

April 22, 2009

Winston-Salem/Forsyth County Schools
Attn: Title 1 Office
1605 Miller Street
Winston-Salem, NC 27103

RE: ZONING TEXT AMENDMENT UDO-198

Dear Sirs:

The attached report of the Planning Board to the City of Winston-Salem City Council is sent to you at the request of the Council Members.

When the text amendment is scheduled for public hearing, you will be notified by the the City Secretary, of the date on which the City Council will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning

Attachment

pc: City Secretary

ACTION REQUEST FORM

DATE: April 22, 2009
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 WS/FC Schools

SUMMARY OF INFORMATION:

Zoning Text Amendment proposed by WS/FC Schools to revise regulations pertaining to child daycare centers in the *Unified Development Ordinances*. (UDO-198).

PLANNING BOARD ACTION:

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

STAFF REPORT

DOCKET # UDO-198

STAFF: [David Reed](#)

REQUEST

This UDO text amendment is proposed by Winston-Salem/Forsyth County Schools to amend Chapter B, Article II, of the *Unified Development Ordinances* regarding regulations for the use “Child Day Care Center” as an accessory use to a school and to revise the definitions of School, Public and School, Private.

BACKGROUND

Current UDO standards for the use “Child Day Care Center” as an accessory use to a school require a Special Use Permit be issued by the Zoning Board of Adjustment whenever the underlying zoning district does not allow a Child Day Care Center as a use by right. The proposed text amendment would eliminate the requirement to obtain a Special Use Permit for Day Care Centers on school campuses. The text amendment also proposes amending the definition of School, Public to eliminate the reference to the student’s ages.

ANALYSIS

Because school sites were designed and developed to receive and keep children, allowing another segment of children to be kept on the school grounds in a Child Day Care Center as an accessory use operated by the school is appropriate. Because the site is already developed as a school, requiring a Special Use Permit from the Zoning Board of Adjustment is not necessary. If this change is made, the Planning Board and Interdepartmental Site Plan Review Committee will continue to review the site plan as a Planning Board Review item. The language requiring a special use permit for child day care centers as an accessory use to churches or religious institutions is proposed to remain intact. The rational basis for the different treatment in this case is the fact that most church sites were not initially designed to receive and keep children on a daily basis so it is appropriate that there be a public hearing before the Zoning Board of Adjustment before an additional use is established on the site.

The Winston-Salem/Forsyth County Schools propose eliminating the reference to age in the definition of Public and Private Schools. Staff agrees that the reference to age should be removed and recommends replacing the reference to age with a reference to curriculum. This focuses on the K through 12 curriculum rather than the child’s age.

RECOMMENDATION

APPROVAL

David Reed presented the staff report.

PUBLIC HEARING

FOR:

Ken Keserka, Winston-Salem/Forsyth County Schools, 1605 Miller Street, Winston-Salem, NC 27103

- Our staff concurs 100% with staff's recommendation.
- Thank you to staff for all their work on this.

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved approval of the zoning map amendment.

SECOND: Lynne Mitchell

VOTE:

FOR: Wesley Curtis, Arnold King, Arthur King, Darryl Little, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

UDO-198
AN ORDINANCE AMENDING THE USE CONDITIONS
FOR THE USE “CHILD DAY CARE CENTER
AND THE DEFINITIONS OF SCHOOL, PUBLIC
AND SCHOOL, PRIVATE”

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 A – Zoning Ordinance, Article II – Definitions is amended as follows:

Chapter A - Definitions Ordinance

Article II – Definitions

SCHOOL, PRIVATE. A structure used primarily by and for any two (2) or more ~~age or~~ grade levels not operated by the public school system, but registered with the North Carolina Department of Public Instruction. Any school for children below the K through 12 curriculum ~~age six (6) or under~~ not meeting these requirements shall be considered a day care facility for purposes of this Ordinance.

SCHOOL, PUBLIC. A structure used primarily by and for any two (2) or more ~~age or~~ grade levels and operated by the public school system or approved by the North Carolina Department of Public Instruction as meeting the requirements of State law. Any school for children below the K through 12 curriculum ~~age six (6) or under~~ not meeting these requirements shall be considered a day care facility for purposes of this Ordinance.

Section 2. Chapter B – Zoning Ordinance, Article II – Zoning Districts, Official Zoning Maps, and Uses is amended as follows:

Chapter B - Zoning Ordinance

Article II - Zoning Districts, *Official Zoning Maps*, and Uses

2-5 USE CONDITIONS

2-5.18 CHILD DAY CARE CENTER

(A) As an Accessory Use

A Child Day Care Center is permitted as an accessory use as follows:

- (1) Church or Religious Institution.** In all zoning districts permitting churches or religious institutions on the same zoning lot and within buildings also used for religious activities. A Special Use Permit from the Zoning Board of Adjustment

shall be required when this accessory use is located in a zoning district that does not permit Child Day Care Centers as a principal use by right. In other zoning districts that permit Child Day Care Centers as a principal use, this accessory use shall follow the same approval process that is required for such principal use.

- (2) **Public or Private Schools.** In all zoning districts permitting public or private schools when operated by the school on the same zoning lot and within buildings also used for school activities. ~~A Special Use Permit from the Zoning Board of Adjustment shall be required when this accessory use is located in a zoning district that does not permit Child Day Care Centers as a principal use by right.~~ In other zoning districts that permit Child Day Care Centers as a principal use, This accessory use shall follow the same approval process that is required for such principal use.

Section 3. This ordinance shall be effective upon adoption.