

**ACTION REQUEST FORM**

**DATE:** June 24, 2009  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on *Unified Development Ordinances* Text Amendment proposed by the Public Works Committee of the City of Winston-Salem

**SUMMARY OF INFORMATION:**

*Unified Development Ordinances* Text Amendment proposed by the Public Works Committee of the City of Winston-Salem to amend Section B.2-6 of the *Unified Development Ordinances* to establish Outdoor Display, Retail as an accessory use to the Motor Vehicle, Repair and Maintenance and Motor Vehicle, Body and Paint Shop uses in the LI and GI Zoning Districts. (UDO-201).

**PLANNING BOARD ACTION:**

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

## STAFF REPORT

DOCKET # UDO-201

STAFF: [David Reed](#)

### REQUEST

This UDO text amendment was requested for consideration by the Public Works Committee of the Winston-Salem City Council. The proposal would amend Section B.2-6 of the *Unified Development Ordinances* to permit Outdoor Display, Retail as an accessory use to the Motor Vehicle, Repair and Maintenance and Motor Vehicle, Body and Paint Shop uses in the LI and GI Zoning Districts.

### BACKGROUND

At the March 10, 2009 Public Works Committee meeting, Planning staff was requested to examine the UDO regulations as they pertain to automobile sales occurring on an industrially zoned site that is used for automobile repair.

The UDO currently classifies automobile sales and automobile repair into two separate use classifications. While both uses are allowed in many of the same zoning districts (HB, GB, MRB-S, CI, & MU-S), there are some zoning districts (NB, PB, NSB, CB, LI, & GI) that allow automobile repair but not automobile sales. Staff believes that in some cases, there could be a logical relationship between them.

Given these factors, staff does see an opportunity to accommodate a very limited amount of automobile sales as an accessory use to automobile repair sites in industrial zones. We do not believe combining automobile sales as an accessory to repairs is appropriate in commercial zones because many of the commercial zones that allow maintenance are in sensitive areas that could be adversely effected by the introduction of the additional use of auto sales. There could; however, be some limited opportunity to allow this when auto repairs take place in an industrial district.

Planning staff discussed possible approaches with the Interdepartmental Text Amendment Team. Through those discussions, the proposed amended language was generated.

### ANALYSIS

At present, some cars are abandoned at repair shops after work has been performed. The mechanic can take ownership of these vehicles through a Mechanic's Lien and then sell the vehicle in order to recoup the cost of the unpaid repairs. While the DMV requires a letter from the Inspections Office confirming the property is zoned properly for the sale of cars before issuing a dealer's license, no such letter is required when selling a car obtained through a Mechanic's Lien. This text amendment would expand upon the Mechanic's Lien sales and allow additional cars to be sold on the premises of a motor vehicle repair and maintenance facility as an accessory use.

Because the primary intent of the motor vehicle repair and maintenance use and the motor vehicle body and paint shop use is to provide service as opposed to sales, staff recommends the amount of sales should be strictly limited and therefore recommend adding car sales as an accessory use. Accessory uses must be clearly subordinate to the principal use.

By proposing language adding a very limited number of accessory car sales at a repair facility, the potential for expansion of the sales use in an industrial area can be kept in check. Staff is recommending a number of for-sale cars that is less than the number of bays used for the maintenance operation with a maximum number of three for-sale cars at any time. This would include cars being sold under the Mechanic's Lien scenario.

### **RECOMMENDATION**

**APPROVAL.**

### **PUBLIC HEARING**

FOR: None

AGAINST: None

### **WORK SESSION**

MOTION: Paul Mullican moved approval of the zoning text amendment.

SECOND: Lynne Mitchell

VOTE:

FOR: Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe,  
Darryl Little, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning

**UDO-201**  
**AN ORDINANCE AMENDING**  
**CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**TO ESTABLISH OUTDOOR DISPLAY RETAIL AS AN ACCESSORY USE TO**  
**MOTOR VEHICLE REPAIR AND MAINTENANCE AND BODY OR PAINT SHOP IN**  
**THE LI AND GI ZONING DISTRICTS**

Be it ordained by 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 2-6 – Accessory Uses**

**2-6.2 USES ACCESSORY TO CERTAIN PRINCIPAL USES**

Table B.2.8  
 Uses Accessory to Certain Principal Uses

Principal Use	Uses Accessory to the Principal Use
1. Residential Building, Multifamily	Management office for the premises, gate houses, self service laundries, club house and recreation facilities, and storage facilities for use by residents of the multifamily complex.
2. Manufactured Housing Development	Management offices for the premises, gate houses, self service laundries, club house and recreation facilities, and storage facilities for use by residents of the manufactured housing development.
3. Manufacturing A; Manufacturing B; Manufacturing C	Administrative offices; gate houses; a guard or caretaker dwelling; meeting halls, dining areas, clinics, libraries, adult and child day care centers, and recreation facilities operated solely for employees; and, contract and financial postal facilities. The total area of all such uses shall not exceed twenty-five percent (25%) of the total gross floor area of the zoning lot.
4. Offices - Government - Medical or Dental - Miscellaneous - Professional	Services and retail sales such as barber and beauty shops, valet shops, dining facilities, self-service canteens, news and tobacco sales stands, clinics, libraries, adult and child day care centers, and similar services which are designed and operated primarily to serve occupants of the office building in which they are located. The total area of all such uses shall not exceed five percent (5%) of the total floor area of the office building in which they are located. These accessory uses shall not have any exterior display window, advertisement or means of access for patrons except from an interior area of the office building.
5. Recreational Vehicle Park	Management offices, recreational facilities, toilets, showers, dumping stations, coin-operated laundry facilities, and other uses and structures designed for visitors to the park.
6. Schools, Public Secondary	School stadiums.

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.  
 UDO-201 June 2009

Principal Use	Uses Accessory to the Principal Use
7. Industrial Uses in LI and GI	Retail uses, including but not limited to show rooms and employees services. The total area of all such retail uses shall not exceed twenty-five percent (25%) of the principal industrial building. All such retail use shall be conducted within the principal industrial building.
8. Restaurant	Manufacture and preparation of food, a portion of which is sold and consumed on site at the restaurant. The manufacturing must take place in the same building as the restaurant, and the total area of such manufacturing uses shall not exceed 60% of the floor area.
9. Manufacturing B (preparation of food)	Restaurant, (without drive-through service) if otherwise not permitted as a permitted use, where food purchased and consumed is prepared on site. The restaurant must be located in the same building as the manufacturing (food preparation), and the total area of the restaurant shall not exceed 40% of the floor area.
10. Major Subdivision (Residential) approved under Section 4 of the Subdivision Regulations	Riding Stable, incorporated in the initial design and Preliminary Approval of the Major Subdivision
11. Landfill, Sanitary	Solid Waste Transfer Station
12. Solid Waste Transfer Station	Recycling Center; Recycling Plant
13. <u>Motor Vehicle, Repair and Maintenance and Motor Vehicle, Body or Paint Shop Uses in LI and GI</u>	<u>Outdoor Display, Retail. The number of for-sale vehicles shall be limited to one fewer than the number of service bays used for the principal use with a maximum number of three. In the event there is only one service bay, then one for-sale vehicle is allowed. For-sale vehicles may not be displayed in any required parking spaces based on the parking requirements of the principal use. Motor vehicle display area landscaping standards must be met.</u>

**Section 2.** This ordinance shall be effective upon adoption.