**ACTION REQUEST FORM**

<table>
<thead>
<tr>
<th>DATE:</th>
<th>September 21, 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>TO:</td>
<td>The Honorable Mayor and City Council</td>
</tr>
<tr>
<td>FROM:</td>
<td>A. Paul Norby, FAICP, Director of Planning</td>
</tr>
</tbody>
</table>

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Text Amendment proposed by City-County Planning staff

**SUMMARY OF INFORMATION:**

Zoning Text Amendment proposed by City-County Planning Board staff to amend Chapter B of the *Unified Development Ordinances* to create the Martin Luther King Jr Drive Overlay District standards. (UDO-226).

**PLANNING BOARD ACTION:**

<table>
<thead>
<tr>
<th>MOTION ON PETITION:</th>
<th>APPROVAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR:</td>
<td>UNANIMOUS</td>
</tr>
<tr>
<td>AGAINST:</td>
<td>NONE</td>
</tr>
<tr>
<td>SITE PLAN ACTION:</td>
<td>NOT REQUIRED</td>
</tr>
</tbody>
</table>
STAFF REPORT

DOCKET #  UDO-226/W-3112
STAFF:      Kirk Ericson

REQUEST

This text amendment (UDO-226) is proposed by the S.G. Atkins Community Development Corporation (CDC) and City-County Planning Board staff to Amend Chapter B of the Unified Development Ordinances (UDO) to create the Martin Luther King Overlay District standards for eastern Winston-Salem. The Overlay District was placed on the Planning staff’s work program by the City-County Planning Board.

The accompanying rezoning (W-3112) is required to implement these proposed development standards for properties within the district boundaries.

BACKGROUND

In the summer of 2010 the Winston-Salem City Council adopted form-based code provisions for Downtown Winston-Salem. This ordinance (UDO-216, The Winston Overlay District) was the first form-based zoning district in Forsyth County. Unlike conventional zoning, which emphasizes regulating the use of sites and separating inappropriate uses through minimum building setbacks and bufferyards, form-based zoning uses building location and design standards to promote compatibility with surrounding development. The proposed Martin Luther King Overlay (MLKO) District standards are very similar to those of the Winston Overlay District.

Staff has developed the proposed MLKO District standards with the assistance of and at the request of the S.G. Atkins CDC. The CDC believes the proposed ordinance will improve the built character of development along Martin Luther King, Jr. Drive in eastern Winston Salem between Cleveland Avenue and Business 40 while still providing design and development flexibility. This ordinance will encourage an urban form (buildings near the street with parking to the side and rear) and prevent new suburban-style development along the corridor.

In 2010, S.G. Atkins CDC staff approached the Planning Board and staff about assisting in developing form-based standards for the MLK Corridor. After the Planning Board agreed to place this possible overlay district on the Planning work program, several public meetings were held in Winter 2010/2011 where the CDC received comments from the general public and property owners about proposed ordinance provisions. Based on these comments, CDC staff and Planning staff developed the proposed MLKO District standards. These standards were presented to the community in Spring 2011 and additional public comments were solicited. The CDC staff believes the response to the proposed ordinance has been largely positive and is ready to present the ordinance to the Planning Board.
ANALYSIS

The MLKO District standards are proposed to apply to new construction, additions to existing structures, and substantial reconstruction or renovations of existing structures within the district boundaries. Additionally, exterior alterations to existing structures will not be allowed if such alterations result in a greater level of nonconformity with the MLKO District standards than what currently exists on site. These are the same situations which the WO District standards apply to.

The MLKO District boundaries were determined by the S.G. Atkins CDC staff and Planning staff. The district standards exist in the form of an overlay district, which means a rezoning of all the properties within the district boundaries is required to enact these standards. The MLK Overlay District area is approximately 41 acres in size and is currently zoned HB (Highway Business), RS-7 (Residential Single-Family with a minimum lot size of 7000 square feet) and a variety of other zoning districts. Properties within the district will retain their underlying zoning and requirements of that zoning, such as permitted uses and parking requirements. Where a conflict between the MLKO standards and the underlying zoning district standards exists, the MLKO District standards will apply if they are more restrictive than the underlying district.

The MLKO District standards regulate (1) the location of buildings on a site, (2) ground floor façade transparency, (3) building entrances, (4) site signage, and (5) parking within the district. To ensure a uniform streetscape appearance along Martin Luther King, Jr. Drive, front setbacks of all buildings in the district are proposed to be between five and ten feet. Locating buildings close to the street promotes a pedestrian-oriented character for the corridor.

At least fifty percent of the ground floor street-facing facades of buildings in the MLKO District must include transparent windows, doors, or openings in the façade. Fences or walls which exist between a building and the street must also be fifty percent transparent. Buildings within the district must include at least one building entrance per hundred linear feet of street frontage. This entrance must include at least one standard-size door as defined in the Ordinance.

New freestanding signs in the district are limited to a maximum height of six feet and a maximum size of thirty-six square feet. Parking is also regulated by the MLKO District standards. Parking adjacent to the MLK corridor may either meet the standard streetyard planting requirements of the ordinance or may alternatively be screened by brick or stone walls which are between fifty and seventy-five percent transparent.

Staff believes the standards of the proposed ordinance, while minimal, will have a significant effect in promoting the urban, pedestrian-oriented character along Martin Luther King, Jr. Drive desired by the S.G. Atkins CDC staff and the community. The proposed standards will provide architectural and site design flexibility while still preventing additional suburban-style development along the corridor. Staff recommends approval of this text amendment and the accompanying rezoning.

RECOMMENDATION

APPROVAL
CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-226
SEPTEMBER 8, 2011

Kirk Ericson presented the staff report. Item UDO-226 and W-3112 were presented together. However, individual votes were taken.

PUBLIC HEARING

FOR:

Carol Davis, Executive Director for the Simon G. Atkins Community Development Corporation (CDC), 1922 South Martin Luther King, Jr. Drive, Winston-Salem, NC 27107
• Our intention is to make progress toward the vision the community has expressed over and over again.
• This vision includes making the area more pedestrian friendly, more attractive for shopping, residential, and for work.
• This will move us forward toward attaining that vision.
• With all the improvements being made, this is the time to adopt an ordinance like this and be ahead of future development.

Joycelyn Johnson, 2426 Edison Court, Winston-Salem, NC
• I have a couple of concerns and questions which have not been adequately addressed by staff or the CDC.
• When it talks about the enforcement of imposition of an already increased dense area, the implications of health on increased traffic, increased number of cars in the area and opportunities for development which will create negative health outcomes.
• Part of the community has relocated from the community over the years because of not having the feel of some suburban development. So no one has explained the rationale of not having an urban/suburban friendly neighborhood. There are opportunities, I agree. We have worked long and hard over the years to make visions for Martin Luther King, the Walkertown Road, the other corridors for our community to have improvements but certainly not to make it more difficult for residents to travel and those who live in the area.
• The other is a part of, and should the zoning go forward we would ask that establishments created under General Statute 14-202.10 Section 1 (Adult Establishments) be eliminated from the zoning request.
AGAINST: None

WORK SESSION

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

1. If we're talking about specific uses, that is addressed through the underlying zoning district. This overlay district proposal does not address that. The overlay district would address the standards for site development, the physical site development so the best way to address a concern about a particular use is through the underlying zoning for that property.

2. Paul Norby: I appreciate the comment about not trying to create negative health consequences in an area. We are talking about not trying to overcrowd, overload an area but otherwise creating a pedestrian oriented atmosphere. There is a major university just south of Business 40 and the major area just north is being talked about for a pretty major overhaul by the Housing Authority of Winston-Salem. This overhaul would include a mixed use, pedestrian friendly, mixed income development. Between those two areas we have the Martin Luther King Jr Drive Corridor that we're talking about here. The goal of the CDC and the East/Northeast Area Plan is to pull activity into this area - commercial activity & multifamily activity that could be used as housing for future students, for people who work in the research park that is immediately adjacent to this area, employees of the public schools as well as the university there.

3. The lotting pattern along MLK is not large suburban style lots so it's hard to retrofit. This overlay certainly fits what we understood to be the goal of the East/Northeast Area Plan which was adopted by this board and the City and County.

4. Mr. Curtis explained that the CDC has spent a lot of time with members of the community. This plan will help get us to our goal of making the area more pedestrian friendly.

5. Lynne Mitchell: I walk in this area and think having an environment where people feel safe walking, a wonderful park in the immediate area, would be beneficial health-wise. The only concern I could think of relating to health and this proposal is traffic and ozone levels being asthma triggers. Hopefully having more people walking will result in less traffic, hence less asthma triggers.
MOTION: Wesley Curtis moved approval of the zoning text amendment.
SECOND: Lynne Mitchell
VOTE:
   FOR: Wesley Curtis, Arnold King, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger
   AGAINST: None
   EXCUSED: None

A. Paul Norby, FAICP
Director of Planning
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 B, 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

The following overlay and special purpose zoning districts are established:

<table>
<thead>
<tr>
<th>Symbol</th>
<th>District Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>NCO</td>
<td>Neighborhood Conservation Overlay</td>
</tr>
<tr>
<td>TO</td>
<td>Thoroughfare Overlay</td>
</tr>
<tr>
<td>AO</td>
<td>Airport Overlay</td>
</tr>
<tr>
<td>H</td>
<td>Historic</td>
</tr>
<tr>
<td>HO</td>
<td>Historic Overlay</td>
</tr>
<tr>
<td>WO</td>
<td>Winston Overlay</td>
</tr>
<tr>
<td>MLKO</td>
<td>Martin Luther King Overlay</td>
</tr>
</tbody>
</table>

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.
The purpose of establishing these districts is to assist the community in meeting the recommendations of Legacy and to meet requirements of State and federal law. When a rezoning proposal for one of these districts is considered, historic preservation, watershed protection, and other applicable goals and recommendations contained in Legacy shall be used as guides, in conjunction with other factors, in determining the appropriateness of the proposed district.

(G) MLKO Martin Luther King Overlay District

(1) Purpose. The MLKO District is intended to encourage new development which is compatible with the proposed urban form and character of eastern Winston-Salem. The standards of this district are intended to prevent new suburban-style development while still allowing for creativity and flexibility in creating urban, pedestrian-oriented design opportunities in this area.

(2) Applicability. The standards of this Section shall apply to the following situations within the MLKO 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(G)(4) than currently exists on the site
(c) Reconstruction or renovation of existing structures 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(G)(4) than currently exists on the site

This Section shall not apply to existing structures not affected by (b)-(d) above or to the uses Residential Building, Single Family; Residential Building, Duplex; and Residential Building, Twin Home.

(3) MLKO District Boundaries. The MLKO District applies in accordance with the adopted Martin Luther King Overlay District Boundaries Map.

(4) District Requirements.

(a) Location of Structures. Structures within the MLKO District shall have front build-to lines of between five (5') and ten (10') feet. Additionally, structures on corner lots shall also have side-street build-to lines of between five (5') and ten (10') feet.
(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 MLKO District shall consist of transparent windows, doors, or openings in the façade.

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.
UDO-226 September 2011
(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 MLKO District shall have at least one entrance per hundred linear feet (100’) 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 inches (36”) wide and six feet, eight inches (6’-8”) tall.

(d) Signage. Freestanding signs in the MLKO District shall have a maximum height of six feet (6’) and a maximum area of thirty-six (36) square feet.

(e) Off-Street Parking. Off-street parking within the district adjacent to Martin Luther King Jr. Drive shall meet the streetyard requirements of Section B.3-4.3 or may be alternatively screened by walls or fences which are between fifty (50%) to seventy-five percent (75%) transparent. Such walls shall be constructed of brick or stone.

Section 2. This ordinance shall be effective upon adoption.