

**ACTION REQUEST FORM**

**DATE:** November 23, 2010  
**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 Planning and Inspections staff

**SUMMARY OF INFORMATION:**

A UDO Text Amendment proposed by Planning and Inspections staff to amend Section 2-5.13 of the UDO to clarify changes made in UDO-205 relating to the use "Cemetery" (UDO-219).

**PLANNING BOARD ACTION:**

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

## STAFF REPORT

DOCKET # UDO-219

STAFF: [Aaron King](#)

### **REQUEST**

This text amendment is proposed by City-County Planning staff to amend Chapter B of the *Unified Development Ordinances* (UDO) to add language back to the use conditions for Cemeteries.

### **BACKGROUND/ANALYSIS**

In UDO 205, an attempt was made to consolidate various uses that were similar in nature. Two of the uses included in that text amendment were: Cemetery, Licensed and Cemetery, Unlicensed. Staff felt it was reasonable to combine the two uses into one new use (Cemetery) and carry forward the existing use conditions. In the process of consolidating this batch of uses, three of the use conditions for cemeteries were inadvertently omitted. The use conditions were:

**(I) Entrance and Internal Roads**

The entrance to and access within the cemetery shall be maintained by the property owner.

**(J) Religious Institutions**

Cemeteries are permitted as an accessory use to religious institutions in all districts where religious institutions are permitted.

**(K) Prohibitions**

Cemeteries are not permitted as accessory uses to residential uses, or on lots less than one acre in size.

This text amendment simply proposes to add these use conditions back to the UDO, correcting the omission created in UDO 205.

### **RECOMMENDATION**

### **APPROVAL**

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR UDO-219  
NOVEMBER 11, 2010**

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe moved approval of the zoning text amendment.

SECOND: Paul Mullican

VOTE:

FOR: Wesley Curtis, Arnold King, Clarence Lambe, Darryl Little, Barry Lyons, Lynne Mitchell, Paul Mullican, Allan Younger

AGAINST: None

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A. Paul Norby, FAICP  
Director of Planning

**UDO-219**  
**AN ORDINANCE PROPOSED BY CITY-COUNTY PLANNING STAFF**  
**AMENDING CHAPTER B OF**  
**THE UNIFIED DEVELOPMENT ORDINANCES (UDO)**  
**TO CONVERT TO NEW TERMINOLOGY USED**  
**IN THE TRANSPORTATION PLAN**

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 II of the UDO is amended as follows:

**Chapter B - Zoning Ordinance**  
**Article II – Zoning Districts, Official Zoning Maps and**  
**Uses**

**2-5 USE CONDITIONS**

**2-5.13 CEMETERY**

- (A) **Prohibited Districts**  
Except as otherwise permitted herein, unlicensed cemeteries shall not be permitted as a principal or accessory use in RS Districts in GMAs 1, 2 and 3.
- (B) **Requirements**  
Licensed cemeteries shall meet all licensing requirements of State law.
- (C) **Building Setback (F)**  
Any building, except a gate house, shall be set back not less than one hundred (100) feet from any exterior property line.
- (D) **Grave or Burial Plot Setbacks (F)**  
Any grave or burial plot shall be set back not less than fifty (50) feet from any exterior property line, except that any grave or burial plot shall be set back not less than three (3) feet from any property line of an adjacent licensed or unlicensed cemetery.

**(E) Setbacks (W)**

Buildings and burial plots shall meet the setbacks of the district except:

- (1) Any building except a gate house shall be set back a minimum of fifty (50) feet from any public street right-of-way and a minimum of one hundred (100) feet from the property line of any adjacent residentially zoned property.
- (2) Any burial plot or mausoleum shall be set back a minimum of fifty (50) feet from any public street right-of-way and from any residentially zoned property, except that any grave or burial plot shall be set back not less than three (3) feet from any property line of an adjacent licensed or unlicensed cemetery.

**(F) Required Yards**

All required yards shall be landscaped with a Type I bufferyard and adequately maintained.

**(G) Access**

Licensed cemeteries shall have direct access to a major or minor thoroughfare. Municipal and animal cemeteries containing more than five (5) acres shall have direct access to a major or minor thoroughfare.

**(H) Subdivision**

Cemeteries shall meet the platting and other requirements of the *Subdivision Regulations*. Unlicensed cemeteries existing at the time of adoption of this Ordinance which have not been platted shall be recorded prior to the issuance of any permit for the property, except cemeteries accessory to and located on the main campus of churches.

**(I) Entrance and Internal Roads**

The entrance to and access within the cemetery shall be maintained by the property owner.

**(J) Religious Institutions**

Cemeteries are permitted as an accessory use to religious institutions in all districts where religious institutions are permitted.

**(K) Prohibitions**

Cemeteries are not permitted as accessory uses to residential uses, or on lots less than one acre in size.

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