

September 19, 2001

Gray, Gentry, and Key, Inc.
c/o Bobby F. Key
3023 Yadkin College Road
Lexington, NC 27295

RE: ZONING TEXT AMENDMENT UDO-78

Dear Mr. Key:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102

ACTION REQUEST FORM

DATE: September 19, 2001
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning text amendment regarding the Townhouse Use in the RSQ Zoning District.

SUMMARY OF INFORMATION:

Zoning text amendment proposed by Gray, Gentry, and Key, Inc. to amend Chapter B Section 2-1.2 (J) and all other pertinent sections to allow the Townhouse Use to the RSQ Zoning District (UDO-78).

PLANNING BOARD ACTION:

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

ZONING STAFF REPORT

DOCKET # UDO-78

STAFF: Glenn Simmons

REQUEST

Zoning text amendment proposed by Gray, Gentry, and Key, Inc. to amend Chapter B Table 2.6 "PERMITTED USES" of the UDO to allow "Townhouse" as a permitted use in the Residential Single Family Quadraplex (RSQ) zoning district.

BACKGROUND

There are two basic types of attached housing recognized in the UDO, distinguished by forms of ownership. The first, "Residential Building, Multifamily", is a building with three or more dwelling units (rental or owner occupied) on a single parcel of land; apartments and condominiums fall into this category. The second type is "Residential Building, Townhouse", which is a building with three or more dwelling units, each with a piece of land. It is noted that the number of units permitted in the RSQ District is not intended to exceed four units per structure. This text amendment will clarify that intention.

The UDO permits "Residential Building, Multifamily" in the RSQ District in all jurisdictions; "Residential Building, Townhouse" is also permitted in the RSQ District, with the exception of the City of Winston-Salem jurisdiction.

The subject petition was submitted by Gray, Gentry, and Key, Inc. to permit "Townhouse", as defined in the UDO, as an allowed use in the Residential Single Family Quadraplex (RSQ) zoning district in Winston-Salem's jurisdiction. The petitioner is of the opinion that the townhouse form of ownership, which includes a deeded parcel of land with each unit, is a more desirable, and therefore, more marketable form of ownership than condominium ownership.

ANALYSIS

The use "Residential Building, Townhouse" was established with UDO-36 adopted in 1997 as a new use in all districts where the multifamily use was permitted as a means of providing flexibility in ownership options. As far as staff can determine, the fact that the townhouse use was not included within Winston-Salem's jurisdiction was an oversight.

Staff notes that the current RSQ zoning classification in the City permits "Residential Building, Multifamily", which is very similar to the townhouse use. There may be some differences in architecture, but "Townhouse" is primarily a form of ownership and is allowed in all other zoning jurisdictions within Forsyth County.

Under current UDO provisions for RSQ in Winston-Salem, either the entire multifamily building must be in single ownership or the airspace only of individual units may be separately divided and owned by means of the Unit Ownership Act in creating condominiums. According to the petitioner, townhouses are often considered a more desirable form of ownership than condominiums and would, therefore, like the ability to market permitted quadraplex units as "townhouses" in the RSQ district.

On the basis of the previous intent of UDO-36 to allow townhouses in all multifamily zoning districts, including the RSQ in Winston-Salem's jurisdiction, Planning staff recommends approval of the current request.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the proposed text amendment.

Glenn Simmons presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Philip Doyle moved approval of the zoning text amendment.

SECOND: Arnold King

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Norwood, Powell, Snelgrove

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

**AN ORDINANCE
AMENDING CHAPTER B "ZONING ORDINANCE"
OF THE *UNIFIED DEVELOPMENT ORDINANCES*
REGARDING ADDITION OF "TOWNHOUSE" IN THE RSQ DISTRICT.**

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

Section 1. Chapter B Section 2-1.2(J)(3) "Supplementary District Requirements" is hereby amended by adding a new section (j) to read as follows:

"(j) No residential building in the RSQ District can have more than four (4) dwelling units."

Section 2. Chapter B Table 2.6 "Permitted Uses" is hereby amended by revising the term "Townhouse (F,C,L)" to read "Townhouse" under the column RESIDENTIAL USES and deleting the entire row under the heading "Townhouse (W)."

Section 3. This Ordinance shall be effective upon adoption.