

May 23, 2001

Adams Egloff Avant Properties, LLC  
c/o Kerry Avant  
4500 Country Club Road, Suite 200  
Winston-Salem, NC 27104

RE: ZONING TEXT AMENDMENT UDO-74

Dear Mr. Avant:

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

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

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

**SUBJECT:-**

Request for Public Hearing on zoning text amendment proposed by Adams Egloff Avant Properties LLC

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

**SUMMARY OF INFORMATION:-**

Zoning text amendment proposed by Adams Egloff Avant Properties LLC to amend Chapter B Section 2-1.2(1) "RM-8: Residential Multifamily District" to increase maximum building height from 40 feet to 45 feet (UDO-74).

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

**ATTACHMENTS:-**     YES         NO

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

**ACTION REQUEST FORM**

**DATE:** May 23, 2001  
**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 Adams Egloff Avant Properties LLC

**SUMMARY OF INFORMATION:**

Zoning text amendment proposed by Adams Egloff Avant Properties LLC to amend Chapter B Section 2-1.2(1) "RM-8: Residential Multifamily District" to increase maximum building height from 40 feet to 45 feet (UDO-74).

**PLANNING BOARD ACTION:**

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

## STAFF REPORT

**DOCKET #:** UDO-74

**STAFF:** Glenn Simmons

### REQUEST

Zoning text amendment by Adams Egloff Avant Properties, LLC to amend Chapter B, Article II, Section 2-1.2(L) RM-8 Residential Multifamily District and Chapter B Table 3-4 "Other Dimensional Requirements" of the *Unified Development Ordinances* to increase maximum building heights from forty (40) feet to forty-five (45) feet.

### BACKGROUND

Adams Egloff Avant Properties, LLC has proposed a text amendment to the UDO to allow five feet of additional building height in the RM-8 district to better accommodate more attractive (steeper) roof pitches on three story multifamily buildings. Currently three story buildings must often utilize flatter roof pitches to keep the overall building height under the required forty feet height limit. The petitioner's belief is that the forty foot height unnecessarily compromises the architectural character of some building designs and makes them less attractive.

### ANALYSIS

The RM-8 District is primarily intended to accommodate duplexes, twin homes, townhouses, multifamily, and other low density multifamily uses at a maximum overall density of eight (8) units per acres. Compared to higher density multifamily districts, the RM-8 district is generally considered to be a more compatible neighbor adjacent to established single family developments. Lower building heights in the RM-8 zoning district are intended to maintain the privacy and outdoor enjoyment typically provided in single family residential districts and neighborhoods.

Recent trends in multifamily development, however, have witnessed the construction of more three story multifamily structures. Although RM-8 currently allows three story structures, the roof pitch is typically flattened to keep such buildings in conformance with the current UDO height limit of forty feet as measured to the peak of the roof. Although the forty foot height limit was intended to make RM-8 zoning more compatible with adjacent single family surroundings, one unintended consequence is that the flatter roof pitches have made some buildings less attractive.

In an effort to address the issue planning staff recommends that the building height in RM-8 be extended to forty-five feet, provided that three story structures meet additional setbacks from adjacent single family zoning districts. Whereas the current UDO allows front and rear building setbacks of twenty-five feet and side yard set backs as little as seven feet, staff recommends that three story buildings be setback a minimum of fifty feet from any side adjoining single family residentially zoned properties.

By providing an increased building height staff believes that the new provision to require a fifty foot setback for any three story building will also provide a more compatible relationship between larger and taller buildings in RM-8 and adjoining single family neighbors.

Staff notes that Section 6-2.1(E) of the UDO allows for fees for a text amendment to be waived by the Planning Board if, in the opinion of the Planning Director, such text amendment is considered to be generally beneficial throughout the jurisdiction. On this basis, staff recommends that fees received from the petitioner for this amendment be returned. The decision of the Planning Board whether or not to return the fee must, according to the UDO, be made prior to formal consideration of the text amendment.

### **RECOMMENDATION**

Staff recommends **APPROVAL**.

Glenn Simmons presented the staff report.

### **PUBLIC HEARING**

FOR: None

AGAINST: None

### **WORK SESSION**

MOTION: Johnson moved approval of the zoning text amendment.

SECOND: Doyle

VOTE:

FOR: Doyle, Johnson, King, Powell, Schroeder, Williams

AGAINST: None

EXCUSED: Avant

---

A. Paul Norby, AICP  
Director of Planning

**UDO-74**  
**AN ORDINANCE AMENDING**  
**ARTICLE II OF CHAPTER B OF THE**  
***UNIFIED DEVELOPMENT ORDINANCES***  
**PERTAINING TO BUILDING HEIGHT LIMITS**  
**IN THE RM-8 ZONING DISTRICT**

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

Section 1. Section 2-1.2(L)(2) General Dimensional Requirements - RM-8 is amended by substituting "45" in place of "40" under the column Maximum Height (ft).

Section 2. Section 2-1.2(L) RM-8 Residential Multifamily District is amended by adding subsection 4 to read as follows:

"(4) Three Story Structures. Three story structures must be setback a minimum of fifty (50) feet from adjacent properties zoned for single family residential development."

Section 3. Table 3.1 (Section 3-1.1) is amended by substituting "45" in place of "40" under the column Maximum Height (ft) for the RM-8 Zoning District and by adding a new item "10. at the bottom of the table to read as follows:

"10. Three story structures in RM-8 must be setback a minimum of fifty (50) feet from adjacent properties zoned for single family residential development."

Section 4. This ordinance shall be effective upon adoption.

**UDO-74**  
**AN ORDINANCE AMENDING**  
**ARTICLE II OF CHAPTER B OF THE**  
***UNIFIED DEVELOPMENT ORDINANCES***  
**PERTAINING TO BUILDING HEIGHT LIMITS**  
**IN THE RM-8 ZONING DISTRICT**

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

Section 1. Section 2-1.2(L)(2) General Dimensional Requirements - RM-8 is amended by substituting "45" in place of "40" under the column Maximum Height (ft).

Section 2. Section 2-1.2(L) RM-8 Residential Multifamily District is amended by adding subsection 4 to read as follows:

"(4) Three Story Structures. Three story structures must be setback a minimum of fifty (50) feet from adjacent properties zoned for single family residential development."

Section 3. Table 3.1 (Section 3-1.1) is amended by substituting "45" in place of "40" under the column Maximum Height (ft) for the RM-8 Zoning District and by adding a new item "10. at the bottom of the table to read as follows:

"10. Three story structures in RM-8 must be setback a minimum of fifty (50) feet from adjacent properties zoned for single family residential development."

Section 4. This ordinance shall be effective upon adoption.

**UDO-74**  
**AN ORDINANCE AMENDING**  
**ARTICLE II OF CHAPTER B OF THE**  
***UNIFIED DEVELOPMENT ORDINANCES***  
**PERTAINING TO BUILDING HEIGHT LIMITS**  
**IN THE RM-8 ZONING DISTRICT**

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

Section 1. Section 2-1.2(L)(2) General Dimensional Requirements - RM-8 is amended by substituting "45" in place of "40" under the column Maximum Height (ft).

Section 2. Section 2-1.2(L) RM-8 Residential Multifamily District is amended by adding subsection 4 to read as follows:

"(4) Three Story Structures. Three story structures must be setback a minimum of fifty (50) feet from adjacent properties zoned for single family residential development."

Section 3. Table 3.1 (Section 3-1.1) is amended by substituting "45" in place of "40" under the column Maximum Height (ft) for the RM-8 Zoning District and by adding a new item "10. at the bottom of the table to read as follows:

"10. Three story structures in RM-8 must be setback a minimum of fifty (50) feet from adjacent properties zoned for single family residential development."

Section 4. This ordinance shall be effective upon adoption.



**UDO-74**  
**AN ORDINANCE AMENDING**  
**ARTICLE II OF CHAPTER B OF THE**  
***UNIFIED DEVELOPMENT ORDINANCES***  
**PERTAINING TO BUILDING HEIGHT LIMITS**  
**IN THE RM-8 ZONING DISTRICT**

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

Section 1. Section 2-1.2(L)(2) General Dimensional Requirements - RM-8 is amended by substituting "45" in place of "40" under the column Maximum Height (ft).

Section 2. Section 2-1.2(L) RM-8 Residential Multifamily District is amended by adding subsection 4 to read as follows:

"(4) Three Story Structures. Three story structures must be setback a minimum of fifty (50) feet from adjacent properties zoned for single family residential development."

Section 3. Table 3.1 (Section 3-1.1) is amended by substituting "45" in place of "40" under the column Maximum Height (ft) for the RM-8 Zoning District and by adding a new item "10. at the bottom of the table to read as follows:

"10. Three story structures in RM-8 must be setback a minimum of fifty (50) feet from adjacent properties zoned for single family residential development."

Section 4. This ordinance shall be effective upon adoption.

**UDO-74**  
**AN ORDINANCE AMENDING**  
**ARTICLE II OF CHAPTER B OF THE**  
**UNIFIED DEVELOPMENT ORDINANCES**  
**PERTAINING TO BUILDING HEIGHT LIMITS**  
**IN THE RM-8 ZONING DISTRICT**

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

Section 1. Section 2-1.2(L)(2) General Dimensional Requirements - RM-8 is amended by substituting "45" in place of "40" under the column Maximum Height (ft).

Section 2. Section 2-1.2(L) RM-8 Residential Multifamily District is amended by adding subsection 4 to read as follows:

"(4) Three Story Structures. Three story structures must be setback a minimum of fifty (50) feet from adjacent properties zoned for single family residential development."

Section 3. Table 3.1 (Section 3-1.1) is amended by substituting "45" in place of "40" under the column Maximum Height (ft) for the RM-8 Zoning District and by adding a new item "10. at the bottom of the table to read as follows:

"10. Three story structures in RM-8 must be setback a minimum of fifty (50) feet from adjacent properties zoned for single family residential development."

Section 4. This ordinance shall be effective upon adoption.