In determining whether to approve or deny a proposed amendment, the Planning Board shall consider the following factors:

1. Whether the proposed amendment is consistent with the Land Use Plan and any other relevant plans;
2. Whether the proposed amendment addresses a demonstrated community need;
3. Whether the proposed amendment is in conflict with any other provision of this Ordinance or other related Town regulations;
4. Whether the proposed amendment is consistent with the purpose of the zoning districts in this Ordinance, or will improve compatibility among uses and will ensure efficient development in the Town; and,

**A.19.05**  
**AMENDMENT TO THE BUTNER LAND DEVELOPMENT ORDINANCE (LDO)**  
**ARTICLE 7, SECTION 7.1.1(D) PROHIBITED USES**

*Whereas*, the Butner Town Council found it necessary to adopt the Butner Land Development Ordinance on September 24, 2008, to provide for the orderly, planned, and efficient growth of the Town of Butner; and

*Whereas*, the need to amend and/or change this same ordinance from time to time exists to provide for its efficient administration and enforcement or to address changing conditions of growth and development of the Town; and

*Whereas*, the Butner Planning Board held a public meeting on the proposed amendment on September 12, 2019 and made a [positive/negative] recommendation on the adoption of the proposed amendment on [date]; and

*Whereas*, a public hearing was conducted on the proposed amendments by the Butner Town Council on [date] at which evidence was presented.

**NOW THEREFORE BE IT ORDAINED BY THE BUTNER TOWN COUNCIL THAT:**

**AMENDMENTS TO LDO**

**ARTICLE 7 – USE STANDARDS**

**Section 7.1.1(D) Prohibited Uses**

- (A) A blank cell indicates that a particular Use Type is not allowed in the base zoning district.
- (B) No hazardous or noxious uses are allowed within any zoning district established by the Land Development Ordinance such as, but not limited to:
  - a. Acid manufacturing;
  - b. Ammonia, bleaching powder or chlorine manufacturing;
  - c. Creosote manufacturing or treatment plants;
  - d. Distillation of bones, coal, petroleum, refuse, tar and wood;
  - e. Explosives, ammunition fireworks or gunpowder manufacturing;
  - f. Fat rendering, production of fats and oils from animal and vegetable products by boiling or distillation;
  - g. Garbage, offal and animal reduction and processing;
  - h. Junkyard;
  - i. Linseed oil, shellac, turpentine manufacturing or refining;
  - j. Nitrogenous tankage, fish meal or manufacturing of any fertilizer materials;
  - k. Oilcloth or linoleum manufacturing;
  - l. Ore reduction; and,
  - m. Pulp mills.

# TOWN OF BUTNER

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## Map & Text Amendment Application

Case #: A.19-05

### 1. Application Type

Rezoning (Map Amendment):

Standard Rezoning

Text Amendment

Conditional Use District Rezoning

Date of Application 7/12/2019

### 2. Amendment Information

#### For All Rezonings

Name of Rezoning \_\_\_\_\_

Location \_\_\_\_\_ Property Size (acres) \_\_\_\_\_

Tax Parcel Number(s) \_\_\_\_\_

Current Zoning \_\_\_\_\_ Proposed Zoning \_\_\_\_\_ Current Land Use \_\_\_\_\_

For Text Amendments Affected Section(s) of the LDO section 7.1.1(D)

### 3. Contact Information

Town of Butner

Applicant \_\_\_\_\_

PO Box 270 Butner, NC 27509

Applicant Address City, State Zip

919-575-3032

Telephone Fax

J. Gladwin

Signature Print Name Date 7/12/2019

Agent (Engineer, Surveyor, etc. if applicable)

Address

City, State Zip

Telephone Fax

Signature Print Name Date

Property Owner (if applicable)

Address

City, State Zip

Telephone Fax

Email

Signature Print Name Date

4. Description of Request

a. Briefly explain the nature of this request.

The Town wishes to remove junkyards as a permitted use within the town limits and ETJ, in addition to other uses that are potentially hazardous. Junkyards are currently allowed in the Heavy Industrial (HI) district with a special use permit (SUP) with specific standards (LDO 7.3.4 (F)). The town believes this use and other uses would be more appropriate and compatible in more rural areas within Granville County, especially b/c of limited amount of usable land in the HI district.

b. For All Rezoning & Text Amendments: Provide a statement regarding the consistency of this request with Town Plans and the surrounding land uses.

Not allowing these types of uses within the town's jurisdiction allows efficient use of our land resources and will help create compact, interconnected & complementary residential, commercial, employment & civic-related areas. (LVP Goal 3)

c. For Conditional Use District Rezoning: Provide a statement regarding the reasonableness of the rezoning request and any proposed conditions of approval.

N/A

Staff Use Only:

Date Application Received: 7/12/2019

Received By: (Signature)

Fee Paid: \$ N/A

Case #: A.19.05

Date Planning Board Meeting Held (for rezonings): 9/12/2019

Notes: