

ACTION REQUEST FORM

DATE: May 23, 2012
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on a UDO Text Amendment proposed by City-County Planning Board staff

SUMMARY OF INFORMATION:

A UDO Text Amendment proposed by City-County Planning Board staff to amend various sections of the *Unified Development Ordinances* to provide non-substantive changes and clarifications. (UDO-231).

PLANNING BOARD ACTION:

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

STAFF REPORT

DOCKET # UDO-231
STAFF: Aaron King

REQUEST

A UDO Text Amendment proposed by City-County Planning Board staff to amend various sections of the *Unified Development Ordinances* to provide non-substantive changes and clarifications.

BACKGROUND

Since the adoption of the UDO, several clean-up text amendments have been presented to the Planning Board. These amendments address conflicts or practical difficulties discovered by City-County staff through daily use of the ordinance. The changes in this text amendment have been collected over the past year with the intent of being presented as one unified text amendment. These modifications do not substantively change the ordinance, but improve its clarity and remove conflicting or outdated regulatory language.

ANALYSIS

The analysis below provides a summary of the clarifications proposed in this text amendment.

Flag Lots

This section deals with flag lots stacked behind each other and requires an approved minor subdivision exception from the Planning Board to be granted for such action to occur. The existing wording reads that the minor subdivision exception “shall be approved,” which some may infer that the Planning Board is obligated to grant the exception. Staff proposes the revised language of “is required” to properly describe the approval process for the City jurisdiction. This revised language is also consistent with the language used in the matching County section. (See Section II of ordinance)

Projecting Signs

In discussions with downtown stakeholders, staff was made aware of conflicting provisions regarding projecting signs. Projecting signs are attached to a building and extend outward off of the building façade. One existing UDO section [3-2.1(I)(8)(b)(ii)] limits projecting signs to no more than three (3) feet from the building wall. Another existing UDO section [3-2.1(I)(6)] allows projecting signs to extend no closer than two (2) feet from the curb-line of a public street, provided that an encroachment agreement is approved by the City of Winston-Salem or NCDOT. This text amendment proposes to remove the section that limits projecting signage from extending more than three (3) feet from the building wall. Staff believes the remaining provision would still provide a reasonable regulation for projecting signs but also allow for additional creativity, especially in downtown Winston-Salem. (See Section I & II of ordinance)

Parking Requirements – Academic Medical Center

The use Academic Medical Center is an existing use in the UDO; however, when the use was created, no associated parking requirements were added to the UDO. Currently, the only Academic Medical Center in the County is Wake Forest Baptist Medical Center. In order to demonstrate their parking needs are being adequately addressed, they have historically provided a parking study to the Inspections Department. Based on the variety and timing of activities taking place on such a campus, that it is difficult to calculate an accurate parking ratio. Staff believes that the parking study provides the most reasonable option for addressing parking issues. (See Section II of ordinance)

Parking – Outdoor Seating for Restaurants

When staff was researching and creating the commercial infill standards which provide more flexibility to sites in the Urban Neighborhoods Growth Management Area (GMA 2), a provision was included to relax the parking requirements for outdoor dining areas. While outdoor dining can add life to an existing streetscape, it also requires the owner to provide parking based on the square footage of the outdoor dining area and a subsequent UDO amendment was approved granting the reduction. Staff felt that a reduced parking ratio for restaurants with outdoor dining in GMA 2 was warranted. Since staff was specifically focusing on GMA 2, the reduced parking rate was not offered in the City/Town Centers Growth Management Area (GMA 1). This text amendment proposes to extend the same reduced parking ratio to restaurants located in GMA 1. The Central Business (CB) zoning district for the core of downtown continues to have no parking requirements for all uses, including restaurants. (See Section II of ordinance)

Landscaping – Suggested Plant Materials

The UDO requires evergreen shrubs to be planted within streetyards in order to screen parking areas from adjacent public right-of-ways. The UDO contains a list of suggested plant materials that can be used to meet the evergreen shrub planting requirements. This list does not preclude other acceptable evergreen shrubs from being used, it simply suggests evergreen plants that can be used to meet said requirement. Two entries on that list: azaleas and ornamental grass varieties have proved ineffective in producing the screening effects intended by this requirement. This text amendment proposes to remove both entries from the list of suggested plant materials because they do not produce the results that were intended by requiring evergreen shrubs within the streetyard. (See Section II of ordinance)

Fees for Notification Letters

Before the UDO was adopted in 1995, the prior zoning ordinance contained very specific fee amounts for rezoning cases. Each time a fee was changed, it required a text amendment to make said change. When the UDO was adopted in 1995, all specific references to fees were removed and left in the fee schedule that is adopted by the City and County. One remaining reference from the pre-UDO days is the \$5 per letter fee that was charged to cover the cost of mailing letters to adjoining property owners. That charge is now (and has been since 1995) lumped into the one zoning submittal fee paid by the applicant. This text amendment would remove this outdated reference from the UDO as it is no longer relevant. (See Section III of ordinance)

Limits on Re-submittal

When the UDO was adopted in 1995, a provision was included that dealt with the limits on re-submittal for denied petitions. This provision was specifically directed to the conversion between pre-UDO zoning districts and the adopted UDO zoning districts. The provision had a sunset clause of December 31, 1996. Since this provision is no longer applicable, this text amendment proposes to eliminate this expired language. (See Section III of ordinance)

RECOMMENDATION

APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-231
MAY 10, 2012**

Aaron King presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning text amendment.

SECOND: Paul Mullican

VOTE:

FOR: Wesley Curtis, Arnold King, Clarence Lambe, Darryl Little, Barry Lyons, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None



A. Paul Norby, FAICP
Director of Planning

UDO-231
**A UDO TEXT AMENDMENT PROPOSED BY CITY-COUNTY PLANNING BOARD
STAFF TO AMEND VARIOUS SECTIONS OF THE *UNIFIED DEVELOPMENT
ORDINANCES* TO PROVIDE NON-SUBSTANTIVE CHANGES AND
CLARIFICATIONS.**

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 A, Article II of the UDO is amended as follows:

Chapter A – Definitions Ordinance
Article II – Definitions

Sign, Projecting. (W) An on-premises attached sign end-mounted or otherwise attached to an exterior wall of a building, ~~and which projects not more than three (3) feet from the wall to which it is attached.~~

Section 2. Chapter B, Article III of the UDO is amended as follows:

Chapter B - Zoning Ordinance
Article III – Other Development Standards

3-1 DIMENSIONAL REQUIREMENTS

3-1.1 GENERAL REQUIREMENTS

(Q) Flag Lots

- (1) Frontage and Width.** Flag lots must have at least twenty-five (25) feet of frontage on a street or private access easement. The “pole” of the flag lot from the frontage of the lot to the buildable area of the lot must be a minimum of twenty-five (25) feet in width along its entire length;
- (2) Lot Area and Yard Calculations.** The pole may not be used for the front setback, lot area, or yard calculation of the flag lot or any other lot;
- (3) Multiple Flag Lots (F).** If more than one flag lot is proposed to the rear of another lot or stacked off the street, a special use permit from the Board of Adjustment is required.

Multiple Flag Lots (W). If more than one flag lot is proposed to the rear of another lot or stacked off the street, a minor subdivision exception ~~shall be approved~~ is required per Section D.3.(E);

- (4) **Setback, Front.** The front setback for a flag lot shall be measured from the line closest to the buildable area and running most parallel with the street. The area of the pole may not be used to measure the front setback.

3-2 SIGN REGULATIONS

3-2.1 SIGN REGULATIONS (W)

(I) On-Premises Attached Signs

(8) Additional Requirements for Specific Types of Attached Signs

(b) Projecting Sign

- (ii) ~~Projection.—A projecting sign shall not extend horizontally more than three (3) feet beyond the surface to which the sign is attached and no more than one and a half (1.5) feet into a public right-of-way.—Reserved.~~

3-3 PARKING, STACKING, AND LOADING AREAS

3-3.2 OFF-STREET PARKING REQUIREMENTS

Table B.3.8 PARKING REQUIREMENTS		
INSTITUTIONAL AND PUBLIC USES		
<i>PRINCIPAL USES</i>	<i>MINIMUM REQUIREMENTS</i>	<i>NOTES</i>
Academic Biomedical Research Facility	1 space per 1,150 SF GFA* of Laboratory or Office Space	
<u>Academic Medical Center</u>	<u>Provide parking study to Inspections Department</u>	

(B) Computing Parking Requirements

- (6) **Outdoor Seating. (W)** Required parking for outdoor seating associated with the uses “Restaurant (Without Drive-Through Service)” and “Restaurant (With Drive-Through Service)” in GMA 1 and GMA 2 shall be calculated at twenty-five percent (25%) of the rate in Table B.3.8 until outdoor seating area equals twenty percent (20%) of the indoor gross floor area. Required parking for outdoor seating beyond this amount shall be calculated at the rate in Table B.3.8.

3-4 LANDSCAPING AND TREE PRESERVATION STANDARDS (W)

3-4.10 SUGGESTED PLANT MATERIALS LIST (W)

(D) **Streetyard and Interior Shrubs** (mature height: approximately thirty-six (36) inches):

(1) **Supplemental Evergreen Shrubs.**

Warty Barberry	<i>Berberis verruculosa</i>
Dwarf Burford Holly	<i>Ilex cornuta "Burfordii" nana</i>
Japanese Holly (var.)	<i>Ilex crenata (var.)</i>
Azalea (var.)	<i>Azalea sp.</i>
Mugo Pine	<i>Pinus mugo</i>
Juniper (var.)	<i>Juniperus sp.</i>
Euonymous (var.)	<i>Euonymous sp.</i>
Leatherleaf Viburnum	<i>Viburnum rhytidophyllum</i>

(2) **Deciduous.**

Forsythia	<i>Forsythia sp.</i>
Dwarf Burning Bush	<i>Euonymous alatus "Compacta"</i>
Thunberg Spirea	<i>Spirea thunbergi</i>
Viburnum (var.)	<i>Viburnum sp.</i>
Oakleaf Hydrangea	<i>Hydrangea quercifolia</i>
Japanese Flowering Quince	<i>Chaenomeles japonica</i>
Potentilla	<i>Potentilla fruticosa</i>
Ornamental Grass Varieties	
Oregonholly Grape	<i>Mahonia bealei</i>
Nandina	<i>Nandina domestica</i>
Dwarf Nandina	<i>Nandina domestica nana</i>

3-4 LANDSCAPING STANDARDS (F)

3-4.10 SUGGESTED PLANT MATERIALS LIST (F)

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Nandina	<i>Nandina domestica</i>
Dwarf Nandina	<i>Nandina domestica nana</i>

Section 3. Chapter B, Article IV of the UDO is amended as follows:

Chapter B - Zoning Ordinance

Article VI– Administration and Amendments

6-2 ORDINANCE AMENDMENTS: ZONING TEXT AND OFFICIAL ZONING MAPS

6-2.1 GENERAL USE DISTRICTS

(H) Fees for Notification

~~In addition to filing and sign posting fees, a fee of five dollars (\$5.00) for each owner indicated above will be charged to the petitioner to defray the costs of the research, preparation, and mailing of a notice of the pending zoning classification action to each. Reserved.~~

(Q) Limits on Resubmittal

- (1) **Previous Denial.** In the event that a petition to amend the text or the zoning maps is denied by the Elected Body, a period of two (2) years must elapse before another petition for the same kind of change in the regulations or for the same zoning classification of land previously involved may be submitted. Further, a period of one year must elapse before a new petition for any change in zoning classification of land previously involved may be submitted. Such one year or two (2) year period shall be measured from the date of acceptance of the previous

petition by the Planning Board for the change in regulations or in the classification of the land. The limitations on the filing of new petitions in this subparagraph shall not preclude the filing by a property owner or the acceptance of a new petition from a property owner within the one year or two (2) year waiting periods following the filing of a petition by a petitioner other than the owner of the property affected, if the owner of such property opposed rezoning at a public hearing before the Planning Board or expressed opposition to the proposed rezoning in writing to the Planning Board prior to such public hearing. ~~Prior to December 31, 1996, with respect to denied petitions which requested a zoning map amendment to a zoning classification under the old zoning ordinance, whether the zoning classification under the *Unified Development Ordinances* is the same classification under the old zoning ordinance shall be determined by reference to the Table of Corresponding Zoning Districts in the Appendix, incorporated herein by reference.~~

Section 4. This ordinance shall be effective upon adoption.