

**ORD # O-13-2017**  
**AN ORDINANCE TO AMEND CHAPTERS 2, 3, 10, and 19 OF THE**  
**TOWN OF WENDELL UNIFIED DEVELOPMENT ORDINANCE**  
**AS THEY RELATE TO OUTDOOR AND INDOOR EVENT VENUES**

WHEREAS, the Unified Development Ordinance (UDO) establishes zoning, subdivision, stormwater, and floodplain protection provisions for the Town of Wendell; and

WHEREAS, Joshua Furr has initiated a petition to amend portions of Chapters 2, 3, 10, and 19 of the UDO to allow for an outdoor event venue; and

WHEREAS, the Town of Wendell has added additional language within these chapters to address similar indoor and outdoor event venues; and

WHEREAS, the Town of Wendell Unified Development Ordinance Section 15.11 establishes uniform procedures for amending the text of the Ordinance;

NOW, THEREFORE BE IT ORDAINED by the Town Board of the Town of Wendell, North Carolina:

SECTION 1. That Section 19.3 (Definitions) be amended to include the following definitions:

**Event Venue, Outdoor:** A permanent, predominantly outdoor facility, including any associated structures, for outdoor event venues, including but not limited to weddings, birthday celebrations, reunions, retreats, conferences, and festivals. Outdoor theater uses shall be addressed by the ‘theater, live performance, outdoor’ use category.

**Theater, Live Performance, Outdoor:** An establishment for the performing arts with open-air seating for audiences.

**Theater, Live Performance, Indoor:** A specialized theater for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance.

**Meeting Facility/Indoor Event Venue:** An indoor commercial or non-profit facility for event venues or public assembly, including but not limited to conference facilities, convention centers, indoor event space, auditoriums, exhibition halls, and the like.

SECTION 2. That the ‘Entertainment/Recreation’ portion of Section 2.3C (Use Matrices) be amended as follows, to include revisions to ‘Event Venue, Outdoor’, ‘Meeting Facility/Indoor Event Venue’, ‘Theater, Live Performance, Indoor’, and ‘Theater, Live Performance, Outdoor’.

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
<b>Entertainment/Recreation</b>																
Adult Establishment	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	PS	-
Amusements, Indoor	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	-	-
Amusements, Outdoor	-	P*	PS	PS	-	-	-	-	-	PS	-	-	-	PS	-	-
Billiard/Pool Hall	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	-	-
Cultural or Community Facility	PS	P*	PS	PS	PS	PS	PS	PS	P	P	P	SUP	P	P	P	P
Event Venue, Outdoor	-	P*	SUP	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	SUP	SUP
Farmers Markets	-	P*														
Meeting Facility/Indoor Event Venue	PS	PS	PS	PS	PS	PS	PS	PS	PS	P	P	SUP	PS	P	P	P
Recreation Facilities, Indoor	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	SUP	P	P	P	P
Recreation Facilities, Outdoor	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	SUP	P	P	P	P
Shooting Range, Indoor	-	P*	-	-	-	-	-	-	-	SUP	SUP	-	-	SUP	SUP	-
Sports Training/Fitness Complex	-	P*														
Sweepstakes Center	-	P*	-	-	-	-	-	-	-	-	-	-	-	SUP	-	-
Theater, Live Performance, Indoor	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	P
Theater, Live Performance, Outdoor		P*								SUP	SUP			SUP	SUP	
Theater, Movie	-	P*	-	-	-	-	-	-	-	P	P	P	-	P	-	-

SECTION 3. That Section 3.3 (Additional Standards by Use) be amended to include the following supplemental use standards for ‘Event Venue, Outdoor’:

1. A special use permit shall be required for all uses which meet the definition for Outdoor Event venues.
2. The traffic generated to and from the site will not create unsafe or inefficient parking, loading, vehicular and pedestrian circulation patterns with consideration, among other things, to: the physical character of roads, the classification of roads, accident experience near the site, traffic volumes existing and projected from approved site plans and subdivisions, interference with any other driveway, and response time of nearby emergency services.
3. The nearby properties must be protected from sound amplification and lighting. Unless otherwise stipulated based upon factors presented at the public hearing, any music or amplified noise activity shall not be audible beyond the boundary of the property after 11:00 p.m. In addition to time periods, the Town Board may impose noise level limitations or prohibit the presence of a permanent stage as a condition of the special use approval.
4. Buffers must be provided between the proposed use and adjacent residential uses. The type and location of buffers shall be determined as part of any Special Use Permit approval. Existing vegetation may count towards buffer requirements. Based upon factors presented at the public hearing, the Town Board may include a separation requirement between any proposed activity areas and adjacent property owners.
5. As part of the SUP proceedings, consideration may be given to the inclusion of non-paved parking facilities for those venues located within a more rural setting where paved parking would detract from the character of the outdoor event space. Similarly, consideration may be given to whether or not bicycle parking facilities are a practical and necessary addition to a given site.

SECTION 4. That Section 3.3 (Additional Standards by Use) be amended to include the following supplemental use standards for 'Theater, Live Performance, Outdoor':

1. All such uses shall require a special use permit. As part of the special use permit approval process, sites may be subject to additional conditions related to such items as noise and occupancy levels, and hours of operation.
2. Outdoor Theaters shall be buffered from adjoining residential uses with a Type A buffer, as described in Chapter 8 of the UDO.
3. The performance and audience areas for any outdoor theater shall be located a minimum of 200 feet from any adjacent residentially zoned property.
4. Primary access to all outdoor theatres shall be to a collector or higher order street.
5. Nearby properties must be protected from sound amplification and lighting. Unless otherwise stipulated based upon factors presented at the public hearing, any music or amplified noise activity shall not be audible beyond the boundary of the property after 11:00 p.m.

SECTION 5. That Section 3.3 (Additional Standards by Use) be amended to include the following supplemental use standards for 'Meeting Facility/Indoor Event Venue':

1. Meeting Facilities/Indoor Event Venues are permitted as part of a common plan of development, but shall not be permitted as infill development.
2. In the NC zoning district, a Meeting Facility/Indoor Event Venue use which is not part of a common plan of development and which is designed to accommodate more than 99 occupants shall require a Special Use Permit.

SECTION 6. That Section 10.4A of the UDO (General Parking Requirements) be amended to include an additional row for 'Meeting Facilities/Event Venues' with the standard of 1 auto parking space per 4 seats and 1 bicycle parking space per 20 auto parking spaces.

SECTION 7. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 8. That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

SECTION 9. That the proposed text amendments to Chapters 2, 3, 10, and 19 are found to be reasonable in order to accommodate different recreational business uses, while protecting adjacent property owners. Additionally, the proposed changes are found to be consistent with the following principles of the Wendell Comprehensive Plan:

- Principle Number 4: Diversify and increase the per capita tax base.
- Principle Number 5: Promote Wendell's attractiveness to business and people of all walks of life.

SECTION 10. That this ordinance has been adopted following a duly advertised public hearing of the Town Board and following recommendation by the Planning Board.

SECTION 11. That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Wendell Town Code.

SECTION 12. That this ordinance shall become effective upon its adoption by the Wendell Board of Commissioners.

DULY ADOPTED the 12th day of June, 2017.

(Town Seal)

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Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

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Sherry L. Scoggins, Town Clerk

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James P. Cauley III, Town Attorney