

November 20, 2006

Marshall Street Land Company, LLC
Attn: Frank Mellon
3 Bryan Court
Greensboro, NC 27408

RE: ZONING TEXT AMENDMENT UDO-165

Dear Mr. Mellon:

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

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____ **AGENDA ITEM NUMBER:** _____

SUBJECT:-

- A. Public Hearing on UDO Text Amendment proposed by Marshall Street Land Company to modify setbacks for residential uses in the PB Zoning District (UDO 165).
- B. Approval of Ordinance

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board recommended approval of the rezoning text amendment.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

ACTION REQUEST FORM

DATE: November 20, 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 proposed by Marshall Street Land Company

SUMMARY OF INFORMATION:

Zoning Text Amendment proposed by Marshall Street Land Company to modify setbacks for residential uses in the PB Zoning District (UDO 165).

PLANNING BOARD ACTION:

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

STAFF REPORT

DOCKET #: UDO 165

STAFF: Kirk Ericson

REQUEST

This UDO text amendment is proposed by Marshall Street Land Company, LLC to amend the UDO by modifying Chapter B, Article II, PB Pedestrian Business District, and Article III, Other Development Standards. These modifications reduce the setback and bufferyard requirements for residential uses in the PB District in order to further *Legacy's* recommendation of promoting quality, contextually integrated infill development in urban areas.

BACKGROUND

The PB District is intended to accommodate a mix of office, retail, service, institutional, and high density residential uses in pedestrian oriented developments surrounding the central city. Uses within PB zoned property should be integrated both internally and with surrounding development. Currently, development in the PB District (as well as in all other nonresidential districts exclusive of NB and NO) is required to be set back at least 40 feet from any surrounding residentially zoned property, regardless of use. While a 40 foot setback may be appropriate where a commercial building is adjacent to a residential structure, or where the rear of one residential building faces the rear of another, this setback is unnecessary where the sides of two residential buildings are adjacent to each other. This is especially true in an urban context where emphasis is placed on establishing a consistent building and block rhythm and density is encouraged. To improve integration between residential uses in various zoning districts, this 40 foot side yard setback needs to be reduced.

ANALYSIS

Staff believes that residential uses in the PB District should have side yard setbacks similar to those of other residential districts. The majority of RS zoning districts in our UDO have 7 foot minimum side yard setbacks, and most RM districts have 15 foot minimum side yard setbacks. In order to provide maximum integration between these existing districts and residential uses in PB, staff proposes a minimum 7 foot side yard setback for residential development in the PB District adjacent to multifamily zoning, and a minimum 15 foot side yard setback where residential in PB is adjacent to single family zoning. Additionally, where residential in PB is adjacent to multifamily zoning, no bufferyard is required. This text amendment will primarily affect GMA 2 (Urban Neighborhoods), as the majority of existing PB zoned property is located there.

While staff believes that a reduced side yard setback is appropriate for residential uses in PB, a reduced rear yard setback is not. The current 40 foot rear yard setback is relatively similar to most residential zoning districts in the UDO, of which the majority have minimum rear setbacks between 20 and 35 feet. Additionally, placing the backs of two buildings close together does not have the same beneficial effect on an urban streetscape as locating the sides of two buildings close to each other does.

Staff realizes that other commercial zoning districts may benefit from a similar setback reduction, and also recognizes that this text amendment has a relatively limited scope. Staff is considering the need for reduced residential building setbacks in other commercial districts allowing residential uses as part of a more comprehensive approach. Such a proposal will not be ready in the near future, however, and due to the fact that this amendment was requested by an outside petitioner in response to a particular, current problem, staff is not opposed to addressing this particular concern at this time. This ordinance revision encourages *Legacy's* recommendation of increased quality infill development within the municipal services area, and staff recommends approval of this text amendment.

RECOMMENDATION

APPROVAL.

Kirk Ericson presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Carol Eickmeyer moved approval of the zoning text amendment.

SECOND: Lynne Mitchell

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

UDO-165
AN ORDINANCE AMENDING
CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO MODIFY SIDE YARD SETBACKS FOR RESIDENTIAL USES IN THE
PEDESTRIAN BUSINESS 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

2-1 ZONING DISTRICTS

2-1.3 COMMERCIAL ZONING DISTRICTS - PURPOSE STATEMENTS AND REGULATIONS

(F) PB Pedestrian Business District

(2) General Dimensional Requirements - PB.

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks ^{1,2}				Maximum Impervious Surface Cover (%)	Maximum Height (ft) ²
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
PB	-	-	-	-	-	-	-	-	60

1. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
2. Whenever a residential use in the PB Zoning District shares a side yard boundary line with a lot in a residential district, the requirements of Section B.3-1.2(J)(2) shall apply.

Section 2. Chapter B – Zoning Ordinance, Article III – Other Development Standards is amended as follows:

**Chapter B Zoning Ordinance
Article III - Other Development Standards**

3-1 DIMENSIONAL REQUIREMENTS

3-1.1 GENERAL REQUIREMENTS

Table B.3.2
Nonresidential Districts General Dimensional Requirements ^{1,2}

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks ⁸				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
NO	6,000	65	--	20	25	7	20	60	40
LO	10,000	100	--	20	20	5	20	75	40
CPO	--	250 ⁴	10	60	40	40	40	80	60/unlimited ³
GO	10,000	75	--	20	--	--	20	80 ⁵	60/unlimited ³
NB	6,000	65	--	10	25	7	20	60	40
PB ¹⁰	--	--	--	--	--	--	--	--	60
LB	10,000	100	--	20	5	0.5/12 ⁶	20	75	40
NSB	--	250 ⁴	4	40	40	40	20	75	40
HB	20,000	100	--	40	20	0.5/12 ⁶	20	85	60
GB	10,000	75	--	20	--	--	20	--	60/unlimited ³
CB	--	--	--	--	--	--	--	--	--
MRS ⁹	--	--	10	40	20	0.5/12 ⁶	20	85	60
LI	10,000	100	--	20	20	0.5/12 ⁶	20	90	70/unlimited ³
CPI	--	150 ⁴	30	40	20	20	20	70	70
GI	43,560	150	5	40	20	0.5/12 ⁶	20	--	70/unlimited ³

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.
UDO 165 November 2006

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks ⁸				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
CI	--	--	--	--	--	--	--	--	
IP	10,000	65	--	25	10	5	20	60	
C	20,000	100	20	20	20	20	20	70 ⁷	
MU-S	5,000	30	30	10	--	--	10	60/unlimited ³	

1. These dimensional requirements are subject to additional provisions in Section B.3-1.2; Section B.2-5; Section B.2-1; Section B.3-4; Section B.3-5; and Section B.3-8.
2. Larger lot width, depth, or area may be required by the Public Health Department for the installation of septic systems.
3. Certain districts have an option for height (e.g., 60/unlimited). The first number indicates the maximum height allowed at the minimum setback required adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Heights may be increased according to the provisions of Sections B.3-1.2(D) and (E). Height limits for the C District vary per GMAs; see Section B.2-1.5(B)(2).
4. Minimum area and width requirements may be reduced for the CPO, NSB, and CPI Districts under the respective subsections of Section B.2-1.
5. The eighty percent (80%) limit applies only in GMA 3, per Section B.2-1.3(D).
6. Side yards are not required, however any side yard provided adjacent to an interior lot line shall be not less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard.
7. The seventy percent (70%) limit does not apply to GMAs 1 and 2, per Section B.2-1.5(B)(2).
8. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
9. **(W)** Section B.3-12.1 shall apply to all development done within the MRB-S District and shall be reflected in the site plan required as part of the rezoning application.
10. Whenever a residential use in the PB Zoning District shares a side yard boundary line with a lot in a residential district, the requirements of Section B.3-1.2(J)(2) shall apply.

Table B.3.4
Other Dimensional Requirements¹

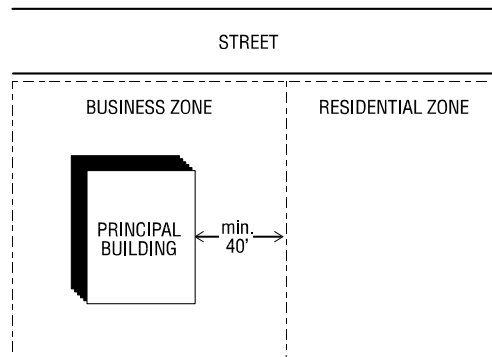
Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)	Front (ft)	Rear (ft)	Side				
					One Side (ft)	Combined (ft)	Street (ft)		
Single Family Residences in NO, NB, PB and MU-S Districts									
NO, NB	6,000	50	20	10	5	15	20	70	40
PB ²	--	--	--	--	--	--	--	--	--
MU-S	5,000	40	15	15	5	15	15	--	40
Duplexes in MU-S and NO Districts									
MU-S	7,500	40	15	15	5	15	15	--	40
PB ²	--	--	--	--	--	--	--	--	--
NO	--	--	20	20	10	25	20	--	--
Twin Homes in MU-S and NO Districts									
MU-S	5,000	40	15	15	0	15	15	--	40
PB ²	--	--	--	--	--	--	--	--	--
NO	--	--	20	20	0	25	20	--	--
Multifamily Developments in GB, CB, PB, MU-S, NO, and LO Districts									
GB	20,000	100	20	--	--	--	20	85	60
CB	--	--	--	--	--	--	--	--	--
PB ²	--	--	--	--	--	--	--	--	--
MU-S	30,000	70	25	25	15	30	20	80	60
NO, LO	--	--	20	20	10	25	20	--	--

1. These dimensional requirements are subject to additional provisions in Section B.3-1.2; Section B.2-5; Section B.2-1; Section B.3-4; Section B.3-5; and Section B.3-8.
2. Whenever a residential use in the PB Zoning District shares a side yard boundary line with a lot in a residential district, the requirements of Section B.3-1.2(J)(2) shall apply.

3-1.2 SUPPLEMENTARY DIMENSIONAL REQUIREMENTS

(J) Special Yard Requirements Where Nonresidential Districts Adjoin Residential Districts

- (1) **Nonresidential Districts other than NB or NO.** Where a lot in a commercial, industrial, institutional or mixed use zoning district except the NB or NO Zoning District shares a common boundary line with a lot in a RS or RM Zoning District (except RM-U), YR, AG, or H District with no intervening street or highway, the lot shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the zoning district in which it is located, whichever is greater.



(2) **Side Yard Requirements Where PB Adjoins Residential Districts.**

- (a) PB Zoning District Adjacent to RM Zoning Districts. Wherever a Residential Use as shown in Table B.2.6, exclusive of Combined Use, within the PB Zoning District is directly adjacent to a RM Zoning District, a minimum seven (7) foot side yard setback shall be required with no accompanying bufferyard. Such reduced side yard setback shall apply only in situations where said residential uses within the PB Zoning District are oriented with their primary entrances facing the street. In no instance shall the height of a residential building be greater than the maximum height allowed in the adjoining residential district.
- (b) PB Zoning District Adjacent to RS or RSQ Zoning Districts. Wherever a Residential Use as shown in Table B.2.6, exclusive of combined use, within the PB Zoning District is directly adjacent to a RS or RSQ Zoning District, a minimum fifteen (15) foot side yard setback shall be required with a corresponding Type II Bufferyard. In no instance shall the height of a residential building be greater than the maximum height allowed in the adjoining residential district.

3-5 BUFFERYARD STANDARDS

3-5.2 DETERMINATION OF BUFFERYARD

TABLE B.3.13
Bufferyard Requirements

Zoning Type of Project	Zoning Type of Adjacent Property				
	SF R	MFR	LIC	HIC	IND
Single Family Residential (SFR)	*	*	*	*	*
Multifamily Residential (MFR)	II	*	*	I ⁺	I ⁺
Low Intensity Commercial (LIC)	II	I ⁺⁺	*	*	*
High Intensity Commercial (HIC)	III	II	*	*	*
Industrial (IND)	IV	IV	I	*	*

* = No bufferyard requirement

+ = Type I bufferyard required if no bufferyard is provided on developed adjacent property designated as high intensity commercial (HIC) or industrial (IND) zoning types.

++= Whenever a residential use in the PB Zoning District shares a side yard boundary line with a lot in a residential district, the requirements of Section B.3-1.2(J)(2) shall apply.

Section 3. This ordinance shall be effective upon adoption.