

STAFF REPORT

DOCKET #: UDO-119

STAFF: Reed

REQUEST

This UDO text amendment is proposed by the Winston-Salem City Council and to remove the use “Adult Establishment” from the HB zoning district and by the Inspection Division staff to amend the spacing requirements for the use “Adult Establishment”.

BACKGROUND

Currently the use “Adult Establishment” is allowed in the HB, GB, GI, and CI zoning districts. At the April 5, 2004 City Council meeting the Council requested staff to review the districts such uses are allowed in and make recommendations to lessen the number of districts available for that use.

Another issue is the need to clarify the setbacks for such uses. The UDO use conditions for the use “Adult Establishment” require that the use cannot be located within a distance of 1,000 feet from a school, a Child Day Care Center, or another Adult Establishment and 500 feet from a residential zoning district. A printing error made in 1996 when the Municipal Code Corporation was managing the UDO changed the distance from 500 feet to 1,000 feet and that distance has been enforced since that time. This amendment recommended by the Inspection Division staff would rectify the discrepancy and make the setback from residential zoning districts consistent with the setback required from schools, day care centers and other adult establishments.

ANALYSIS

The use “Adult Establishment” is currently allowed in four different zoning districts. By eliminating adult establishments as a permitted use in the HB zoning district the options for locating such a use would be reduced yet there would still be three zoning districts which would allow it.

Because the 1,000 foot spacing requirement has been enforced for several years and people have still been able to find locations where they could get permits for adult establishments, making the change from 500 feet to 1,000 feet will not create an unreasonable burden on the industry. Furthermore, this amendment would make the setback consistent with the setbacks from schools and child day care centers.

RECOMMENDATION

APPROVAL

UDO-120
AN ORDINANCE AMENDING
CHAPTER B
OF THE UNIFIED DEVELOPMENT ORDINANCES
TO REMOVE THE USE “ADULT ESTABLISHMENT” FROM THE HB ZONING
DISTRICT AND AMEND THE SPACING REQUIREMENTS FOR THE USE “ADULT
ESTABLISHMENT”

Be it ordained by the _____, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B, Table 2.6 PERMITTED USES is amended by removing the “Z” in the column under the HB classification for the use “Adult Establishment”:

Section 2. Chapter B, Article II – Section 2-5.4 (or current) ADULT ESTABLISHMENT

(A) Location

No activities permitted under State law shall be conducted in adult establishments in the following locations:

(1) Residential Districts. Adult establishments may not be located within a distance of ~~five hundred (500)~~ one thousand (1,000) feet from any RM or RS District;

Section 3. This ordinance shall be effective upon adoption.