

**FORSYTH COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** \_\_\_\_\_ **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

- A. Public Hearing on Zoning Text Amendment proposed by Planning Staff to amend Chapter B, ARTICLE VI Chapter 6-2.1 ORDINANCE AMENDMENTS to add a requirement that Text Amendments be heard in advance of any zoning cases that require said text amendment to meet ordinance requirements (UDO 151).
  
- B. Approval of Ordinance

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-**

**SUMMARY OF INFORMATION:-**

See attached staff report.

After consideration, the Planning Board recommended approval of the rezoning text amendment.

**ATTACHMENTS:-**     YES             NO

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ACTION REQUEST FORM**

**DATE:** January 25, 2006  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, AICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Text Amendment proposed by Planning Staff

**SUMMARY OF INFORMATION:**

Zoning Text Amendment proposed by Planning Staff to amend Chapter B, ARTICLE VI Chapter 6-2.1 ORDINANCE AMENDMENTS to add a requirement that Text Amendments be heard in advance of any zoning cases that require said text amendment to meet ordinance requirements (UDO 151).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** CLARK, CURTIS, EICKMEYER, GLENN, KING  
**AGAINST:** FOLAN, SMITH  
**SITE PLAN ACTION:** NOT REQUIRED

## **STAFF REPORT**

**DOCKET #:** UDO-151

**STAFF:** David Reed

### **REQUEST**

UDO Text amendment proposed by Planning Staff to amend: CHAPTER B – ZONING ORDINANCE; ARTICLE VI – ADMINISTRATION AND AMENDMENTS to expand and clarify Text Amendment submittal requirements.

### **BACKGROUND**

Several of the text amendments that have been considered over the last few years have been submitted simultaneous with a pending rezoning petition. The associated rezoning petitions are reliant on approval of the text amendment to meet minimum ordinance requirements. This creates a tendency when considering the text amendment to be too focused on the specific project and not look at the big picture due to the timing required to get text amendments thru to the elected body. This text amendment proposes to require that, except when waived in advance by the Planning Board, any rezoning petition that is reliant on a text amendment to meet minimum UDO requirements not be heard at the same meeting as the text amendment.

This amendment to Article 6-2.1(C) is very similar in spirit to Article 6-2.1(B) NO REFERRAL TO USE. The intent of 6-2.1(B) is to prevent the distraction of focusing on a specific use while considering a general use zoning district. The intent of the proposed changes to 6-2.1(C) is to prevent the distraction of focusing on a specific site while considering an amendment that would be applicable throughout the jurisdiction.

The idea for this text amendment was presented to the Homebuilders/Realtors representative and the Text Amendment Team (TAT). The decision to include an option for the Planning Board to consider waiving the requirement came out of the TAT. The amendment was also distributed to the broader text amendment distribution list, which is customary. As of this writing one response has been received from the text amendment distribution list mailout and that party indicated a desire to allow text amendments and rezonings to go through the process simultaneously.

### **ANALYSIS**

Generally, a petition to amend the regulations established by this Ordinance should be evaluated based upon its effect upon the entire community rather than upon a specific site or with reference to a specific circumstance. The provision to allow the Planning Board to grant an exception should accommodate unforeseeable situations and should be used sparingly so as not to undermine the intent of the requirement.

### **RECOMMENDATION**

### **APPROVAL.**

David Reed presented the staff report.

## **PUBLIC HEARING**

FOR:

Robert Vorsteg, 3620 Marlowe Avenue, Winston-Salem, NC 27106

- Any petitioner would prefer things not be delayed.
- However, the good of the community must be considered.
- Text amendments relate to the entire community, not just to a specific situation or a specific site.
- A text amendment will seem logical and appropriate when presented along with a specific example of how it would apply. However, it is more difficult to consider all the ramifications when one picture is before you.

AGAINST: None

## **WORK SESSION**

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

1. Brenda Smith indicated her preference for handling text amendments submitted with specific zoning cases individually with a warning that the zoning request could be denied if the Board feels it has not had sufficient time to review the text amendment request.
2. The Board discussed the benefits and drawbacks of this request.

MOTION: Carol Eickmeyer moved approval of the zoning text amendment.

SECOND: Lavastian Glenn

VOTE:

FOR: Clark, Curtis, Eickmeyer, Glenn, King

AGAINST: Folan, Smith

EXCUSED: None

Written Comments Submitted by Planning Board Members:

Carol Eickmeyer: I voted in favor of this because it improves the text amendment process. Text amendments affect the entire community and should be considered separate from specific projects. I have a hard time amending the law for a single project. This can create a significantly more complex body of law.

Brenda Smith: I voted against UDO-151 for reasons below

- restricts timing of petitions by public.
- problem of pressure to separate text amendment from specific project does not justify rule change.
- problem that is to be solved by the UDO should be handled by more conscientious effort to do thorough review of text amendment on its own merits.
- problem is in large part due to workload of staff and required review/process times
- better solution would be to increase staff levels.

---

A. Paul Norby, AICP  
Director of Planning

**UDO 151**  
**AN ORDINANCE AMENDING**  
**THE ZONING ORDINANCE,**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES* REGARDING**  
**ZONING TEXT AMENDMENT SUBMITTAL REQUIREMENTS**

Be it resolved, by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

**Section 1.** CHAPTER B – ZONING ORDINANCE; ARTICLE VI – ADMINISTRATION AND AMENDMENTS is hereby revised as follows

**6-2 ORDINANCE AMENDMENTS: ZONING TEXT AND OFFICIAL ZONING MAPS**

**6-2.1 GENERAL USE DISTRICTS**

**(A) GENERAL PROCEDURES**

Proposals to amend, supplement, change, modify, or repeal any of the regulations or the district boundaries established by this Ordinance, or hereafter established, may be initiated by the Elected Body, by the Planning Board, or by petition of any interested person.

**(1) Petition Submitted.** A petition by an interested person to amend or change the regulations or district boundaries shall be submitted to the Elected Body through and reviewed by the Planning Board which shall consider its merit and make a recommendation to the Elected Body.

**(2) Public Hearing.** In no case shall final action by the Elected Body be taken amending, changing, supplementing, modifying, or repealing the regulations established by this Ordinance, or changing the district boundaries hereby established until a public hearing has been held by the Elected Body at which parties in interest and citizens shall have an opportunity to be heard.

**(3) Notice.** A notice of each public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in the adopting jurisdiction, the first publication of said notice being not less than ten (10) days prior to the date fixed for the hearing.

**(B) NO REFERRAL TO USE**

If the petitioner elects to petition for rezoning to any general use district, the petitioner may not refer, either in the petition or at any hearing related to the petition, to the use intended for the property if rezoning is granted.

**(C) SUBMITTAL TO PLANNING BOARD**

**(1) Petition Submitted.** The petition of any interested person to amend the district boundaries or regulations established by this Ordinance shall be submitted to the Elected Body through the office of the Planning Board. Petitions shall be considered by the Planning Board at its next regular monthly meeting, provided the petitions have been filed at least thirty-one (31) calendar days ~~(F,W)/forty-three (43) calendar days (C)/thirty-seven (37) calendar days (L)/twenty-eight (28) calendar days (K)~~ before the next regular monthly meeting and include a completed application form, other required information, and fees in accordance with Article VIII; otherwise consideration may be deferred until the following monthly meeting.

**(2) Amending the text of this Ordinance.** Unless waived by the Planning Board in advance, no petition to amend the regulations established by this Ordinance and no petition to amend the zoning map established by this Ordinance which would be affected by adoption of the former, shall be considered at the same meeting of the Planning Board or Elected Body. Application for a waiver of this requirement shall be accompanied by: (1) recommendation of planning staff; (2) completed petitions to amend the regulations and the zoning map established by this Ordinance; and (3) the fees required by this Ordinance.

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

**UDO 151**  
**AN ORDINANCE AMENDING**  
**THE ZONING ORDINANCE,**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES* REGARDING**  
**ZONING TEXT AMENDMENT SUBMITTAL REQUIREMENTS**

Be it resolved, by the Board of Commissioners of Forsyth County, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

**Section 1.** CHAPTER B – ZONING ORDINANCE; ARTICLE VI – ADMINISTRATION AND AMENDMENTS is hereby revised as follows

**6-2 ORDINANCE AMENDMENTS: ZONING TEXT AND OFFICIAL ZONING MAPS**

**6-2.1 GENERAL USE DISTRICTS**

**(A) GENERAL PROCEDURES**

Proposals to amend, supplement, change, modify, or repeal any of the regulations or the district boundaries established by this Ordinance, or hereafter established, may be initiated by the Elected Body, by the Planning Board, or by petition of any interested person.

**(1) Petition Submitted.** A petition by an interested person to amend or change the regulations or district boundaries shall be submitted to the Elected Body through and reviewed by the Planning Board which shall consider its merit and make a recommendation to the Elected Body.

**(2) Public Hearing.** In no case shall final action by the Elected Body be taken amending, changing, supplementing, modifying, or repealing the regulations established by this Ordinance, or changing the district boundaries hereby established until a public hearing has been held by the Elected Body at which parties in interest and citizens shall have an opportunity to be heard.

**(3) Notice.** A notice of each public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in the adopting jurisdiction, the first publication of said notice being not less than ten (10) days prior to the date fixed for the hearing.

**(B) NO REFERRAL TO USE**

If the petitioner elects to petition for rezoning to any general use district, the petitioner may not refer, either in the petition or at any hearing related to the petition, to the use intended for the property if rezoning is granted.



**(C) SUBMITTAL TO PLANNING BOARD**

**(1) Petition Submitted.** The petition of any interested person to amend the district boundaries or regulations established by this Ordinance shall be submitted to the Elected Body through the office of the Planning Board. Petitions shall be considered by the Planning Board at its next regular monthly meeting, provided the petitions have been filed at least thirty-one (31) calendar days ~~(F,W)/forty-three (43) calendar days (C)/thirty-seven (37) calendar days (L)/twenty-eight (28) calendar days (K)~~ before the next regular monthly meeting and include a completed application form, other required information, and fees in accordance with Article VIII; otherwise consideration may be deferred until the following monthly meeting.

**(2) Amending the text of this Ordinance.** Unless waived by the Planning Board in advance, no petition to amend the regulations established by this Ordinance and no petition to amend the zoning map established by this Ordinance which would be affected by adoption of the former, shall be considered at the same meeting of the Planning Board or Elected Body. Application for a waiver of this requirement shall be accompanied by: (1) recommendation of planning staff; (2) completed petitions to amend the regulations and the zoning map established by this Ordinance; and (3) the fees required by this Ordinance.

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

**UDO 151**  
**AN ORDINANCE AMENDING**  
**THE ZONING ORDINANCE,**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES* REGARDING**  
**ZONING TEXT AMENDMENT SUBMITTAL REQUIREMENTS**

Be it resolved, by the Board of Aldermen of the Town of Kernersville, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

**Section 1.** CHAPTER B – ZONING ORDINANCE; ARTICLE VI – ADMINISTRATION AND AMENDMENTS is hereby revised as follows

**6-2 ORDINANCE AMENDMENTS: ZONING TEXT AND OFFICIAL ZONING MAPS**

**6-2.1 GENERAL USE DISTRICTS**

**(A) GENERAL PROCEDURES**

Proposals to amend, supplement, change, modify, or repeal any of the regulations or the district boundaries established by this Ordinance, or hereafter established, may be initiated by the Elected Body, by the Planning Board, or by petition of any interested person.

**(1) Petition Submitted.** A petition by an interested person to amend or change the regulations or district boundaries shall be submitted to the Elected Body through and reviewed by the Planning Board which shall consider its merit and make a recommendation to the Elected Body.

**(2) Public Hearing.** In no case shall final action by the Elected Body be taken amending, changing, supplementing, modifying, or repealing the regulations established by this Ordinance, or changing the district boundaries hereby established until a public hearing has been held by the Elected Body at which parties in interest and citizens shall have an opportunity to be heard.

**(3) Notice.** A notice of each public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in the adopting jurisdiction, the first publication of said notice being not less than ten (10) days prior to the date fixed for the hearing.

**(B) NO REFERRAL TO USE**

If the petitioner elects to petition for rezoning to any general use district, the petitioner may not refer, either in the petition or at any hearing related to the petition, to the use intended for the property if rezoning is granted.

**(C) SUBMITTAL TO PLANNING BOARD**

**(1) Petition Submitted.** The petition of any interested person to amend the district boundaries or regulations established by this Ordinance shall be submitted to the Elected Body through the office of the Planning Board. Petitions shall be considered by the Planning Board at its next regular monthly meeting, provided the petitions have been filed at least thirty-one (31) calendar days ~~(F,W)/forty-three (43) calendar days (C)/thirty-seven (37) calendar days (L)/twenty-eight (28) calendar days (K)~~ before the next regular monthly meeting and include a completed application form, other required information, and fees in accordance with Article VIII; otherwise consideration may be deferred until the following monthly meeting.

**(2) Amending the text of this Ordinance.** Unless waived by the Planning Board in advance, no petition to amend the regulations established by this Ordinance and no petition to amend the zoning map established by this Ordinance which would be affected by adoption of the former, shall be considered at the same meeting of the Planning Board or Elected Body. Application for a waiver of this requirement shall be accompanied by: (1) recommendation of planning staff; (2) completed petitions to amend the regulations and the zoning map established by this Ordinance; and (3) the fees required by this Ordinance.

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

**UDO 151**  
**AN ORDINANCE AMENDING**  
**THE ZONING ORDINANCE,**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES* REGARDING**  
**ZONING TEXT AMENDMENT SUBMITTAL REQUIREMENTS**

Be it resolved, by the Village Council of the Village of Clemmons, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

**Section 1.** CHAPTER B – ZONING ORDINANCE; ARTICLE VI – ADMINISTRATION AND AMENDMENTS is hereby revised as follows

**6-2 ORDINANCE AMENDMENTS: ZONING TEXT AND OFFICIAL ZONING MAPS**

**6-2.1 GENERAL USE DISTRICTS**

**(A) GENERAL PROCEDURES**

Proposals to amend, supplement, change, modify, or repeal any of the regulations or the district boundaries established by this Ordinance, or hereafter established, may be initiated by the Elected Body, by the Planning Board, or by petition of any interested person.

**(1) Petition Submitted.** A petition by an interested person to amend or change the regulations or district boundaries shall be submitted to the Elected Body through and reviewed by the Planning Board which shall consider its merit and make a recommendation to the Elected Body.

**(2) Public Hearing.** In no case shall final action by the Elected Body be taken amending, changing, supplementing, modifying, or repealing the regulations established by this Ordinance, or changing the district boundaries hereby established until a public hearing has been held by the Elected Body at which parties in interest and citizens shall have an opportunity to be heard.

**(3) Notice.** A notice of each public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in the adopting jurisdiction, the first publication of said notice being not less than ten (10) days prior to the date fixed for the hearing.

**(B) NO REFERRAL TO USE**

If the petitioner elects to petition for rezoning to any general use district, the petitioner may not refer, either in the petition or at any hearing related to the petition, to the use intended for the property if rezoning is granted.

**(C) SUBMITTAL TO PLANNING BOARD**

**(1) Petition Submitted.** The petition of any interested person to amend the district boundaries or regulations established by this Ordinance shall be submitted to the Elected Body through the office of the Planning Board. Petitions shall be considered by the Planning Board at its next regular monthly meeting, provided the petitions have been filed at least thirty-one (31) calendar days ~~(F,W)/forty-three (43) calendar days (C)/thirty-seven (37) calendar days (L)/twenty-eight (28) calendar days (K)~~ before the next regular monthly meeting and include a completed application form, other required information, and fees in accordance with Article VIII; otherwise consideration may be deferred until the following monthly meeting.

**(2) Amending the text of this Ordinance.** Unless waived by the Planning Board in advance, no petition to amend the regulations established by this Ordinance and no petition to amend the zoning map established by this Ordinance which would be affected by adoption of the former, shall be considered at the same meeting of the Planning Board or Elected Body. Application for a waiver of this requirement shall be accompanied by: (1) recommendation of planning staff; (2) completed petitions to amend the regulations and the zoning map established by this Ordinance; and (3) the fees required by this Ordinance.

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

**UDO 151**  
**AN ORDINANCE AMENDING**  
**THE ZONING ORDINANCE,**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES* REGARDING**  
**ZONING TEXT AMENDMENT SUBMITTAL REQUIREMENTS**

Be it resolved, by the Town Council of the Town of Lewisville, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

**Section 1.** CHAPTER B – ZONING ORDINANCE; ARTICLE VI – ADMINISTRATION AND AMENDMENTS is hereby revised as follows

**6-2 ORDINANCE AMENDMENTS: ZONING TEXT AND OFFICIAL ZONING MAPS**

**6-2.1 GENERAL USE DISTRICTS**

**(A) GENERAL PROCEDURES**

Proposals to amend, supplement, change, modify, or repeal any of the regulations or the district boundaries established by this Ordinance, or hereafter established, may be initiated by the Elected Body, by the Planning Board, or by petition of any interested person.

**(1) Petition Submitted.** A petition by an interested person to amend or change the regulations or district boundaries shall be submitted to the Elected Body through and reviewed by the Planning Board which shall consider its merit and make a recommendation to the Elected Body.

**(2) Public Hearing.** In no case shall final action by the Elected Body be taken amending, changing, supplementing, modifying, or repealing the regulations established by this Ordinance, or changing the district boundaries hereby established until a public hearing has been held by the Elected Body at which parties in interest and citizens shall have an opportunity to be heard.

**(3) Notice.** A notice of each public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in the adopting jurisdiction, the first publication of said notice being not less than ten (10) days prior to the date fixed for the hearing.

**(B) NO REFERRAL TO USE**

If the petitioner elects to petition for rezoning to any general use district, the petitioner may not refer, either in the petition or at any hearing related to the petition, to the use intended for the property if rezoning is granted.

**(C) SUBMITTAL TO PLANNING BOARD**

**(1) Petition Submitted.** The petition of any interested person to amend the district boundaries or regulations established by this Ordinance shall be submitted to the Elected Body through the office of the Planning Board. Petitions shall be considered by the Planning Board at its next regular monthly meeting, provided the petitions have been filed at least thirty-one (31) calendar days ~~(F,W)/forty-three (43) calendar days (C)/thirty-seven (37) calendar days (L)/twenty-eight (28) calendar days (K)~~ before the next regular monthly meeting and include a completed application form, other required information, and fees in accordance with Article VIII; otherwise consideration may be deferred until the following monthly meeting.

**(2) Amending the text of this Ordinance.** Unless waived by the Planning Board in advance, no petition to amend the regulations established by this Ordinance and no petition to amend the zoning map established by this Ordinance which would be affected by adoption of the former, shall be considered at the same meeting of the Planning Board or Elected Body. Application for a waiver of this requirement shall be accompanied by: (1) recommendation of planning staff; (2) completed petitions to amend the regulations and the zoning map established by this Ordinance; and (3) the fees required by this Ordinance.

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

**UDO 151**  
**AN ORDINANCE AMENDING**  
**THE ZONING ORDINANCE,**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES* REGARDING**  
**ZONING TEXT AMENDMENT SUBMITTAL REQUIREMENTS**

Be it resolved, by the Board of Aldermen of the Town of Walkertown, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

**Section 1.** CHAPTER B – ZONING ORDINANCE; ARTICLE VI – ADMINISTRATION AND AMENDMENTS is hereby revised as follows

**6-2 ORDINANCE AMENDMENTS: ZONING TEXT AND OFFICIAL ZONING MAPS**

**6-2.1 GENERAL USE DISTRICTS**

**(A) GENERAL PROCEDURES**

Proposals to amend, supplement, change, modify, or repeal any of the regulations or the district boundaries established by this Ordinance, or hereafter established, may be initiated by the Elected Body, by the Planning Board, or by petition of any interested person.

**(1) Petition Submitted.** A petition by an interested person to amend or change the regulations or district boundaries shall be submitted to the Elected Body through and reviewed by the Planning Board which shall consider its merit and make a recommendation to the Elected Body.

**(2) Public Hearing.** In no case shall final action by the Elected Body be taken amending, changing, supplementing, modifying, or repealing the regulations established by this Ordinance, or changing the district boundaries hereby established until a public hearing has been held by the Elected Body at which parties in interest and citizens shall have an opportunity to be heard.

**(3) Notice.** A notice of each public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in the adopting jurisdiction, the first publication of said notice being not less than ten (10) days prior to the date fixed for the hearing.

**(B) NO REFERRAL TO USE**

If the petitioner elects to petition for rezoning to any general use district, the petitioner may not refer, either in the petition or at any hearing related to the petition, to the use intended for the property if rezoning is granted.



**(C) SUBMITTAL TO PLANNING BOARD**

**(1) Petition Submitted.** The petition of any interested person to amend the district boundaries or regulations established by this Ordinance shall be submitted to the Elected Body through the office of the Planning Board. Petitions shall be considered by the Planning Board at its next regular monthly meeting, provided the petitions have been filed at least thirty-one (31) calendar days ~~(F,W)/forty-three (43) calendar days (C)/thirty-seven (37) calendar days (L)/twenty-eight (28) calendar days (K)~~ before the next regular monthly meeting and include a completed application form, other required information, and fees in accordance with Article VIII; otherwise consideration may be deferred until the following monthly meeting.

**(2) Amending the text of this Ordinance.** Unless waived by the Planning Board in advance, no petition to amend the regulations established by this Ordinance and no petition to amend the zoning map established by this Ordinance which would be affected by adoption of the former, shall be considered at the same meeting of the Planning Board or Elected Body. Application for a waiver of this requirement shall be accompanied by: (1) recommendation of planning staff; (2) completed petitions to amend the regulations and the zoning map established by this Ordinance; and (3) the fees required by this Ordinance.

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