

ACTION REQUEST FORM

DATE: September 14, 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, Articles II and III, of the *Unified Development Ordinances* to add the uses "Services, Business A" and "Museum or Art Gallery" to the Table of Permitted Uses for the NB Zoning District and allow On-Street Parking Spaces to be Credited for Projects within the NB Zoning District (UDO-177).

PLANNING BOARD ACTION:

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

STAFF REPORT

DOCKET # UDO-177

STAFF: Gary Roberts, AICP

REQUEST

This UDO text amendment is proposed by the City-County Planning Board staff to amend Chapter B, Article II of the UDO by modifying section 2-4.1 to allow Services, Business A and Museum or Art Gallery as a permitted use within the NB Neighborhood Business District and to add the NB District to Section B.3-3.5 (M).

BACKGROUND

In working with the petitioners of a recent rezoning request, Planning staff observed the uses of Services, Business A and Museum or Art Gallery are currently not allowed in the NB District. In addition, the use of on-street parking as a means of complying with the parking requirements, is currently not an option for the NB District. As per UDO 134, this is an option for the PB, LB-S, MU-S, all Multifamily Residential Districts and Planned Residential Developments.

ANALYSIS

The first part of the subject request would add the uses of Services, Business A and Museum or Art Gallery to the NB Neighborhood Business District. Services, Business A is defined as:

An establishment primarily engaged in providing a service(s) to businesses and to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed buildings. Business Services A includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

- 733 Mailing, Reproduction, Commercial Art and Photography
- 735 Equipment Rental and Leasing (only with inside storage of equipment)
- 737 Computer Programming, Data Processing and other Computer Related Services (Except Computer Programming, 7371; Prepackaged Software, 7372; and, Computer System Design, 7373)
- 738 Miscellaneous Business Services
- 7699 Uses from SIC 7699 primarily engaged in providing repair and other services to businesses and to a lesser extent, individuals, that by the nature of their operation have little impact on adjoining property due to noise, odor, vibration, and/or air or water pollution. All repair items and supplies are stored in enclosed buildings. These uses include repair of small or precision equipment, such as medical, dental laboratory or drafting equipment.

Museum or Art Gallery is defined as:

MUSEUM OR ART GALLERY. A structure used for the display and preservation of paintings, sculpture, and other constructed or natural objects illustrating human or natural history. This definition includes all uses in the following SIC group:

- 84 Museums, Botanical, Zoological Gardens

The purpose statement of the NB District is as follows: The NB District is primarily intended to accommodate very low intensity office, retail, and personal service uses close to or within residential areas. The district is established to provide convenient locations for businesses which serve the everyday household needs of nearby residents without disrupting the character of the neighborhood. The district is not intended to accommodate retail uses which attract customers from outside the neighborhood or which primarily cater to motorists. This district is intended for application in Growth Management Areas 2, 3, 4, and 5.

Currently, some of the more intensive uses permitted in the NB District include: Convenience Store; Food or Drug Store; Medical or Surgical Offices; and Motor Vehicle, Repair and Maintenance. Although there is a 2,500 sf maximum building size limitation for these uses, Planning staff does not see that the proposed uses of Services, Business A and Museum or Art Gallery would have any greater impact on neighboring properties than the above mentioned uses. Allowing a broader mixture of uses, in some contexts, is consistent with the general principles of *Legacy*. Listed below for general information purposes are the permitted uses within the NB District.

Staff also supports the allowance of on-street parking to meet some of the parking requirements in the NB District. UDO 134, which was adopted by the governing bodies of the City of Winston-Salem and Forsyth County in 2005, expanded the previously existing on-street parking provisions to include all multifamily residential developments. This provision allows the for the opportunity to more efficiently utilize a site by reducing the amount of land dedicated to surface parking lots, as well as providing a simple means of traffic calming. As is noted currently in the ordinance, any such parking must be approved by the Director of Public Works for the City of Winston-Salem or the North Carolina Department of Transportation, whichever is applicable.

RECOMMENDATION: APPROVAL

NB Neighborhood Business District Permitted Uses:

Access Easement, Private Off-Site; Adult Day Care Center; Adult Day Care Home; Agricultural Production, Crops (F); Agricultural Production, Livestock (F); Arts & Crafts Studio; Banking and Financial Services; Bed and Breakfast; Borrow Site; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Child Day Care; Large Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Combined Use; Convenience Store; Dirt Storage; Food or Drug Store; Government Offices; Hardware Store; Landfill, Land Clearing/Inert Debris (W); Landfill, Land Clearing/Inert Debris, 2 Acres or Less (F); Library, Public; Limited Campus Uses; Medical and Surgical Offices; Motor Vehicle, Repair & Maintenance; Neighborhood Organization; Park and Shuttle Lot; Police or Fire Station; Professional Office; Recreation Facility, Public; Residential Building, Single Family; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Services, Personal; Utilities; Veterinary Services

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Jerry Clark moved approval of the zoning text amendment.

SECOND: Carol Eickmeyer

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

UDO-177
AN ORDINANCE AMENDING
CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ADD SERVICES, BUSINESS A AND MUSEUM OR ART GALLERY
TO THE NB DISTRICT AND
TO ADD THE NB DISTRICT TO SECTION B.3-3.5 (M)
REGARDING ON-STREET PARKING

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:

2-1 ZONING DISTRICTS

2-1.3 COMMERCIAL ZONING DISTRICTS - PURPOSE STATEMENTS AND REGULATIONS

(E) NB Neighborhood Business District.

- (3) Supplementary District Requirements.** Minimum lot sizes for single family residences must meet the requirements of Table B.3.4. Other supplemental district requirements are:

- (l) On-Street Parking. Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with Section B.3-3.5(M).

Section 2. Chapter B - Zoning Ordinance, Article II – Zoning Districts, *Official Zoning Maps*, and Uses is amended as follows:

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” for the following uses under the NB Zoning District:

Service, Business A
Museum or Art Gallery

Section 3. Chapter B Article III Other Development Standards is amended as follows:

3-3 PARKING, STACKING, AND LOADING AREAS

3-3.5 ALTERNATIVES AND INCENTIVES

(M) On-street Parking Supplements for Pedestrian Oriented Developments

The pedestrian nature of a site can be enhanced by permitting on-street parking connected to exterior and interior sidewalks.

- (1)** On-street parking satisfying the parking requirements of Table B.3.8 may be permitted for sites in the NB, PB and LB Special Use District Zoning Districts or NB, PB and LB General Use Zoning Districts with approval by the Director of Public Works for the City of Winston-Salem or North Carolina Department of Transportation, whichever is applicable, MU-S zoning district, all Multifamily Residential Districts and Planned Residential Developments, if the following requirements are met:

Section 4. This ordinance shall be effective upon adoption.