

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

DOCKET: UDO-CC2
STAFF: Chris Murphy

REQUEST

This text amendment is proposed by City-County Planning Board staff to amend Sections 3.2.13 and 5.1.5 of the UDO pertaining to Zoning Board of Adjustment and Elected Body Special Use Permits. Specifically, the amendment clarifies that no separate Special Use Permit is required for uses showing an A (ZBOA) or E (Elected Body) in the Principal Use Table when the use was approved as part of a Special Use rezoning.

BACKGROUND

City-County Planning Board staff, through discussions with the City Attorney’s office, sought clarification for existing practices with regard to uses listed in the Principal Use Table as requiring a Zoning Board of Adjustment (A) and/or Elected Body (E) Special Use Permit on property that has received Special Use zoning. Per North Carolina General Statutes, Special Use Permits are approved through quasi-judicial proceedings. There are certain uses in the UDO that are only allowed through the issuance of a quasi-judicial Special Use Permit (e.g., manufactured homes in RS zoning, LCIDs in RS zoning, etc.). Winston-Salem and Forsyth County have special enabling legislation allowing Special Use zoning and associated Special Use Permits to be approved as legislative actions. Additionally, there is an existing provision in the UDO specifying that any use requiring a Special Use Permit – but approved through the Special Use zoning process – is exempt from also seeking the quasi-judicial Special Use Permit.

ANALYSIS

The proposed revisions provide clarity to the existing exemption outlined in Sections 3.2.13D.10 and 3.2.13E.8, both of which state, “*No separate special use permit is required for a use which is permitted as a part of a special use district zoning adopted by the Elected Body and which meets the requirements of this Ordinance.*” By clarifying the language in Sections 3.2.13 and 5.1.5, the UDO will signal to those reviewing the Principal Use Table and the Special Use Permit Procedure section that there is a codified exemption for quasi-judicial Special Use Permits when a use has been approved through Special Use zoning. These amendments do not change current policy and do not alter past practices; rather, they make it clear that there is an exemption for the action elsewhere in the UDO.

RECOMMENDATION: Approval

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-CC2
MAY 28, 2020**

Chris Murphy gave the staff report and explained that this ordinance provides additional clarification of the UDO.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jack Steelman

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the text amendment.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

Aaron King
Director of Planning and Development Services