

July 26, 2006

Beau Dancy  
314 Indera Mills Ct.  
Winston-Salem, NC 27101

RE: ZONING TEXT AMENDMENT UDO-162

Dear Mr. Dancy:

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 Jane Cole, Clerk to the County Commissioners and Renee Henderson, 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: Jane Cole, County Manager's Office  
Renee Henderson, City Secretary

**ACTION REQUEST FORM**

**DATE:** July 26, 2006  
**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 Beau Dancy

**SUMMARY OF INFORMATION:**

Zoning Text Amendment proposed by Beau Dancy to amend: Chapters A and B of the *Unified Development Ordinances* to amend the bufferyard requirements for Residential Buildings, Urban. (UDO-162).

**PLANNING BOARD ACTION:**

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

## STAFF REPORT

**DOCKET #:** UDO 162  
**STAFF:** David Reed

### **REQUEST**

UDO Text Amendment proposed by Beau Dancy to amend: Chapters A and B of the *Unified Development Ordinances* to amend the bufferyard requirements for Residential Buildings, Urban.

### **BACKGROUND**

The use Residential Buildings, Urban is currently only allowed in the Center City area of Winston-Salem. It also requires a bufferyard be installed on the residential property when it abuts commercial uses. This has proven problematic with certain development proposals when attempting to create a compact urban feel. This proposed amendment language was developed with Inspections staff.

### **ANALYSIS**

The proposed changes would expand the area where Urban dwellings are allowed to include GMAs 1 and 2 and Metro Activity Centers. This is in keeping with the goals of *Legacy*. Planning staff is supportive of the change. The amendment also proposes to eliminate the buffer requirements on the residential property whenever the proposed use abuts commercial or industrial zoning which is in keeping with the desired more compact development practices of urban and mixed use buildouts. This will accomodate a truly mixed use environment without mandatory buffers placed on the residential property and allow the developer to use his or her own discretion regarding the installation of buffering based specificfness of the subject property. Staff is supportive of the proposed changes.

### **RECOMMENDATION**

#### **APPROVAL**

#### **PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Paul Mullican moved approval of the zoning text amendment with changes as presented by staff.

SECOND: Jerry Clark

VOTE:

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

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning

**UDO 162**  
**AN ORDINANCE AMENDING**  
**THE ZONING ORDINANCE,**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**REGARDING BUFFERYARD REQUIREMENTS IN**  
**RESIDENTIAL BUILDINGS, URBAN**

Be it resolved, by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

**Section 1.** CHAPTER A – DEFINITIONS ORDINANCE; ARTICLE II - DEFINITIONS is hereby amended as follows:

**RESIDENTIAL BUILDING, URBAN. (W)** A residential building which contains one (1) or more dwelling units and is located within ~~Center City Winston-Salem~~ GMA 1 or 2 or in a Metro Activity Center (MAC) as identified in Legacy. All land within the project site shall be in single, multiple, or joint ownership, and if dwelling units are for sale, all land in common open space shall be owned by a nonprofit corporation in which all owners of property within the development have automatic membership rights and assessment obligations for the maintenance of these areas.

**Section 2.** CHAPTER B ZONING ORDINANCE; ARTICLE II – ZONING DISTRICTS, OFFICIAL ZONING MAPS, AND USES is hereby amended as follows:

**2-5 USE CONDITIONS**

**2-5.66 RESIDENTIAL BUILDINGS, URBAN (W)**

**(A) Distance from Property Line**

- (1) CB Districts.** Within the CB District Single-Unit Residential shall be allowed for adaptive reuse of existing structures only.
- (2) RM and RSQ Districts.** In all RM and the RSQ Districts at densities less than twenty (20) units per acre, no building shall be nearer a property line which abuts another parcel than ten (10) feet unless fifteen (15) feet is required for bufferyard screening as required in Section B.3-5. However, buildings may be placed within ten (10) feet of any public street right-of-way.

**~~(B) Bufferyards~~**

- ~~(1) Type I Bufferyard.~~** ~~A type I bufferyard, as described in Section B.3-5, shall be installed along side and rear property lines adjacent to property zoned for residential or institutional and public uses, except in the CB district.~~

~~(2) **Type III Bufferyard.** A type III bufferyard, as described in Section B.3-5, shall be installed along side and rear property lines adjacent to property zoned for commercial, industrial, or transportation and utilities uses except in the CB district.~~

**(B) Permitted GMA Areas**

Residential Buildings, Urban are permitted in GMA 1 and 2 or in a Metro Activity Center (MAC) as identified in *Legacy*.

**(C) Streetyard**

A streetyard meeting the requirements of Section B.3-4 shall be installed within the front yard along the public street right-of-way except in the CB district.

**(D) Access**

A structure classified as Residential Building, Urban shall have direct pedestrian access to a public street. Within the CB District, any vehicular access to a street must come from the rear of the building which faces a public street.

**(E) Land Ownership**

All land not deeded to individuals shall be held in common ownership.

**(F) Common Area and Facilities**

Where the developer proposes to create commonly held land and/or facilities, a copy of drafted bylaws shall be provided, including but not limited to: designation of common areas and facilities; assessment of common expenses; ratio of undivided interest in common areas; prohibition of partition of common areas; intended use of said areas; access for repairs and improvements; provision for damages or injunctive relief for the collection of fees and dues related to common area expenses; liens for unpaid common area expenses; and any other and all other bylaws desired to insure the maintenance of common areas and facilities. The bylaws shall be recorded with the plat.

**(G) Platting Requirements**

Prior to the issuance of a zoning permit for an urban residential building, a plat showing exterior and interior property lines, public streets/rights of way/private drives/access/utility/drainage easements, common areas and location of individual units shall be recorded in the office of the Register of Deeds and shall meet all other applicable platting requirements.

**(H) Building Spacing Requirements.**

All multifamily residential buildings shall meet the building spacing requirements of Section B.3-1.2(K).

**Section 3.** This ordinance shall become effective upon adoption.