

**ACTION REQUEST FORM**

**DATE:** July 14, 2010  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning

**COUNCIL ACTION REQUEST:**

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

**SUMMARY OF INFORMATION:**

A UDO Text Amendment proposed by City-County Planning Board staff to amend various sections of the UDO to consolidate certain uses in the Permitted Use Table for the purpose of simplifying the Change of Use process. (UDO-217).

**PLANNING BOARD ACTION:**

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

## STAFF REPORT

DOCKET # UDO-217

STAFF: [Kirk Ericson](#)

### REQUEST

This text amendment is proposed by City-County Planning staff to amend Chapters A and B of the *Unified Development Ordinances* (UDO) to consolidate certain uses in the Permitted Use Table for the purpose of simplifying the change of use process.

### BACKGROUND

In September 2009, the Planning Board recommended approval of UDO-205, a text amendment which consolidated several of the UDO's permitted uses. This text amendment was developed in response to a request from the Winston-Salem Regional Association of Realtors Change of Use Task Force. This task force met on an ongoing basis with Planning staff members, as well as City Development Office and City-County Inspections staff, and is charged with making the existing change of use process easier to navigate for applicants and easier to enforce for City-County staff.

A change of use occurs whenever existing land or an existing building is used in a manner that is different than its previously established use. For example, if an office building is vacated and a retail store moves into the building, a change of use has occurred. A major recommendation of the task force was to consolidate uses in the UDO. Consolidating uses would reduce the number of situations where a change of use would be required. Due to the success of the 2009 change of use amendment, there has been interest in the development community for re-examining the UDO and attempting to consolidate more uses. This text amendment is proposed in response to this interest.

### ANALYSIS

Staff believes the proposed text amendment will continue to streamline the change of use process, and will help encourage the reuse of existing commercial buildings within the community. This amendment will address change of use issues as they pertain to UDO requirements; however, it is important to note the State Building Code requirements must still be met, and a change of use may trigger such requirements even where a UDO change of use does not occur.

Staff also believes the proposed request helps to reduce the stratification of uses currently contained in the UDO. Our existing Permitted Use Table contains over 150 different use classifications. Staff supports the idea of combining uses together where practical and feasible in order to reduce the complexity of the UDO. This text amendment only proposes consolidating uses which can be grouped together relatively easily.

Current Uses	Consolidated Use	Rationale
-Government Offices -Neighborhood Organization -Post Office	Government Offices, Neighborhood Organization, or Post Office	These uses have similar community-serving functions, have similar parking needs, and if one of these uses was discontinued at a location, another in this group could easily replace it.
-Implement Sales and Service -Outdoor Display Retail	Outdoor Display Retail	Both of these uses are engaged in the sale and display of vehicles and equipment, and they have similar impacts on adjoining properties.
-Offices -Health Services, Miscellaneous -Non-Store Retailer -Broadcast Studio	Offices	Health Services Miscellaneous, Non-Store Retailer, and Broadcast Studio all have similar impacts to the Office Use. If an Office use were to vacate an office building, these uses would be likely candidates for re-use of that space. Therefore, it makes sense to combine these uses.
-Services, Business A -Services, Personal	Services A	These service uses are very similar in their current definitions, their impact on adjacent uses, and their parking requirements.

Staff believes any use consolidation beyond what has already been adopted in UDO-205 and what is being proposed in this amendment would be much more difficult to implement due to the distinct differences between other existing uses. These differences include unique zoning and parking requirements, use conditions, and impacts on adjoining property. Staff recommends approval of this text amendment.

### **RECOMMENDATION**

### **APPROVAL**

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR UDO-217  
JULY 8, 2010**

Kirk Ericson presented the staff report.

**PUBLIC HEARING**

FOR:

Charles Miller, 430 Sherwood Forest Road, Winston-Salem, NC 27103

- I am the chairman of the Change of Use Task Force.
- I'm here to give accolades to Planning staff for their help with this.
- Our work is not done, but we have made significant progress.
- The task force is a joint effort of citizens, professionals and City staff.
- Thank you to the Planning staff for taking the initiative to look at their own documents and find ways to make this economy run smoother in the effort of reusing real estate.

AGAINST: None

**WORK SESSION**

During discussion by the Planning Board, the following point was made:

1. Clarence Lambe expressed his gratitude to staff and citizens for taking the time and working so hard. This is a great thing.

MOTION: Clarence Lambe moved approval of the text amendment.

SECOND: Paul Mullican

VOTE:

FOR: Wesley Curtis, Arnold King, Arthur King, Clarence Lambe, Darryl Little, Barry Lyons, Lynne Mitchell, Paul Mullican

AGAINST: None

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A. Paul Norby, FAICP  
Director of Planning

**UDO-217**  
**AN ORDINANCE PROPOSED BY CITY-COUNTY PLANNING STAFF**  
**AMENDING VARIOUS CHAPTERS OF THE *UDO* RELATING TO**  
**USE CONSOLIDATION**

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

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

## **Chapter A - Definitions Ordinance**

### **Article II – Definitions**

~~**BROADCAST STUDIO.** An establishment primarily engaged in providing two-way radio/ telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities. This definition includes all uses in the following SIC group:~~

~~48—Communications~~

**GOVERNMENT OFFICES, NEIGHBORHOOD ORGANIZATION, OR POST OFFICE.** The offices of the executive, legislative, judicial, administrative and regulatory branches of federal, State and local governments; also, a facility operated by a nonprofit organization which provides informational, educational, social, or economic counseling or similar services to persons residing in a neighborhood; also, a facility or structure used for the collection, sorting, and distribution of mail within several zip code areas, having retail postal services for the general public, such as stamps, postcards, or postal insurance. This definition includes, but is not limited to all uses in the following SIC groups:

- 91 Executive, Legislative, And General
- 92 Justice, Public Order, and Safety Finance,
- 93 Taxation, & Monetary Policy
- 94 Administration of Human Resources
- 95 Environmental Quality and Housing
- 96 Administration of Economic Programs
- 97 National Security and International Affairs

~~**HEALTH SERVICES, MISCELLANEOUS.** Kidney dialysis centers, blood banks, birth control clinics, drug treatment centers, and similar uses. This definition includes all uses in the following SIC group:~~

~~809—Health and Allied Services, NEC~~

~~**IMPLEMENT SALES AND SERVICE.** An establishment engaged in the sale, service, or rental of agricultural machinery, trailers, construction equipment, or tools.~~

~~**NEIGHBORHOOD ORGANIZATION OFFICE.** A facility operated by a nonprofit organization which provides informational, educational, social, or economic counseling or similar services to persons residing in a neighborhood. A majority of the organization's membership and board must live in the neighborhood being served.~~

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.  
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~~**NON-STORE RETAILER.** An establishment primarily engaged in the retail sale of products by mail order, from vending machines, and by telephones and television. This definition includes all uses in the following SIC group:~~

596 — Nonstore Retailers

**OFFICES.** An establishment primarily engaged in providing: engineering, architectural, and surveying services; accounting, auditing, and bookkeeping services; public relations services; legal services; real estate services; the services of insurance agents, brokers and carriers; the services of security and commodity brokers; the services of bank holding companies; medical or dental laboratory services; medical and surgical offices; kidney dialysis centers, blood banks, birth control clinics, drug treatment centers, and similar uses; and any other office use not specifically listed and defined elsewhere in this Ordinance as a principal use. This use also includes establishments primarily engaged in the off-premises retail sale of products; and establishments primarily engaged in providing two-way radio/ telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities.

**OUTDOOR DISPLAY RETAIL.** An establishment primarily engaged in selling motor vehicles, trucks, manufactured homes, recreational vehicles, boats, or other large items which require outdoor display. Outdoor display retail also includes establishments engaged in the sale, service, or rental of agricultural machinery, trailers, construction equipment, or tools. This definition includes, but is not limited to, all uses in the following SIC groups:

527 Mobile Home Dealers  
551 New and Used Car Dealers  
552 Used Car Dealers  
555 Boat Dealers  
556 Recreational Vehicle Dealers

~~**POST OFFICE.** A facility or structure used for the collection, sorting, and distribution of mail within several zip code areas, having retail services for the general public, such as stamps, postcards, or postal insurance.~~

**RETAIL STORE.** An establishment primarily engaged in general retail sales, where the majority of display and/or storage of merchandise being sold occurs within an enclosed structure. This definition includes, but is not limited to, all uses in the following SIC groups:

523 Paint, Glass, and Wallpaper Stores  
525 Hardware Stores  
53 General Merchandise Stores  
553 Auto and Home Supply Stores  
557 Motorcycle Dealers  
559 Automotive Dealers, NEC  
56 Apparel and Accessory Stores  
572 Household Appliance Stores  
573 Radio, Television, and Computer Stores  
593 Used Merchandise Stores

NOTE: Items to be deleted are indicated with a ~~strike out~~; items to be added are indicated with an underscore.  
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- 594 Miscellaneous Shopping Goods Stores
- 599 Retail Stores, NEC

This use includes the uses formerly classified as “General Merchandise Store”; “Hardware Store”; and “Retail Store, Specialty or Miscellaneous”.

**SERVICES, BUSINESS A.** An establishment primarily engaged in providing a service(s) to business and to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed buildings. ~~Business~~-Services A includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

- 7212 Garment Pressing and Agents for Laundries and Drycleaners
- 7215 Coin-Operated Laundries and Cleaning
- 7216 Drycleaning Plants, Except Rug
- 7217 Carpet and Upholstery Cleaning
- 722 Photographic Studios, Portrait
- 723 Beauty Shops
- 724 Barber Shops
- 725 Shoe Repair and Shoeshine Parlors
- 729 Miscellaneous Personal Services
- 733 Mailing, Reproduction, Commercial Art and Photography
- 735 Equipment Rental and Leasing (only with inside storage of equipment)
- 737 Computer Programming, Data Processing and other Computer Related Services (Except Computer Programming, 7371; Prepackaged Software, 7372; and, Computer System Design, 7373)
- 738 Miscellaneous Business Services
- 762 Electrical Repair Shops
- 763 Watch, Clock, and Jewelry Repair
- 764 Reupholstery and Furniture Repair
- 7699 Uses from SIC 7699 primarily engaged in providing repair and other services to business and to a lesser extent, individuals, that by the nature of their operation have little impact on adjoining property due to noise, odor, vibration, and/or air or water pollution. All repair items and supplies are stored in enclosed buildings. These uses include repair of small or precision equipment, such as medical, dental laboratory or drafting equipment, and the repair of personal use property such as cameras, musical instruments, and bicycles, and other services, including locksmiths and custom picture framing.

**SERVICES, BUSINESS B.** An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings. ~~Business~~-Services B includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

- 721 Laundry, Cleaning, and Garment Services except those listed under ~~Business~~-Services A
- 7312 Outdoor Advertising Services
- 734 Services to Dwellings and Other Buildings
- 735 Equipment Rental and Leasing (with outside storage of equipment)
- 7623 Refrigeration Services and Repair
- 7692 Welding Repair
- 7694 Armature Rewinding Shops
- 7699 Establishments from SIC 7699 primarily engaged in providing repair and other services to businesses and to a lesser extent, individuals, that by the nature of their operation could impact adjoining property due to noise, odor, vibration, and/or air or water pollution. Uses

include repair or servicing of large or heavy machinery, such as engines and appliances, and welding, blacksmith or gunsmith shops, and septic tank or sewer cleaning services, but not to include agriculture and farm equipment, industrial truck repair, and motorcycle repair.

~~**SERVICES, PERSONAL.** An establishment primarily engaged in providing a service(s) to individuals such as a beauty and/or barber shop, a dry cleaning establishment, advertising, personal fitting of prosthetics and orthotics, or computer services. Personal Services A includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):~~

~~7212—Garment Pressing and Agents for Laundries and Drycleaners~~

~~7215—Coin-Operated Laundries and Cleaning~~

~~7216—Drycleaning Plants, Except Rug~~

~~7217—Carpet and Upholstery Cleaning~~

~~722—Photographic Studios, Portrait~~

~~723—Beauty Shops~~

~~724—Barber Shops~~

~~725—Shoe Repair and Shoeshine Parlors~~

~~729—Miscellaneous Personal Services~~

~~762—Electrical Repair Shops~~

~~763—Watch, Clock, and Jewelry Repair~~

~~764—Reupholstery and Furniture Repair~~

~~7699—Uses from SIC 7699 primarily engaged in providing repair and other services to individuals including repair of personal use property such as cameras, musical instruments, and bicycles, and other services, including locksmiths and custom picture framing. All merchandise, repair items, and equipment must be stored indoors.~~

**Section 2.** Chapter B, Article II of the *UDO* is amended as follows:

## **Chapter B - Zoning Ordinance**

### **Article II – Zoning Districts, Official Zoning Maps and Uses**

#### **2-4 PERMITTED USES**

##### **2-4.1 TABLE B.2.6**

Table B.2.6 displays the principal uses allowed in each zoning district and references use 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 is amended in accordance with the following revisions:



**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 <sup>4</sup> (W)	LI	GI	CI	IP	C	MU-S	COND S		
<b>RETAIL AND WHOLESALE TRADE</b>																																					
Implement Sales and Service (Hi)																																					
Outdoor Display Retail (Hi)																								Z <sup>2</sup>		Z	Z		Z	Z		Z		Z		Z	57

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 <sup>4</sup> (W)	LI	GI	CI	IP	C	MU-S	COND S			
<b>BUSINESS AND PERSONAL SERVICES</b>																																						
Health Services, Miscellaneous (Lo)																				Z		Z				Z	Z	Z	Z	Z	Z	Z		Z		Z		
Non-Store Retailer (Lo)																	Z	Z	Z	Z		Z	Z			Z	Z	Z	Z	Z	Z	Z	Z		Z		Z	
Offices (Lo)																	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z		Z	
Services, Business A (Lo)																			Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z		Z	
Services, Business B (Hi)																																					Z	70
Services, Personal (Lo)																				Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z		Z	

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 <sup>4</sup> (W)	LI	GI	CI	IP	C	MU-S	COND S		
<b>INSTITUTIONAL AND PUBLIC USES</b>																																					
Government Offices, Neighborhood Organization, or Post Office (Lo)																	Z	Z	Z	Z	Z <sup>1</sup>	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	
Neighborhood Organization (Lo)																	Z	Z		Z	Z <sup>1</sup>	Z	Z			Z	Z	Z	Z			Z	Z		Z		Z
Post Office (Lo)																			Z	Z		Z	Z			Z	Z	Z	Z	Z	Z	Z	Z		Z		Z

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 <sup>4</sup> (W)	LI	GI	CI	IP	C	MU-S	COND S		
<b>TRANSPORTATION AND UTILITIES</b>																																					
Broadcast Studio (Lo)																				Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z		Z

Z = Permit From Zoning Officer      A = Board of Adjustment Special Use Permit  
P = Planning Board Review            E = Elected Body Special Use Permit

<sup>1</sup> See Section B.2-1.3(E)(3)

<sup>2</sup> See Section B.21.3(G)(3)

<sup>3</sup> See Section B.2-5.67

<sup>4</sup> Per Section B.2-1.3(L), Major

Retail & Business District (MRB-S)

The number in the **CONDS** column references the subsection of Section B.2-5 (i.e., 23 refers to Section B.2-5.23)

This Table should be used in conjunction with Sections B.2-4.1 through B.2-4.6.

## 2-5 USE CONDITIONS

### 2-5.57 OUTDOOR DISPLAY RETAIL

- (A) **LB District**  
In the LB District, outdoor display retail is only permitted in GMAs 4 and 5 and limited to a maximum zoning lot size of one acre, Section B.2-1.3(G)(3)(a).
- (B) **Motor Vehicle Storage Yards**  
Any outdoor area meeting the definition of a motor vehicle storage yard shall comply with the requirements of Section B.2-5.55.

### 2-5.70 SERVICES, ~~BUSINESS B~~

- (A) **CB District**  
Only the following SIC groups are permitted in the CB District: 721 Laundry, Cleaning and Garment Services, except those listed under ~~business~~ Services A; 734 Services to Dwellings and other buildings.

**Section 3.** Chapter B, Article III of the *UDO* is amended as follows:

## Chapter B - Zoning Ordinance

### Article III – Other Development Standards

### 3-3 PARKING, STACKING, AND LOADING AREAS

Table B.3.8 is amended as follows. The remainder of Table B.3.8 shall remain unchanged.

**Table B.3.8**  
**PARKING REQUIREMENTS**

PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
<b>RETAIL AND WHOLESALE TRADE</b>		
<del>Implement Sales and Service</del>	<del>1 space per 850 SF GFA*</del>	
Outdoor Display Retail	1 space per <del>575</del> <u>650</u> SF GFA*	
<b>BUSINESS AND PERSONAL SERVICES</b>		
<del>Health Services, — Miscellaneous</del>	<del>1 space per 225 SF GFA*</del>	
<del>Non-Store Retailer</del>	<del>1 space per 925 SF GFA*</del>	
Offices	1 space per 300 SF GFA*	

NOTE: Items to be deleted are indicated with a ~~strike out~~; items to be added are indicated with an underscore.  
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**Table B.3.8  
PARKING REQUIREMENTS**

PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
Services, <del>Business</del> A	1 space per 450 SF GFA*; Computer Data Center – 1 space per 7,000 SF GFA*	Any change of use of a site previously utilized as a Computer Data Center must meet the off-street parking requirements of the new use as specified in this table.
Services, <del>Business</del> B	1 space per 575 SF GFA*	
Services, <del>Personal</del>	<del>1 space per 450 SF GFA*</del>	
<b>INSTITUTIONAL AND PUBLIC USES</b>		
Government Offices, <u>Neighborhood Organization, or Post Office</u>	1 space per <del>350</del> <u>375</u> SF GFA*	
<del>Neighborhood Organization</del> — Office	<del>1 space per 475 SF GFA*</del>	
Post Office	<del>1 space per 350 SF GFA*</del>	
<b>TRANSPORTATION AND UTILITIES</b>		
<del>Broadcast Studio</del>	<del>1 space per 575 SF GFA*</del>	

\* SF GFA equals Square Feet of Gross Floor Area – see Section B.3-3.2(B)(5)

\*\* Off-street parking for other accessory uses meeting the requirements of Section B.2-6 shall be provided at the rate for the principal uses specified in this table.

**Section 4.** Appendix - Exhibits of the *UDO* is amended as follows:

Exhibit #4 - Use Consolidation Chart		
Old Use Classification	New Use Classification	Notes
Boarding House Rooming House	Boarding or Rooming House	
Cemetery, Licensed Cemetery, Unlicensed	Cemetery	
General Merchandise Store; Hardware Store; Motorcycle Dealer; and Retail Store, Specialty or Miscellaneous	Retail Store	
<u>Government Offices</u> <u>Neighborhood Organization</u> <u>Post Office</u>	<u>Government Offices,</u> <u>Neighborhood Organization,</u> <u>or Post Office</u>	
<u>Implement Sales and Service</u> <u>Outdoor Display Retail</u>	<u>Outdoor Display Retail</u>	
Medical or Dental Laboratory Medical or Dental Office Professional Office Offices, Miscellaneous <u>Health Services,</u> <u>Miscellaneous</u> <u>Non-Store Retailer</u> <u>Broadcast Studio</u>	Offices	
<u>Services, Business A</u> <u>Services, Personal</u>	<u>Services A</u>	

**Section 5.** This ordinance shall be effective upon adoption.