

April 21, 2004

Applied Behavior Analysis Center
c/o Felice Brenner, Executive Director
464 Sheffield Drive
Winston-Salem, NC 27104

RE: ZONING TEXT AMENDMENT UDO-117

Dear Ms. Brenner:

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

When the text amendment is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners and Renee Rice, City Secretary, of the date on which the Commissioners and City Council will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Renee Rice, City Secretary

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____ **AGENDA ITEM NUMBER:** _____

SUBJECT:-

- A. Public hearing on zoning text amendment proposed by the Applied Behavior Analysis Center of North Carolina to add the uses "Habilitation A", "Habilitation B", and "Habilitation C" to the IP zoning district (UDO-117).

- B. Ordinance amending the Forsyth County Zoning 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:- YES NO

SIGNATURE: _____ **DATE:** _____

ACTION REQUEST FORM

DATE: April 21, 2004
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 the Applied Behavior Analysis Center of North Carolina

SUMMARY OF INFORMATION:

Public hearing on zoning text amendment proposed by the Applied Behavior Analysis Center of North Carolina to add the uses "Habilitation A", "Habilitation B", and "Habilitation C" to the IP zoning district (UDO-117).

PLANNING BOARD ACTION:

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

STAFF REPORT

DOCKET #: UDO-117

STAFF: Suzy Gallaway

REQUEST

This UDO text amendment is proposed by Applied Behavior Analysis Center of North Carolina to allow “Habilitation Facility B” in Institutional and Public Uses (IP) Zoning Districts.

BACKGROUND

Currently the Institutional and Public (IP) Zoning District does not allow for the use “Habilitation Facility, B”. At present, this use is allowed in three zoning districts with Planning Board Review. These zoning districts are: RM-12, RM-18 and RM-U. The use is also allowed within a church or religious institution’s zoning lot when the facility is being run by the church or religious organization and is within the buildings and property of the church.

ANALYSIS

There are three different “Habilitation Facility” uses. They differ in the number of persons they can serve. These are “Habilitation Facility, A” which can serve one (1) to eight (8) persons, “Habilitation Facility, B” which can serve nine (9) to twelve (12) persons, and “Habilitation Facility, C” which can serve thirteen (13) or more persons. Following is the basic definition for “Habilitation Facility”: Any facility in which the specified number of allowable handicapped persons (as cited above) receive habilitation services, rehabilitation services, or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State of North Carolina and do not provide room and board. This definition does not include the principal uses *Schools, Elementary* or *Schools, Secondary*. These facilities are intended to serve handicapped persons as defined in State law, in accordance with rights provided by applicable laws.

It is logical for staff to address all three “Habilitation Facility” uses, rather than only “Habilitation Facility, B”. Currently, “Habilitation Facility, A” is allowed in AG, RS-40, RS-30, RS-20, RS-15, RS-12, RS-9, RS-7, RSQ, RM-5 and RM-8 Zoning Districts with a Special Use Permit from the Board of Adjustments. It is allowed in RM-12, RM-18 and RM-U with Planning Board Review. “Habilitation Facility, C” is allowed in RM-12, RM-18 and RM-U with a Special Use Permit from the Zoning Board of Adjustment and in PB, HB, GB, and CB with Planning Board Review. Habilitation Facilities, A, B and C are allowed currently within a church or religious institution’s zoning lot when the facility is being run by the church or religious organization and is within the buildings and property of the church.

In every zoning district in which “Habilitation Facility” is currently allowed some type of site plan review is required, either Planning Board Review or a Special Use Permit from the Zoning Board of Adjustment. As such, staff is of the opinion that in the IP Zoning District “Habilitation Facility, A” and “Habilitation Facility, B” should be allowed with Planning Board Review. “Habilitation Facility, C” should be allowed in the IP Zoning District with a Special Use Permit from the Zoning Board of Adjustment. The recommendation of staff therefore, agrees with and expands upon the request by Applied Behavior Analysis Center of North Carolina to allow “Habilitation Facility B” in Institutional and Public Uses (IP) Zoning Districts.

RECOMMENDATION

APPROVAL

Public Hearing

FOR: None

AGAINST: None

Work Session

MOTION: Clarence Lambe moved approval of the zoning text amendment and that all fees be refunded to the petitioner since the text amendment is of benefit to the entire community.

SECOND: Paul Mullican

VOTE:

FOR: Clark, Eickmeyer, Glenn, King, Lambe, Mullican, Norwood, Smith

AGAINST: None

A. Paul Norby, AICP
Director of Planning

UDO-117
AN ORDINANCE AMENDING
CHAPTER B
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ACCOMMODATE “HABILITATION FACILITY, A, B AND C” IN THE IP
ZONING DISTRICT

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

Section 1. Chapter B, Table 2.6 PERMITTED USES is amended by adding a “P” in the column under the IP classification for the uses “Habilitation Facility, A” and “Habilitation Facility, B” and also by adding an “A” in the same column for the use “Habilitation Facility, C”.

Section 2. This ordinance shall be effective upon adoption.

UDO-117
AN ORDINANCE AMENDING
CHAPTER B
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ACCOMMODATE “HABILITATION FACILITY, A, B AND C” IN THE IP
ZONING DISTRICT

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, Table 2.6 PERMITTED USES is amended by adding a “P” in the column under the IP classification for the uses “Habilitation Facility, A” and “Habilitation Facility, B” and also by adding an “A” in the same column for the use “Habilitation Facility, C”.

Section 2. This ordinance shall be effective upon adoption.

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

Section 1. Chapter B, Table 2.6 PERMITTED USES is amended by adding a “P” in the column under the IP classification for the uses “Habilitation Facility, A” and “Habilitation Facility, B” and also by adding an “A” in the same column for the use “Habilitation Facility, C”.

Section 2. This ordinance shall be effective upon adoption.

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TO ACCOMMODATE “HABILITATION FACILITY, A, B AND C” IN THE IP
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Be it ordained by the Village Council of the Village of Clemmons, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B, Table 2.6 PERMITTED USES is amended by adding a “P” in the column under the IP classification for the uses “Habilitation Facility, A” and “Habilitation Facility, B” and also by adding an “A” in the same column for the use “Habilitation Facility, C”.

Section 2. This ordinance shall be effective upon adoption.

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

Section 1. Chapter B, Table 2.6 PERMITTED USES is amended by adding a “P” in the column under the IP classification for the uses “Habilitation Facility, A” and “Habilitation Facility, B” and also by adding an “A” in the same column for the use “Habilitation Facility, C”.

Section 2. This ordinance shall be effective upon adoption.

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TO ACCOMMODATE “HABILITATION FACILITY, A, B AND C” IN THE IP
ZONING DISTRICT

Be it ordained by the Town Council of the Town of Walkertown, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B, Table 2.6 PERMITTED USES is amended by adding a “P” in the column under the IP classification for the uses “Habilitation Facility, A” and “Habilitation Facility, B” and also by adding an “A” in the same column for the use “Habilitation Facility, C”.

Section 2. This ordinance shall be effective upon adoption.