

STAFF REPORT

DOCKET # UDO-283

STAFF: [Kelly Bennett](#)

REQUEST

UDO-283 is a zoning text amendment proposed by Planning and Development Services staff to amend Chapter B of the *Unified Development Ordinances* (UDO) to allow Residential Building, Townhouse and Residential Building, Multifamily in the HB (Highway Business) and GO (General Office) zoning districts, and to remove the uses Residential Building, Duplex and Residential Building, Twin Home from the GB (General Business) district. This text amendment was proposed in the report staff presented to the Planning Board in April 2017 concerning strategies for promoting mixed-use development.

BACKGROUND

Legacy 2030 highlights the advantages of mixed-use development to advance the themes of fiscal responsibility, livable design, and sustainable growth. Benefits of mixed-use development include an urban environment that is active throughout the day and evening, makes optimum use of infrastructure, reduces automobile trips, and increases walkability and pedestrian activity. Several *Legacy 2030* policies and action agenda items specifically encourage mixed-use development in activity centers and along growth corridors.

To further these goals, a report that staff presented to the Board in April 2017 recommended amending the UDO to allow multifamily development by right (with review by the Planning Board) in HB (Highway Business), GO (General Office), and Corporate Park Office (CPO) districts to help provide more opportunities for creating horizontal mixed-use development, where residential uses are located next to commercial and office uses, rather than within the same building as in vertical mixed use. Removing the uses Residential Building, Duplex and Residential Building, Twin Home from the GB district would ensure that only intense land uses are reserved for this district, which is also largely located in activity centers and along growth corridors. The Board asked staff to prepare this text amendment as part of its 2017-18 work program,

ANALYSIS

In Winston-Salem and Forsyth County, a mix of multifamily residential and commercial/office uses are already allowed with review by the Planning Board in several business and office zoning districts (MU-S, GB, PB, NO, LO); however, residential multifamily uses are not currently permitted in HB, GO, or CPO districts. Uses allowed with review by the Planning Board do not require rezoning, which takes two months on average and adds time and expense to a project, ultimately discouraging developers from taking such risks. Since the HB district in particular is already one of the most intense zoning districts and is mostly located in activity centers and along growth corridors, there appears to be little downside to adding multifamily

uses here. GO, while not as common as HB, is similarly intense and located mostly near growth corridors, also making it an appropriate location for multifamily development. After further review, staff believes that the CPO district is not as logical of an environment for multifamily development because existing CPO districts are not located in or near growth corridors or activity centers. And, removing the uses Residential Building, Duplex and Residential Building, Twin Home from the GB district would further the goals of encouraging more intense mixed-use development.

Neither the HB nor GO district has minimum setback requirements in most instances, which could benefit the walkability of new development. HB allows a building height of 60 feet and a maximum impervious surface allowance of 85 percent. GO also allows a building height of 60 feet if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H; it has no height limit otherwise. The GO district has a maximum impervious surface allowance of 80 percent.

The number of residential units is limited by dimensional requirements in the PB, GB, and MU-S districts, and by density in NO and LO. Given each district's dimensional requirements, Planning staff believes that multifamily development of up to 18 units per acre is appropriate in GO districts and multifamily development of unlimited density is appropriate in HB districts.

Although Planning staff's original memo recommended adding the use Residential Building, Multifamily to these zoning districts, also adding the use Residential Building, Townhouse could make sites more flexible to develop and encourage developers to mix housing types and even offer more affordable housing products. Because HB and GO districts both allow land uses that generate more traffic than typical multifamily residential development, allowing multifamily uses is not likely to increase traffic in these areas.

Allowing multifamily uses with Planning Board review in HB and GO zoning districts has many possible benefits. Besides the possibility of creating more mixed-use development along growth corridors and in activity centers, such a change could encourage more incremental mixed-use development in commercial outparcels or other infill locations. Additionally, the relocation of some large tenants to Downtown Winston-Salem has left several office properties vacant in suburban locations. Allowing multifamily in these areas could help redevelopment efforts here while promoting residential units near employment areas. Also removing the uses Residential Building, Duplex and Residential Building, Twin Home from the GB district would further these goals.

RECOMMENDATION

APPROVAL

UDO-283
AN ORDINANCE REVISING
CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES
TO ALLOW RESIDENTIAL BUILDING, TOWNHOUSE AND RESIDENTIAL
BUILDING, MULTIFAMILY IN HIGHWAY BUSINESS AND GENERAL OFFICE
DISTRICTS WITH PLANNING BOARD REVIEW AND REMOVE THE USES
RESIDENTIAL BUILDING, DUPLEX AND RESIDENTIAL BUILDING, TWIN HOME
FROM THE GENERAL BUSINESS DISTRICT

Be it ordained by the _____, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B, Article II of the *UDO* is amended as follows:

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

2-1 ZONING DISTRICTS

2-1.3 COMMERCIAL ZONING DISTRICTS – PURPOSE STATEMENTS AND REGULATIONS

(D) GO General Office District

(1) Purpose. The GO District is primarily intended to accommodate high intensity office uses and supporting services, as well as intermediate-density residential uses. The district is established to provide locations for employment within GMAs 1 and 2, Metro Activity Centers, and GMA 3 with access to thoroughfares.

(2) General Dimensional Requirements - GO.

| Zoning District | Minimum Zoning Lot | | Minimum Contiguous Site Area (ac) | Minimum Setbacks ^{1,4} | | | | Maximum Impervious Surface Cover (%) | Maximum Height (ft) ³ |
|-----------------|--------------------|------------|-----------------------------------|---------------------------------|-----------|--------------------|-------------|--------------------------------------|----------------------------------|
| | Area (sf) | Width (ft) | | Side | | | | | |
| | | | | Front (ft) | Rear (ft) | Interior Side (ft) | Street (ft) | | |
| GO | 10,000 | 75 | — | — | — | — | — | 80 ² | 60/ unlimited |

NOTE: Items to be deleted are indicated with a strikethrough; items to be added are indicated with an underscore.
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1. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
2. The eighty percent (80%) limit applies only to GMA 3.
3. There is no height limit unless adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Height of structure above sixty (60) feet may be increased one foot for each foot of additional setback beyond the forty (40) foot minimum required if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H.
4. Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section B.3-14.1(B)(1).**(W)**

(3) Multifamily Residential Development. Multifamily residential development is permitted at a maximum density of eighteen (18) units per acre.

(I) HB Highway Business District

(1) Purpose. The HB District is primarily intended to accommodate retail service, ~~and~~ distributive uses, and high-density residential. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in GMAs 2, 3 and 4.

(2) General Dimensional Requirements - HB.

| Zoning District | Minimum Zoning Lot | | Minimum Contiguous Site Area (ac) | Minimum Setbacks ^{1,2} | | | | Maximum Impervious Surface Cover (%) | Maximum Height (ft) |
|-----------------|--------------------|------------|-----------------------------------|---------------------------------|-----------|--------------------|-------------|--------------------------------------|---------------------|
| | Area (sf) | Width (ft) | | Front (ft) | Rear (ft) | Side | | | |
| | | | | | | Interior Side (ft) | Street (ft) | | |
| HB | 20,000 | 100 | — | — | — | — | — | 85 | 60 |

1. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
2. Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section B.3-14.1(B)(1).**(W)**

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.
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(J) GB General Business District

(1) Purpose. The GB District is primarily intended to accommodate a wide range of retail, service, ~~and office,~~ and high-density residential uses located along thoroughfares in areas which have developed with minimal front setbacks. However, the district is not intended to encourage or accommodate strip commercial development. The district would accommodate destination retail and service uses, characterized by either a larger single business use or the consolidation of numerous uses in a building or planned development, with consolidated access. This district is intended for application in GMAs 1, 2 and 3 and Metro Activity Centers.

(2) General Dimensional Requirements - GB.

| Zoning District | Minimum Zoning Lot | | Minimum Contiguous Site Area (ac) | Minimum Setbacks ¹ | | | | Maximum Impervious Surface Cover (%) | Maximum Height (ft) ² |
|-----------------|--------------------|------------|-----------------------------------|-------------------------------|-----------|--------------------|--------------------------|--------------------------------------|----------------------------------|
| | | | | Side | | | | | |
| | Area (sf) | Width (ft) | | Front (ft) ³ | Rear (ft) | Interior Side (ft) | Street (ft) ³ | | |
| GB | 10,000 | 75 | — | — | — | — | — | — | 60/ unlimited |

1. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.

2. There is no height limit unless adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Height of structure above sixty (60) feet may be increased by one foot for each foot of additional setback beyond the forty (40) foot minimum required, if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H.

3. Residential structures in GMA 2 shall meet the requirements of Section B.3-8. **(W)**

(3) Supplementary District Requirements. Minimum lots sizes for multifamily developments must meet the requirements of Table B.3.4.

NOTE: Items to be deleted are indicated with a strikethrough; items to be added are indicated with an underscore.
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2-4 - PERMITTED USES

2-4.1 TABLE B.2.6

Table 2.6 displays the principal uses allowed in each zoning district and references uses conditions. Table B.2.6 should be read in conjunction with the definitions of principal uses and other terms in Section A.2. Land, buildings, and structures shall only be used in accordance with the districts shown on the Official Zoning Maps, and subject to all requirements and conditions specified in this Ordinance.

| Table B.2.6 PERMITTED USES | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|----|----|------|------|------|------|------|-----|-----|-----|-----|-----|------|------|-----|----|----|----|-----|----|----------|----|----|-----|----|----------|----------------|---------------------------|---|----|----|----|----|---|------|-------|----|
| Use Type | YR | AG | RS40 | RS30 | RS20 | RS15 | RS12 | RS9 | RS7 | RSQ | RM5 | RM8 | RM12 | RM18 | RMU | MH | NO | LO | CPO | GO | NB | PB | LB | NSB | HB | GB | CB | MRB-S ⁴ (W) | E | LI | GI | CI | IP | C | MU-S | CONDS | |
| RESIDENTIAL USES | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Residential Building, Single Family (Lo) | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | Z | | | Z | Z | | | | | Z ⁶ | | P | | | | | Z | Z | 65 | |
| Residential Building, Duplex (Lo) | | | | | | | | | | Z | Z | Z | Z | Z | Z | | Z | Z | | | Z | Z | | | | P | | | | | | | | | Z | | |
| Residential Building, Townhouse (Lo) | | | | | | | | | | P | P | P | P | P | P | | P | P | | | <u>P</u> | P | P | | | <u>P</u> | P | Z | Z | P | | | Z | | Z | | 64 |
| Residential Building, Twin Home (Lo) | | | | | | | | | | Z | Z | Z | Z | Z | Z | | Z | Z | | | | Z | Z | | | | P | | | | | | | | Z | | 64 |
| Residential Building, Multifamily (Hi) | | | | | | | | | | P | P | P | P | P | P | | P | P | | | <u>P</u> | P | P | | | <u>P</u> | P | Z | Z | P | | | Z | | Z | | 64 |

Section 2. 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.
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