

November 16, 2001

Margaret Leinbach Kolb and Lucy D. Zantout
897 Buttonwood Drive
Winston-Salem, NC 27104

RE: ZONING TEXT AMENDMENT UDO-80

Dear Ms. Kolb and Ms. Zantout:

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

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 Aldermen 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:-

Request for Public Hearing on zoning text amendment regarding Riding Stables.

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning text amendment proposed by Margaret Leinbach Kolb and Lucy D. Zantout to amend the UDO to allow for non-profit therapeutic riding stables (UDO-80).

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

ACTION REQUEST FORM

DATE: November 16, 2001
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning text amendment regarding Riding Stables.

SUMMARY OF INFORMATION:

Zoning text amendment proposed by Margaret Leinbach Kolb and Lucy D. Zantout to amend the UDO to allow for non-profit therapeutic riding stables (UDO-80).

PLANNING BOARD ACTION:

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

STAFF REPORT

DOCKET #: UDO-80

STAFF: Gary Roberts

REQUEST

Text amendment to the *Unified Development Ordinances* (UDO) to revise Table 2.6 "Permitted Uses" and Section 2-5.61 "Use Conditions", regarding Riding Stables in single family residential districts in the City of Winston-Salem and the Village of Clemmons.

BACKGROUND

The subject text was submitted by Margaret L. Kolb and Lucy K. Zantout. The specific intent of the petitioners request would be to accommodate the operation of a non-profit, therapeutic riding stable for elementary school age children from dysfunctional families and children with special needs. This facility would be located on the applicants property which is within the city limits of Winston-Salem and currently zoned RS-9.

At present, Riding Stables are permitted in the YR, AG, RS-40, RS-30, RS-20, HB and MU-S districts in Forsyth County, Kernersville and Lewisville, (F,K,L). In Winston-Salem and Clemmons this use is only permitted in the HB and MU-S districts. In all of the districts except MU-S, a Special Use Permit is required from the Board of Adjustment.

In 1996, the UDO was amended to prohibit Riding Stables in Growth Management Areas 1, 2, and 3, (UDO-16). The intent was to assure that permitted uses in RS-20, RS-30 and RS-40 in the City would be the same as in RS-9 and the other smaller lot RS zones. While staff supported this amendment, the report noted that the use may be compatible in some areas of the City if the five-acre minimum requirement could be met.

Shortly thereafter UDO-17 was approved which allowed riding stables as an accessory use in new subdivisions where the use can be incorporated into the master plan of a site.

Planning staff has now received an application for a UDO text amendment which would allow "non-profit, therapeutic riding stables", within the RS-9 district and inside the Winston-Salem city limits. While staff initially deliberated with the concept of creating a new UDO use category to specifically address this request, from an overall ordinance perspective, staff recommends that a more comprehensive approach be taken that might accommodate other situations.

Specifically, staff recommends allowing Riding Stables to be permitted in the City of Winston-Salem and the Village of Clemmons, within the same zoning districts and with the same conditions as that of Forsyth County, Kernersville and Lewisville. This approach would not only avoid further fragmentation of the UDO but minimize any potential administrative and enforcement impediments associated with this use.

It should be noted that in order to operate the above mentioned facility and provided the subject request is adopted, the petitioner would still need to seek rezoning from RS-9 to RS-20 and apply for a special use permit from the Zoning Board of Adjustment.

ANALYSIS

The expansion of Riding Stables into the larger lot districts within the corporate limits of Winston-Salem does not appear to pose any significant negative implications. Staff views this recreational use as having comparable and potentially less impact on the surrounding area as other non-residential uses currently permitted in residential zones such as golf courses, public schools and community churches.

The proposed amendment would keep intact the current Board of Adjustment approval mechanism along with the five acre minimum lot size and 100-150 foot setback requirements. Staff sees these measures as providing adequate public review and protection prior to final approval. In addition, because of the geographical characteristics of some properties which may qualify for this use, the subject text amendment would indirectly support a *Legacy* goal of preserving open space and rural character.

RECOMMENDATION

Staff recommends **APPROVAL**.

David Reed presented the staff report.

PUBLIC HEARING

FOR:

William Carpenter, 2700 Beta Street, Winston-Salem, NC

What about for less than five acres? What if you just have show horses at your home? David Reed answered that personal use would not be considered a riding stable.

AGAINST: None

WORK SESSION

MOTION: Arnold King moved approval of the zoning text amendment.

SECOND: Terry Powell

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Norwood, Powell, Schroeder, Snelgrove

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

UDO-80
AN ORDINANCE AMENDING
CHAPTER B OF THE
UNIFIED DEVELOPMENT ORDINANCES
PERTAINING TO RIDING STABLES

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, Section 2-4 Permitted Uses, Table 2.6 by deleting the line "Riding Stable (W,C)" and removing "(F,K,L)" from the line "Riding Stable (F,K,L)".

Section 2. Chapter B, Section 2-5.61 Use Conditions for "Riding Stable, Including Veterinarian Services for Equine Species and Cattle" is revised by deleting subsection (A) as follows:

"Riding stables shall not be permitted as a principal or accessory use in RS Districts in Growth Management Areas 1, 2, and 3."

Section 2-5.61 is further revised by inserting a new subsection (A) with the following wording:

"Riding stables shall not be permitted as a principal or accessory use in RS Districts in Growth Management Areas 1 and 2."

Section 3. The ordinance shall be effective upon adoption.

UDO-80
AN ORDINANCE AMENDING
CHAPTER B OF THE
UNIFIED DEVELOPMENT ORDINANCES
PERTAINING TO RIDING STABLES

Be it ordained by the Board of Aldermen of the City of Winston-Salem, North Carolina that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B, Section 2-4 Permitted Uses, Table 2.6 by deleting the line "Riding Stable (W,C)" and removing "(F,K,L)" from the line "Riding Stable (F,K,L)".

Section 2. Chapter B, Section 2-5.61 Use Conditions for "Riding Stable, Including Veterinarian Services for Equine Species and Cattle" is revised by deleting subsection (A) as follows:

"Riding stables shall not be permitted as a principal or accessory use in RS Districts in Growth Management Areas 1, 2, and 3."

Section 2-5.61 is further revised by inserting a new subsection (A) with the following wording:

"Riding stables shall not be permitted as a principal or accessory use in RS Districts in Growth Management Areas 1 and 2."

Section 3. The ordinance shall be effective upon adoption.

UDO-80
AN ORDINANCE AMENDING
CHAPTER B OF THE
UNIFIED DEVELOPMENT ORDINANCES
PERTAINING TO RIDING STABLES

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, Section 2-4 Permitted Uses, Table 2.6 by deleting the line "Riding Stable (W,C)" and removing "(F,K,L)" from the line "Riding Stable (F,K,L)".

Section 2. Chapter B, Section 2-5.61 Use Conditions for "Riding Stable, Including Veterinarian Services for Equine Species and Cattle" is revised by deleting subsection (A) as follows:

"Riding stables shall not be permitted as a principal or accessory use in RS Districts in Growth Management Areas 1, 2, and 3."

Section 2-5.61 is further revised by inserting a new subsection (A) with the following wording:

"Riding stables shall not be permitted as a principal or accessory use in RS Districts in Growth Management Areas 1 and 2."

Section 3. The ordinance shall be effective upon adoption.

UDO-80
AN ORDINANCE AMENDING
CHAPTER B OF THE
UNIFIED DEVELOPMENT ORDINANCES
PERTAINING TO RIDING STABLES

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, Section 2-4 Permitted Uses, Table 2.6 by deleting the line "Riding Stable (W,C)" and removing "(F,K,L)" from the line "Riding Stable (F,K,L)".

Section 2. Chapter B, Section 2-5.61 Use Conditions for "Riding Stable, Including Veterinarian Services for Equine Species and Cattle" is revised by deleting subsection (A) as follows:

"Riding stables shall not be permitted as a principal or accessory use in RS Districts in Growth Management Areas 1, 2, and 3."

Section 2-5.61 is further revised by inserting a new subsection (A) with the following wording:

"Riding stables shall not be permitted as a principal or accessory use in RS Districts in Growth Management Areas 1 and 2."

Section 3. The ordinance shall be effective upon adoption.

UDO-80
AN ORDINANCE AMENDING
CHAPTER B OF THE
UNIFIED DEVELOPMENT ORDINANCES
PERTAINING TO RIDING STABLES

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, Section 2-4 Permitted Uses, Table 2.6 by deleting the line "Riding Stable (W,C)" and removing "(F,K,L)" from the line "Riding Stable (F,K,L)".

Section 2. Chapter B, Section 2-5.61 Use Conditions for "Riding Stable, Including Veterinarian Services for Equine Species and Cattle" is revised by deleting subsection (A) as follows:

"Riding stables shall not be permitted as a principal or accessory use in RS Districts in Growth Management Areas 1, 2, and 3."

Section 2-5.61 is further revised by inserting a new subsection (A) with the following wording:

"Riding stables shall not be permitted as a principal or accessory use in RS Districts in Growth Management Areas 1 and 2."

Section 3. The ordinance shall be effective upon adoption.