

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Request for Public Hearing on zoning text amendment proposed by the Board of Aldermen of the City of Winston-Salem

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning text amendment proposed by the Board of Aldermen of the City of Winston-Salem to modify side yard requirements for homes with the entry door on the side of the home (UDO-81).

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

ACTION REQUEST FORM

DATE: December 19, 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 the Board of Aldermen of the City of Winston-Salem

SUMMARY OF INFORMATION:

Zoning text amendment proposed by the Board of Aldermen of the City of Winston-Salem to modify side yard requirements for homes with the entry door on the side of the home (UDO-81).

PLANNING BOARD ACTION:

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

STAFF REPORT

DOCKET #: UDO-81

STAFF: David Reed

CONTINUANCE HISTORY

The text amendment was continued from the November 8, 2001, Planning Board public hearing to allow the case to be expanded to include conventional and site-built homes.

REQUEST

Text amendment proposed by the Board of Aldermen of the City of Winston-Salem to amend Section 3-1.1 and Section 2-1.2 of Chapter B “Zoning” of the *Unified Development Ordinances* to establish requirements for orientation of dwelling units on lots.

BACKGROUND

The Planning Board was asked to consider the subject text amendment by direction of the Winston-Salem Board of Aldermen. The text amendment was initiated to address a situation in which a modular home was placed on a relatively narrow tax lot, with the front of the unit oriented to the side of the lot and the side of the unit facing the front of the lot and street. This orientation did not function well (little room for access via the front door of the unit) and created an appearance that looked out of place (a mostly blank end wall facing the street, with no visible entrance).

Because the issue arose due to the placement of a modular home on a narrow tax lot, staff initially investigated amending the requirements related specifically to the orientation of modular homes. Because modular homes meet the North Carolina Building Code, they are considered the same as site-built homes for purposes of zoning and therefore should not be singled out and held to a different standard. Also, the same risk of inappropriate lot siting could occur with a conventional site-built home. Accordingly, staff suggests broadening the scope of the amendment to include all single family housing with entry doors on the side.

ANALYSIS

Because the text amendment will apply throughout the community to site-built homes, modular homes, and manufactured homes, staff was careful to look beyond the immediate concern so as not to create any unintended problems for property owners in the future.

Although there is at least one example of a home that is clearly out of character with the neighborhood due to the orientation of the home and the proximity of the entry door to the side property line, there are other examples of homes with similar building setbacks that are in character with their neighborhoods. To require a wider side yard for homes with the entry door on the side may create an unnecessary burden on certain homes that do not need to be held to a different standard.

Part of the reason a traditional modular home appears out of place when placed on a narrow site

is because the design of the home is not modified to acknowledge the site orientation. If the industry offered a product which was designed for a narrow lot with the front of the home located on what has traditionally been the end or side of the unit, this text amendment might not be necessary.

Staff recommends the ordinance be amended to require any home with the entry door on the side of the home be held to the following standard: Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback. This would prevent a home from being placed on a lot with the designed front of the unit being as close as five feet from the side property line. The amendment would also allow some flexibility in the design of site-built homes which may have a side facing door on one wall and other walls that extend closer to the minimum side yard.

RECOMMENDATION

Staff recommends **APPROVAL**.

PUBLIC HEARING - November 8, 2001

FOR: None

AGAINST: None

WORK SESSION

MOTION: Kerry Avant moved continuance of the zoning text amendment to December 13, 2001.

SECOND: Jimmy Norwood

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Powell, Norwood, Schroeder, Snelgrove

AGAINST: None

EXCUSED: None

PUBLIC HEARING - December 13, 2001

Glenn Simmons presented the staff report.

FOR: None

AGAINST: None

WORK SESSION

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

SECOND: Kerry Avant

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Norwood, Powell, Schroeder, Snelgrove

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

UDO-81
AN ORDINANCE AMENDING
CHAPTER B OF THE
UNIFIED DEVELOPMENT ORDINANCES
PERTAINING TO SIDE YARD REQUIREMENTS
FOR SINGLE FAMILY HOMES
WHICH HAVE THE MAIN ENTRANCE ON THE SIDE

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. Chapter B, Section 3-1.1 Table 3.1 "Residential District General Dimensional Requirements" is revised by adding a notation to the heading "Side", referring to the following footnote to be inserted below Table 3.1:

"Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback."

Section 2. Chapter B, Section 2-1.2 is revised by adding a notation to the heading "Side" in the General Dimensional Requirements tables of the following zoning districts: YR, AG, RS-40, RS-30, RS-20, RS-15, RS-12, RS-9, RS-7, RSQ, RM-5, RM-8, RM-12, RM-18, RM-U, and MH. Said notation shall refer to the following footnote which shall be inserted following each General Dimensional Requirements table.

"Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback."

Section 3. This ordinance shall be effective upon adoption.

UDO-81
AN ORDINANCE AMENDING
CHAPTER B OF THE
UNIFIED DEVELOPMENT ORDINANCES
PERTAINING TO SIDE YARD REQUIREMENTS
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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. Chapter B, Section 3-1.1 Table 3.1 "Residential District General Dimensional Requirements" is revised by adding a notation to the heading "Side", referring to the following footnote to be inserted below Table 3.1:

"Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback."

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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. Chapter B, Section 3-1.1 Table 3.1 "Residential District General Dimensional Requirements" is revised by adding a notation to the heading "Side", referring to the following footnote to be inserted below Table 3.1:

"Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback."

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"Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback."

Section 3. This ordinance shall be effective upon adoption.

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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. Chapter B, Section 3-1.1 Table 3.1 "Residential District General Dimensional Requirements" is revised by adding a notation to the heading "Side", referring to the following footnote to be inserted below Table 3.1:

"Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback."

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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. Chapter B, Section 3-1.1 Table 3.1 "Residential District General Dimensional Requirements" is revised by adding a notation to the heading "Side", referring to the following footnote to be inserted below Table 3.1:

"Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback."

Section 2. Chapter B, Section 2-1.2 is revised by adding a notation to the heading "Side" in the General Dimensional Requirements tables of the following zoning districts: YR, AG, RS-40, RS-30, RS-20, RS-15, RS-12, RS-9, RS-7, RSQ, RM-5, RM-8, RM-12, RM-18, RM-U, and MH. Said notation shall refer to the following footnote which shall be inserted following each General Dimensional Requirements table.

"Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback."

Section 3. This ordinance shall be effective upon adoption.