

BRIEFING
DRAFT

March 15, 2018

Item # 1 A+B

Zoning Text Amendment

UDO-281

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____ **AGENDA ITEM NUMBER:** _____

SUBJECT:-

- A. Public Hearing on Zoning Text Amendment Proposed by Planning and Development Services to Amend Chapter B, Article II of the Unified Development Ordinances to Restrict Limited Campus Uses in Residential Zoning (UDO-281)
- B. Ordinance Revising Chapter B of the Unified Development Ordinances to Further Restrict Limited Campus Uses in Residential Zoning

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board recommended approval of the zoning text amendment.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

UDO-281
AN ORDINANCE REVISING
CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO FURTHER RESTRICT LIMITED CAMPUS USES IN RESIDENTIAL ZONING

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

Section 1. 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 2.6 displays the principal uses allowed in each zoning district and references uses 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
PERMITTED USES**

Use Type	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM15	RM8	RMTZ	RMTB	RMU	MFI	NO	LU	CPO	GU	NB	PB	LB	NSB	HB	GB	CB	MIRB-S (W)	E	LI	GI	CI	IP	C	MU-S	CONDS
INSTITUTIONAL AND PUBLIC USES																																			
Limited Campus Uses (Lo)					P	P	P	P	P	P	P	P	P	P		P	Z				P		Z					Z						Z	45

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.
UDO-281 August 2017

Chapter B – Zoning Ordinance

Article II - Zoning Districts, *Official Zoning Maps*, and Uses

2-5 USE CONDITIONS

2-5.45 LIMITED CAMPUS USES

- (A) **Consistent with Neighborhood**
The use shall be conducted within an existing building or a building with a scale and massing consistent with the structures in the neighborhood in which the building is located.
- (B) **Dimensional Requirements**
Any structure shall comply with all dimensional requirements of the applicable district. If applicable, the older neighborhood provisions of Section B.3-8 may apply.
- (C) **Student Housing**
In buildings used for student housing, a minimum of two hundred fifty (250) square feet of gross floor area shall be provided for each student resident.
- (D) **Impervious Surface Cover**
Impervious surface cover of the lot shall not exceed sixty percent (60%).
- (E) **Proximity to Campus District**
The use must be conducted within a structure which is entirely within five hundred (500) feet of the C District.

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.
UDO-281 August 2017

- (F) **Access**
The limited campus use must be located ~~on a major or minor thoroughfare unless the lot is adjacent to land zoned C (Campus District)~~ on a land parcel adjacent to the Campus-zoned property, defined as sharing a boundary line or immediately across a street from the Campus-zoned parcel.

- (G) **Bufferyards**
A type I bufferyard shall be installed adjacent to residential zoning at the discretion of the Planning Board.

- (H) **Off-Street Parking**
All off-street parking shall be to the rear of the structure.

- (I) **Limited and Special Use Zoning**
Limited Campus Uses shall not be allowed adjacent to Campus districts with limited or special use zoning.

Section 2. This ordinance shall be effective upon adoption.

STAFF REPORT

DOCKET # UDO-281
STAFF: Tiffany White

REQUEST

This zoning text amendment is proposed by City-County Planning and Development Services staff to amend Chapter B, Article II of the *Unified Development Ordinances* (UDO) to further restrict Limited Campus Uses in residential zoning.

BACKGROUND

In May 2017, City Council approved property adjacent to the Ardmore neighborhood for an expansion of Baptist Medical Center's Campus zoning district (zoning case W-3326). During the Planning Board's public hearing on this case, some neighborhood residents expressed concerns regarding why the UDO's Limited Campus Use provisions allow limited multifamily and office uses to be established by right in nearby single family zoning without any public input. More specifically, they expressed concern that the effect of approval of W-3326 would be to extend the Limited Campus Use potential into additional portions of the Ardmore neighborhood. Based on these concerns, City Council asked staff to prepare an amendment requiring elected body review for Limited Campus Uses in residential zoning.

ANALYSIS

Limited Campus Use provisions allow an institution to establish multifamily residential or office uses (which are directly related to the institution) in single family zoning districts that are within 500 feet of the boundaries of that institution's Campus (C) zoning district. Use conditions also include requirements that any Limited Campus structure be consistent with surrounding neighborhoods in scale and massing, have no more than 60% impervious surface, and if student housing, provide at least 250 square feet of gross floor area per student. Additionally, all parking for the use must be located to the rear of the building.

Currently, Limited Campus Use proposals are reviewed by the Planning Board without a public hearing. However, based on citizen concerns noted above, the initial staff proposal for UDO-281 would change the review authority for these uses to the elected body. Future Limited Campus Use proposals would be reviewed under the City Council/County Commissioners Special Use Permit process which requires a public hearing under quasi-judicial procedures where affected citizens will be allowed to comment, and the elected body would determine through findings that the proposed use will not negatively impact its neighbors. Staff believes this change would allow institutions to continue to operate and, in limited ways, expand while allowing adjacent neighborhood residents to have a greater role in the development review process.

STAKEHOLDER DISCUSSIONS

After proposing the initial staff version of UDO-281, staff reached out to owners of Campus-zoned properties and other community stakeholders, and based on stakeholder feedback, this amendment was continued at the August, September, and October 2017 Planning Board meetings. During that time, Staff met with stakeholders to discuss the proposed amendment. As a result of these meetings, Wake Forest University proposed alternate language for UDO-281.

The Wake Forest University alternative proposes that Limited Campus Uses not be allowed adjacent to Campus districts with limited or special use zoning, and that for general use campus zoning, Limited Campus Uses will be restricted to properties adjacent to the Campus-zoned property, defined as sharing a property line or immediately across a street from the Campus-zoned parcel. This proposal also maintains the condition that a Limited Campus Use structure must be within 500 feet of the Campus zoning even if it is on an adjacent parcel. With this proposal, review authority would remain with the Planning Board.

After holding a public hearing on November 9, 2017, the Planning Board discussed both the initial staff recommendation and the Wake Forest University proposal, and ultimately recommended the WFU proposal to the elected bodies. The Board believes this amendment will allow neighborhood institutions to continue growing in place, while adding further protections for existing neighborhood character.

RECOMMENDATION

APPROVAL

CITY-COUNTY PLANNING BOARD

PUBLIC HEARING

MINUTES FOR UDO-281

NOVEMBER 9, 2017

Tiffany White presented the staff report.

PUBLIC HEARING

FOR: Reid Morgan, 1834 Wake Forest Road, Winston-Salem, NC 27109

- On behalf of Wake Forest, I want to express gratitude for the time and attention this matter has received from the Planning Board, staff, and community representatives. We have listened to what they have said and certainly want to be reasonable in our approach to this and what we are recommending.
- As you know, the limited campus use concept came out of the UDO drafting process when the campus zone was originally created about twenty years ago. It was an important compromise because the zoning ordinance before the UDO permitted colleges and universities to operate fully in residential zones with conditions. The limited campus use was adopted as a way of recognizing that certain low intensity activities that were part of college life were appropriate in nearby residential areas if those activities were conducted in existing buildings or buildings of residential scale, requirements for parking and other matters were set forth, and approval of the site plan was required by the Planning Board to assure all the conditions were met. The limited campus use, as you have heard, has not been much used. One reason for that is that some uses that would have qualified for limited campus use were done before the UDO was adopted, and thus there was no need to transfer to the new classification. The limited campus use has really caused no trouble instead, the issue which brings us together arose from the possibility of expanding the area for which limited campus use would be available as a consequence of rezoning. We believe we have taken care of this problem by proposing to allow limited campus uses only in the general use campus zones, not in campus limited or special zones. Since the great majority of rezoning cases receive the limited or special use classification, this means that the limited campus use would be available adjacent to what could be called the traditional boundary of a campus which would be zoned general use.
- At Wake Forest, we have had some rezoning, under the UDO but the campus zone has not been expanded beyond the recognized borders of Reynolda, Polo, and University Parkway, so it seems that the expansion of the limited campus radius can be managed through the type of rezoning which would be granted by the City Council or the County Commissioners. We have also listened to the neighborhood comments concerning the issues of adjacency and our proposal limits the availability of limited campus use to only the property actually adjoining campus property or directly across the street.

Thus, we believe the original logic which permitted campus use is still appropriate for lower intensity uses in residential areas that are adjacent to the traditional, well known boundaries of organizations operating in the campus zone. As such, we believe that it is still appropriate for the Planning Board to confirm that those conditions have been met. I would note that Forsyth Tech and Winston-Salem State University support this proposal and that neither Salem College nor the NC School of the Arts oppose it. Normally, I would guess that a provision of the UDO is not reconsidered unless there is a problem with it. The limited campus use itself has caused no problem, but the expansion of its availability has raised questions. We believe we have a solution that adequately addresses that issue, and as such, further changes in the manner of approval is not necessary. Should the provision cause trouble in the future, the UDO can always be amended to address that.

AGAINST: None

WORK SESSION

A question was asked about the circumstances around the Ronald McDonald House.

Paul Norby responded that the Ronald McDonald House was there before I arrived on the scene so I couldn't tell you about the details of how that worked. There was one expansion since then but I am not aware that expansion then was an issue. It came through the Planning Board and I do not recall there being a lot of controversy about that. They may have worked out the issues quietly before they even brought it.

Margaret Bessette added that she recalled a text amendment to clarify that Ronald McDonald House was a limited campus use. It's a little bit of a hybrid use. It specifically serves the hospital but it's not owned by the hospital. The text amendment changed the definition or at least clarified that it could be a limited campus use. And then there was a later text amendment that established the 500 foot limit so that it could not go on forever.

A board member asked Mr. Morgan, what is his objection to the special use permit approval process, is it the amount of time that would go into it?

Reid Morgan answered that the UDO already has conditions that have been set forth, in terms of the massing, parking and the fact that the Planning Board does review the matter in general that has some discretion around site plan, it seems to me that is sufficient in terms of how the matter stands. It has not caused any problems so I would just ask that it be considered to be a reasonable use.

A board member asked if staff have a preference on which reversion.

Paul Norby responded that originally, we responded to a request that was basically in reaction to neighborhood concerns about the recent Wake Forest Baptist Medical Center rezoning to find a way to restrict the limited campus use from further expanding. Our quick response to that was to suggest all limited campus uses in residential zoning be required to get a special use permit. The Wake Forest

proposal came through as a way to focus more closely on the issues involved in those expansive rezonings.

Given the origin of the citizens concern that prompted the City Council request, I think the Wake Forest one is responsive to that. Now if the Council wants to go further in having more scrutiny over limited campus uses beyond the existing general campus zone then the staff proposal about the special use permit will be the one to use. But if they were simply concerned about the expansive nature of subsequent rezonings, I believe the Wake Forest one would cover that issue. That is why we said approval of either.

The Chairman asked Paul Norby which one will be presented to City Council.

Paul Norby responded that he will present the Planning Board's recommendation, although the staff report will also reference the original staff proposal.

MOTION: Brenda Smith moved approval of the Wake Forest version of UDO-281.

SECOND: Chris Leak

VOTE:

FOR: Jason Grubbs, Tommy Hicks, Arnold King, Clarence Lambe, Chris Leak, Brenda Smith, Allan Younger

AGAINST: George Bryan, Melynda Dunigan,

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services



WAKE FOREST
UNIVERSITY

Legal Department

October 3, 2017

Mr. A. Paul Norby
Director, Planning & Development Services
City of Winston-Salem
Stuart Municipal Building
100 East First Street, Suite 201
Winston-Salem, NC 27101

RE: Proposal for Text Amendment UDO-281 re: Limited Campus Use

Dear Mr. Norby:

I am writing regarding the proposal currently being discussed to amend the City-County Unified Development Ordinances regarding Limited Campus Uses. I attended a meeting with Planning Staff and others on Tuesday, August 22, and shared the concerns of Wake Forest University with respect to the proposed amendment. The amendment would replace the current Planning Board review for approval of Limited Campus Uses in residential zoning districts with the Special Use Permit process.

The use conditions currently to be met under section 2-5.45 before a Limited Campus Use (which includes in its definition residential or office uses incidental to or customarily associated with a college, university, or hospital campus) in a residential zone may be approved include:

- A requirement that the use be conducted within a structure which is entirely within five hundred (500) feet of the C District; and
- The limited campus use must be located on a major or minor thoroughfare unless the lot is adjacent to land zoned C (Campus District)

We understand the interest of those in residential neighborhoods in potential limited campus uses being allowed in properties that are not contiguous to property that is zoned Campus as well as in properties surrounding a rezoned C-S or C-L tract. We would be comfortable with an amendment of the UDO that provided that the Limited Campus Use would be available only for property adjacent to land zoned C – but not land zoned C-S or C-L – provided that adjacency continues to include properties located across a public street or right of way from C-zoned property. The requirement that “the use be conducted within a structure which is entirely within five hundred (500) feet of the C District” would remain. In so doing we respectfully request that such use as amended would remain subject to Planning

Mr. Norby
October 3, 2017
Page 2

Board review. We believe this would appropriately address the concerns expressed while still accommodating the transitional, limited uses that are useful to our campuses and in keeping with the scale and massing of the other residences within these neighborhoods.

Sincerely,

A handwritten signature in black ink that reads "J. Reid Morgan". The signature is written in a cursive style with a long horizontal flourish at the end.

J. Reid Morgan
Senior Vice President and General Counsel

Tarra Jolly

From: Tiffany N. White
Sent: Thursday, November 16, 2017 9:40 AM
To: Tarra Jolly
Subject: FW: WSNA comment on UDO-281, Limited Campus uses

-----Original Message-----

From: Eric Bushnell [mailto:Eric.Bushnell@ieee.org]
Sent: Wednesday, November 08, 2017 11:27 PM
To: Tiffany N. White; Kirk Ericson
Cc: Tarra Jolly
Subject: WSNA comment on UDO-281, Limited Campus uses

Tiffany and Kirk,

Here are WSNA's comments regarding UDO-281, Limited Campus uses with Campus zoning.

WSNA member neighborhoods appreciate the time and attention that Planning staff and campus representatives have invested in UDO-281.

The Wake Forest Univ. proposal does appear to address some issues of adjacency and "hopscoching" that have long been concerns of various neighborhoods.

And although quasi-judicial hearings involved in Special Use Permits are not WSNA's preferred form of public input, member neighborhoods appreciate having some opportunity to express concerns about possible campus expansion to elected officials.

WSNA suggests that combining the two proposals – Wake Forest's adjacency restrictions and Planning staff's Special Use Permits – would create a more robust policy to forward to the city council and county commissioners.

WSNA also suggests that a set of maps for the affected areas would be very helpful to the county commissioners, city council members, and neighborhood residents to assess this policy. Perhaps the maps used to show notification areas for rezoning cases could be adapted to show the properties adjacent to Campus-zoned districts that would be subject to Limited Campus uses.

Finally, we note that this UDO amendment may not prevent neighborhood residents' unease about future expansion plans of Winston-Salem and Forsyth county's nine campus districts. WSNA member neighborhoods would ask the Planning Board, County Commissioners, and City Council members to remain sensitive to the concerns of campus neighbors.

Thank you for your time and consideration.

–
Eric Bushnell
Winston-Salem Neighborhood Alliance