



September 21, 2011

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HD Development of Maryland, Inc.  
Attn: Real Estate Law  
c/o Gloria Robinson  
2455 Paces Ferry Road #C-20  
Atlanta, GA 30339


RE: ZONING TEXT AMENDMENT UDO-225

Dear Ms. Robinson:

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

When the text amendment is scheduled for public hearing, you will be notified by the Clerk to the County Commissioners and the City Secretary, of the date on which the Commissioners and City Council will hear this petition.

Sincerely,



A. Paul Norby, FAICP  
Director of Planning

Attachment

pc: County Clerk, County Manager's Office  
City Secretary



> request a service > report a problem  
> make a suggestion

**City Council:** Mayor Allen Joiner; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; Molly Leighr, South Ward; Wanda Merschel, Northwest Ward; Derwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

**Forsyth County Commissioners:** David R. Plyler, Chairman; Debra Conrad, Vice Chair; Richard V. Linville; Walter Marshall; Gloria D. Whisenhunt; Bill Whiteheart; Everette Witherspoon; County Manager: Dudley Watts, Jr.

**City-County Planning Board:** Arnold G. King, Chair; L. Wesley Curtis, Jr., AIA, Vice-Chair; Clarence R. Lamb, Jr.; Darryl Little; Barry A. Lyons; Lynne Mitchell; Paul W. Mullican; Brenda J. Smith; Allan Younger

**ACTION REQUEST FORM**

**DATE:** September 21, 2011  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Text Amendment proposed by HD Development of Maryland, Inc.

**SUMMARY OF INFORMATION:**

UDO Text Amendment proposed by HD Development of Maryland, Inc. to amend Chapter B of the *Unified Development Ordinances* to revise use conditions for Retail Store relating to outdoor display of merchandise. (UDO-225).

**PLANNING BOARD ACTION:**

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

## STAFF REPORT

**DOCKET #** UDO-225  
**STAFF:** David Reed

### REQUEST

This text amendment is proposed by HD Development of Maryland, Inc. to amend Chapter B of the *Unified Development Ordinances* to amend the use conditions for Retail Store.

### BACKGROUND

The UDO currently provides for up to 7,500 square feet of Outdoor Display Areas accessory to the Retail Store use. The regulation allows for ten percent of the gross square footage of the building for buildings up to 75,000 square feet in size but larger buildings are limited to 7,500 square feet rather than a full ten percent. Since 2004, all of the new single tenant retail stores over 75,000 square feet in size have been approved under the MRB-S zoning district which has its own standards. The MRB-S district requires any outdoor retail be designed into the building and site. This proposed text amendment does not change or affect the MRB-S standards.

### ANALYSIS

The proposed ordinance allows for an equitable amount of outdoor sales area for existing single tenant retail stores that are between 75,000 and 100,000 square feet in size but are not zoned MRB-S. All of the other standards for Outdoor Display of Merchandise would still apply. Because there is a finite number of large single-tenant retail uses that do not fall under the MRB-S requirements, allowing 10 percent for those between 75,000 and 100,000 square feet is an equitable standard that should not have any significant negative consequences.

### RECOMMENDATION

### APPROVAL.

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR UDO-225  
SEPTEMBER 8, 2011**

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Paul Mullican moved approval of the zoning text amendment.

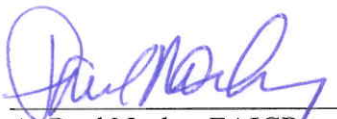
SECOND: Lynne Mitchell

VOTE:

FOR: Wesley Curtis, Arnold King, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

  
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A. Paul Norby, FAICP  
Director of Planning

UDO-225

AN ORDINANCE PROPOSED BY HD DEVELOPMENT OF MARYLAND, INC.  
AMENDING CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES* (UDO)  
TO AMEND THE USE CONDITIONS FOR RETAIL STORE

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 II of the UDO is amended as follows:

**Chapter B - Zoning Ordinance**  
**Article II – Zoning Districts, Official Zoning Maps and**  
**Uses**

**2-5 USE CONDITIONS**

**2-5.66 Retail Store**

- (A) Outdoor Display of Merchandise
- (1) Location. Outdoor display areas may not be located in parking areas, required landscape areas or on sidewalks. All outdoor display areas must be shown on the approved site plan.
  - (2) Size. Outdoor display areas may not exceed ten percent (10%) of the gross square footage of the building/tenant space or ~~seven thousand five hundred (7,500)~~ ten thousand (10,000) square feet, whichever is less.
  - (3) Setbacks. Outdoor display areas must meet the required setbacks for the underlying zoning district.
  - (4) Screening. For any outdoor display area located between the front wall of the building, extended to the side property lines, a ten (10) foot wide streetyard must be installed between the street and outdoor display area.
  - (5) Parking. Parking for the outdoor display area is calculated using the parking standard for the retail store use.

**Section 2.** This ordinance shall be effective upon adoption.