

Motion and
Statement of Consistency with Comprehensive Plan
UDO-237

I move that the following statement be adopted in support of a **Motion to Approve** Zoning Text Amendment UDO-237.

The zoning text amendment, proposed by BSC Holdings, Inc. to amend Chapters A & B of the Unified Development Ordinances (UDO) to allow multiple dwelling units to be platted on a single zoning lot within planned residential developments, is in conformance with the recommendations of the Legacy Comprehensive Plan and is reasonable and in the public interest because:

1. This proposed text amendment will reduce difficulties for developers in securing financing for Planned Residential Developments when the developer will retain ownership of all of the units;
2. This proposed ordinance also reduces the amount of surveying/engineering work needed in order to record a plat in a Planned Residential Development;
3. The proposed text amendment will not affect the building setback or open space requirements included in the UDO; and
4. Under the proposed text amendment, houses within a PRD would be spaced so that a subdivision plat could be recorded in the future and still comply with the UDO requirements.

Based on the foregoing Statement, I move adoption of UDO-237.

Second:

Vote:

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: January 14, 2013 **AGENDA ITEM NUMBER:** _____

SUBJECT:-

- A. Public Hearing on Zoning Text Amendment Proposed by BSC Holdings, Inc. to Amend Chapters A & B of the *Unified Development Ordinances* to Allow Multiple Dwelling Units to be Platted on a Single Zoning Lot Within Planned Residential Developments (UDO-237)

- B. Ordinance Amending the Forsyth County Zoning Ordinance and Official Zoning Map of the County of Forsyth, North Carolina

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:- X YES ___ NO

SIGNATURE: _____ **DATE:** _____
 County Manager

STAFF REPORT

DOCKET # UDO-237
STAFF: Aaron King

REQUEST

A UDO Text Amendment proposed by BSC Holdings Inc to amend Chapters A & B of the *Unified Development Ordinances* to allow multiple dwelling units to be platted on a single zoning lot within Planned Residential Developments (UDO-237).

BACKGROUND

The UDO currently allows only one single family detached dwelling per zoning lot. This is reflective of the long-standing pattern of development whereby an owner buys one lot with one house. The rationale for allowing only one house per zoning lot is that it prohibits an unorthodox style of development where a single lot may have several houses on it.

The UDO has allowed Planned Residential Developments (PRDs) in residential zoning districts with Planning Board approval since 1995. PRDs allow for: smaller lot sizes than what is required by the underlying zoning district, decreased setbacks, and more design flexibility in exchange for certain percentages of open space. The elements of a PRD are held together by the preliminary subdivision plan approved by the Planning Board.

Recently, the petitioner for this text amendment has developed a single family residential product that has been very successful in Forsyth County. It involves the construction of a PRD, but rather than selling off individual lots/homes for purchase, the developer retains control of all lots/homes as rental units. Essentially, the entire property and all improvements associated with the project remain in the developer's ownership as a rental community.

Currently, the UDO requires the developer to record a plat that creates lots around each house because of the current requirement of one house per lot as discussed above. The petitioner has indicated to staff that this has caused difficulties in securing financing for projects like this when the developer will ultimately be retaining all of the units. The recordation of the plat creates individual lots and individual tax bills/accounts for each lot within. Allowing all of the units to be platted on one lot would alleviate this requirement. Permitting multiple dwelling units on one zoning lot also reduces the amount of surveying/engineering work needed in order to record a plat.

ANALYSIS

The rationale for allowing only one house per lot is still valid and should stay in place in the UDO. Staff does understand and support an allowance for a deviation from this rule within PRDs. Houses within PRDs are regulated by building spacing setbacks included in the UDO. Regardless of how big a lot is or if there is no lot at all, the houses within a PRD must meet said setbacks. Also, regardless if houses are placed on individual lots or on one lot, the required amount of common open space must still remain intact.

Staff is supportive of allowing multiple single family dwelling units on one zoning lot within PRDs that are five acres in size or more for a few reasons. First, the layout/design/build-out will look the same whether houses are placed on individual lots or on one lot. Second, if a developer at some point in the future wanted to sell off individual lots/houses, the houses within the PRD would be spaced so that a subdivision plat could be recorded and meet UDO requirements. Third, allowing multiple dwelling units on a lot would allow projects under one ownership to secure financing in an easier fashion.

Staff would not support extending this provision to conventional single family (non-PRD) subdivisions.

RECOMMENDATION

APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-237
NOVEMBER 8, 2012**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

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

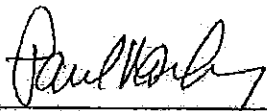
SECOND: Lynne Mitchell

VOTE:

FOR: Wesley Curtis, Arnold King, Darryl Little, Barry Lyons, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None



A. Paul Norby, FAICP
Director of Planning

UDO-237

A UDO TEXT AMENDMENT PROPOSED BY BSC HOLDINGS INC TO AMEND CHAPTERS A & B OF THE *UNIFIED DEVELOPMENT ORDINANCES* TO ALLOW MULTIPLE SINGLE FAMILY DWELLING UNITS TO BE PLATTED ON A SINGLE ZONING LOT WITHIN PLANNED RESIDENTIAL DEVELOPMENTS (UDO-237).

Be it ordained by the Forsyth County Board of Commissioners of Forsyth County, 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**

RESIDENTIAL BUILDING, SINGLE FAMILY. A residential building which contains one dwelling unit and which occupies its own zoning lot. Planned Residential Developments (PRDs) may have multiple dwelling units on a zoning lot. This term includes modular housing units.

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**

2-1 ZONING DISTRICTS

2-1.2 RESIDENTIAL ZONING DISTRICTS – PURPOSE STATEMENTS AND REGULATIONS

(A) YR Yadkin River Conservation District

(3) Supplementary District Requirements

- (c) One Principal Building per Zoning Lot. Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under Section B.2-6.4(C); or under Section B.2-5.60(K).

(B) AG Agricultural District

- (3) One Principal Building per Zoning Lot. Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under Section B.2-6.4(C); or under Section B.2-5.60(K).

(C) RS40 Residential Single Family District

- (3) One Principal Building per Zoning Lot. Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under Section B.2-6.4(C); or under Section B.2-5.60(K).

(D) RS30 Residential Single Family District

- (3) One Principal Building per Zoning Lot. Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under Section B.2-6.4(C); or under Section B.2-5.60(K).

(E) RS20 Residential Single Family District

- (3) One Principal Building per Zoning Lot. Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under Section B.2-6.4(C); or under Section B.2-5.60(K).

(F) RS15 Residential Single Family District

- (3) One Principal Building per Zoning Lot. Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under Section B.2-6.4(C); or under Section B.2-5.60(K).

(G) RS12 Residential Single Family District

- (3) One Principal Building per Zoning Lot. Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under Section B.2-6.4(C); or under Section B.2-5.60(K).

(H) RS9 Residential Single Family District

- (3) One Principal Building per Zoning Lot. Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under Section B.2-6.4(C); or under Section B.2-5.60(K).

(I) RS7 Residential Single Family District

- (3) One Principal Building per Zoning Lot. Only one residential building shall be placed on a zoning lot or lot of record, except as permitted under Section B.2-6.4(C); or under Section B.2-5.60(K).

2-5 USE CONDITIONS

2-5.60 PLANNED RESIDENTIAL DEVELOPMENT

(I) Ownership and Responsibility for Common Open Space and Amenities

Common Open Space may be either owned by the homeowners association or dedicated to a public entity or other non-profit organization. Land not to be held in private or public ownership shall be owned by a nonprofit corporation in which all owners of property within the development have automatic membership rights and assessment obligations for the maintenance of these areas. These automatic membership rights and assessment obligations shall be covered by covenants running with the land and other contractual provisions as to insure the proper maintenance of all commonly owned areas, and shall include provision for liens against the individual properties and legally enforceable personal obligations on the part of the individual property owners in the development. Such covenants shall be recorded in the office of the Register of Deeds and such contractual rights and obligations shall be established prior to the issuance of a building permit. For PRDs where all units and common areas are under single ownership, a homeowners association may not be required.

(J) Platting Requirements

All planned residential developments shall meet the requirements of the *Subdivision Regulations, Chapter D*. In addition, prior to a permit being issued for the construction of any building, there shall have been recorded in the office of the Register of Deeds, a plat of the property or section thereof, showing: easement and right-of-way widths, street widths, the actual or approximate location of single family lots, commonly owned tracts, and lots and buildings to be occupied by other uses.

(K) Multiple Dwelling Units Per Zoning Lot.

Multiple single family dwelling units on a zoning lot may be permitted within a PRD. This provision shall only be allowed for PRDs with a minimum of five (5) contiguous acres. If a developer chooses to locate multiple single family dwelling units on a zoning lot, it shall be clearly indicated on the preliminary subdivision plan presented to the Planning Board for approval and clearly indicated on the face of any plat recorded for the PRD. If at any point in the future the owner intends to transfer individual lots into separate ownership, a plat meeting all requirements of the UDO shall be submitted to Planning staff for review and approval.

Section 3. This ordinance shall be effective upon adoption.