ACTION REQUEST FORM

DATE: April 20, 2011
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:
Request for Public Hearing on Zoning Text Amendment proposed by City County Planning Board staff

SUMMARY OF INFORMATION:
A UDO Text Amendment proposed by City County Planning Board staff to amend Chapter B of the *Unified Development Ordinances* to increase notification requirements for elected body Special Use Permits and Zoning Map Amendments (UDO-223).

PLANNING BOARD ACTION:

**MOTION ON PETITION:** APPROVAL
FOR: WESLEY CURTIS, ARNOLD KING, DARRYL LITTLE, LYNNE MITCHELL, PAUL MULLICAN, BRENDA SMITH, ALLAN YOUNGER
AGAINST: CLARENCE LAMBE, BARRY LYONS
**SITE PLAN ACTION:** NOT REQUIRED
STAFF REPORT

DOCKET # UDO-223
STAFF: Aaron King

REQUEST

Text amendment proposed by City-County Planning Board staff to amend Chapter B of the Unified Development Ordinances (UDO) to increase notification requirements for Elected Body Special Use Permits and Zoning Map Amendments.

BACKGROUND

The UDO currently requires notification letters to be sent to directly adjacent property owners for any proposed Zoning Map Amendment. There is currently no requirement for notification letters to be sent to adjacent property owners for Elected Body Special Use Permits (SUP); however, Planning staff has traditionally mailed letters to these property owners.

Over the past year and a half, Planning staff was requested by the Community Development/Housing/General Government Committee of the City Council to explore ideas to increase notification for zoning cases. At the direction of the Committee, staff has implemented all of the “no cost” options which included:

- A more liberal sign posting policy,
- Showing upcoming rezoning cases on TV 13,
- Seeking assistance from Neighborhood Specialists,
- Sending a letter to neighborhood organizations suggesting they appoint a “zoning watchperson,” and
- Enhance the website to provide email notification of pending zoning cases.

A significant amount of the discussion involved the possibility of requiring neighborhood meetings for zoning cases. Currently there is no requirement; however, staff strongly encourages each petitioner (at the time of submittal) to meet with surrounding neighborhoods. Staff presented several options to the Committee, each with varying requirements/thresholds for a neighborhood meeting requirement. Ultimately, the Committee decided not to request a neighborhood meeting requirement at this time, but to expand the radius for mail notifications.

At their February 2011 meeting, the General Government Committee requested that Planning staff draft a text amendment that expands the mailed notification radius to five hundred (500) feet for Elected Body SUP’s and Zoning Map Amendments.

ANALYSIS

The subject text amendment would expand the mailed notification radius to five hundred (500) feet for all Zoning Map Amendments and Elected Body SUPs. Staff believes this will be an effective way to increase awareness of pending zoning cases. Staff has also attached some
sample maps (see attachments) to demonstrate the impacts of the expanded notification radius. It is worth noting that the increased notification radius will result in increased mailing expenditures. Staff believes that while the zoning caseload is low, the cost increase can be absorbed by the department’s budget. However, once zoning case numbers start to increase, a fee increase may be warranted as part of a future budget to cover the additional costs.

RECOMMENDATION

APPROVAL
CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-223
APRIL 14, 2011

Aaron King presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following points were made:

1. The notification will consist of a letter with more detail than previously included and a map of the site's location.

2. Barry Lyons: I'm going to vote for denial on this. I don't think it goes far enough. I think there is a need for required neighborhood meetings at least when the zoning request is in opposition to the area plan or Legacy.

3. Clarence Lambe: I think it goes too far so I'm going to be voting against it also.

MOTION: Paul Mullican moved approval of the zoning text amendment.
SECOND: Wesley Curtis
VOTE:
FOR: Wesley Curtis, Arnold King, Darryl Little, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger
AGAINST: Clarence Lambe, Barry Lyons
EXCUSED: None

A. Paul Norby, FAICP
Director of Planning
An Ordinance Proposed by City-County Planning Staff
Amending Chapter B of
The Unified Development Ordinances (UDO)
To Increase Notification Requirements for Elected Body Special
Use Permits and Zoning Map Amendments

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the
Unified Development Ordinances is hereby amended as follows:

Section 1. Chapter B, Article III of the UDO is amended as follows:

Chapter B - Zoning Ordinance
Article VI – Administration and Amendments

6-1 Administration

6-1.5 Special Use Permits Authorized by the Elected Body

(I) Application Procedures for a Special Use Permit

(1) Application and fees. Applications for Special Use Permits shall be
submitted at least thirty-one (31) calendar days prior to the next regularly
scheduled Planning Board meeting accompanied by a completed
application form and other required information, site plans meeting the
requirements for site plan submittal in Section B.7, and fees in accordance
with Section B.8.

(2) Notice. The Planning Board shall post on the property a notice of public
meeting at least ten (10) days prior to the date of the meeting of the
Planning Board. A sign is required on the property at a conspicuous
location(s). Location(s) which are not conspicuous or require additional
notification to the public, will be required to have directional sign(s)
posted. Each sign(s) or each directional sign(s) will have a charge as
determined by the Director of Planning. The signs are, and shall remain,
the property of the governmental agency which provided them, and shall
be prepared, posted and reclaimed by it.

(3) Advertisement. The Elected Body shall duly advertise a public hearing.

(4) Notification to Property Owners and Adjacent Property Owners for
an Elected Body Special Use Permit

Notification to property owners and adjacent property owners shall be
handled as follows:
(1) Letters shall be sent via first class mail to the subject property owner(s) and all property owners within five hundred (500) feet of any portion of the subject property for which the Special Use Permit is requested.

6-2 Ordinance Amendments: Zoning Text and Official Zoning Maps

6-2.1 GENERAL USE DISTRICTS

(G) Notification to Property Owners and Adjacent Property Owners for an Elected Body Public Hearing

Notification to property owners and adjacent property owners shall be handled as follows:

(1) Letters shall be sent via first class mail to all subject property owners within and adjacent to the property and all property owners within five hundred (500) feet of any portion of the property for which the zoning map amendment is requested, in accordance with State law, except as exempted under subsection (2) of this section. Except for a city or county-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the elected board that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the elected board that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud.

Section 2. This ordinance shall be effective upon adoption.
DOCKET #: W3070
(continued from 6/10/2010)

PROPOSED ZONING:
Special Use Permit for access

EXISTING ZONING:
RS9

PETITIONER:
Roy L. Burger for property owned by Same

SCALE: 1" represents 400'
STAFF: Reed
GMA: 3
ACRES: 11.43
NEAREST BLDG: 75' south
MAP(S): 594862

UDO 223 Attachment B
DOCKET #: W3082

PROPOSED ZONING:
LI-L

EXISTING ZONING:
RS9

PETITIONER:
Edwin L. Welch and
Janie Sue Sue Welch for
property owned by Same

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 2

ACRES: 1.72

NEAREST BLDG: 33' northwest

MAP(S): 624874

UDO 223 Attachment C