SUBJECT:-

A. Public Hearing on Zoning Text Amendment proposed by Forsyth County Historic Resources Commission to add a fee for after-the-fact COA applications (UDO-128).

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 zoning text amendment.

ATTACHMENTS:-  X  YES  ___ NO

SIGNATURE: ____________________________  DATE:
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**COUNCIL ACTION REQUEST:**

Public Hearing on Zoning Text Amendment proposed by Forsyth County Historic Resources Commission to add a fee for after-the-fact COA applications (UDO-128).

**SUMMARY OF INFORMATION:**

Public Hearing on Zoning Text Amendment proposed by Forsyth County Historic Resources Commission to add a fee for after-the-fact COA applications (UDO-128).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** NOT REQUIRED
STAFF REPORT

DOCKET #: UDO-128
STAFF: Michelle M. McCullough

REQUEST

Request for Public Hearing on zoning text amendment proposed by the Forsyth County Historic Resources Commission to amend the appropriate section of the UDO regarding adding fees for Certificate of Appropriateness Applications (UDO-128).

BACKGROUND

Currently, there are no fees established or connected with the Certificate of Appropriateness (COA) application and review process administered by the Forsyth County Historic Resources Commission (HRC). A resolution will introduce a fee to be applied, at this time, to only applications that are submitted after-the-fact. After-the-fact applications include any major or minor work projects that have been initiated or completed prior to obtaining the required COA from the HRC.

ANALYSIS

There has been an increasing occurrence of after-the-fact applications over the last several years. As such there is a need for fees to offset costs associated with additional staff work, as compared to an application received and reviewed under the appropriate procedures of the current ordinance. HRC permits are divided into two categories: Major and Minor Work projects. Minor Work projects can be reviewed and approved at the staff level. However, if a project commences before the COA is applied for, the applicant is required to submit a complete COA application that must be approved by the HRC instead of at the staff level. This requirement greatly increases the staff time required to produce a document/project for HRC review.

The proposed fees will be included in the 2005-2006 budget submittals, when all fees are submitted. At this time only a fee for After-the-Fact application will be presented for approval.

RECOMMENDATION

APPROVAL

Michelle McCullough presented the staff report.

PUBLIC HEARING

FOR: None
AGAINST: None

WORK SESSION

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

1. After-The-Fact COAs have accounted for 35-45% of the HRC COAs in the past year.
2. The fees would apply to property owners rather than the property itself so that a new owner does not have to pay a penalty for the previous owner.
3. There are people who consistently come in for After-The-Fact COAs.
4. The fees are only being requested for After-The-Fact COAs instead of all COAs because the HRC wants to encourage people to use the normal process. At some date in the future, fees for all COAs could be studied.
5. The HRC is an appointed body which has categorical appointments and which is appointed by both Forsyth County and the City of Winston-Salem.
6. The fee would be set by City Council and the Board of Commissioners.

MOTION: Dara Folan moved approval of the text amendment.
SECOND: Jerry Clark
VOTE:
    FOR: Clark, Eickmeyer, Folan, King, Lambe, Mullican, Norwood, Smith
    AGAINST: None
    EXCUSED: None

__________________________
A. Paul Norby, AICP
Director of Planning
UDO-128
AN ORDINANCE AMENDING
CHAPTER B ZONING ORDINANCE OF
THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING FEES FOR
CERTIFICATE OF APPROPRIATENESS APPLICATIONS

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

**Section 1.** Chapter B, Article VIII, Section 1 is hereby revised to read as follows:

"8-1 General

To defray a portion of the cost of advertising, as required by law, and of technical services necessitated by petitions for changes to the zoning regulations or Official Zoning Maps, and requests for special use permits, variances, plan review, certificates of appropriateness or permits, fees shall be charged. Said fees shall be established and modified by the Elected Body. Lists of said fees applicable to the Planning Board and the Inspections Division shall be maintained on file and available to the public in the respective offices."

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

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.
UDO-128
AN ORDINANCE AMENDING
CHAPTER B ZONING ORDINANCE OF
THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING FEES FOR
CERTIFICATE OF APPROPRIATENESS APPLICATIONS

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, Article VIII, Section 1 is hereby revised to read as follows:

"8-1 General

To defray a portion of the cost of advertising, as required by law, and of technical services necessitated by petitions for changes to the zoning regulations or Official Zoning Maps, and requests for special use permits, variances, plan review, certificates of appropriateness or permits, fees shall be charged. Said fees shall be established and modified by the Elected Body. Lists of said fees applicable to the Planning Board and the Inspections Division shall be maintained on file and available to the public in the respective offices.

Section 2. This ordinance shall be effective upon adoption.

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.
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, Article VIII, Section 1 is hereby revised to read as follows:

"8-1 General

To defray a portion of the cost of advertising, as required by law, and of technical services necessitated by petitions for changes to the zoning regulations or Official Zoning Maps, and requests for special use permits, variances, plan review, certificates of appropriateness or permits, fees shall be charged. Said fees shall be established and modified by the Elected Body. Lists of said fees applicable to the Planning Board and the Inspections Division shall be maintained on file and available to the public in the respective offices.

Section 2. This ordinance shall be effective upon adoption.

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.
UDO-128

AN ORDINANCE AMENDING
CHAPTER B ZONING ORDINANCE OF
THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING FEES FOR
CERTIFICATE OF APPROPRIATENESS APPLICATIONS

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, Article VIII, Section 1 is hereby revised to read as follows:

"8-1 General

To defray a portion of the cost of advertising, as required by law, and of technical services necessitated by petitions for changes to the zoning regulations or Official Zoning Maps, and requests for special use permits, variances, plan review, certificates of appropriateness or permits, fees shall be charged. Said fees shall be established and modified by the Elected Body. Lists of said fees applicable to the Planning Board and the Inspections Division shall be maintained on file and available to the public in the respective offices."

Section 2. This ordinance shall be effective upon adoption.

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.
Be it resolved, by the Town Council of the Town of Walkertown, North Carolina that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Chapter B, Article VIII, Section 1 is hereby revised to read as follows:

"8-1 General

To defray a portion of the cost of advertising, as required by law, and of technical services necessitated by petitions for changes to the zoning regulations or *Official Zoning Maps*, and requests for special use permits, variances, plan review, *certificates of appropriateness* or permits, fees shall be charged. Said fees shall be established and modified by the Elected Body. Lists of said fees applicable to the Planning Board and the Inspections Division shall be maintained on file and available to the public in the respective offices."

Section 2. This ordinance shall be effective upon adoption.

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.
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, Article VIII, Section 1 is hereby revised to read as follows:

"8-1 General

To defray a portion of the cost of advertising, as required by law, and of technical services necessitated by petitions for changes to the zoning regulations or Official Zoning Maps, and requests for special use permits, variances, plan review, certificates of appropriateness or permits, fees shall be charged. Said fees shall be established and modified by the Elected Body. Lists of said fees applicable to the Planning Board and the Inspections Division shall be maintained on file and available to the public in the respective offices."

Section 2. This ordinance shall be effective upon adoption.