

ACTION REQUEST FORM

DATE: June 25, 2008
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on UDO Text Amendment proposed by the Winston-Salem City Council

SUMMARY OF INFORMATION:

UDO Text Amendment proposed by the Winston-Salem City Council to amend Chapter B of the *Unified Development Ordinances* to provide regulations for the keeping of horses, mules, donkeys, goats, sheep, and cattle in the city zoning jurisdiction (UDO-189).

PLANNING BOARD ACTION:

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

STAFF REPORT

DOCKET # UDO-189
STAFF: [Kirk Ericson](#)

REQUEST

This UDO text amendment is proposed by the Winston-Salem City Council to amend Chapter B, Articles III and VI of the Unified Development Ordinances to amend regulations for the keeping of horses, mules, donkeys, goats, sheep, and cattle within the Winston-Salem city limits.

BACKGROUND

The Winston-Salem City Council recently approved an ordinance amending City Code regulations pertaining to the keeping of horses, mules, donkeys, goats, sheep, and cattle within city limits at their May 19, 2008 meeting (Ordinance 4622). Prior to the adoption of this amendment, the City Code required structures housing these animals to be located a minimum of 50 feet from the property line of any adjoining properties in all situations. Ordinance 4622 added a provision allowing the 50 foot minimum distance requirement for the aforementioned structures to be reduced if a special use permit is obtained from the Board of Adjustment. According to the City Attorney, special use permits may not be used in conjunction with City Code requirements. As a result, the section of the City Code referencing the opportunity for a special use permit must exist in the Unified Development Ordinances as well.

ANALYSIS

Staff believes it is appropriate to provide an opportunity for alternative compliance in situations where such an alternative would satisfy the intent of the specific ordinance requirements. Structures housing horses or similar animals may have little impact on adjoining properties, and the Board of Adjustment should be adequately equipped for making such a determination. The Board of Adjustment review process requires findings that the proposed action will not substantially injure the value of adjoining property, will be in harmony with the surrounding area, and will not endanger public health or safety. The Board of Adjustment review process also provides notification to affected property owners. Staff believes the proposed alternative compliance provision may allow for an easier transition from rural to urban in outlying areas recently annexed into the Winston-Salem city limits.

RECOMMENDATION

APPROVAL

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

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

SECOND: Lynne Mitchell

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King,
Clarence Lambe, Lynne Mitchell, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

UDO-189

AN ORDINANCE PROPOSED BY THE WINSTON-SALEM CITY COUNCIL AMENDING REGULATIONS FOR THE KEEPING OF HORSES, MULES, DONKEYS, GOATS, SHEEP, AND CATTLE OF THE *UNIFIED DEVELOPMENT ORDINANCES*

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, Article III – Other Development Standards is hereby amended as follows:

Chapter B - Zoning Ordinance

Article III - Other Development Standards

3-11 OTHER STANDARDS

3-11.1 LIGHTING

Where a bufferyard is required pursuant to Section B.3-5, outdoor lighting shall be so shielded and oriented as to cast no direct light onto adjacent property.

3-11.2 NOISE

All air handling machinery, dumpsters, compressors or water coolers for nonresidential uses shall be set back a minimum distance of fifty (50) feet from any property line adjacent to residential uses or residentially zoned land.

3-11.3 KEEPING OF CHICKENS, PIGEONS, OR OTHER FOWL (W)

Any shelter, housing, or fencing for chickens, pigeons, or other fowl shall be located a minimum of one hundred and fifty (150) feet from the property line of any adjoining lots or parcels of land, unless a special use permit for the keeping of pigeons has been obtained from the Board of Adjustment in accordance with Section B.6-1.4.

3-11.4 KEEPING OF HORSES, MULES, DONKEYS, GOATS, SHEEP, OR CATTLE (W)

Any shelter, housing, or fencing for horses, mules, donkeys, goats, sheep, or cattle shall be located a minimum of fifty (50) feet from the property line of any adjoining lots or parcels of land, unless a special use permit has been obtained from the Board of Adjustment in accordance with Section B.6-1.4.

Section 2. Chapter B, Article VI – Administration and Amendments is hereby amended as follows:

Article VI - Administration and Amendments

6-1 ADMINISTRATION

6-1.4 BOARD OF ADJUSTMENT

(A) Special Use Permits Authorized by the Board of Adjustment

- (1) **Board of Adjustment Review.** The Board of Adjustment shall review all requests for permits as designated in Table B.2.6 and Section B.2-5.
- (2) **Planning Board Report.** Applications for special use permits may be approved by the Board of Adjustment after such board receives a report from the Planning Board and holds a duly advertised public hearing in each case, except that the Planning Board shall not be required to review and report on applications for:
 - (a) Riding Stables per Table B.2.6;
 - (b) Kennels, Outdoor per Table B.2.6;
 - (c) Shooting Ranges, Outdoor per Table B.2.6;
 - (d) Manufactured Homes Class A, Class B and Class C per Table B.2.6;
 - (e) Expansion or Conversion of a Nonconforming Use per Sections B.5-2.3(B) and B.5-2.4(A);
 - (f) Accessory Uses as follows:
 - (i) Dwelling, Accessory (Detached) per Section B.2-6.4(C);
 - (ii) Separation, Processing, Storage or Wholesale Sale of Materials in LCID's per Section B.2-5.41(N); or
 - (iii) Home Occupations in Rural Areas (GMAs 4 and 5) per Section B.2-6.4(D)(2)(b);
 - (g) Accessory Structures as follows:
 - (i) Exceeding size limits for accessory structures per Section B.3-1.2 (E);
 - (h) Parking reductions for churches per Sections B.2-5.21(D) and B.2-5.22(C);
 - (i) Veterinary Services per Table B.2.6; ~~or,~~
 - (j) Keeping of chickens, pigeons, or other fowl (W) per Section B.3-11.3; ~~or,~~
 - (k) Keeping of horses, mules, donkeys, goats, sheep, or cattle (W) per Section B.3-11.4.

The Planning Board shall submit its report in writing to the Director of Inspections not more than sixty (60) days after receipt of the application in accordance with established review procedures. In reviewing the request, the Planning Board shall review the application to assure compliance with all provisions of this Ordinance. The Planning Board report shall make a finding that the application as submitted either complies with the Ordinance, complies with recommended conditions, or does not comply with the Ordinance. If the Planning Board recommends conditions, the Planning Board shall have the authority to recommend conditions as identified in Section B.6-1.3(A)(1) to reduce impacts associated with the project.

Section 3. This ordinance shall be effective upon adoption.