

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

- A. Public Hearing on Zoning Text Amendment proposed by the City-County Planning Board to amend the UDO to allow the use "Veterinary Services" in the LO Zoning District (UDO-113).
- B. Ordinance amending the Forsyth County Zoning Ordinance

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See Staff Report.

After consideration, the Planning Board recommended approval of the zoning text amendment.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

ACTION REQUEST FORM

DATE: February 18, 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 City-County Planning Board

SUMMARY OF INFORMATION:

Zoning Text Amendment proposed by the City-County Planning Board to amend the UDO to allow the use "Veterinary Services" in the LO Zoning District (UDO-113).

PLANNING BOARD ACTION:

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

STAFF REPORT

DOCKET #: UDO-113

STAFF: Gary Roberts

REQUEST

This UDO text amendment is a proposal by the City-County Planning Board to modify Chapter B, Article II of the *Unified Development Ordinances* to allow Veterinary Services as a permitted use within the LO Limited Office District.

BACKGROUND

During the January 8, 2004 Planning Board hearing of rezoning petition W-2666, staff was requested to draft a text amendment which would permit the use of Veterinary Services within the LO district. The Planning Board also expressed interest in the possibility of creating a separate use category for the treatment of smaller animals. Currently this use is not permitted within any of the office districts and is allowed only as a Planning Board Review (PBR), item within some of the more intensive business districts.

ANALYSIS

Veterinary Services is defined as: "Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals such as grooming, boarding, or selling of pet supplies." In 1986 the issue of Veterinary Services was addressed by the Winston-Salem City Council with the adoption of WT-142. This text amendment, with the exception of excluding certain animals then prohibited within the corporate limits, was essentially kept intact with the adoption of the UDO. Standards regarding setbacks, facility enclosure and building materials, (for noise attenuation), and waste disposal were set in place. The UDO continued the practice of not allowing this use within office districts apparently because of continued concerns regarding noise.

While the LO district does permit some fairly intensive uses such as Banking and Financial Services and Medical and Surgical Offices, it also allows single and multifamily residential uses which may have a higher sensitivity to noise than office or business uses. As requested, staff considered the possibility of creating a veterinary service category which would treat only smaller animals. However, because the potential off site impacts for some smaller animals can equal those of some larger animals, it was decided not to recommend such a distinction.

The traffic generation and associated parking requirements of a veterinary office are measurably less than those of the previously mentioned uses currently allowed in the LO district. Staff views Veterinary Services as generally comparable to other uses currently allowed within the LO district. However, in order to ensure a reasonable level of compatibility with adjacent uses,

which may frequently be of a residential nature, staff recommends utilizing the case by case approach that a Zoning Board of Adjustment use permit would afford. By requiring a Special Use Permit from the Zoning Board of Adjustment rather than a Planning Board Review item, the public is given the opportunity to comment through the public hearing process. Also, the arguments for or against approval have to be based on finding which include the examination of impacts on the adjoining properties. The final decision can therefore be based upon broader considerations of public health, safety and welfare rather than strictly whether or not the request meets the requirements of the UDO. Staff therefore recommends amending the Permitted Use Table of Section 2.6 Chapter B, to include Veterinary Services within the LO district with a Special Use Permit from the Zoning Board of Adjustment and amending Chapter B Article VI to add Veterinary Services to the list of uses that go to the Board of Adjustment without first going to the Planning Board.

RECOMMENDATION: APPROVAL.

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Dara Folan moved approval of the zoning text amendment.

SECOND: John Bost

VOTE:

FOR: Bost, Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

UDO-113
AN ORDINANCE AMENDING
CHAPTER B
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ACCOMMODATE VETERINARY SERVICES WITHIN
THE LIMITED OFFICE (LO) 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 an “A” in the column under the LO classification for the Use Type of Veterinary Services.

Section 2. Chapter B, Article VI, Section 6-1.4(A)(2) is hereby amended as follows:

- "(g) Accessory Structures; ~~or~~,
- (h) Parking reductions for churches; or,
- (i) Veterinary Services.

Section 3. This ordinance shall be effective upon adoption.

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are indicated with an underscore.

UDO-113
AN ORDINANCE AMENDING
CHAPTER B
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ACCOMMODATE VETERINARY SERVICES WITHIN
THE LIMITED OFFICE (LO) 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 an “A” in the column under the LO classification for the Use Type of Veterinary Services.

Section 2. Chapter B, Article VI, Section 6-1.4(A)(2) is hereby amended as follows:

- "(g) Accessory Structures;~~or~~,
- (h) Parking reductions for churches; or,
- (i) Veterinary Services.

Section 3. This ordinance shall be effective upon adoption.

NOTE: Items to be removed are indicated with a ~~strikethrough~~; items to be added are indicated with an underscore.

UDO-113
AN ORDINANCE AMENDING
CHAPTER B
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ACCOMMODATE VETERINARY SERVICES WITHIN
THE LIMITED OFFICE (LO) DISTRICT

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 an “A” in the column under the LO classification for the Use Type of Veterinary Services.

Section 2. Chapter B, Article VI, Section 6-1.4(A)(2) is hereby amended as follows:

- "(g) Accessory Structures; ~~or~~,
- (h) Parking reductions for churches; or,
- (i) Veterinary Services.

Section 3. This ordinance shall be effective upon adoption.

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are indicated with an underscore.

UDO-113
AN ORDINANCE AMENDING
CHAPTER B
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ACCOMMODATE VETERINARY SERVICES WITHIN
THE LIMITED OFFICE (LO) DISTRICT

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 an “A” in the column under the LO classification for the Use Type of Veterinary Services.

Section 2. Chapter B, Article VI, Section 6-1.4(A)(2) is hereby amended as follows:

- "(g) Accessory Structures; ~~or~~,
- (h) Parking reductions for churches; or,
- (i) Veterinary Services.

Section 3. This ordinance shall be effective upon adoption.

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UDO-113
AN ORDINANCE AMENDING
CHAPTER B
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ACCOMMODATE VETERINARY SERVICES WITHIN
THE LIMITED OFFICE (LO) DISTRICT

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 an “A” in the column under the LO classification for the Use Type of Veterinary Services.

Section 2. Chapter B, Article VI, Section 6-1.4(A)(2) is hereby amended as follows:

- "(g) Accessory Structures; ~~or~~,
- (h) Parking reductions for churches; or,
- (i) Veterinary Services.

Section 3. This ordinance shall be effective upon adoption.

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are indicated with an underscore.

UDO-113
AN ORDINANCE AMENDING
CHAPTER B
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ACCOMMODATE VETERINARY SERVICES WITHIN
THE LIMITED OFFICE (LO) 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 an “A” in the column under the LO classification for the Use Type of Veterinary Services.

Section 2. Chapter B, Article VI, Section 6-1.4(A)(2) is hereby amended as follows:

- "(g) Accessory Structures; ~~or~~,
- (h) Parking reductions for churches; or,
- (i) Veterinary Services.

Section 3. This ordinance shall be effective upon adoption.

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are indicated with an underscore.