**ACTION REQUEST FORM**

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<th>DATE:</th>
<th>April 19, 2017</th>
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<tr>
<td>TO:</td>
<td>The Honorable Mayor and City Council</td>
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<tr>
<td>FROM:</td>
<td>A. Paul Norby, FAICP, Director of Planning</td>
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**COUNCIL ACTION REQUEST:**

Request for Public Hearing on an ordinance amendment proposed by Planning and Development Services

**SUMMARY OF INFORMATION:**

A. Public hearing on an ordinance amendment proposed by Planning and Development Services amending Chapter B of the *Unified Development Ordinances* to amend standards for the Winston Overlay (WO) Zoning District (UDO-275).

B. Approval of Ordinance.

**PLANNING BOARD ACTION:**

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

DOCKET #   UDO-275
STAFF:  Kirk Ericson

REQUEST

This UDO Text Amendment is proposed by City-County Planning and Development Services staff to revise Chapter B of the Unified Development Ordinances (UDO) to amend the Winston Overlay District requirements.

BACKGROUND

The Winston Overlay (WO) District was established in 2010 by City Council to set basic, supplementary design requirements for new and substantially redeveloped buildings in the central core of Downtown Winston-Salem (the district boundaries are shown in Exhibit A). These overlay requirements were established in addition to the requirements of the underlying zoning district, such as the CB (Central Business) District. Current WO District requirements include the basic site and building design requirements of façade build-to lines, parking location requirements, and minimum standards related to door location and façade transparency on the ground floor of buildings within the district. As part of the Planning Board’s adopted 2016-17 work program, staff was directed to discuss the possibility of updating and revising the current Winston Overlay District requirements with the Downtown Winston-Salem Partnership (DWSP).

Planning staff met with DWSP staff in August 2016 to determine whether there is a need to expand the current WO requirements. DWSP staff are of the opinion that there is a need to expand the current requirements of the WO district to continue improving the character of new development downtown. DWSP staff believe that now would be an ideal time to make these changes, as construction in downtown is expected to continue at an accelerated pace in the coming years.

Several possible areas of WO District revision, many of which are included in the ordinances of our peer cities, were discussed by Planning and DWSP staff. These potential ordinance provisions were presented conceptually to the Planning Board at its work session in September 2016. At that time, the Board agreed to have staff develop these concepts into ordinance language and get feedback from the Downtown community before scheduling a public hearing on a WO District text amendment.

ANALYSIS

Between September 2016 and February 2017, staff held discussions on possible revised WO District provisions with the Planning and Executive Committees of the DWSP, the full DWSP Board of Directors, and other Downtown stakeholders. Based on that feedback, staff is proposing modifications to five different elements of the overlay district, which are as follows:

- Requiring street-adjacent ground floor residential units to have a finished floor elevation of at least three feet above street level. A historical pattern for downtown residences
being raised several feet from the street exists in many older urban cities as well as in newer urban developments in cities such as Charlotte. This grade separation gives residents privacy from passersby while still allowing buildings to be located directly adjacent to the sidewalk. Implementing this requirement would help preserve urban character while improving the living experience for downtown residents.

- Requiring the street-facing facades above the ground floor of buildings within the WO District to be at least 25% transparent. Currently, the ordinance requires ground floor facades to exhibit 50% transparency through the use of windows and doors, but does not include minimum transparency standards for upper level floors. This current requirement could allow a towering, mostly blank facade to be constructed in our Downtown core as long as it exhibited street level transparency. The proposed provision would ensure that new street-facing facades would fit in with the established character of buildings in the overlay district and provide opportunities for visual connection between the inside of buildings and the street. For example, existing older buildings Downtown such as the Pepper Building and newer buildings such as Trader's Row generally exhibit upper floor transparency of between 25% and 40%. The 25% upper level façade transparency requirement would also ensure design flexibility in satisfying the fire protection and energy usage standards of the building code.

- Establishing design standards for new parking structures. Poorly designed parking structures can have a significant negative impact on the visual and pedestrian character of a downtown. This amendment proposes the ground floor of new parking structures to contain active land uses along at least 50% of their street-facing facades. Active land uses may be commercial, office, residential, or institutional in nature. Additionally, these uses must include transparent windows and doors along 50% of their street-facing facades. This provision will help improve the compatibility of parking structures with the pedestrian character of Downtown Winston-Salem. This amendment also proposes that street-facing facades of new parking structures include decorative design elements in their upper levels. These design elements could include features such as shimmer walls, public art, or other decorative detailing.

- Prohibiting the construction of future aerial overstreet pedestrian connectors over Fourth, Fifth, Trade, Liberty, Main, Cherry, Marshall, and Spruce Streets. Such connections are relatively rare in Winston-Salem currently and staff is not aware of any proposals to construct new overstreet connections on these streets. However, in some cities, overstreet connections have reduced pedestrian activity on the street below. Including this as an ordinance provision for the critical streets listed above would ensure that the pedestrian character and vitality of these streets would be retained.

- Allowing moving or flashing neon signs in the WO District (non-flashing neon signs are already allowed city-wide). While flashing signs are currently prohibited city-wide, DWSP staff believe such signs could enhance the unique pedestrian character of downtown retail, restaurants, and bars. Additionally, this amendment would prohibit electronic message boards within the WO District except for Stadiums, Coliseums, or Exhibition Buildings. Electronic message boards are appropriate for these facilities given the unique requirements of facilities hosting frequently changing events.
As previously stated, Planning staff consulted with the DWSP staff and the organization’s citizen members extensively during the development of these ordinance provisions. Staff also held a public drop-in meeting on the amendment which drew various stakeholders including members of the commercial and residential real estate/development community, commercial parking managers, citizens, and City Council members. Most citizen comments regarding the proposed amendment were generally positive. Staff believes the proposed ordinance is responsive to the desires of Downtown stakeholders and will help enhance the compatibility of future development in the overlay district. Staff recommends approval of this amendment.

**RECOMMENDATION**

**APPROVAL**
Kirk Ericson presented the staff report.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

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

George Bryan: This is nostalgic. I apologize for the way we, the City, have developed parking decks downtown and not met these standards in spite of all the models telling us we should. In the absence of any residents against it I can’t vote against it, but I wonder how we’ll feel about it 15 years from now. Paul Norby: We aren’t plowing new ground here. There are a number of cities that are way ahead of us in terms of what we’re proposing here.

Arnold King: Twenty-five percent transparency on the upper floors is still pretty stringent. Kirk Ericson: We checked with Bucky Frye who is over our plan review section in Inspections and he feels this is a good number based on the downtown construction he has seen.

Melynda Dunigan: This will make a very positive difference to downtown and I appreciate the work done on it.

**MOTION:** Clarence Lambe moved approval of the text amendment.
SECOND: Chris Leak

**VOTE:**
  FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Arnold King, Clarence Lambe, Chris Leak, Brenda Smith, Allan Younger
  AGAINST: None
  EXCUSED: None

____________________________
A. Paul Norby, FAICP
Director of Planning and Development Services
AN ORDINANCE AMENDING
CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES
TO AMEND STANDARDS FOR THE WINSTON OVERLAY 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 3, Article II – Zoning Districts, Official Zoning Maps, and Uses is hereby amended as follows:

Chapter B - Zoning Ordinance
Article II - Zoning Districts, Official Zoning Maps, and Uses

2-1 ZONING DISTRICTS

2-1.6 OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS - PURPOSE STATEMENTS AND REGULATIONS

(F) WO Winston Overlay District

(1) Purpose. The WO District is intended to encourage new development which is compatible with the existing urban form and character of Downtown Winston-Salem. The standards of this district are intended to prevent new inappropriate suburban-style development while still allowing for creativity and flexibility in creating urban, pedestrian-oriented design opportunities in the Core District of Downtown. Attention shall be given to creating new development which reinforces the character of existing, significant historic, institutional, and public facilities within Downtown, recognizing that such facilities have unique design characteristics that may be inconsistent with the standards set forth herein.

(2) Applicability. The standards of this Section shall apply to the following situations within the WO District Boundaries following adoption of this Ordinance;

(a) New Construction

(b) Additions to existing structures in that such additions shall not create a greater level of nonconformity with the provisions of Section B.2-1.6(F)(4) than currently exists on the site
(c) Reconstruction or renovation of existing structures, the cost of which is equal or greater than seventy-five percent (75%) of tax value of the existing structure

(d) Exterior alterations to existing structures in that such alterations shall not create a greater level of nonconformity with the provisions of Section B.2-1.6(F)(4) than currently exists on the site

This Section shall not apply to existing structures not affected by (b)-(d) above

(3) **WO District Boundaries.** The WO District applies in accordance with the adopted Winston Overlay District Boundaries Map.

(4) **District Requirements.**

(a) Location of Structures. Structures within the WO District shall have front build-to lines of zero (0) feet. However, where rowhouse-style residential units incorporate external stairs to satisfy the floor elevation requirements of Section B.2-1.6(F)(4)(g), the street-facing build-to line may be set back as far from the right-of-way as the facade-adjacent edge of the stair landing. Additionally, at least seventy percent (70%) of the combined site frontage adjoining street rights-of-way shall include structures with build-to lines of zero (0) feet. No surface parking shall be allowed within forty (40) feet of street rights-of-way pursuant to Section B.2-1.6(F)(4)(e) of this Ordinance.
Example of a new building meeting the WO District Requirements

(b) **Ground-Floor Façade Transparency.**

(i) No less than fifty percent (50%) of the ground floor (between two (2) and ten (10) feet above street level) street-facing facades of structures within the WO District shall consist of transparent windows, doors, or openings in the façade. Additionally, no less than twenty-five percent (25%) of the entire street-facing façades above the ground floor of structures within the WO District shall consist of transparent windows, doors, or openings in the façade.

(ii) Where walls, fences or other similar features exist between the public right-of-way and the street-facing façade, a minimum of fifty percent (50%) of such feature shall consist of transparent openings.
(c) entrances. Buildings within the WO District shall have at least one entrance per one hundred (100) linear feet of street frontage, on each street-facing façade with a minimum of one entrance per building. Each entrance shall be able to accommodate a door at least thirty-six (36) inches wide and six (6) feet, eight (8) inches tall.

(d) Commercial Parking. The use Commercial Parking within the WO District shall be allowed in the form of structured parking built in accordance with Section B.2-1.6(F)(4)(a) or in the form of surface parking lots set back a minimum of forty (40) feet from adjoining street rights-of-way.

(e) New Surface Parking. New surface parking shall only be allowed to the rear of buildings within the WO District or shall be set back a minimum of forty (40) feet from adjoining street rights-of-way, except where new surface parking areas are enclosed with walls or fences which are between fifty percent (50%) to seventy-five percent (75%) transparent. Such walls shall be constructed of brick or stone and shall be set back two (2) feet from the street right-of-way. A streetyard meeting the requirements of Section B.3-4.3 shall be installed between such walls and the right-of-way. Additionally, such wall shall not exceed fifty (50) feet in length along the right-of-way, inclusive of any driveway opening.

(f) New Structured Parking.

(i) The ground floor of any new parking structure shall contain active land uses along a minimum of fifty percent (50%) of all of its street-facing façades. No less than fifty percent (50%) of the ground floor (between two (2) and ten (10) feet above street level) street-facing façades of said active land uses shall consist of transparent windows or doors. Active land uses may be commercial, office, residential, or institutional in nature.

(ii) All street-facing façades above the ground floor of new parking structures shall incorporate decorative design elements such as façade detailing, shimmer walls, or public art.

(g) Ground Floor Residential Uses. Street-adjacent ground floor residential uses in the WO District shall be designed with a finished floor elevation of at least three (3) feet above the average street grade in front of the building or unit. This requirement shall not apply to ground floor residential units which are not street-adjacent.

(h) Over-Street Connectors. The construction of new over-street pedestrian connectors shall be prohibited in the rights-of-way of the following streets in the WO District: Fourth Street; Fifth Street; Trade Street; Liberty
Street; Main Street; Cherry Street; Marshall Street; and Spruce Street. This prohibition shall not apply to the repair or reconstruction of existing over-street connectors within these rights-of-way.

(5) **Alternative Compliance.** Alternative compliance may be granted by the Planning Board for development whose practical difficulties in meeting the specific requirements of this section are determined to exist through the Planning Board Review (PBR) process as prescribed in Section B.6-1.3(A). Such development may include public, institutional, or assembly facilities such as churches, theaters, convention centers and related uses or structures which have design characteristics and considerations that are inconsistent with the standards of Section B.2-4.6(F)(4) and are designed to complement or achieve consistency with established urban form. Additionally, as part of its review, the Planning Board shall consider recommendations by the Historic Resources Commission for properties located within a National Register Historic District or for properties listed individually on the National Register.

An applicant for alternative compliance may appeal the decision of the Planning Board to the Elected Body by filing with the City secretary a notice of appeal within sixty (60) days of said decision. The Elected Body shall make its decision based upon the standards and purposes of the Winston Overlay District. Any building permit issued for the development shall state that development must comply with the decision of the Planning Board or Elected Body, as applicable. There shall be no additional fees for filing an appeal under this section.

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

**Chapter B - Zoning Ordinance**

**Article III – Other Development Standards**

**3-2 SIGN REGULATIONS**

**3-2.1 SIGN REGULATIONS (W)**

(D) **Prohibited Signs or Objects**

The following signs or uses of signs are prohibited, unless otherwise provided for in this Ordinance:

(4) **Sign with Moving and Flashing Lights or Parts.** Notwithstanding the provisions of Section B.3-2.1(F)(2), a sign with blinking, chasing, flashing or moving effects; or a sign displaying intermittent or flashing lights similar to those used in governmental traffic signals or used by police, fire, ambulance, or other emergency vehicles. Such signs include beacons, spotlights, searchlights, or reflectors and signs which revolve, rotate or swing by mechanical means. This
prohibition shall not apply to on-premises attached neon signage with blinking, chasing, flashing or moving effects within the Winston Overlay (WO) District.

(F) Signs Allowed With a Zoning Permit
The following signs are allowed with a zoning permit in any zoning district where the specified uses are permitted:

(2) Electronic Message Board Sign. Electronic Message Board Signs shall be allowed in all nonresidential zoning districts except that, within the Winston Overlay (WO) District, Electronic Message Board signs shall only be allowed on the premises of Stadiums, Coliseums, or Exhibition Buildings in accordance with the provisions of Section B.3-2.1(H)(6)(c). A development may have either attached or freestanding Electronic Message signage, but not both, unless otherwise provided for in this Ordinance. The following conditions shall apply to Electronic Message Board Signs:

(a) Calculation of Area. An Electronic Message Board Sign which is included within a larger sign shall be included in the calculation of the total permitted sign area.

(b) Changes Per Day. For fifteen (15) years following the effective date of this Ordinance an Electronic Message Board Sign for which a permit has been lawfully issued as of the effective date of this Ordinance (1) may display a message that scrolls and (2) shall have a maximum change rate of once every eight (8) seconds; at the end of said fifteen (15) year period such signs shall not display a message that scrolls and shall have a maximum change rate of once every two (2) hours. All Electronic Message Board Signs for which a permit has been lawfully issued after the effective date of this Ordinance shall have a maximum change rate of once every two (2) hours and shall not display a message that scrolls. Changes shall be complete and shall not contain any scrolling, flashing, or similar transitional effects between static messages.

(c) Attached Signs. Attached Electronic Message Signs shall have a maximum area of twenty-four (24) square feet, unless otherwise provided for in this Ordinance.

(d) Area Bonus. Electronic Message Board Signs six (6) feet in height and lower containing Electronic Messages shall be allowed a ten percent (10%) increase in maximum sign area.
(H) On-Premises Freestanding Signs
Unless otherwise provided for in this Ordinance, an on-premises freestanding sign shall meet the following additional provisions:

(6) Exceptions to On-Premises Freestanding Sign Provisions.

(c) Stadium, Coliseum, or Exhibition Building. A changeable copy and/or electronic message sign may be applied to freestanding and/or attached signage, with the total area of freestanding and attached changeable copy and/or electronic message signage not to exceed two hundred (200) square feet.

When a Stadium, Coliseum, or Exhibition Building has a maximum seating capacity of fifteen thousand (15,000) or less, the maximum permitted freestanding sign area shall be increased to two hundred (200) square feet, and the maximum height shall be twenty-two (22) feet. When the building has a maximum seating capacity of greater than fifteen thousand (15,000), the maximum permitted sign area shall be three hundred fifty (350) square feet and the maximum height shall be increased to thirty-five (35) feet.

Section 3. This ordinance shall be effective upon adoption.
April 7, 2017

Mr. Paul Norby  
Director, City-County Planning Board  
PO Box 2511  
Winston-Salem, NC 27102

Dear Paul:

The Downtown Winston-Salem Partnership strongly supports amending Chapter B of the Unified Development Ordinances to amend standards for the Winston Overlay (WO) Zoning District (UDO-275) as they are proposed on Item #5 of your agenda for the upcoming City-County Planning Board meeting on April 13, 2017. I wish I could be there to speak on behalf the amendment, however, I will be out of town.

Our Downtown Winston-Salem Partnership Board of Directors voted in favor of this amendment in January 2017 after we had several months of discussion in our monthly DWSP Planning Committee and conducted a Public Input Session that was advertised with downtown stakeholders.

Thank you very much for your consideration and we urge you to approve this proposed text amendment so that we can continue to meet the goals laid out in our Downtown Plan.

Sincerely,

Jason Thiel  
President
April 7, 2017

Mr. Paul Norby  
Director, City-County Planning Board  
PO Box 2511  
Winston-Salem, NC 27102

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