

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

DOCKET: UDO-CC19
STAFF: [Elizabeth Colver](#)

REQUEST

Planning and Development Services staff are proposing amending Chapter 9 (Nonconformities) of the *Unified Development Ordinances* to revise off-street parking requirements for restaurant uses in nonresidential buildings constructed prior to March 7, 1988 in the City of Winston-Salem and September 16, 1968 in unincorporated Forsyth County (UDO-CC19), within GMA 1 (City/Town Centers) and GMA 2 (Urban Neighborhoods).

BACKGROUND

In 2006, City Council and the County Commissioners approved regulations providing greater flexibility for changes of use within older nonresidential buildings (UDO-160). These provisions allowed changes of use to take place in buildings constructed prior to 1968 (County) and 1988 (City) without triggering current parking requirements, as long as any existing parking on-site was retained. However, restaurant uses and electronic sweepstakes operations were excluded from this provision – such uses would either need to meet current UDO parking requirements, or seek an exemption from these requirements via the elected body Special Use Permit process.

Such uses were excluded from the parking provisions for older urban buildings due to a concern that they could generate a significant amount of parking that, in the absence of adequate on-site spaces, could spill over onto adjoining neighborhood streets. However, in the 16 years since these standards have been in place, staff is unaware of any Special Use Permits for restaurant parking exceptions that have been denied by the elected body, and is similarly unaware of any situations where such restaurants have created a significant negative impact on surrounding neighborhoods. Based on these factors, staff is proposing eliminating the requirement for an Elected Body SUP for restaurants in older buildings in GMA 1 and 2 that do not meet current parking requirements.

ANALYSIS

Many businesses in GMA 1 and 2 are located in older structures which are nonconforming to off-street parking requirements. Prior to the adoption of UDO-160, many of these structures sat vacant due to parking requirements, as they were developed prior to the time when commercial sites were designed to accommodate significant parking on-site. Older sites were designed to be pedestrian-oriented and were located within a short walk of surrounding neighborhoods. Problems arose when modern parking requirements were applied to such sites. UDO-160 has helped promote the re-use of existing commercial sites in the urban core, in accordance with *Legacy* principles.

Since 2006, only seven elected body SUPs (all within Winston-Salem) have been requested for restaurant parking exemptions, and all were approved. Four of these exemptions were approved since August of 2020, showing an increased interest in reusing commercial sites within the City's urban core.

The proposed text amendment revises Sections 9.4.3 E and F of the UDO to remove the requirement for an approved Elected Body SUP for a reduction in required off-street parking for restaurant uses in older commercial buildings. Restaurants would be allowed in such buildings as long as any existing parking on-site is retained.

Staff believes the proposed amendment will simplify the approval process for applicants wishing to establish restaurant uses in GMAs 1 and 2, and will create additional opportunities for adaptive reuse of existing structures. Staff does not anticipate any significant negative effects on surrounding residential neighborhoods as a result of this change.

RECOMMENDATION: Approval