

**ACTION REQUEST FORM**

**DATE:** September 21, 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:**

Zoning Text Amendment proposed by City County Planning Board staff to amend Chapter B of the *Unified Development Ordinances* to exempt "Child Daycare, Large Home" from the Planning Board Review process. (UDO-227).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** NOT REQUIRED

## STAFF REPORT

**DOCKET #** UDO-227  
**STAFF:** Aaron King

### REQUEST

UDO Text Amendment proposed by City County Planning Board staff to amend Chapter B of the Unified Development Ordinances to exempt "Child Daycare, Large Home" from the Planning Board Review process.

### BACKGROUND

The UDO divides home daycares into two categories: small home (3-5 preschool-age children, plus up to 3 additional school-age children) and large home (6-12 preschool-age children, or up to 15 children when all children are school age). Large home daycares are currently allowed in all single family residential zoning districts and the RM5 district with approval of a Special Use Permit (SUP) by the Zoning Board of Adjustment (ZBOA). The UDO currently requires that a Planning Board Review of the site plan also take place prior to the SUP request being heard by the ZBOA. In order to submit for Planning Board Review, the petitioner must contract with a professional engineer, surveyor, or landscape architect to produce a site plan for review by the Board. A minimum submittal fee of \$500 is also required for Planning Board Review.

### ANALYSIS

Currently, large home daycares are reviewed by two separate Boards (1<sup>st</sup>- Planning Board, 2<sup>nd</sup>- ZBOA) in addition to the review conducted by staff. The site plans submitted for large home daycares usually depict an existing single family home, driveway, and the required amount of fenced play area. Staff believes that the current process is excessive for the scope of the request. Charlotte, Raleigh, and Greensboro allow large home daycares through either a home occupation permit or a sign-off by the zoning officer. The current process in Winston-Salem/Forsyth County entails review by two Boards, \$600 (\$500- Planning Board Review, \$100- ZBOA) in submittal fees, between \$750-\$1,500 in site plan preparer fees, and approximately two months of review time.

Staff believes that eliminating the requirement for a Planning Board Review is appropriate for this type of request. If this text amendment were adopted, the petitioner would still have to obtain the SUP from the ZBOA; (which does not require a site plan from a licensed professional) however they would not have to receive Planning Board Review. Staff believes the ZBOA is the appropriate place for large home daycares to be reviewed because it allows concerned neighbors an opportunity to voice their concerns through the public hearing process. Site design would continue to be reviewed by Inspections, Planning, and Fire. Staff supports this amendment because it significantly decreases the review timeline and costs incurred by the petitioner, while still maintaining an appropriate review by the ZBOA.

**RECOMMENDATION**

**APPROVAL**

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR UDO-227  
SEPTEMBER 8, 2011**

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Wesley Curtis moved approval of the zoning text amendment.

SECOND: Paul Mullican

VOTE:

FOR: Wesley Curtis, Arnold King, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None



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A. Paul Norby, FAICP  
Director of Planning

**UDO-227**  
**AN ORDINANCE AMENDING**  
**CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**TO REMOVE CHILD DAYCARE, LARGE HOME FROM**  
**PLANNING BOARD REVIEW**

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 VI – Administration and Amendments is hereby amended as follows:

## **Chapter B - Zoning Ordinance**

### **Article VI – Administration and Amendments**

#### **6-1 ADMINISTRATION**

##### **6-1.4 BOARD OF ADJUSTMENT**

###### **(A) Special Use Permits Authorized by the Board of Adjustment**

- (1) Board of Adjustment Review.** The Board of Adjustment shall review all requests for permits as designated in Table B.2.6 and Section B.2-5.
- (2) Planning Board Report.** Applications for special use permits may be approved by the Board of Adjustment after such board receives a report from the Planning Board and holds a duly advertised public hearing in each case, except that the Planning Board shall not be required to review and report on applications for:
  - (a) Riding Stables per Table B.2.6;
  - (b) Kennels, Outdoor per Table B.2.6;
  - (c) Shooting Ranges, Outdoor per Table B.2.6;
  - (d) Manufactured Homes Class A, Class B, and Class C per Table B.2.6;
  - (e) Expansion or Conversion of a Nonconforming Use per Sections B.5-2.3(B) and B.5-2.4(A);
  - (f) Accessory Uses as follows:
    - (i) Dwelling, Accessory (Detached) per Section B.2-6.4(C);
    - (ii) Separation, Processing, Storage or Wholesale Sale of Materials in LCID's per Section B.2-5.41(N); or

- (iii) Home Occupations in Rural Areas (GMAs 4 and 5) per Section B.2-6.4(D)(2)(b);
- (g) Accessory Structures as follows:
  - (i) Exceeding size limits for accessory structures per Section B.3-1.2(E);
  - (h) Parking reductions for churches per Sections B.2-5.21(D) and B.2-5.22(C);
  - (i) Veterinary Services per Table B.2.6;
  - (j) Keeping of chickens, pigeons, or other fowl (**W**) per Section B.3-11.3; or,
  - (k) Keeping of horses, mules, donkeys, goats, sheep, or cattle (**W**) per Section B.3-11.4;
- (l) Child Daycare, Large Home.

**Section 2.** This ordinance shall be effective upon adoption.