

August 21, 2002

Wake Forest University  
c/o J. Reid Morgan, General Counsel  
P. O. Box 7656  
Winston-Salem, NC 27109

RE: ZONING TEXT AMENDMENT UDO-88

Dear Mr. Morgan:

The attached report of the Planning Board to the Forsyth County Board of Commissioners and City of Winston-Salem Board of Aldermen is sent to you at the request of the Commissioners and Aldermen.

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 Aldermen will hear this petition.

Sincerely,

A. Paul Norby, AICP  
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office  
Renee Rice, City Secretary

udo 88 aug 2002

**FORSYTH COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** \_\_\_\_\_ **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

Request for Public Hearing on zoning text amendment proposed by Wake Forest University

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-**

**SUMMARY OF INFORMATION:-**

Zoning Text Amendment proposed by Wake Forest University to allow for a single zoning district which permits both "Medical and Surgical Offices" and "Habilitation Facility C" (UDO-88).

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

**ATTACHMENTS:-**     YES         NO

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ACTION REQUEST FORM**

**DATE:** August 21, 2002

**TO:** The Honorable Mayor and Board of Aldermen

**FROM:** A. Paul Norby, AICP, Director of Planning

**BOARD ACTION REQUEST:**

Request for Public Hearing on Zoning Text Amendment proposed by Wake Forest University

**SUMMARY OF INFORMATION:**

Zoning Text Amendment proposed by Wake Forest University to allow for a single zoning district which permits both "Medical and Surgical Offices" and "Habilitation Facility C" (UDO-88).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL

**FOR:** UNANIMOUS

**AGAINST:** NONE

**SITE PLAN ACTION:** NOT REQUIRED

## **STAFF REPORT**

**DOCKET #:** UDO-88

**STAFF:** David Reed

### **REQUEST**

Zoning Text Amendment proposed by Wake Forest University to allow for a single zoning district which permits both "Medical and Surgical Offices" and "Habilitation Facility, C"

### **CONTINUANCE HISTORY**

The petition was continued from the June 13, 2002 Planning Board Public Hearing for the purpose of revising the request.

### **BACKGROUND**

The proposed Text Amendment was submitted by Wake Forest University to rectify a land use problem. The two land uses "Medical and Surgical Offices" and "Habilitation Facility, C" are currently not allowed in any of the same zoning districts with the exception of some of the business districts. The petitioners have an existing building which houses both of these uses. The two uses were accessory to the "Hospital or Health Center" use which, until recently, was the designated land use for the property. Because the petitioner chose not to renew the Hospital licence for the site, the individual uses in the building must stand on their own. By establishing a zoning district outside of the business districts which allows both uses, these medical related uses can coexist in a single building.

### **ANALYSIS**

It is logical to accommodate both the "Medical and Surgical Offices" and "Habilitation Facility, C" uses in a single zoning district other than the business districts which currently permit them. Planning staff has worked with the petitioner and the City-County Inspections staff to determine the most appropriate zoning district to allow both of these uses.

Although a text amendment would apply to all properties throughout the county, it should be mentioned that the petitioner's site has access through a C (Campus) zoning district via a private access easement. If the uses described above were allowed in the C district, the existing access easement would be valid from a zoning enforcement perspective.

Because both of the major hospitals in our community are zoned C (Campus), it is logical to allow the above mentioned uses in the C district to accommodate such uses in conjunction with other medical related uses. There are several existing Campus districts throughout the community, however, some of which are comprised of predominantly medical uses and some of which are college campuses.

Because the Campus district has a minimum contiguous site area of 20 acres, staff recommends that the proposed use "Medical and Surgical Offices" only be allowed in those Campus districts in which at least one of the adjacent uses is a "Hospital or Health Center". With that condition, staff is supportive of the proposed Text Amendment.

### **RECOMMENDATION**

Zoning Text Amendment: **APPROVAL**.

### **PUBLIC HEARING** - July 11, 2002

FOR: None

AGAINST: None

### **WORK SESSION**

MOTION: John Bost moved continuance of the zoning map amendment to August 8, 2002.

SECOND: Dara Folan

VOTE:

FOR: Bost, Clark, Doyle, Folan, Kennedy-Sloan, King, Norwood, Powell

AGAINST: None

EXCUSED: None

### **PUBLIC HEARING** - August 8, 2002

David Reed presented the staff report.

FOR: None

AGAINST:

Julie Magness, 630 Fenimore Street, Winston-Salem, NC 27103

Questioning whether this text amendment might make it attractive for hospitals to acquire more campus-use land. Would this create more requests for rezoning to campus-uses, putting more pressure on conversion of residentially zoned land. Our concern as a neighborhood association is retention of residential quality and nature of the neighborhood. (NOTE: Her question was answered that if it did make it more attractive to acquire more land for campus, the land would still have to go through the rezoning process.)

## **WORK SESSION**

During discussion by the Planning Board, the following point was made:

1. Jerry Clark noted that he works for one of the operations that is being discussed here, but he is not in any authority or capacity to have any influence on any decision to do anything of the magnitude discussed here. He requested that this statement be included in the record.

MOTION: Dara Folan moved approval of the zoning text amendment.

SECOND: Jimmy Norwood

VOTE:

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

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning

**UDO-88**  
**AN ORDINANCE AMENDING**  
**THE *UNIFIED DEVELOPMENT ORDINANCES***  
**REGARDING ADDING THE USES "HABILITATION FACILITY C"**  
**AND "MEDICAL AND SURGICAL OFFICES" IN THE C DISTRICT**

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, Section 2-4 Permitted Uses, Table 2.6 is revised by adding a "P" (Planning Board Review) to the line "Habilitation Facility C" under column "C" (Campus District) and adding a "Z" (Permit from Zoning Officer) to the line "Medical and Surgical Offices" under column "C" (Campus District).

This section is further revised by placing a "47" or the appropriate number corresponding to the use condition in Section 2 below in the CONDS column opposite the use "Medical and Surgical Offices" and renumbering the remaining references in the remaining references in the column sequentially.

Section 2. Section 2-5 "Use Conditions" of Chapter B is revised by adding a new subsection 2-5.47 to read as follows and renumbering the remaining subsections of Section 2-5:

“2-5.47 (or proper number) MEDICAL OR SURGICAL OFFICES

(A) C District

Medical or Surgical Offices are only permitted in the Campus District if adjacent to a "Hospital or Health Center" in a Campus District.”

Section 3. The ordinance shall be effective upon adoption.

**UDO-88**  
**AN ORDINANCE AMENDING**  
**THE UNIFIED DEVELOPMENT ORDINANCES**  
**REGARDING ADDING THE USES "HABILITATION FACILITY C"**  
**AND "MEDICAL AND SURGICAL OFFICES" IN THE C DISTRICT**

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

Section 1. Chapter B, Section 2-4 Permitted Uses, Table 2.6 is revised by adding a "P" (Planning Board Review) to the line "Habilitation Facility C" under column "C" (Campus District) and adding a "Z" (Permit from Zoning Officer) to the line "Medical and Surgical Offices" under column "C" (Campus District).

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**UDO-88**  
**AN ORDINANCE AMENDING**  
**THE UNIFIED DEVELOPMENT ORDINANCES**  
**REGARDING ADDING THE USES "HABILITATION FACILITY C"**  
**AND "MEDICAL AND SURGICAL OFFICES" IN THE C DISTRICT**

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, Section 2-4 Permitted Uses, Table 2.6 is revised by adding a "P" (Planning Board Review) to the line "Habilitation Facility C" under column "C" (Campus District) and adding a "Z" (Permit from Zoning Officer) to the line "Medical and Surgical Offices" under column "C" (Campus District).

This section is further revised by placing a "47" or the appropriate number corresponding to the use condition in Section 2 below in the CONDS column opposite the use "Medical and Surgical Offices" and renumbering the remaining references in the remaining references in the column sequentially.

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**UDO-88**  
**AN ORDINANCE AMENDING**  
**THE *UNIFIED DEVELOPMENT ORDINANCES***  
**REGARDING ADDING THE USES "HABILITATION FACILITY C"**  
**AND "MEDICAL AND SURGICAL OFFICES" IN THE C DISTRICT**

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, Section 2-4 Permitted Uses, Table 2.6 is revised by adding a "P" (Planning Board Review) to the line "Habilitation Facility C" under column "C" (Campus District) and adding a "Z" (Permit from Zoning Officer) to the line "Medical and Surgical Offices" under column "C" (Campus District).

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**UDO-88**  
**AN ORDINANCE AMENDING**  
**THE *UNIFIED DEVELOPMENT ORDINANCES***  
**REGARDING ADDING THE USES "HABILITATION FACILITY C"**  
**AND "MEDICAL AND SURGICAL OFFICES" IN THE C DISTRICT**

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, Section 2-4 Permitted Uses, Table 2.6 is revised by adding a "P" (Planning Board Review) to the line "Habilitation Facility C" under column "C" (Campus District) and adding a "Z" (Permit from Zoning Officer) to the line "Medical and Surgical Offices" under column "C" (Campus District).

This section is further revised by placing a "47" or the appropriate number corresponding to the use condition in Section 2 below in the CONDS column opposite the use "Medical and Surgical Offices" and renumbering the remaining references in the remaining references in the column sequentially.

Section 2. Section 2-5 "Use Conditions" of Chapter B is revised by adding a new subsection 2-5.47 to read as follows and renumbering the remaining subsections of Section 2-5:

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Section 3. The ordinance shall be effective upon adoption.