

March 19, 2003

Westminster/Fortis Homes, Inc.
c/o Gary N. Blevins
2706 North Church Street
Greensboro, NC 27405

RE: ZONING TEXT AMENDMENT UDO-97

Dear Mr. Blevins:

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 Rice, City Secretary, of the date on which the Commissioners and City Council will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Renee Rice, City Secretary
Anita M. Conrad, Counsel, Wake Forest University, Reynolda Hall, Room 202,
1834 Wake Forest Road, Winston-Salem, NC 27106

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Request for Public Hearing on Zoning Text Amendment proposed by Westminster Homes, Inc. to amend Chapter B Article III Section 3-1.2 regarding Bay windows projecting into side yards (UDO-97).

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning Text Amendment proposed by Westminster Homes, Inc. to amend Chapter B Article III Section 3-1.2 regarding Bay windows projecting into side yards (UDO-97).

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

ACTION REQUEST FORM

DATE: March 19, 2003
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Text Amendment proposed by Westminster Homes, Inc. to amend Chapter B Article III Section 3-1.2 regarding Bay windows projecting into side yards (UDO-97).

SUMMARY OF INFORMATION:

Zoning Text Amendment proposed by Westminster Homes, Inc. to amend Chapter B Article III Section 3-1.2 regarding Bay windows projecting into side yards (UDO-97).

PLANNING BOARD ACTION:

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

STAFF REPORT

DOCKET #: UDO-97

STAFF: David Reed

REQUEST

Text Amendment proposed by Westminster Homes to amend Section 3-1.2 (B) (3) of the *Unified Development Ordinances* (UDO). The amendment would allow for a bay window to extend up to three feet into the required side yard of three or four unit multifamily, townhouse, or urban residential buildings.

BACKGROUND

The petitioners attempted to verify that bay windows could extend into required yards, however, there was some confusion because of the fact that bay windows can extend into the front and rear yards of multifamily buildings but cannot extend into the side yards. Subsequently, some bay windows were installed in the required side yards and the petitioners approached Planning and Inspections staff to discuss possible solutions other than removing the windows. Per those discussions the text amendment was submitted.

ANALYSIS

At present, there is no provision for bay windows to extend into required side yards. The request to allow such a provision is consistent with another text amendment relating to building spacing requirements for three and four unit multifamily buildings (UDO-52). UDO-52 allowed for three- and four-unit buildings to meet a minimum side-yard spacing requirement of 20 feet. The current request is also specific to three and four unit buildings and would allow bay windows to extend up to three feet into these side yards. If, for example, the minimum spacing of 20 feet between buildings were used and both buildings had the maximum three foot bay window, the separation between the bay windows would be 14 feet which is currently the minimum side to side building spacing requirement in a Planned Residential Development (PRD). Staff is of the opinion that a possible 14-foot spacing between bay windows while the actual building spacing remains at 20 feet is reasonable and consistent with other regulations in the UDO. Bay windows do not extend to the ground analogous to roof overhangs, etc.

In reviewing UDO-52 which pertains to building spacing, it became apparent that although the intent of that text amendment was to provide building spacing options for any three or four unit housing, only the term "Multifamily" was used in the adopted language. Staff recommends that the terms "Townhouse" and "Urban" be added to Article III – Section 3-1.2 (K) (3) to better clarify the intent and to make it consistent with the language proposed in the subject text amendment pertaining to Bay Windows.

RECOMMENDATION

Text Amendment: **APPROVAL**.

David Reed presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following points were made:

1. Arnold King: Why not allow bay windows in the side yards for all types of residential structures? Staff indicated that the identified structures were the only ones requested by the petitioner.

NOTE: The side yard requirements for duplexes and single family homes are much less stringent than the 20 feet required for three- and four-unit multifamily buildings. It would not be appropriate to extend bay windows into these narrower side yards.

MOTION: Philip Doyle moved approval of the zoning text amendment.

SECOND: Arnold King.

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, Glenn, King, Norwood

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP

Director of Planning

UDO-97
AN ORDINANCE AMENDING CHAPTER B
OF THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING BAY WINDOWS EXTENDING
INTO REQUIRED SIDE YARDS

Be it resolved, by the Board of Commissioners of Forsyth County, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Chapter B Zoning Ordinance: Article III – Section 3-1.2 (B) (3) Bay Window is hereby amended as follows:

- (3) **Bay Window.** A Bay Window may project into any required front or rear yard not more than three (3) feet. A Bay Window may project into a required side yard for three (3) and four (4) unit Residential Building; Multifamily; Townhouse; and Urban no more than three (3) feet.

Section 2. Chapter B Zoning Ordinance: Article III – Section 3-1.2 (K) (3) Other Spacing Requirements is hereby amended by making the following change to the second paragraph:

Other Spacing Requirements. The spacing between buildings with attached units and automobile parking, private streets, and drives shall be provided as required in Section 2-5.55(H)(7). Building spacing for three (3) and four (4) unit Residential Building; Multifamily; Townhouse; and Urban may be reduced to a minimum of twenty (20) feet. (F,W)

Section 3. This ordinance shall be effective upon adoption.

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

UDO-97
AN ORDINANCE AMENDING CHAPTER B
OF THE UNIFIED DEVELOPMENT ORDINANCES
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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 B Zoning Ordinance: Article III – Section 3-1.2 (B) (3) Bay Window is hereby amended as follows:

- (3) **Bay Window.** A Bay Window may project into any required front or rear yard not more than three (3) feet. A Bay Window may project into a required side yard for three (3) and four (4) unit Residential Building; Multifamily; Townhouse; and Urban no more than three (3) feet.

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

Section 1. Chapter B Zoning Ordinance: Article III – Section 3-1.2 (B) (3) Bay Window is hereby amended as follows:

- (3) **Bay Window.** A Bay Window may project into any required front or rear yard not more than three (3) feet. A Bay Window may project into a required side yard for three (3) and four (4) unit Residential Building; Multifamily; Townhouse; and Urban no more than three (3) feet.

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Be it resolved, by the Board of Aldermen of the Town of Kernersville, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Chapter B Zoning Ordinance: Article III – Section 3-1.2 (B) (3) Bay Window is hereby amended as follows:

- (3) **Bay Window.** A Bay Window may project into any required front or rear yard not more than three (3) feet. A Bay Window may project into a required side yard for three (3) and four (4) unit Residential Building; Multifamily; Townhouse; and Urban no more than three (3) feet.

Section 2. Chapter B Zoning Ordinance: Article III – Section 3-1.2 (K) (3) Other Spacing Requirements is hereby amended by making the following change to the second paragraph:

Other Spacing Requirements. The spacing between buildings with attached units and automobile parking, private streets, and drives shall be provided as required in Section 2-5.55(H)(7). Building spacing for three (3) and four (4) unit Residential Building; Multifamily; Townhouse; and Urban may be reduced to a minimum of twenty (20) feet. (F,W)

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

Section 1. Chapter B Zoning Ordinance: Article III – Section 3-1.2 (B) (3) Bay Window is hereby amended as follows:

- (3) **Bay Window.** A Bay Window may project into any required front or rear yard not more than three (3) feet. A Bay Window may project into a required side yard for three (3) and four (4) unit Residential Building; Multifamily; Townhouse; and Urban no more than three (3) feet.

Section 2. Chapter B Zoning Ordinance: Article III – Section 3-1.2 (K) (3) Other Spacing Requirements is hereby amended by making the following change to the second paragraph:

Other Spacing Requirements. The spacing between buildings with attached units and automobile parking, private streets, and drives shall be provided as required in Section 2-5.55(H)(7). Building spacing for three (3) and four (4) unit Residential Building; Multifamily; Townhouse; and Urban may be reduced to a minimum of twenty (20) feet. (F,W)

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

Section 1. Chapter B Zoning Ordinance: Article III – Section 3-1.2 (B) (3) Bay Window is hereby amended as follows:

- (3) **Bay Window.** A Bay Window may project into any required front or rear yard not more than three (3) feet. A Bay Window may project into a required side yard for three (3) and four (4) unit Residential Building; Multifamily; Townhouse; and Urban no more than three (3) feet.

Section 2. Chapter B Zoning Ordinance: Article III – Section 3-1.2 (K) (3) Other Spacing Requirements is hereby amended by making the following change to the second paragraph:

Other Spacing Requirements. The spacing between buildings with attached units and automobile parking, private streets, and drives shall be provided as required in Section 2-5.55(H)(7). Building spacing for three (3) and four (4) unit Residential Building; Multifamily; Townhouse; and Urban may be reduced to a minimum of twenty (20) feet. (F,W)

Section 3. This ordinance shall be effective upon adoption.

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