

June 21, 2006

Stimmel Associates, P.A.
c/o Doug Stimmel
601 N. Trade Street
Winston-Salem, NC 27101

RE: ZONING TEXT AMENDMENT UDO-161

Dear Mr. Stimmel:

The attached report of the Planning Board to the Forsyth County Board of Commissioners and City of Winston-Salem City Council is sent to you at the request of the Commissioners and Council Members.

When the text amendment is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners and Renee Henderson, City Secretary, of the date on which the Commissioners and City Council will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Renee Henderson, City Secretary

ACTION REQUEST FORM

DATE: June 21, 2006
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 Stimmel Associates, P.A.

SUMMARY OF INFORMATION:

Zoning Text Amendment proposed by Stimmel Associates, PA to amend: Chapter B, Article II – Zoning Districts, Official Zoning Maps, Uses, and Use Conditions; and Chapter B, Article III – Other Development Standards of the *Unified Development Ordinances* to better clarify the intent behind the Pedestrian Business (PB) zoning district regarding the location of off-street parking in relation to the building location (UDO-161).

PLANNING BOARD ACTION:

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

STAFF REPORT

DOCKET #: UDO 161

STAFF: Kirk Ericson

REQUEST

This UDO text amendment is proposed by Stimmel Associates to amend the UDO by modifying Chapter B, Article II, PB Pedestrian Business District. These modifications are intended to clarify the parking requirements of the PB District and clarify the district intent of accommodating pedestrian oriented development in urban and suburban environments.

BACKGROUND

The Pedestrian Business District was developed to accommodate the type of development that typically serves the pedestrian oriented cores of smaller communities and urban nodes in Winston-Salem and Forsyth County. PB Zoning allows a mixture of pedestrian oriented uses and provides an alternative to automobile oriented zoning districts in the UDO such as LB and HB. The pedestrian oriented character of the district is reflected in the facts that the district allows zero setbacks and parking must be located to the sides and rear of buildings.

The parking requirements of the PB District as currently written have created enforcement problems for the Inspections Division. Inspections believes the front of a building is where the principal entrance of the building is located, regardless of how the building is oriented on its site. Consequently, only buildings with their principal entrances facing the street and their parking to the sides and rear of this entrance meet the district requirements. In situations where buildings have multiple street frontages, additional complications exist. Parking located to the side of one street frontage may be located to the front of another street frontage. Due to these problems, projects which meet the intent but not the specific requirements of the PB District are technically ineligible for development under current PB District language. The Inspections Division believes the PB District as it currently exists in the UDO is, therefore, unusable in most situations.

ANALYSIS

Staff realizes that new language must be developed to address the shortcomings of the district as it currently exists. Language reinforcing the pedestrian oriented character of the district has been added to the purpose statement. The district parking requirements have also been clarified with ease of enforcement in mind. As a result of the problems caused by multiple frontages, separate parking requirements were created for sites with single street frontage and multiple street frontages. In both situations, parking shall not be located between the building wall and the street, and at least one principal building entrance must be oriented to a street for all buildings in the PB District. This new language was developed with the assistance of the Inspections Division and provides enforceability while still preserving the integrity of the district.

In order to accommodate developments which may not meet the specific parking requirements of the PB District, but which meet the district intent, alternative compliance language was created. Developments which fail to meet the district parking requirements may apply for PB-S Special

Use Zoning, but must demonstrate the appropriateness of their site plan in accordance with the PB purpose statement to the satisfaction of the Planning Board and the Elected Body. Additional language detailing the features of a pedestrian oriented environment has been added to the district purpose statement to aid the regulating bodies in evaluating proposed PB-S development. This provision allows increased development flexibility through Elected Body review while preserving the integrity of General Use PB.

Additionally, language outlining the requirements of shared loading has been developed. As currently written, the PB District language references a shared loading study, which is currently not defined in the UDO. This problem has been remedied by developing ordinance language similar to the existing shared parking study requirements.

The goal of these changes is to increase the usability of the PB District while preserving the district's integrity and better defining its purpose and intent. Staff recommends approval of the proposed text amendment.

RECOMMENDATION

APPROVAL.

Kirk Ericson presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Carol Eickmeyer moved approval of the zoning text amendment.

SECOND: Wesley Curtis

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

UDO-161
AN ORDINANCE AMENDING
CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO MODIFY THE PB PEDESTRIAN BUSINESS 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 B – Zoning Ordinance, Article II – Zoning Districts, *Official Zoning Maps*, and Uses is amended as follows:

2-1 ZONING DISTRICTS

2-1.3 COMMERCIAL ZONING DISTRICTS - PURPOSE STATEMENTS AND REGULATIONS

(F) PB Pedestrian Business District

(1) **Purpose.** The PB District is primarily intended to accommodate office, retail, service, institutional, and high density residential uses which customarily serve community and convenience business needs of smaller communities and urban nodes in the city and county. The district is intended to encourage the development of attractive, identifiable small towns, and to accommodate the pattern of building in the business concentrations surrounding the central core of Winston-Salem, and the central core of other municipalities in the County. The district should demonstrate pedestrian oriented design through elements such as buildings pulled up to the street, on-street parking, street trees, covered arcades, awnings, storefront display windows, public/private outdoor spaces, wide sidewalks, and building entrances facing the street. This district is intended for application in Growth Management Areas 1, 2 and 3.

(3) Supplementary District Standards.

(a) Parking. ~~Parking shall be located to the rear or side of the principal building except that the Planning Board may allow up to two spaces in the front of the building if all spaces can't be provided in the rear or side, due to lot size, shape, or topographic features. Any parking in the front of the building shall be subject to the streetyard provisions of Section B.3-4.3(B). See Section B.3-3.5(D)(1).~~

~~(i) Rear Parking. Parking area shall be buffered by a type I bufferyard, as defined in Section B.3-5, adjacent to residentially zoned property.~~

~~(ii) Side Parking. The streetyard requirements of Section B.3-4.3(B) shall be met. A type II bufferyard, as defined in~~

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.

~~Section B.3-5, shall be provided if side parking abuts residentially zoned property.~~

~~(iii) Number of Spaces. Off street parking for any use in the PB District may be reduced thirty percent (30%) from the requirements of Table B.3.8 per Section B.3-3.5(D)(1). This reduction shall not affect the required handicapped parking or loading spaces for that use.~~

~~(iv) On-Street Parking. Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with Section B.3-3.5(M).~~

(b) Screening Mechanical Equipment. All on-site mechanical equipment shall be screened in accordance with Section B.3-4.5(B).

(c) Within GMA 1.

(i) General Dimensional Requirements. Except as specified in this section, there are no general dimensional requirements for the PB District within GMA 1, provided that each additional foot of height in excess of sixty (60) feet shall be set back a minimum of four (4) feet from properties zoned RS, RSQ, or H. A minimum forty (40) foot setback from any residential district (except RMU) shall be required in accordance with Section B.3-1.2(J) Supplementary Dimensional Requirements. Under no circumstances shall the heights of structures exceed one hundred and fifty (150) feet.

~~(ii) Parking and Loading. A comprehensive off street parking and loading study which includes shared parking may be approved by the Director of Public Works in lieu of the standard parking and loading requirements as specified in Section B.3-3.5 and Section B.3-3.6.~~

~~Parking may be allowed in front of the principal building provided that no parking area shall extend into the site from the provided streetyard more than sixty one (61) feet.~~

~~(iii)(ii) Streetyard in PB District. Refer to Section B.3-4.3(B)(6) for streetyard requirements applicable in the PB District within GMA 1. See Section B.3-4.3(B)(6).~~

~~(iii) Parking in PB District. See Section B.3-3.5(D)(1)(d).~~

(d) Minimum lot sizes for single family residences and multifamily developments must meet the requirements of Table B.3.4.

- (e) Parking. Shared parking may be permitted in accordance with the requirements of Section B.3-3.5(B).
- (f) Loading. Shared loading may be permitted in accordance with the requirements of Section B.3-3.6(E).
- (g) Building Entrance Orientation. All buildings in the PB District shall have at least one principal building entrance oriented to the street. No surface off-street parking or unloading spaces, except a maximum of two (2) spaces in accordance with Section B.3-3.5(D)(1)(b)(i), shall be located between that building wall and the street or an extension of that building wall through the entire street frontage.
- (h) Building Walls With Street Frontage. Building walls with street frontage shall emphasize pedestrian-oriented architectural features such as façade articulation, windows, awnings, porticoes and similar features.
- (i) Alternative Compliance (PB-S Districts). Alternative site plans which deviate from the strict application of the supplementary district standards in Section B.2-1.3(F)(3) , but which adhere to the PB purpose statement, may be approved through the Special Use District zoning process in Section B.6-2.2.

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

3-3 PARKING, STACKING, AND LOADING AREAS

3-3.5 ALTERNATIVES AND INCENTIVES

(D) Reductions and locations in the NB ~~and~~, NO and PB Districts

(1) In the NB , NO and PB District:

- (a) Amount Required. For any permitted use in the NB, NO and PB District, the required amount of parking may be reduced by thirty percent (30%). This reduction shall not affect the required disabled parking or loading spaces for that use.
- (b) ~~Location of Off-Street Parking. All off-street parking shall be provided to the rear or to the side of the principal structure with the exception of two (2) parking spaces which may be located in front of the structure. The side parking area may be no closer to the street than the principal structure.~~ Off-Street parking in the NB, NO and PB Districts shall meet the following location requirements.

(i) **Single Street Frontage.** A zoning lot which only has frontage on one street shall have a maximum of two (2) surface off-street parking and unloading spaces located between the building wall and the street or an extension of that building wall through the entire street frontage. Any additional surface off-street parking and unloading spaces shall be located to the sides or rear of that building wall as extended through the street frontage. The provisions of this Section shall not apply to zoning lots that do not have street frontage provided the zoning lot is located at least 100 feet from the street. Also exempt from these provisions are “flag” shaped zoning lots with fifty (50) feet or less of street frontage as long as the “pole” of the flag lot from the street is only used for access without parking and the remainder of the zoning lot to be used for building and parking purposes is located at least 100 feet from the street.

(ii) **Multiple Street Frontages.** A zoning lot which has frontage on two (2) or more streets shall have at least one (1) building wall located not more than fifteen (15) feet from one of those street frontages. There shall be no surface off-street parking or unloading spaces located between that building wall and the street or an extension of that building wall through the entire street frontage. This condition shall apply to all buildings on the aforementioned zoning lot.

(c) **On-Street Parking.** On-street parking may be permitted in accordance with Section B.3-3.5(M).

(d) **PB Districts Within GMA 1.** Parking may be allowed in front of the principal building provided that no parking area shall extend into the site from the provided streetyard more than sixty-one (61) feet.

(2) — In the NO District:

(a) — **Amount Required.** For any permitted use in the NO District, the required amount of parking may be reduced by fifteen percent (15%). This reduction shall not affect the required disabled parking or loading spaces for that use.

(b) — **Location.** All off-street parking shall be provided to the rear or to the side of the principal structure with the exception of two (2) parking spaces which may be located in front of the structure. The side parking area may be no closer to the street than the principal structure.

3-3.6 OFF-STREET LOADING AND UNLOADING AREAS

(E) Shared Loading

- (1) Reduction of Loading Requirements.** The Director of Inspections may authorize a reduction of the loading requirements or loading spaces for any mixed use project or nearby uses where peak loading demand characteristics or hours of operation are distinctly different in accordance with this section. All reductions of loading requirements authorized by the Director of Inspections within the corporate limits of any municipality must also receive approval from the Assistant City Manager for Public Works.
- (2) Requirements.** A request for approval of shared loading shall be accompanied by such information determined by the Director of Inspections as necessary to evaluate the relevant factors listed in Sections B.3-3.6(E)(3)-(5), including, but not limited to, a description of the uses, a site plan, and a transportation engineering report.
- (3) Accessibility.** All shared loading spaces shall be located in a loading facility providing reasonably equivalent accessibility and usability to all uses which the loading is intended to serve.
- (4) Ownership.** In cases where the uses for which shared loading is requested are located on lots under different ownership, a contract pursuant to Section B.3-3.4(B)(6) shall be provided.
- (5) Conditions.** In determining whether to approve a reduction for shared loading, the Director of Inspections shall consider all relevant factors, including the following:

 - (a) Peak Loading Demand.** The characteristics of each use and the differences in projected peak loading demand, including days or hours of operation;
 - (b) Reduction in Vehicle Movements.** Potential reduction in vehicle movements afforded by multi-purpose use of the loading facility by employees, customers, or residents of the uses served; and,
 - (c) Potential Improvements.** Potential improvements in loading facility design, circulation, and access afforded by a shared loading facility.

Section 3. This ordinance shall be effective upon adoption.