

ACTION REQUEST FORM

DATE: July 25, 2007
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 City-County Planning Staff

SUMMARY OF INFORMATION:

Zoning Text Amendment proposed by City-County Planning Staff to amend Chapter B of the *Unified Development Ordinances* to add the use "Health Services, Miscellaneous" to the Table of Permitted uses for the MU-S Zoning District (UDO-176).

PLANNING BOARD ACTION:

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

STAFF REPORT

DOCKET # UDO-176
STAFF: Kirk Ericson

REQUEST

This UDO text amendment is proposed by City-County Planning Board staff to amend Chapter B, Article II of the Unified Development Ordinances to revise the permitted use table for the MU-S Zoning District by adding the use “Health Services, Miscellaneous” as a use permitted with the approval of a zoning officer.

BACKGROUND

The MU-S district is intended to accommodate compact, pedestrian oriented mixed-use development in accordance with the recommendations of *Legacy*. MU-S projects must consist of at least three distinct, compatible uses. Accordingly, many diverse uses are permitted in this zoning district. It was the intent of staff to include the use “Health Services, Miscellaneous” in the permitted use table for the MU-S district when the district was created with the adoption of the UDO in 1995. Staff believed that this use was a permitted use in the MU-S district until discovering otherwise during a recent pre-application meeting with a petitioner. At this time, staff discovered that a recently approved MU-S rezoning had included “Health Services, Miscellaneous” as one of the permitted uses even though this use is not permitted in the MU-S district.

ANALYSIS

Staff proposes adding the use “Health Services, Miscellaneous” to the permitted use table for the MU-S district as a use permitted with the approval of a zoning officer. Adding this use will remedy the error in the previously mentioned zoning case and will increase the flexibility of the MU-S district in implementing the concepts of *Legacy*. This use has minimal impacts on adjacent properties and is compatible with other uses in the MU-S zoning district as well as the district purpose statement.

RECOMMENDATION

APPROVAL

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

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

SECOND: Jerry Clark

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

UDO-176
AN ORDINANCE AMENDING
CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ADD THE USE HEALTH SERVICES, MISCELLANEOUS
TO THE PERMITTED USE TABLE FOR THE MU-S 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 - Zoning Ordinance, Article II – Zoning Districts, *Official Zoning Maps*, and Uses is amended as follows:

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

2-4 PERMITTED USES

2-4.1 TABLE B.2.6

Table B.2.6 displays the principal uses allowed in each zoning district and references use conditions. Table B.2.6 should be read in conjunction with the definitions of principal uses and other terms in Section A.2. Land, buildings, and structures shall only be used in accordance with the districts shown on the *Official Zoning Maps*, and subject to all requirements and conditions specified in this Ordinance.

Said table is amended by adding a “Z” under the following use for the MU-S Zoning District:

Health Services, Miscellaneous

Section 2. This ordinance shall be effective upon adoption.