

UDOClearCode



CODE ASSESSMENT

Public Review Draft

October 4, 2018

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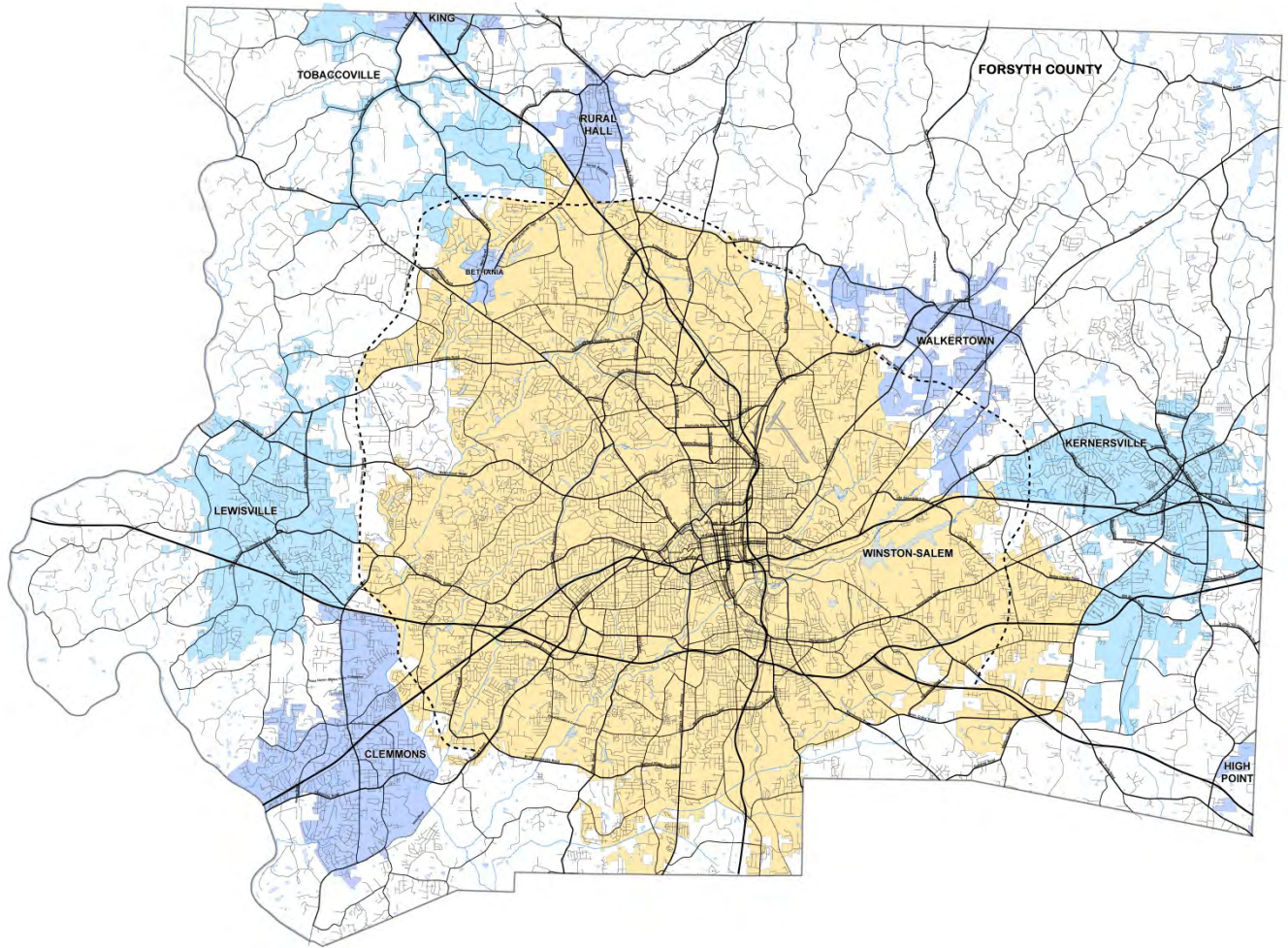
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EXECUTIVE SUMMARY

[to be completed following staff review]

1.0 BACKGROUND



Forsyth County and its municipalities.

This document is an assessment of the Winston-Salem/Forsyth County Unified Development Ordinances (or “UDO”). It summarizes a series of recommendations for change to the UDO in order to make the document easier to understand and administer. A UDO is a legal document adopted by a local government that addresses allowable uses of land, procedures for the establishment of development, and how development may be configured. Local governments adopt unified development ordinances in order to protect the health, safety, and general welfare of the public, as well as to protect investments by individual landowners. Periodic review and update of development regulations (like the current UDO) is a typical practice undertaken to ensure regulations remain consistent with adopted policy guidance,

changes in state and federal legislation, and evolving best practices. This assessment is a pre-cursor to a forthcoming effort to update the UDO for Winston-Salem and Forsyth County.

1.1 INTRODUCTION

Forsyth County is a vibrant community of over 370,000 people located in the heart of the Piedmont Triad region of North Carolina. Winston-Salem is the county seat and the largest of the municipalities in the County. The area has long been a center for textiles and tobacco, both of which have declined in recent decades. In the wake of these declines the area is re-making itself as a regional center of nano- and bio-technology as well as in the provision of medical services (the two largest employers in the area include Wake Forest Baptist Medical Center and Novant Health). Downtown Winston-Salem has made a major comeback since 2001, with new housing, restaurants, and entertainment venues as well as the establishment of important economic engines like the Wake Forest Innovation Quarter. Growth in the County has been strong and continued population growth is expected. According to the County's *Legacy* Comprehensive Plan (adopted by the County and its municipalities in 2013), the population is expected to increase by 120,000 people by 2030 – bringing the total County population to almost 500,000 people. In addition to anticipated population increases, employment is expected to increase by around 66,000 jobs to 295,000 jobs by 2030.

This kind of population and employment growth is significant. *Legacy* warns that if traditional low-density development patterns in place since the 1950s continue, the County could run out of developable land within the next 25 years (by 2040). To avoid running out of buildable land, *Legacy* suggests that it is necessary to manage growth, foster compact development, provide transportation choice, and protect sensitive environmental resources. As the primary tool for implementing the policies and actions in the comprehensive plan, it is important to ensure the UDO is periodically updated to maintain consistency with changing policy guidance, like that found in *Legacy*.

The current UDO was initially adopted in 1994 and has been the subject of almost 300 amendments over the last 23 years. This is a significantly high number of amendments for a community of less than one million people. While many of these amendments were made to implement the 2001 and 2013 versions of the *Legacy* Comprehensive Plan, many others have been adopted gradually and in piecemeal fashion over time in response to individual issues or unique situations. These piecemeal amendments have made the UDO difficult to navigate and introduced inconsistencies in terminology and document voice. Inconsistency and subtle differences in terminology can make the document difficult to interpret and has resulted in the need for City-County staff to spend disproportionate amounts of time explaining the document to applicants and members of the public.

Since 2010, the North Carolina General Assembly has adopted a wide variety of significant changes to the planning-related provisions in the General Statutes. Local governments in North Carolina are obliged to ensure their local provisions are consistent with the General Statutes. Changes to local planning laws can be necessitated by court rulings as well, such as the landmark *Reed versus the Town of Gilbert, AZ* ruling related to signage regulations decided by the U.S. Supreme Court in 2015. Keeping the UDO current and consistent with changing state legislation and jurisprudence is an important on-going effort.

For these and other reasons, City-County planning staff issued a Request for Proposals (or "RFP") seeking assistance with recommendations for change to the UDO in September, 2017. The RFP specifically calls for the creation of a code assessment document like this one. The RFP indicates that the code assessment should:

- Provide a series of potential *non-substantive*¹ recommendations for changes to improve the user-friendliness and organization of the UDO;
- Identify unnecessary, redundant regulations or regulations which are no longer effective and that could be removed;
- Identify UDO provisions that conflict with one another (and thus need to be revised);
- Identify *substantive*² changes that the City and County could consider to better implement the 2013 *Legacy Comprehensive Plan*; and
- Provide recommendations on changes that will make the UDO easier to use for developers, citizens, elected officials, and staff.

The Winston-Salem/Forsyth County Planning and Development Services Department contracted with CodeWright Planners of Durham, North Carolina, to prepare this code assessment in accordance with the direction in the RFP.

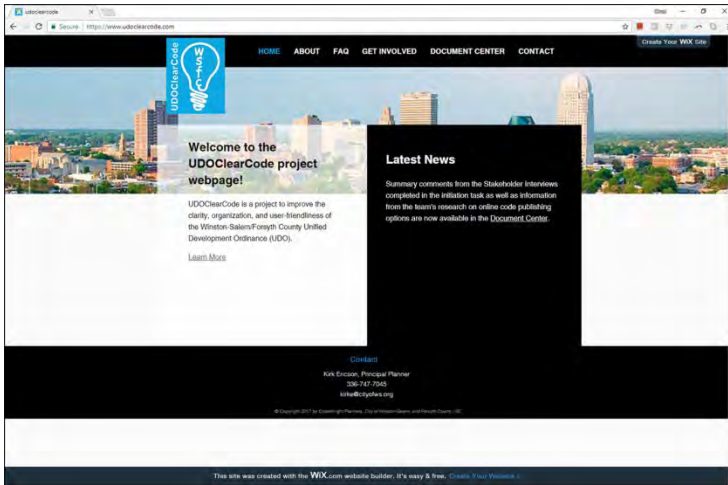


The RFP.

¹ In this context, non-substantive changes include those that do not affect the substance or meaning of the adopted regulations. Non-substantive changes could include changes to organization, format, appearance, and to a lesser extent minor changes in sentence structure that improve comprehension but that do not change the meaning of the words.

² Substantive changes are those that affect the substance of the regulations, or that seek to change what the regulations mean, not just how they are organized or presented.

1.2 WORK COMPLETED TO DATE



Creation of the project webpage was an initial task, and includes all the documents and background associated with the project.
www.udoclearcode.com

This section describes the efforts leading to the creation of this code assessment. The first task included an initial meeting with key project staff in late November, 2017. Topics covered included the project scope and initial schedule, the project brand ("UDO ClearCode") and webpage layout, and an initial discussion of the current UDO. The meeting summary is included in the Input Summary in the Appendix of this report.

The next step involved a series of 29 stakeholder interviews with various City and County officials, development community members, and neighborhood representatives in early December, 2017. Stakeholders were asked a series of questions about their experiences with the UDO, improvements they would like to

see made, and aspects of the current UDO they would like kept the same. Responses are organized into eight categories and a summary report of the stakeholder interviews is included in the Input Summary in the Appendix of this report.

In early January 2018, a work session was conducted with City-County Planning and Development Services staff. The work session was intended as an opportunity for City-County staff to consider the input from the stakeholder meetings and discuss the challenges and successes of administering the UDO.

In mid-January, a webinar was conducted with planning staff members that focused on on-line codification issues (including comparative statistics on how similar local governments are addressing on-line codification) and an overview of the pros and cons associated with four distinct development coding examples from across the country.

A status update presentation was delivered to the City-County Planning Board in late January 2018. This update overviewed the input collected to date, the top ten recommendations for change to the current UDO, and a discussion regarding "the gray area" between recommendations for change that are substantive versus non-substantive. This presentation is included in the Input Summary in the Appendix of this report.

In mid-May 2018, another status update presentation was given to the City-County Planning Board that provided an overview and outline for this code assessment. The presentation discussed the ways in which this code assessment could be presented to the public, development community, and other interested individuals. This presentation is included in the Input Summary in the Appendix of this Report.

1.3 CONCERNS WITH THE CURRENT UDO

The Winston-Salem/Forsyth County UDO was originally adopted in 1994 and has been the working set of development regulations for the community for the last 23 years. A great deal of effort has gone into its creation and amendment over the years, and it has served the community well. The document includes over 1,000 pages and is organized into a group of five chapters, each of which are referred to as "ordinances". The document begins with a chapter on definitions. Then comes a chapter called the "zoning ordinance" that sets out the zoning district standards, use provisions, development standards, material on the review procedures, provisions for nonconformities, and then a blend of review authorities, enforcement, and application review-related provisions. The next chapter (C) is titled Environmental Provisions, and sets out the flood protection, watershed, erosion control, and riparian buffer protection provisions. It also includes a series of procedural and administrative provisions. The fourth chapter (D) is the subdivision provisions, which sets down the general design standards for subdivisions and the procedures. There is also an appendix of supporting material.

Aside from the sheer breadth of the document, its structure is one of its most significant issues or opportunities for improvement. Referring to individual chapters of the UDO as “ordinances” can be confusing. In addition, while all these standards are bound up in a single compendium, the material (aside from the definitions) is not well integrated. Each of the “ordinances” contains procedures and standards that could (and perhaps should) be joined together so that like material is located together in a unified fashion.

Problems with organization continue at a subsection level. In many cases, each chapter or ordinance has too few “articles” and too many “sections”. It is hard for code users, even long-term users, to find their way around. The current code lacks sufficient “navigational” tools – tables of contents, cross references, intuitive headers/footers, and a cohesive numbering system. In several cases, the section nomenclature is not sufficiently precise – for example: Chapter B, Article 3 is titled “Other Development Standards” while Section 3-11 within Article 3 is titled “Other Standards.” Further, there is no standardized text format – fonts change, numbering systems change, indentation changes. There is no pattern to these changes, and this can create confusion.

Another significant difficulty with the ordinance is that it is applied to vastly different jurisdictions: the City and the County. In some cases, the standards for one differ from the standards for the other and these sections are only distinguished from one another by a “(W)” (for the City) or a “(F)” (for the County) in the initial heading of the text. Another especially challenging problem is that while there are different standards for the City or the County, these different standards have the same section numbers (as is seen with the signage and the landscaping provisions). These identical numbering systems can result in a code user inadvertently looking at the wrong standards for their property without even knowing it.

The initial code was structured to include repetitive text – in the name of user friendliness; but then the code was subsequently amended without careful attention to revising all repetitive text – the result is that there are now inconsistencies in the text – this undermines the intent of some amendments since when there is conflict between code sections, the most restrictive standard applies – even though a particular amendment was adopted to soften requirements or allow flexibility. The repetition and stance on conflicting provisions works against the intent of the amendments proposed to soften regulations or add flexibility.

The document has inconsistent terminology – likely attributed to successive amendment. Differing names for appointed bodies, differing terms for similar concepts (like “adjacent” versus “abutting”) can confuse readers and complicate administration of the ordinance. In addition, the text in the document has “differing voices” – different sentence structure and subtle distinctions in phrasing, that when coupled with the different terminology, results in confusion for readers. For example, some amendments may use the term abutting versus the term adjacent. These words have different meanings though they may have been used interchangeably in some amendments.

In many cases, stand-alone ordinances like flood prevention provisions or riparian buffer standards were simply embedded within the UDO instead of being interwoven. This can lead to inconsistent text formatting, unhelpful or inconsistent repetition, or situations where applicants believe they have reviewed all the applicable standards when in fact there are additional standards that also apply in some other disparate section of the UDO.

There is a general lack of reliance on graphics. While there are some graphics in the ordinance, and those that are there are helpful, by and large, the document is not well illustrated. This is a major problem particularly with respect to the various development standards and how measurements are calculated. Further, where illustrations are included, they are not titled, captioned, or numbered, making it unclear to the reader which portions of the text are being illustrated. It would also be helpful for graphics and illustrations to also “share a common voice” or set of standardized conventions regarding color, font choice, call outs, etc.

While the current code does include a few summary tables, there are many locations where a tabular format would benefit the standards. For example, a tabular format like that used in the signage standards could also be used to good effect with the tree save provisions, transmission tower standards, the watershed requirements, the sidewalk standards, and many other areas. Summary tables make complex regulations easier to grasp, cut down on the number of pages necessary, and are capable of accommodating graphics in compelling ways.

There are several examples of submittal requirements and other non-essential information (like preferred landscaping materials that are included in the ordinance – this adds bulk and makes it difficult to amend portions of the ordinance that need to be more adaptable.

Finally, the current UDO is not well-served on a digital platform. The on-line version of the document is very slow to load even on a fast connection, contains little-to-no text markers or distinctions to orient the reader, includes numerous lists of amendments at the front that could be removed or relocated to the back, and would benefit from greater inclusion of graphics and illustrations.

While these concerns are largely non-substantive in nature, there are also issues with respect to the substance of the document. For example, there are several examples of obsolete provisions (like the multi-family spacing provisions), there are examples of inconsistency with recent state law changes (like permit choice and the statute of limitations on enforcement), and there are examples of inconsistency with recent court precedent such as those related to signage and the Reed case with the U.S. Supreme Court.

The following pages go into greater detail about these concerns and propose some suggestions or recommendations about how to address these issues.

1.4 NEXT STEPS

Once this Code Assessment has been presented to the City-County Planning Board and the public, it will be presented to the Winston-Salem City Council and Forsyth County Commissioners. Once accepted by both sets of elected officials, this code assessment serves as the “blueprint” or “road map” for revision to the text of the UDO over the coming months. These revisions will likely be completed by City-County Planning Staff, and will include non-substantive revisions to the text and layout of the document, new graphics and summary tables, and changes to the on-line version of the document. The elected officials may also direct City-County Planning Staff to address some of the easier substantive revisions like removal of repetitive text or inconsistent terminology. Other amendments to the UDO requiring further consideration, such as changes to the signage regulations, will be handled individually with thorough input and discussion in accordance with current text amendment practice after the new UDO has been modified.

1.5 CODE ASSESSMENT ORGANIZATION

This code assessment has six sections or parts:

Section 1, Introduction, which introduces the project, explains the work completed to date, overviews the problems with the current UDO, and describes the next steps in the project.

Section 2, Non-Substantive Recommendations, includes a series of recommendations for non-substantive changes to the current UDO, organized into five groups: structure & organization, page layout, text, graphics, and summary tables.

Section 3, Substantive Recommendations, identifies two types of substantive recommendations for change – those substantive changes that are relatively “easy” (like removing obsolete provisions, enhancing clarity, or compliance with recent statutory changes), as well as other substantive changes that require deeper consideration like implementation of *Legacy* Comprehensive Plan provisions, or revisions to certain portions of the current UDO like signs, tree protection, or alternative forms of compliance.

Section 4, Digital Document, includes a brief background of the issues associated with the digital version of the current UDO as well as options for on-line codification of the forthcoming revised UDO.

Section 5, Annotated Outline, proposes a template or framework structure of the revised UDO, including chapter and section sequence along with very brief descriptions of the material included within each major section or chapter.

Section 6, Appendices, includes five subsections that summarize the UDO-related policy guidance in the *Legacy* Comprehensive Plan, a section-by-section review of the current UDO, an Input Summary that captures results of initial meetings and presentations, and a “style set” or set of pre-made heading, subheading, table, and body text styles that can be used by the City-County Planning staff in the formulation of a new UDO document (provided Microsoft Word is used).

2.0 NON-SUBSTANTIVE RECOMMENDATIONS

This report contains two types of recommendations for improving Winston-Salem/Forsyth County's current UDO. Section 2.0 describes a set of *non-substantive* changes – adjustments that would increase the user-friendliness and effectiveness of the UDO without altering the substance of the regulations it contains. This section offers recommendations on how to improve the structure and organization, page layout, text formatting, use of graphics, and use of summary tables in the updated UDO.

2.1 STRUCTURE & ORGANIZATION

A major finding from the stakeholder interviews was that the organization and overall structure of the current code is a primary source of frustration for code users. The document includes over 1,000 pages of text, and was described as disorganized and “jumbled” – many long-time users reported that while they are familiar enough with the code that they can usually find what they need, they sometimes find it necessary to call a colleague or a City-County staff person to confirm that they are locating the correct standard, and that they have found all of the standards applicable to a particular project. New users, such as new employees at land development firms, and occasional users of the code, such as members of the public, have much more trouble getting oriented and locating the desired information. We heard from multiple stakeholders that community members in particular will often think they have identified all the rules related to a particular project, only to later learn that there are additional standards located in another code section, and that they are noncompliant. This leads to frustration and mistrust. To remedy these issues, we suggest two main changes: relocate “like” material together, and reorganize the document's structure.

2.1.1 RELOCATE LIKE MATERIAL TOGETHER

A main reason behind this lack of usability is that material related to a particular topic is located across many sections throughout the code. For example, the zoning districts are established in Chapter B, Article II, “Zoning Districts, Official Maps and Uses.” However, Article III, which is vaguely titled “Other Development Standards,” contains the dimensional requirements for each zoning district as well as the information on overlay and historic districts.

As a further example, the procedure for a rezoning is located in section 6-2 within Chapter B, Article VI; the procedure for a site plan review is in section 7-5 of Chapter B, Article VII; and the procedures for subdivision applications are in various sections of Chapter D. A more user-friendly code would locate all procedures together.

Another approach that would benefit the UDO is to limit repetition (and potential inconsistency) by using standardized (or “common”) rules that can be set down in one part of the code and cross referenced elsewhere.

2.1.2 REORGANIZATION INTO 10 TOPIC-BASED CHAPTERS

In order to achieve the relocation of like materials and to help code users find the information they need, the code should also be reorganized into a new chapter structure.

Stakeholders identified a lack of clear and intuitive chapter and section titles and a lack of a logical “flow” within the code. For example, the consolidated procedures article should be placed near the beginning of the code, as many code users will start by looking up the requirements for a particular application. Similarly, stakeholders said that the definitions chapter should be at the back of the code rather than the front, as it is a reference section.

Finally, the numbering system used in the current code is not user-friendly, because it relies on a mix of conventions: the chapters use capital letters (A, B, C), then the articles use Roman numerals, and the sections use Arabic numerals. This makes it difficult to cite a particular section. For example, the citation for the section entitled “Nonconforming Vacant Lots” would be: A.V.5-3. In addition, Chapter D, Subdivisions, breaks with this pattern, using Arabic numerals instead of Roman numeral article numbers, adding to the confusion. We suggest that a new, more user-friendly numbering system be introduced that eliminates Roman numerals in favor of alphanumeric labels, resulting in a citation that might read: 1.2.2.A.1.b. There are also many instances in which duplicate-numbered sections exist, in cases where there are different rules for the City and the County. For example, the signage rules for the City are in Section 3-2.1 (W) and the next section is also labelled 3-2.1, but with an (F). We highly recommend eliminating these duplicate numbers in favor of a new system for demarcating jurisdiction-specific text, which is described in Section 2.3 of this document. The Appendix of this report provides an example of a fully functional automatic numbering system built for Microsoft Word that could be used in the updated development code.

Within each chapter, we suggest a standardized format or organization of code text, which allows a reader to compare one section against another. For example, modern development codes use a standardized format or sequence of sections to set out each development procedure or zoning district.

Current UDO Chapter Structure	Proposed Updated UDO Chapters
Chapter A – Definitions Ordinance	Chapter 1. General Provisions
Article I. General	
Article II. Definitions	Chapter 2. Procedures
Chapter B – Zoning Ordinance	Chapter 3. Zoning Districts
Article I. Purpose and Authority	Chapter 4. Use Regulations
Article II. Zoning Districts, Official Zoning Maps & Uses	Chapter 5. Development Standards
Article III. Other Development Standards	Chapter 6. Subdivision Requirements
Article IV. Historic/Historic Overlay Districts	Chapter 7. Environmental Provisions
Article V. Nonconforming Situations	Chapter 8. Nonconformities
Article VI. Administration and Amendments	Chapter 9. Authorities & Enforcement
Article VII. Site Plan Requirements	
Article VIII. Fees	Chapter 10. Definitions & Measurement
Article IX. Enforcement	
Article X. Appointed Boards	
Chapter C - Environmental Ordinance	
Chapter D - Subdivision Regulations	

The above comparison shows the suggested chapter reorganization and renaming into ten topic-based chapters that offer code users a more intuitive “flow” through the process of using the UDO and places like material together to aid in code navigation. The colors indicate how material would be relocated; for example, the information on Uses would be pulled out of current Chapter B, Article III and relocated to its own new Chapter 4, Use Regulations.

2.2 PAGE LAYOUT

Over the years, many communities have come to understand that the way a development code “looks,” or is formatted, greatly affects its usability. There are a number of formatting and related suggestions that can be applied to a development code that will improve its “user-friendliness.”

The images on this page compare Winston-Salem/Forsyth County’s current UDO page layout (to the right) with a modern page layout from another jurisdiction (below). The modern page layout includes formatting that shows text relationships (through indentation and bolding), use of graphics, and “guideposts” for navigation in the form of dynamic headers that tell the reader where they are in the document. In addition to these kinds of tools, greater use of cross references, as well as an index, article-based tables of contents, a glossary, and other related features will help make the updated UDO easier to follow and navigate.

We suggest that through the UDO update project, the City and County produce a new source document in MS Word that makes use of these functionalities. This type of newly formatted document would also translate to screen reading (via an online codification service; see Section 4.0 of this report) while also providing a printable PDF for those users who wish to keep all or part of the code in hardcopy.

	overlay district section of this Ordinance.
(d)	Historic Sign Approval. Prior to issuance of a zoning permit, a Historic Sign must meet the additional provisions (a) Section B.3-2.1(f)(5) of this Ordinance and be classified as a Historic Sign by the Forsyth County Historic Resources Commission.
(3)	Illumination. Any externally illuminated sign shall be shielded so as not to cast direct light onto any residential district and as not to create a safety hazard.
(4)	Location.
(a)	Public R.O.W. No portion of a sign shall be located within the public right-of-way or sight distance triangles except as permitted by this Ordinance or Chapter 70 of the Code of Ordinances of the City of Winston-Salem, and with approval by the City of Winston-Salem or the NC Department of Transportation. This includes all above ground and below ground supports, frames, and embellishments or any portion of a sign attached to, affixed to, or painted on any utility pole, light standard, utility box or pedestal, tree, rock, or other natural object located within the public right-of-way or sight distance triangles.
(b)	Traffic Hazard. No sign shall be located in a manner which creates a traffic hazard.
(c)	Ingress and Egress. No sign shall be located in a manner that impairs ingress and egress through windows, doors, or other means of entering or exiting from a structure or building.
(5)	Maintenance. Signs shall be maintained in sound and safe condition. Any sign or supporting structure declared to be unsafe by the Director of Inspections shall be repaired or removed by the owner immediately after notice by the Director of Inspections.
(6)	On-Premises Sign Area Measurement Provisions.
(a)	Measurement of Internally Illuminated Signs and Signs Consisting of a Permanent Structure with Removable Panels. The area of internally illuminated signs and signs consisting of a permanent structure with panels designed to be removed and/or replaced for periodic maintenance or change of tenant(s) shall be computed as the smallest rectangle that will encompass the extreme limits of the illuminated or changeable panels and structure less than three (3) inches wide, regardless of sign shape and whether or not open spaces exist. Any cutouts or extensions shall be included in the area of the sign. In the case of separate signs sharing a common structure, the open spaces between the panels shall not count as sign area.
(b)	Measurement of all Other Signs. Sign area for all other signs shall consist of the smallest rectangle or sum of contiguous rectangles which completely encompasses the sign message, including letters, words, and graphic elements. This method of measurement shall also apply to words and graphic elements painted onto windows, awnings, and canopies.
(c)	Area of a Multi-Faced Sign. Each face of a sign that contains two (2) faces may contain up to the maximum permitted sign area. Where two (2) sign faces are not attached back to back, they must be joined at an angle of no more than ninety (90) degrees. Each face of a sign with three (3) or more faces shall contain a minimum of fifty percent (50%) less sign area per face than the maximum permitted sign area.
(d)	Area of a Multi-Tenant Sign, Changeable Copy Sign, or Electronic Message Board. The face and frame of a portion of a sign that includes the names of individual tenants or an area for changeable or electronic copy shall count toward the total area of the sign.
(f)	Prohibited Signs or Objects. The following signs or uses of signs are prohibited, unless otherwise provided for in this Ordinance:
(1)	Abandoned Signs. A freestanding sign relating to or identifying an activity or establishment that is no longer conducted on the premises. Such signs include the sign's structure if the structure cannot be used for a legal use or does not comply with the height, area, or other physical requirements of this Ordinance. Such sign shall

Dynamic Header

Prominent Titles

Nested Text

Balance Between Text and White Space

Illustrations with Captions

Adoption Date
Page Numbers

District-Specific Development Standards
Town Center Residential District
Subsection 5.3. Site Layout and Building Organization

5.3 Site Layout and Building Organization

A. INTENT

(i) To ensure the layout and organization of infill development is compatible with the varied pattern of established residential development in the Town Center Residential District; and

(ii) To facilitate a range of housing options within walking distance of the Main Street District.

B. CONTEXTUAL FRONT YARD SETBACKS

(i) Town Center Residential development shall comply with standards for Contextual Front Yard Setbacks as contained in Section 3 of this Article. (Figure 18)

(ii) Where an established pattern of setbacks has not been established along the block by three or more homes, front yard setbacks shall be a minimum of:

(1) 10 feet for detached single-family; and

(2) 15 feet for townhomes and multi-family.

Figure 18

SITE LAYOUT AND BUILDING ORIENTATION: TOWN CENTER RESIDENTIAL DISTRICT

1 Contextual front yard setback not applicable where less than three existing homes exist on a block

2 Minimum front yard setback applies

3 Existing homes oriented towards street

4 Orientation of infill development is consistent with existing development

5 Multi-family buildings with multiple street frontages provide entrances along each street frontage.

Morrisville Town Center Code—Final Draft; December 2009 PZB Recommendation Version

A page from mid-chapter in Winston-Salem/Forsyth County’s current code (above) compared with a page with modern layout (at left).

2.3 TEXT

Drilling down from the overall organization of the UDO document and the formatting of the pages, the next opportunity to increase the UDO's user-friendliness comes in the language used within the document. This subsection includes recommendations for improving the way the UDO handles jurisdiction-specific standards, the language and "voice" used throughout the document, and the use of commentary to add clarity to some standards and procedures.

2.3.1 CITY VS. COUNTY RULES

A frequent concern cited in the stakeholder interviews is the difficulty in distinguishing between rules that apply only to the City, only to the County, and to both jurisdictions. Presently, the code makes this distinction using a parenthetical (W) or (F) at the head of a section to indicate City-only (W) or County-only (F) standards. However, this approach falls short because the indication is made only at the head of a section, leaving room for confusion in multi-page sections that do not have a marker on each page. For example, in Chapter B, Article III, Section 3-2, Sign Regulations, the first section, marked 3-2.1 (W), lasts for many pages before reaching 3-2.1, Sign Regulations (F). During those many pages, there is no indication that the reader is seeing City-specific rules. To further add to the confusion, both these sections bear the same section number.

To remedy this, we suggest a new system for demarcating jurisdiction-specific language. In cases where a section is only applicable to the City or the County, we suggest using a visual cue, such as text color, spacing, type face, or a non-text marker such as a border to indicate jurisdiction-specific text. This indicator should be used for the entirety of a jurisdiction-specific section. For simplicity, we suggest that sections applicable to both jurisdictions receive no treatment and appear as the "default" so that the jurisdiction-specific sections may stand out to the greatest extent possible.

1-1 – SHORT TITLE

This Ordinance shall be known and may be cited as the *Zoning Ordinance*, except as referred to herein, where it shall be known as *this Ordinance*.

1-2 - PURPOSE

The purpose of this Ordinance is to promote the health, safety, and general welfare of the residents within the zoning jurisdiction of the adopting jurisdiction through the stated regulations of this Ordinance. An additional purpose of this Ordinance is to implement the goals, objectives, and policies of *Legacy, A Legacy for Forsyth County, North Carolina*, as amended, including any specifically related land use plans, development guides, and the *Transportation Plan*.

1-3 - JURISDICTION

The provisions of this Ordinance shall apply to the unincorporated portions of Forsyth County, North Carolina, located outside Winston-Salem's planning jurisdiction. Text applicable solely to this portion of the community shall be depicted in black outline.

The provisions of this Ordinance shall apply to the planning jurisdiction for the City of Winston-Salem, North Carolina, including the corporate limits and the extra-territorial jurisdiction. Text applicable solely to this portion of the community shall be depicted within a box.

As an example of one possible configuration of County- versus City-specific language, this text replicates the beginning of Chapter B, Article 1 keeps "joint" text (text that applies to both jurisdictions) in black, regular typeface. Text that applies to only the County is within a black field, and text that applies only to the City is within a box. A legend denoting this distinction and other text attributes like commentary text should be included in the footer of every page.

2.3.2 LANGUAGE, VOICE, & TERMINOLOGY

The current UDO contains many instances of outdated language and “legalese” or jargon, which should be removed for ease of understanding. An example of the overly-wordy style used in many sections of the ordinance comes from Chapter B, Article II, Section 2-3.6:

“When a zoning lot existing as of the effective date of this Ordinance is proposed to be subdivided into two (2) or more zoning lots, the other requirements of the Unified Development Ordinances shall be applied to each of the subdivided lots, provided, however, that the residential density requirements of this Ordinance and the limits of floodway fringe encroachment provisions of Section C.2-3.2(A) may be applied, in whole or in part, to any one or more of the subdivided lots and not to the other lot(s) when such original zoning lot is subdivided under the following conditions: ...”

Below is an example of how the above section could be rewritten in for clarity:

- (A) “When an applicant proposes subdivision of a zoning lot that exists as of [<insert effective date of the Ordinance here>](#), the requirements of this UDO shall be applied to each of the resulting subdivided lots.
- (B) If the residential density requirements in Section [<hyperlink to section here>](#) or the limits of floodway fringe encroachment provisions of Section [<hyperlink to section here>](#) apply to one or more, but not all, of the resulting subdivided lots, then the residential density requirements and/or flood fringe requirements shall not apply to the other lot(s) in the subdivision.

Code language should be comprised of short sentences with clear meanings. It is important to avoid acronyms, or if used, to include a complete glossary of all abbreviated words. Consistent use of terminology (such as review authority titles, district names, cross references, supporting documents, etc.) is a vital part of ensuring clarity for code readers, particularly those not already familiar with development code-related concepts.

Additionally, it is clear that the current UDO has undergone many revisions and additions with many authors over the years. This is apparent in the use of a range of “voices” or writing styles throughout the document. This is a user-friendliness issue, as it makes reading code sections choppy; however, more importantly, it may also lead to mistakes and even legal issues in cases where different authors have used different wording or terminology to refer to the same thing. For instance, parts of the current UDO use the word “lots” and others use the word “parcels;” there is also discrepancy in how the words “adjoining” and “adjacent” are applied. These seemingly small discrepancies can have serious ramifications for code users and staff alike.

It will be important in the UDO update for Winston-Salem/Forsyth County to adopt a “style guide” which unifies the terminology and voice used throughout the UDO. In our experience, the easiest way to accomplish this is to have one person, or one team of people, redraft the entirety of the code using a single style. In cases where discrepancies exist, we suggest making a note in a separate document that can then be kept in the department for reference when future amendments or additions are made. One important element to keep in mind is that there is a very fine line between non-substantive changes to a document’s voice and substantive changes to a document’s meaning. In many cases, errors in terminology or sentence structure that should be changed for user-friendliness can amount to substantive change. It will be important for the City and County to make clear to those monitoring the document revision process that line edits that repair terminology errors or that revise large parts of paragraphs may begin to look and feel like substantive change, even though they are not. One way to address this issue is to include footnotes, endnotes, or supporting documents that distill the current text down to its key meaning and constituent parts, and then describing how the revised text preserves the key meaning though the language has been revised.

2.3.3 COMMENTARY

Several stakeholders made the suggestion that, in order to increase clarity of the standards in the UDO, the update should introduce the use of non-binding “commentary” text. Distinct from the legally-binding standards and regulations that make up the bulk of the document, this commentary would be supplemental in nature, and might offer examples or cases to help illustrate more complex points. Commentary text can explain how a particular standard has been interpreted in prior instances, examples of how the standards are applied to hypothetical cases, examples from other sources or communities, general rules of thumb regarding existing case law, or even excerpts from adopted policy guidance that forms the basis for a particular set of standards.

If Winston-Salem/Forsyth County decides to make these additions, a key consideration is how to designate commentary from the binding text of the document. We suggest the use of text boxes with a color fill, and perhaps a different type case (such as italics), to ensure that code users understand that a particular section is commentary only.

EXAMPLE:

A developer is requesting to develop a 50-acre parcel, 20 acres of which is not developable (lake, stream, steep slope, open space requirement). This leaves 30 acres of net buildable area. The current zoning allows for three units per acre, which would allow up to 90 lots on this parcel (this is the base density).

The developer is preserving 10 acres of natural hazard area (33.33 percent of the net buildable area); therefore he/she is eligible to increase the base density by 40 percent pursuant to the table above. This brings the total unit count to 120, with a total project density of four units per acre. This example increases the project density by one unit per acre above what the underlying zone would allow.

This is an example of a commentary box used in the section on density bonuses in another community's code. Note the use of a color-filled box, bold letters stating EXAMPLE, and the use of white, italicized text that set this passage apart from the binding regulations in the section.

2.3.4 REPETITION

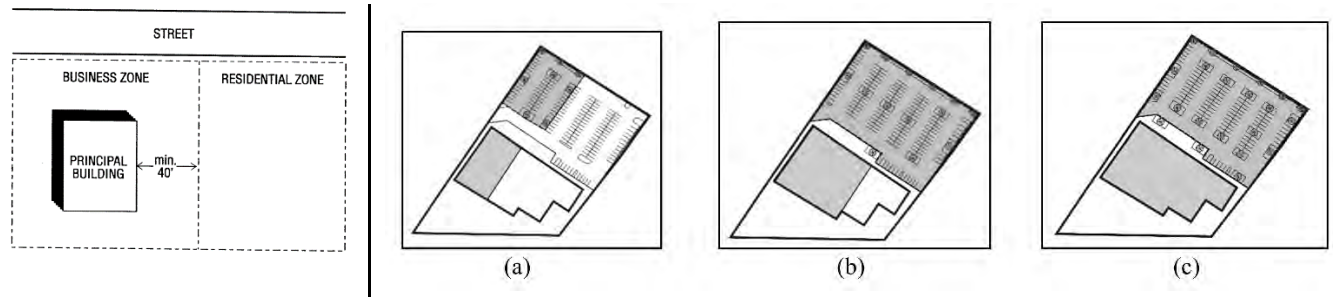
One of the biggest enemies of a user-friendly and legally defensible development code is repetition. When a code has the same information repeated in several different places this creates opportunities for inconsistency to enter the language over time as one part of the code is amended, but another isn't. One good example of this in Winston-Salem/Forsyth County's code is the zoning district dimensional standards. Each zoning district has its own short summary table of dimensional standards, but there are also summary tables with the dimensional requirements for all districts later in the same chapter. If the standards in one portion of the code are changed, but not another, this can mislead readers and result in confusion or litigation.

Current best practice is to remove repetition wherever it exists and rely on modern document functionality like text hyperlinking to allow a reader to quickly “jump” to the referenced portion of the text when using a digital version of the code.

2.4 GRAPHICS

One key way to make a code more effective and easier to use is through illustrations and graphics. The saying “a picture is worth 1,000 words” is certainly true when talking about communicating zoning and land use regulation concepts. Illustrations, graphics, and diagrams are also very helpful in development codes because they convey information concisely, and in many instances more clearly than text alone, eliminating the need for lengthy, repetitive text.

The current code includes very little in the way of graphics. Many of those that exist are low-resolution, making them difficult to see and interpret. The current graphics are also of varying styles, and do not follow a consistent convention throughout the code.



The graphic on the left is from current code section 3-1.2(J)2. The graphic on the right is from current code section 3-4.3(4) (W). The graphics do not use a standard convention in terms of the way lot lines, buildings, streets, and parking areas are depicted, which means that code users must re-orient themselves to each graphic's style as they make their way through the code. These graphics also lack legends or keys that would assist code users in understanding their meaning. The left-hand graphic does a good job with annotations, but the right-hand one does not, making interpretation difficult.

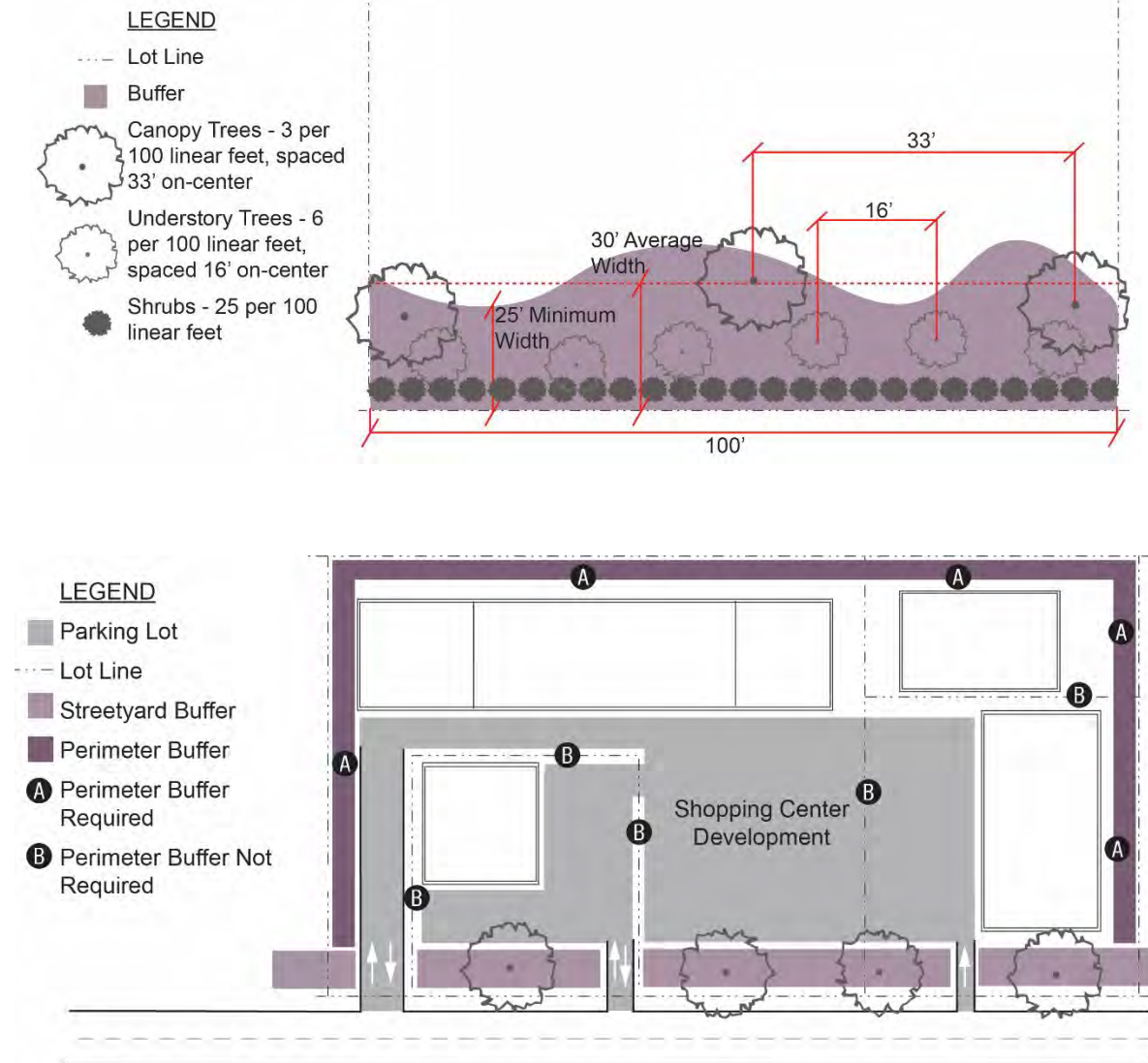
We recommend increasing the number and type of graphics throughout the document to help illustrate preferred design concepts, rules of measurement, parking space dimensions and parking lot configuration, landscaping requirements, and screening standards. We also suggest the updated UDO be supplemented with photographs demonstrating both preferred and discouraged development forms and patterns within each zoning district. Side-by-side comparisons of preferred and discouraged examples help illustrate the intent of the regulations and make the code more user-friendly. Flow charts add clarity to specific procedural requirements and time lines, as well as explain the interrelationships between procedures. Rules of measurement and signage allowance standards also benefit from illustration.

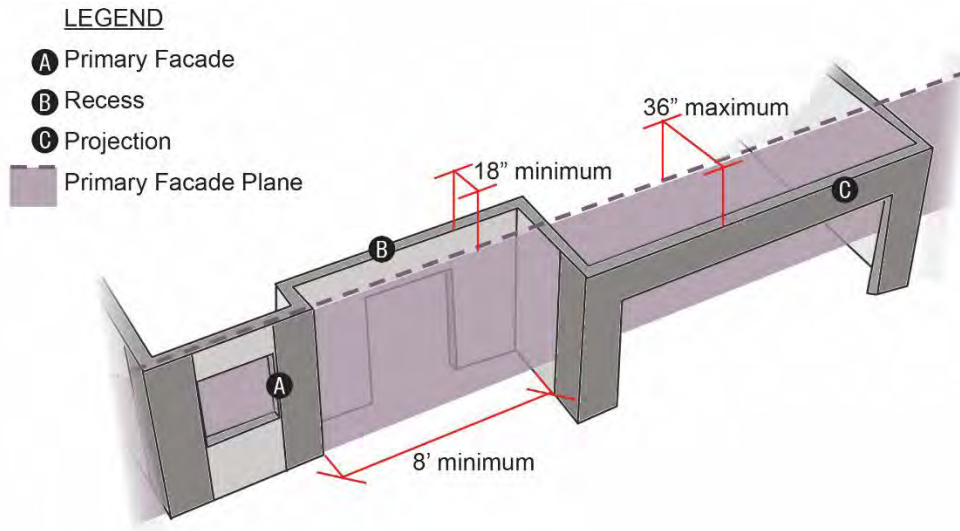
All new graphics should follow a cohesive set of conventions in terms of color, style, and annotation, so that the code has a clean, professional appearance and so that code users can easily interpret each illustration.

It is important to note that while graphics and illustrations are part of the adopted document, the text of the rules takes precedent, and preferred design concept illustrations function like commentary. This distinction should be made clear in the text of the revised UDO.



Examples of annotated photographs used in other communities' codes. At top, a photographic range of examples of acceptable screening methods. At right, an illustration of acceptable and unacceptable ways of screening trash receptacles.





These three graphics all come from the same community's code and demonstrate the benefit of using a standard set of colors, conventions, and annotation styles, even across different types of graphics.



FIGURE <>: EROSION CONTROL PERMIT PROCEDURE	
STEP	ACTION
1	PRE-APPLICATION CONFERENCE Required for sites that disturb 10 or more acres of land area, otherwise optional See Section <>, Pre-Application Conference
2	FILE APPLICATION Filed with City Engineer Required for land-disturbing activity occupying one or more acres
3	COMPLETENESS DETERMINATION See Section <>, Completeness Determination
4	STAFF REVIEW Site plans shall include details on erosion control and sedimentation devices configured in accordance with this Ordinance, regardless of whether an erosion control permit is required
5	CITY ENGINEER DECISION Erosion control permits or approval of proposed erosion control and sedimentation devices shall take place prior to any land disturbing activity
6	NOTIFICATION OF DECISION Delivered via personal service, electronic mail, or 1 st class mail
7	APPLY FOR OTHER APPLICABLE PERMITS as appropriate

Sign standards (above), procedural information (at right), and district standards (bottom) are three areas of a code that particularly benefit from illustration.

3.4.2. Single-Family Residential-Mainland (SFM) Districtⁱⁱ

SFM

SINGLE-FAMILY RESIDENTIAL MAINLAND



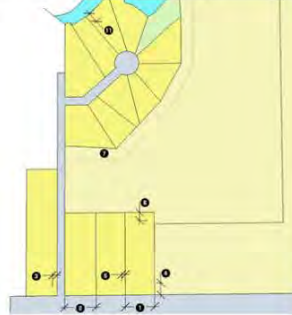
A. DISTRICT PURPOSE

The Single-Family Residential-Mainland (SFM) district is established to accommodate low density residential neighborhoods and supporting uses on mainland Currituck County outside of full service areas. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from the Caratoke Highway, or place undue stress on the county's educational infrastructure. A variety of residential use types are allowed in the district, including single-family detached homes, manufactured homes on their own lots, detached accessory dwelling units, as well as duplexes (with a use permit). The district accommodates agriculture, equestrian uses, minor utilities, as well as various neighborhood-supporting institutional uses such as parks, open space, religious institutions, schools, and similar uses. This district also includes the conservation subdivision option with the ability to accommodate up to two units per acre in full service areas designated on the future land use map of the Land Use Plan. Major utilities require approval of a use permit, while commercial, office, and industrial uses are prohibited.

B. LOT PATTERNS



C. LOT CONFIGURATION



All subdivisions visible from the Caratoke Highway right-of-way shall provide a highway buffer in accordance with Section 3.5.

D. TYPICAL BUILDING FORMS



E. BUILDING CONFIGURATION



F. DIMENSIONAL STANDARDS

TD = Traditional Development CS = Conservation Subdivision Development

	TD	CS		TD	CS
Max. Gross Density – Traditional Dev. (du/ac)	1.0	-	Min. Front Setback (ft) [2]	20	N/A
Max. Gross Density – Conservation Subdivisions	-	1.5	Min. Corner Side Setback (ft) [4]	20	N/A
In Limited Service Areas (du/ac)	-	1.5	Min. Major Arterial Street Setback (ft)	50	50
In Full Service Areas (du/ac)	-	2.0	Min. Side Setback (ft)	10	N/A
Max. FAR (%)	0.40	N/A	Min. Rear Setback (ft)	25	N/A
Min. Lot Area (sq ft)	40,000	N/A	Min. Agriculture Setback (ft) [5]	50	50
Max. Lot Area (acres)	N/A	10	Min. Accessory Use Setback (ft) [6]	10	3
Min. Lot Width, Interior Lot (ft) [1]	125	N/A	Min. Driveway/Parking Setback (ft)	10	N/A
Min. Lot Width, Corner Lot (ft)	135	N/A	Min. Fill Setback from all Lot Lines (ft)	10	10
Max. Lot Depth	[2]	N/A	Max. Building Height (ft)	35	35
Max. Lot Coverage (%)	30	N/A	Min. Wetland/Surface Water Setback (ft)	50	50
			Min. Spacing Between Buildings (ft)	10	3

[1] All lots shall maintain a minimum street frontage of 35 feet

[2] Lot depth shall not exceed four times the lot width

[3] Front setbacks shall be measured from ultimate ROW line

[4] Driveways shall provide access from street with less traffic

[5] Applied to subdivisions approved after (UDO effective date)

[6] Prohibited in front of principal building when principal building is less than 300 feet from street

2.5 SUMMARY TABLES

Summary tables are a simple but highly effective way to convey complex information (including heavily numeric information) quickly and in a readable format. The current UDO does make some use of summary tables, including in Table B.2.6, Permitted Uses, Table B.3.1, Residential Districts General Dimensional Requirements, and Table B.3.8, Parking Requirements.

However, these tables have room for improvement: adding color, integrating illustrations where appropriate, and consistently formatting table notes to appear at the bottom of the table with clear numbers are some ways the existing tables could be more user-friendly. In addition, some of the existing tables need to be split apart; namely, the district dimensional standards currently appear in one table all together, but would be more useful to code users if this information were included in each district section separately, alongside the other information for the district.

Speaking about the way that summary tables in the current code translate to the digital document, stakeholders reported that they have trouble reading long tables that do not have a continuously visible header row. This is a feature that should be considered when choosing a new online provider; this is discussed further in Section 4.0 of this report.

Additional sections that would benefit from the addition of new summary tables include:

- Procedures (with the proper review, recommendation, decision-making, and appeal authorities identified for each);
- District dimensional standards (one table per district);
- Accessory uses;
- Parking requirements (by use type);
- Landscaping requirements (by district);
- Open space (by use type and district);
- Watershed standards;
- Sidewalk standards; and
- Abbreviations.

TABLE <>: SUMMARY DEVELOPMENT TABLE

Type of Action: A=Appeal (initial); D=Decision; C=Comment; R=Recommendation
 Pre-Application Conference: M=Mandatory; O=Optional; N/A=Not Applicable
 Type of Hearing: []=Public Meeting; []=Legislative Public Hearing; { }=Quasi-judicial Public Hearing

PROCEDURE	UDO SECTION NUMBER	PRE-APPLICATION CONFERENCE	REVIEW AUTHORITY										
			CITY ENGINEER	PLANNING DIRECTOR	STORMWATER ADMINISTRATOR	TRANSPORTATION DIRECTOR	ZONING/SUBDIVISION ADMINISTRATOR	BOARD OF ADJUSTMENT	CITY COUNCIL	HISTORIC PRESERVATION COMMISSION	PLANNING & ZONING COMMISSION	TECHNICAL REVIEW COMMITTEE	SUPERIOR COURT
Administrative Adjustment	<>	O	-	-	-	-	D	{A}	-	-	-	-	-
Certificate of Appropriateness	<>	O	-	D /1/	-	-	-	{A}	-	{D} /1/	-	-	-
Comprehensive Plan Amendment	<>	O	-	R	-	-	-	-	[D]	-	[R]	-	A
Development Agreement	<>	M	-	R	-	-	-	-	[D]	-	[R]	-	A
Erosion Control Permit	<>	M /2/	D	-	-	-	-	{A} /3/	-	-	-	-	-
Fence Permit	<>	N/A	-	-	-	-	D	{A}	-	-	-	-	-
Final Plat	<>	N/A	C	-	C	C	D	-	-	-	-	-	A
Floodplain Development Permit	<>	M /4/	D	-	-	-	-	{A}	-	-	-	-	-
Interpretation /5/	<>	N/A	D	-	D	D	D	{A}	-	-	-	-	-
Planned Development	<>	M	-	-	-	-	-	-	[D]	-	[R]	-	A
Preliminary Plat	<>	M	-	-	-	-	-	-	-	-	-	D	A
Reasonable Accommodation	<>	M	-	-	-	-	D	{A}	-	-	-	-	-
Rezoning	<>	M	-	R	-	-	-	-	[D]	-	[R]	-	A
Sign Permit	<>	N/A	-	-	-	-	D	{A}	-	-	-	-	-
Site Plan	<>	M	-	-	-	-	-	{A}	-	-	-	D	-
Special Use Permit	<>	M	-	-	-	-	-	{D}	-	-	-	-	A
Stormwater Permit	<>	O	-	-	D	-	-	{A}	-	-	-	-	-
Stream/Riparian Buffer Impact Certification	<>	O	-	-	D	-	-	{A}	-	-	-	-	-
Text Amendment	<>	O	-	R	-	-	-	-	[D]	-	[R]	-	A
Temporary Use Permit	<>	N/A	-	-	-	-	D	{A}	-	-	-	-	-
Transportation Impact Analysis	<>	M	-	-	-	D	-	{A}	-	-	-	-	-
Vested Rights Certificate	<>	O	-	R	-	-	-	-	[D]	-	-	-	A
Water Supply Watershed Protection Permit	<>	O	-	-	D	-	-	{A}	-	-	-	-	-
Water-Related Variance /6/	<>	M	D /7/	-	D /8/	-	-	{D} /8/	-	-	-	-	A
Zoning/Subdivision Variance	<>	M	-	-	-	-	-	{D}	-	-	-	-	A

An example summary table of procedures that indicates the proper review, recommendation, decision-making, and appeal authority for each type of application. It also notes whether a hearing, if required, is public, legislative, or quasi-judicial in nature. The yellow-highlighted cells in the column second from the left contain placeholders for links that will lead directly to the procedure for each application type.

RESIDENTIAL SINGLE-FAMILY & DUPLEX (RSD)

1. Purpose

The RSD district is established to accommodate a mix of single-family detached and duplex dwellings, along with parks, open space, minor utilities, and customary accessory uses. District regulations discourage any use that interferes with the development of single-family detached dwellings or that is detrimental to the residential nature of the district. Development in the RSD district shall take place only in accordance with the standards in this table and other relevant standards of this Ordinance.

2. Dimensional Standards

REF #	STANDARD	REQUIRE. [1]	NOTES
A	Minimum Lot Area - Per Single-Family Unit (square feet)	5,000	[1] Portions of lots within or abutting AEC or Ocean Hazard areas shall be subject to applicable CAMA setbacks.
	Maximum Residential Density – Single-Family (units/acre)	8	
B	Minimum Lot Area - Per Duplex Building (square feet)	7,200	[2] In cases where a duplex is on two separate lots, the frontage standard applies to the entire development.
	Max. Residential Density – Duplex (individual units/acre)	12	
C	Minimum Lot Area – All Other Uses (square feet)	10,000	[3] See Section 18.10.2.D.1, Street Setback.
D	Minimum Lot Width (feet)	50	
E	Minimum Lot Frontage (linear feet)	25 [2]	[4] Developments subject to a State stormwater permit are exempted from these standards.
F	Minimum Lot Depth (feet)	100	
G	Minimum Street Setback (feet)	[3]	
H	Minimum Side Setback (feet)	5	
I	Minimum Rear Setback (feet)	10	
J	Maximum Height (feet)	45	
K	Max. Impervious Surface Coverage (% of lot area) [4]	40	

An example of a summary table within a district section presenting the dimensional standards. Each of the districts in this code has a similar structure, making it easy for users to read each table and find the necessary information.

TABLE 18.10.2.E: ALLOWABLE ENCROACHMENTS INTO SETBACKS	
FEATURE	ALLOWABLE ENCROACHMENT
Attached canopies and awnings	May encroach into any setback up to eight feet (but shall maintain a minimum height of at least nine feet above a sidewalk or other pedestrian access)
Chimneys, fireplaces, or outdoor kitchens	May extend up to three feet into any setback, but in no case shall be closer than three feet to any lot line
Elevators, liftvators, and other mechanical devices for elevating people and cargo	May encroach into side setbacks no more than 18 inches and rear setbacks no more than 36 inches
Decks	Decks shall be subject to the setbacks applied to principal structures
Fences or walls, ornamental entry columns, and gates	May be located in any required setback, subject to the limitations in Section 18.5.7, Fences and Walls
Flagpoles, mailboxes, lamp and address posts	May be located in any required setback
Freestanding canopies associated with a nonresidential use	May be located in a setback provided no portion is closer than 15 feet to the street right-of-way
Handicap ramps	May encroach into side setbacks no more than 18 inches and rear setbacks no more than 36 inches
Open balconies or fire escapes	May extend up to three feet into any required setback, but in no case shall be closer than three feet to any lot line
Outdoor seating areas and outdoor porches attached to non-residential uses	May encroach into the front setback up to eight feet
Platforms, supports, or similar structures used to elevate electrical, mechanical, or other equipment whether required or not	May encroach into a front or side setback no more than 18 inches and rear setbacks no more than 36 inches
Porch steps, uncovered	May encroach into a front or rear setback no more than four steps or 18 inches, whichever is less
Roof eaves and overhangs, or awnings	May extend up to 18 inches into any required setback, but in no case shall be closer than three feet to any lot line
Signs, projecting or freestanding	May extend into or be located in any required setback in accordance with Section 18.5.10, Signage
Uncovered porches, stoops, decks, patios, terraces, walkways, or driveways	May extend into or be located in any required setback, if less than 12 inches above grade
Underground structures (including septic systems but not including swimming pools) where the grade is continuous	May be located in any required setback
Vegetation and landscaping features	May be located in any required setback
Window sills, bay windows, or entablatures	May extend up to 12 inches into any required setback

This table quickly and concisely conveys all the allowable encroachment amounts, listed alphabetically by feature type.

TABLE 40.1-5.2(E)(3): BUFFER TYPES			
BUFFER TYPE AND CONFIGURATION ACI = AGGREGATE CALIPER INCHES		MINIMUM PERIMETER BUFFER	
		[1] [2] [3]	
		OPTION 1: MINIMUM WIDTH 20 FEET	OPTION 2: MINIMUM WIDTH 10 FEET [4]
TYPE A - BASIC			
This perimeter buffer functions as basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of ten feet.			
		2 ACI of canopy trees + 10 ACI of understory trees + 15 shrubs per 100 linear feet	
TYPE B - AESTHETIC			
This perimeter buffer functions as an intermittent visual obstruction from the ground to a height of at least 20 feet, and creates the impression of spatial separation without eliminating visual contact between uses.			
		8 ACI of canopy trees + 10 ACI of understory trees + 15 shrubs per 100 linear feet	2 ACI of canopy trees + 14 ACI understory trees + 35 shrubs per 100 linear feet

An example of a summary table that includes large-format photographs to illustrate requirements alongside the numeric standards.

ARTICLE 151.4. USE REGULATIONS

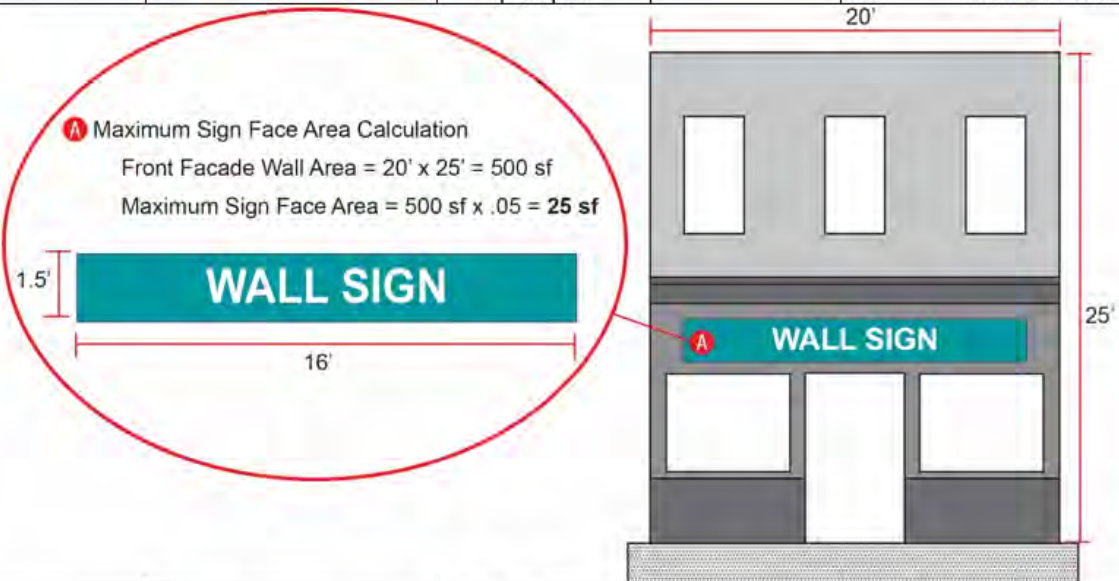
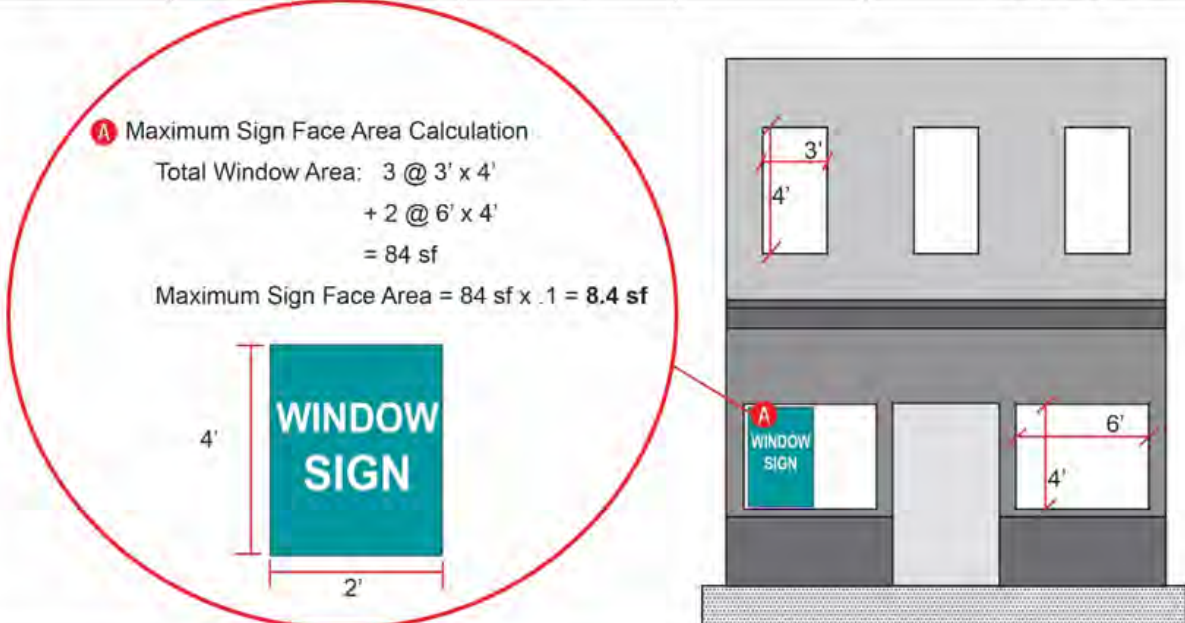
Section 4.2. Principal Uses

4.2.10. Principal Use Table

TABLE <>: PRINCIPAL USE TABLE																
		"P"= Permitted	"S"= Permitted with Special Use Permit					"- "= Prohibited								
USE CATEGORY Use Type Description	Current Use (provided for comparative purposes only- rows removed upon adoption)	RESIDENTIAL					COMMERCIAL			IND.		PD (NEW)	ADDITIONAL STANDARDS (151.4)			
		CP (CD)	WL (GU)	RR (R-3-2)	SR (R-3-1)	NR (R-2)	VR (R-1)	CC (NCD)	VC (CCD)	MX (NEW)	HC			MC	LI (-1)	HI (-2)
Farmers Market A use which includes the sale of horticulture or agriculture products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agriculture products by more than one vendor. The use may or may not include a permanent building.			P	S				P	P	P	P	P			A	<>
	Farm and craft markets			S	S	S	S	Z	Z	*	Z	Z			*	
Roadside Market A permanent retail establishment engaged in the retail sale or resale of agricultural products and seafood produced on site or in adjacent waters.			P					P			P	P			A	
RESIDENTIAL USE CLASSIFICATION																
HOUSEHOLD LIVING USES																
Household living includes use types that provide for the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Accessory uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles.																
Duplex A single structure comprised of two dwelling units that share common vertical walls or horizontal floors/ceilings. The dwelling units may be on their own lots or on a single lot.							P			P					A	<4.402.>
	Two-family conversion						S			*					*	
	Duplex						S			*					*	
	Two-family apartment						S			*					*	
Live/Work Dwelling A structure or portion of a structure combining a dwelling unit with an integrated nonresidential ground-level workspace typically used by one or more residents of the dwelling.			S				P	P	P	P			S		A	<4.402.>
Manufactured Home A dwelling on its own lot constructed after June 15, 1976 that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported on its own chassis. It bears a valid seal indicating conformance with the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of its construction.			P	P	S										A	<4.402.>
Manufactured Home or Mobile Home Park A site where two or more manufactured or mobile homes are located on individual leaseholds or other divisions of land under common ownership. The park may include additional accessory uses such as recreation facilities, shared laundry facilities, storage, and parking.																
Mobile Home A factory-built dwelling on its own lot constructed prior to June 15, 1976, to State code standards, not those adopted by the US Department of Housing and Development on June 15, 1976.			S	S												<4.402.>
	Class A mobile home						Z	Z		*					*	

An example of a principal use table that integrates definitions of use classifications and use types alongside the typical information on permitted uses by district. The yellow rows are included in this draft to show uses from the previous code that are being updated and replaced by the new use classification system.

TABLE 18.5.10.J: SIGN STANDARDS IN MIXED-USE DISTRICTS

TYPE OF SIGN	MAXIMUM FACE AREA [1] [2]	MAXIMUM HEIGHT	MAXIMUM NUMBER OF SIGNS PER LOT	ADDITIONAL STANDARDS [3]
Wall Sign on Front Façade [4]	5% of wall area	Below the roof, soffit, or parapet	None	Wall signs shall not project more than 12 inches outwards from the wall
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <p>A Maximum Sign Face Area Calculation</p> <p>Front Façade Wall Area = 20' x 25' = 500 sf</p> <p>Maximum Sign Face Area = 500 sf x .05 = 25 sf</p> </div> <div style="width: 50%;">  </div> </div>				
Window Sign	10% of total window and glass door area	Top of ground floor window or door	None	Window signs shall not be placed on faux windows or structural glass
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <p>A Maximum Sign Face Area Calculation</p> <p>Total Window Area: 3 @ 3' x 4'</p> <p>+ 2 @ 6' x 4'</p> <p>= 84 sf</p> <p>Maximum Sign Face Area = 84 sf x .1 = 8.4 sf</p> </div> <div style="width: 50%;">  </div> </div>				

This table, taken from a signage section, gives the (Reed-compliant) sign standards for each type of sign and integrates illustrations with measurement calculation examples within the table.

3.0 SUBSTANTIVE RECOMMENDATIONS

Section 3.0 offers for Winston-Salem/Forsyth County's consideration a range of *substantive* changes that could be made to the UDO – adjustments that would require alteration of the actual standards and procedures within the code. This section further differentiates between two types or “flavors” of substantive recommendation: *straightforward* changes, which would be relatively simple to enact, as they include common-sense adjustments to the language within the code, ensuring that quasi-judicial matters are handled properly, and changes to accommodate changes in state law that have transpired since the code was last updated. The second “flavor” of recommendations in this section are *issues for deeper consideration* – matters of policy for which the solutions are not clear cut, but which came up in stakeholder interviews and may be considered by City-County leadership in the future. These issues include establishing an outside procedures manual, reforming the way the City and County handle text amendments to the UDO, and a raft of development standards that could be adjusted or introduced. It is the intent of this document merely to present the collection of these issues so that the City and County can reference this section in the future. This document is merely a starting point for these conversations, and much more study and consideration are called for should any of these issues be pursued beyond this project.

3.1 STRAIGHTFORWARD CHANGES

3.1.1 REMOVE/REPLACE OBSOLETE PROVISIONS

Perhaps the simplest of the substantive changes is the recommendation to remove or replace UDO provisions that have become obsolete since their adoption. Stakeholders reported that there are some standards in the code, such as the yard space triangle requirements in Chapter B, Section 3-1.2(K), that are outdated, and which staff have inconsistently required compliance with in recent years. Other sections of the code are difficult to enforce, such as the limitations on operating hours for outdoor activities at adult day care homes: UDO Chapter B, Section 2-5.4 stipulates that outdoor activities must be limited to 8 AM to 8 PM. If these rules are not being enforced, they should be removed from the ordinance.

If there are standards in the UDO which are not being enforced, or which are clearly obsolete, they should be removed or replaced with updated information to decrease confusion and ensure that Winston-Salem/Forsyth County are in compliance with equal protection laws. We suggest a review of the current code language by City-County staff to identify any provisions that should be removed or replaced.

3.1.2 INCORPORATE PURPOSE AND INTENT STATEMENTS

Purpose and intent statements serve as guideposts to orient the code user to reasons for each article or code section. They provide information on why each element is included and how it works with the other parts of the code to achieve the community's goals. They can also be useful in clarifying the intent of the elected officials in the case of legal challenge. Winston-Salem/Forsyth County's current code makes some use of purpose and intent statements, but there is room for improvement, as some are incomplete or inconsistent.

For example, Chapter B, Article I, Section 1-2 sets out very general purpose statements for the UDO based on the North Carolina General Statutes and cites the various adopted plans, but it does not go into detail about specific elements of the plan. The zoning districts each contain a purpose statement, though some also contain standards (such as lists of permitted or non-permitted uses) and most lack a clear connection to the broader goals of the UDO.

Throughout the UDO, we suggest adding purpose and intent statements to each individual development review procedure, each zoning district (base and overlay), each set of development standards (like parking, landscaping, signage, etc.), and each set of nonconformity standards (uses, lots, structures, signs). All purpose and intent statements should use a common labeling scheme and be located at the front of a section for optimum user-friendliness. The content of each should be restricted to the reason for including the code section, information on how the element connects to the broad goals of the comprehensive plan, and the intent of the section. For clarity and ease of use, no specific development standards, applicability, exemptions, or rules should be included in the statements of purpose and intent.

1.4 GENERAL PURPOSE AND INTENT

The purpose of this Ordinance is to protect the public health, safety, morals, and general welfare of the citizens and landowners of Camden County, and to implement the policies and objectives identified in the County's adopted policy guidance. More specifically, the intent of this Ordinance is to:

- A. Foster convenient, compatible, and efficient relationships among land uses;
- B. Better manage or lessen congestion in the streets;
- C. Ensure the provision of adequate open space between uses for light, air, and fire safety;
- D. Promote the aesthetic quality of development;
- E. Prevent the overcrowding of land and avoid undue concentrations of population;
- F. Produce a land use pattern that is primarily rural, but that includes high-quality, economically productive, mixed-use rural village centers and main roadway corridors in accordance with the County's adopted policy guidance;
- G. Promote a diverse and balanced economy that provides jobs, goods, and services;
- H. Protect property from blighted conditions and depreciation in value;
- I. Coordinate the transportation system with land use patterns;
- J. Preserve and protect natural resources and working lands;
- K. Provide adequate infrastructure and community facilities (including transportation, water, sewage, schools, parks, and other public requirements) in a fiscally-responsible manner;
- L. Protect development and residents from fire, flooding, and other natural hazards; and
- M. Foster stable neighborhoods and sustainable development practices.

A. DISTRICT PURPOSE AND INTENT

The Central Business (CBD) District is established and intended to serve as the commercial and cultural heart of the City's planning jurisdiction. Development in the CBD includes the highest average densities and building heights in the City. Development is configured for an urban context, with buildings built to the street, ground floor uses that support pedestrian travel, and numerous civic gathering spaces and cultural attractions. The district is intended to accommodate a well-balanced mix of uses (e.g., office, retail, service, high-density residential, and entertainment), promote a strong pedestrian-oriented environment (with a reduced need for off-street parking), and preserve and protect the downtown's historical and architectural scale and character. The district requires urban-style open space (greens, seating areas, plazas, pocket parks, roof gardens, etc.) to be included as a part of new development. Low density residential like single-family detached homes and most forms of industrial development are prohibited in the CBD district. New commercial, mixed-use, and multi-family developments in the district are subject to the design standards in Chapter 5: Development Standards.

Above, a good example of a general purpose and intent statement for a UDO that includes references to specific comprehensive plan goals for the community.

At left, an example district-specific purpose and intent statement.

3.1.3 PROCEDURAL CHANGES

A. TRC REVIEW PROCESS

A common refrain among stakeholders was that a formalized TRC (Technical Review Committee) review process would be a positive addition to the UDO. Stakeholders reported that the sketch plan review meetings that are currently offered are helpful, but that a formalized TRC process would go even further in ensuring that applicants receive complete information early in the process. We also heard that staff in various departments spend uneven amounts of time preparing for site plan meetings, and a TRC process would encourage all staff to review and comment on applications in a timely manner. This is particularly important for smaller firms who may have fewer resources or experience and who would benefit from a streamlined process.

A formalized TRC process would also benefit the Planning Department because it would create a channel for staff to deal with applicant questions in a timely and efficient manner. By all accounts, staff does an excellent job responding to applicant questions, but we know that this attention takes time, and that staff is very busy with the amount of development activity in Winston-Salem/Forsyth County. Stakeholders also indicated that they would be willing to pay a fee for attending the TRC meetings (as is common in other communities), offering Winston-Salem/Forsyth County a chance to recoup resources from this time-intensive, but vitally important, process.

The general delegation of greater decision-making authority to a professional-level staff is a common best practice seen throughout the country. This approach requires a community to place greater trust in staff, and can also reduce the amount of negotiated flexibility common in development application deliberations like those associated with conditional rezoning. One option for the City and County to consider is a process where preferred forms of development (like vertical mixed use, adaptive reuse, or compatible infill) are identified and described in the code, and these forms of development are given the benefit of a faster and more predictable administrative review process. This approach can be supplemented with an additional set of provisions that allows proposed development that does not closely follow preferred development parameters to have an alternate and more involved (read negotiated) development review process that is more quasi-judicial in nature. This approach allows for unique projects and for flexibility for applicants while also maintaining a “fast-track” process for development to be reviewed by the TRC provided it complies with all code provisions.

B. QUASI-JUDICIAL DECISION-MAKING

In our conversations with stakeholders and City and County staff, we learned that current practice allows the City Council and County Board of Commissioners to make some quasi-judicial decisions, such as ruling on special use permits. However, because these elected officials typically make legislative decisions, they are not accustomed to following the legal requirements for quasi-judicial hearings. We have seen a similar approach in many other communities where elected officials are deeply invested in hearing what citizens have to say about a decision, and in making the best decisions for their communities. The risk in this approach, however, is that there are strict rules governing quasi-judicial decision-making that are not always consistent with an elected official's desire to communicate with all affected parties outside the public hearing setting.

We strongly suggest that the City and County discuss re-delegating all quasi-judicial decisions to the Board of Adjustment (including shifting special use permit decisions currently decided by the elected officials to the BOA). BOAs are specifically designed and trained to make quasi-judicial rulings. While this would present a significant change in practice for both decision-makers and citizens, we believe that applying best practices in this situation would add clarity, predictability, and ultimately improve understanding between the public, the development community, and decision-makers in Winston-Salem and Forsyth County.

3.1.4 ENHANCE CLARITY

Stakeholders indicated that many of the standards and definitions lack necessary precision, and cited concerns over the clarity of language in the current UDO. Standards or procedures that are unclear invite different interpretation or application and create uncertainty for development applicants as well as staff, review boards, and the public. One of the easiest ways to improve clarity is to ensure that text is easy to understand through the use of plain English and avoidance of jargon or “legalese,” as discussed in Section 2.3 of this report under Non-Substantive Recommendations. However, there are also some substantive adjustments that could further enhance the clarity of the UDO; these are discussed below.

A. CONFLICT

The current UDO includes a section (1-7 within Chapter B) on how to handle conflicting code limitations or requirements. However, this section lacks some key pieces of information that would add clarity to the code. First, a modern conflict section also includes information about what happens when a code section conflicts with state or federal law, other City-County codes or laws, and private agreements. Second, the current code does not offer guidance on how to determine the “most restrictive” or “higher standard” provision, which the applicant is directed to follow. We suggest supplementing the section on conflict with this information to improve the code's clarity. This is particularly important when a development code includes incentives or flexibility provisions that allow for minor deviations in basic code requirements for the provision of some other form of desirable feature. For example, some development codes allow setbacks to be reduced administratively when doing so keeps land disturbance outside of the root zone of an existing desirable tree. If the conflict language is not clear with respect to its recognition of incentives or flexibility, the conflict

language can create confusion or a “catch 22” for an applicant seeking to follow desired City-County practice, but having to be in conflict with code provisions in order to do so.

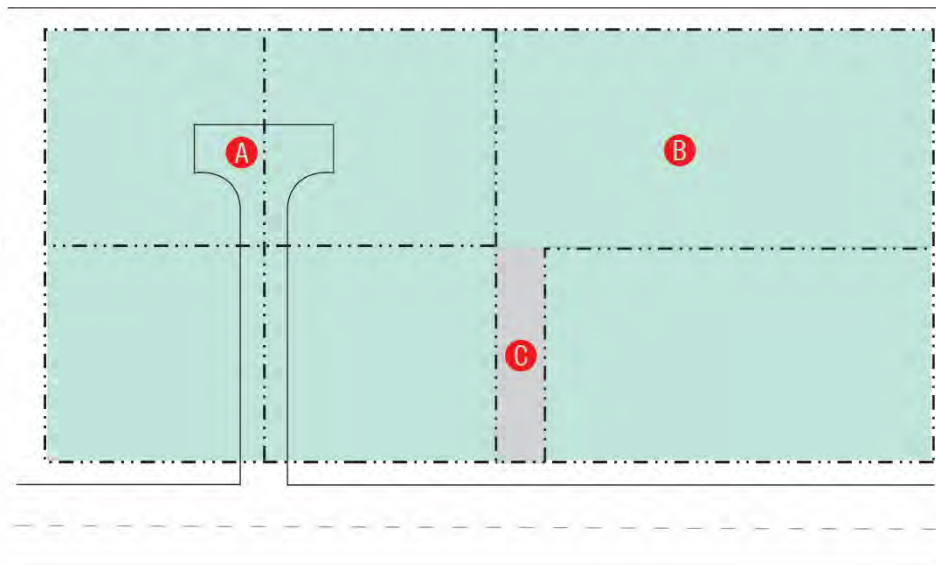
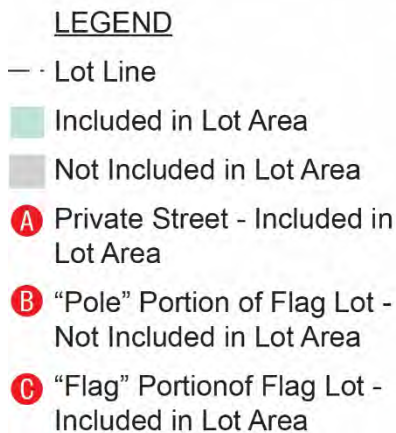
B. RULES OF LANGUAGE CONSTRUCTION

Sections describing the rules of language construction and the rules of measurement are enormously helpful in improving clarity. Rules of language construction address basic meanings of mandatory terms (“shall”) versus discretionary terms (“should”). They explain aspects related to conjunctions like “and” and “or.” They explain how conflicts between text and illustrations are interpreted, how time is calculated, how delegation of authority is addressed, and procedures for addressing undefined terms or unidentified uses. Chapter A, section 1-4 of the current code includes a limited amount of information on language construction; we suggest it be supplemented to offer additional guidance and clarity on the way language is used in the code. These kinds of provisions can describe how days of the week are treated, the relationship between text and associated illustrations, the issues of interpretation associated with the use of “and” versus “or” when used in lists, delegation of authority between professional-level staff members, and what to do when a particular term is not defined in the codified text.

C. RULES OF MEASUREMENT

Rules of measurement, while mundane, are important for establishing consistency in how rules are applied. Rules of measurement address aspects like how height is determined, how required yards or setbacks are determined (particularly in unique situations like pie-shaped lots), how maximum density is determined, how sign area is measured, how parking space dimensions are determined, contextual or average setbacks, and all other numeric features. The current code places much of this information either in the Definitions ordinance or within the code section(s) in which the measurement is used; we suggest relocating the rules of measurement to their own new section for ease of reference.

Best practices dictate that text describing the rules of a particular type of measurement be supplemented with an illustration so that a code reader can see a visual example (or examples) of how the rules are applied in practice. Locating this material in one place, while different from the current approach, allows code users to return to a common location for details on how a particular number is calculated or determined.



An example illustration from another community's Rules of Measurement section depicting rules of lot area calculation.

D. REVIEW CRITERIA

Another important aspect for improving clarity is the use of clear and measurable review criteria for each decision-making action or procedure. There are numerous procedures in the current code where the Director of Planning or other official is empowered to make decisions without the benefit of any criteria. For example, Chapter B, section 3-12.1, Design Requirements for Large Scale Retail Developments, empowers the Director of Planning to approve “minor deviations” from standards and the elected body to approve “major deviations,” without the benefit of criteria or a definition of how minor and major changes are defined or how much deviation is allowed.

Decision-making criteria provide guidance to a decision maker about whether or not a decision can be made, the boundaries or limitations (in measurable and clear numeric standards) that are allowed, and how to evaluate whether the situation calls for an adjustment. An example of a good set of review criteria from the current UDO is the information on the Cross-Access Waiver in Chapter B, section 3-3.3(E)(2)(e). Other sections have criteria, but they are not specific or measurable.

Each procedure and method of alternative compliance in the UDO should have codified clear and measurable review criteria. The one possible exception to this rule is legislative decisions by elected officials, such as amendments to the zoning map. Legislative decision-making is left to the discretion of elected officials, who are charged with acting in the best interest of the public, and are not necessarily bound by detailed findings of fact and conclusions of law when making legislative decisions. In these cases, it is possible for the code text to suggest a series of factors that may or may not be weighed by an elected official in making a legislative decision.

E. CLARIFY APPEAL PATH

A user-friendly code must clearly guide applicants through every step of the development process, including a method for filing an appeal of any decision, whether it is a decision by a staff member, appointed official, or elected body. In the current UDO, appeals information is sprinkled through many sections: individual districts, development standards, and even use types contain information on appeals. This method is confusing, as it requires a code user to search through many code sections to find information. The repetitiveness inherent in this approach also adds to the bulk of the code and creates the risk of inconsistencies between code sections (such as when one section gets updated, but other repetitive sections do not).

We suggest that all information on appeals be located in the new consolidated Procedures chapter, with clear guidance as to which administrative body or individual is responsible for appeals for each procedure (including Superior Court, the NC Environmental Management Commission, the Commission of Insurance, and others, as appropriate). This information can then be cross-referenced in other parts of the code as desired, to maintain user-friendliness but eliminate repetition. A summary table of development review procedures and authorities, such as the one pictured in Section 2.5 of this report, can be particularly helpful in guiding applicants to this information quickly and clearly.

F. DEFINITIONS

Finally, a comprehensive and consolidated set of definitions also contributes to a code’s clarity. Definitions should be precise, structured to recognize variable contexts or meanings (as appropriate), and should never include standards or requirements (since a code reader may miss them).

While the current code does include a separate section for definitions (Chapter A), definitions are also found throughout the code in various other sections (like section 1-5.2(B)(2) and 2-1.6(C) of Chapter B; section 2-1.4 of Chapter C; and 1(D) in Chapter D). The current code includes definitions in several different sections, and in some cases, these definitions may conflict with one another. We suggest a single comprehensive set of definitions be established near the back of the UDO. All standards and inconsistencies should be removed from the definitions as part of this effort. As noted in Section 3.1.4.B. above, we would suggest pulling out rules of measurement from the definitions in favor of a nearby section dedicated to these rules. The current UDO also defines use types inside the definitions; this convention could continue, though for further enhanced clarity, we suggest including a procedure for determining use types within the Uses chapter (or even within the permitted uses table, as shown in the image in Section 2.5, Summary Tables, in this report).

Another helpful feature for inclusion in this portion for the development code is a glossary or table of abbreviations. It is also possible in the digital version of the document to establish headings in the definitions section that allows a reader to jump from one letter of the alphabet to another without scrolling. Finally, in addition a detailed table of contents, the code document should also include a “right-sized” index that identifies common topics and concepts and points the reader to those (instead of every single instance of a particular word or phrase).

3.1.5 COMPLY WITH STATE STATUTORY CHANGES

This section describes relevant changes in planning-related state laws over the last several years. This is not an exhaustive list of all planning-related regulatory change adopted, but it does address the majority of important legislation. In some cases, the UDO has already been modified to address some aspects of these laws, but in general the revised UDO should be reviewed and revised to ensure full compliance with these new provisions. It is entirely likely that additional legislative change will take place during the amendment process, so it is important to track the most recent session law as well.

See Appendix 2 for a summary of relevant statutory changes that may affect the revised UDO.

Complying with these and other recent legislative changes does necessitate substantive revision to the current development code, but compliance with state law is required, and these changes should be made as expeditiously as possible.

3.2 ISSUES FOR DEEPER CONSIDERATION

In addition to the more straightforward substantive changes outlined in the previous section, a number of more complex issues arose during our initial meetings with staff and stakeholders. This section is offered as a record of these issues and contains some introductory information to help the City and County start thinking about each one. Each of these topics is a much larger undertaking than the original scope of this Code Assessment, or even the forthcoming UDO update, anticipated. Nevertheless, these were issues raised by stakeholders and as such, warrant consideration and discussion. It is possible that Winston-Salem/Forsyth County may choose to move forward with revising its development code to address non-substantive improvements as well as the “straight-forward” changes described in Section 3.1 immediately, while choosing a more methodical and detailed approach to addressing these substantive changes in need of deeper consideration.

3.2.1 OUTSIDE PROCEDURES MANUAL

Discussions with stakeholders suggested that a separate or outside administrative manual, or “user’s guide,” could be a useful tool that explains to development applicants and the public how the review of development applications is conducted in Winston-Salem and Forsyth County. The structure and contents of such a manual depend largely on the manual’s audience. Some communities prepare manuals that are simply resource guides for applicants. Other communities prepare manuals that are intended to explain planning concepts and planning-related activities to citizens who know very little about the planning and development process. In most cases, these manuals include revised application forms and checklists, sections explaining how to use the new regulations, and in some cases, comparisons between the old and new development regulations.

Current UDO sections 7-3 and 7-4 in Chapter B, Article VII, go into great detail about the submittal requirements for site plans. Application submittal requirements are good candidates for relocation to an outside manual. The manual can also include resources for applicants, such as process descriptions, completeness determination elements, contact numbers, fee schedules, review schedules and deadlines, example submittals, and other materials that are relevant to the development review process but should not necessarily be included in the adopted UDO (like approved plant lists for landscaping as in current code section 3-4.10 in Chapter B).

There is also the possibility of including some information that would be of benefit to general citizens such as which activities require a building permit, which actions require work to be completed by a general contractor, or how to report code violations. Relocation of these materials to an outside document reduces the bulk of the UDO and allows City-County staff to revise the submittal requirements faster and easier than the typical ordinance revision process.

It is true that an outside manual is simply another document to maintain, but relocation of submittal requirements will reduce the breadth of the UDO, and adopting the manual via resolution will allow for more responsive updates since public hearings are not required. It is also possible to include commentary and other supporting or related material in an outside procedures manual instead of embedding commentary into the UDO text.

3.2.2 ADDRESS THE “80/20 PROBLEM”

During discussion of the issues with the current document with City-County staff, it came to light that in some respects the staff spend 80% of its time dealing with questions and confusion related to 20% of the code’s text. Aspects such as the tree save provisions, landscaping requirements for redevelopment, Growth Management Area rules for infill, sidewalk requirements, and forms of alternative compliance generate numerous questions from applicants, confusion on the part of staff members, and questions from elected and appointed officials. Discussion of these issues led to a larger conversation concerning the existing level of detail in many of the current UDO’s provisions. It is possible that in some cases, the current UDO goes into too much detail or makes too many distinctions in its application. This approach, while expansive, often results in regulations that are confusing or difficult to interpret.

One best practice for code drafting is: It is impossible to predict all the possible conditions or situations that a set of regulations must address, and pursuing this goal is not efficient. Rather, what seems to work is to craft regulations to address 75 to 80 percent of the situations you anticipate and include a flexibility mechanism to address those that were not anticipated. This approach helps ensure brief and generally applicable standards while also recognizing that there will likely be some anticipated issues that arise and the standards have a process built for that.

Sometimes, it is also necessary to take a step back and reassess the purpose and intent of a regulation, and ask the question: "What is the easiest and most simple way for the code to address the bulk of the problems we are experiencing?" This kind of evaluation of the City-County's current code is highly recommended. Is there a way to simplify the regulations to address the bulk of (but maybe not *every*) issue or instance? Regulatory simplicity and predictability can go a long way towards meeting many of the goals embedded in the comprehensive plan.

One potential example here is the patchwork of standards throughout the current ordinance addressing the Growth Management Area designation of land in the community. The current text has caveats and special standards that apply to what zoning districts may be established in a particular GMA, density provisions, the range of allowable uses based on GMA provisions, and design requirements that differ based on the location of a lot in one GMA versus another. One way to simplify this would be to simply establish a series of GMA overlay districts and relocate the respective standards to one place in the Unified Development Ordinance (UDO). If possible, the ability to standardize the GMA requirements may go a long way towards easing some of the complexity and confusion.

Another example deals with the tree protection applicability provisions. The tree protection (retention) standards themselves are not that complicated (retention of a basic percentage of existing tree cover, or replacement up to a minimum threshold if insufficient tree cover exists prior to development). However, the applicability provisions about where the standards apply is quite complex, making distinctions between use type, development size, zoning district, GMA designation, etc. It may be easier to simply apply the tree protection provisions uniformly across the community and sidestep the somewhat bewildering applicability provisions. As a practical matter, the simple inclusion of hypothetical calculations may also help code users understand how the standards function and how they can be applied to a potential development site.

3.2.3 TEXT AMENDMENT REFORM

Winston-Salem/Forsyth County's current UDO has been amended nearly 300 times since its initial adoption. This is significant and raises a series of questions. For example, Was the initial UDO so bad that it required this level amendment? Have conditions changed that much over the last 20 years? Is the text amendment process being over used? Without knowing the answers to these questions, it is fair to say that the numerous amendments over time have over-encumbered the document, made it more difficult to use, and has resulted in at least some of the "80/20 problem" described above.

One technique used by other governments to stem the rise of text amendments is to put them on a regular cycle where text amendments are processed at some regular interval (quarterly, annually, etc.). This approach has a tendency to reduce the overall number of text amendments and often results in increased interpretation by staff.

Another technique is to limit the number of parties that may initiate a particular text amendment. Applicants or officials who would propose a particular text amendment as a solution to an issue or problem are compelled to "make their case" to the persons charged with initiating text amendments. This may help stem the tide of text amendments that occupy staff resources and can have the long-term effect of making the UDO more cumbersome and internally inconsistent.

It is likely, with the update being contemplated as part of this project, much of the confusion and conflicting text giving rise to at least some of the recent text amendments may be addressed through reorganization, removal of repetition, establishment of a single voice, and revision for greater clarity.

3.2.4 SIGNAGE STANDARDS

One of the most significant elements affecting community appearance is signage, and recently, the US Supreme Court took up the issue of signage and regulations based on sign content in its *Reed vs Town of Gilbert* case. In this case, the Court held that signage controls that regulate based on sign content are subject to strict scrutiny and must include a direct correlation between content-based controls and protection of public safety. In other words, local governments who regulate sign content have a very high bar to cross with respect to why such controls are needed.

According to the Constitution and past legal precedent, laws must have a neutral effect on speech. The typical sign ordinance uses time, place, and manner regulations that do not present a neutrality problem. An example is an ordinance that contains limitations on the size, number, and height of signs. Because they have a neutral effect on speech, time, place, and manner regulations are usually constitutional under free speech rules. But, as stated above, signage controls must have a neutral effect on speech. Municipalities have typically defined signs by their content (as in current UDO section 3-21(E) of Chapter B), because this makes sense from a policy standpoint. A directional sign, for example, is a sign that gives directions. Content neutrality means that this kind of definition is not constitutional.

The key change that is necessary for most sign provisions in light of the *Reed* case is that sign controls may no longer regulate on content; rather, they must regulate only on activity (in addition to time, place, and manner controls). Perhaps the easiest way to address this ruling is to maintain controls governing sign size, height, and placement controls, and then make allowance for additional signage that may be allowed to address common topics of signage functions, like directional signs, political signs, for sale signs, building name or address signs, and others. Additional discussion within the City and County will be necessary to address this issue, but a deeper exploration of how to become *Reed* compliant should remain on the community's agenda.

It is important to remember that the changes to render compliance with the *Reed* ruling will be profound, they will NOT affect the existing rules with respect to existing sign face area, the maximum number of signs per lot, sign height, and other time/place/manner-based existing provisions. What will need to change are sign rules that regulate signage based on the use it serves, regulate based on special types of signs (e.g., restaurant menu boards, shopping center directory signs, etc.), regulate based on the non-profit status of a particular use, regulate based on the sign's purpose (for rent vs for sale), or that regulate based on a commercial or non-commercial message. These current regulatory distinctions must be removed for the community's sign regulations to avoid content-based regulation, as is called for in the *Reed* decision.

3.2.5 TREE SAVE STANDARDS

The tree save standards in Section 3-4.2.1 were consistently identified by stakeholders and staff as some of the most difficult standards to deal with in the current code. This is not surprising, and these standards can often be the most divisive standards in many development codes. We all like trees, and recognize their importance to a functional ecosystem and a pleasing environment, but at the same time, saving trees is expensive and can be ineffective relative to the cost.

To be fair, Winston-Salem/Forsyth County expended great work in preparing these provisions, and they are the result of a long and well-managed set of compromises and consensus. Without going into the substance of the provisions, we suggest the City conduct a review of the efficacy of these standards with an eye towards whether or not they actually result in the retention of existing trees, whether or not the trees that are retained were worth the costs (to the developer and the staff), and whether or not there is an easier method of maintaining tree canopy cover in the jurisdiction.

Regardless of the answers to these questions, certainly the current standards would benefit from a set of purpose and intent provisions, illustrations, a review of the text language for clarity, and the possible establishment of a wider range of mitigation options such as payments into a "tree bank," the proceeds of which would go to establishing and maintaining tree canopy cover in locations of maximum aesthetic and ecological benefit. Another potential option may be a reforestation option that allows an applicant to remove most/all of the existing trees, but then re-establish, after construction, a portion of the site intended to serve

as forested canopy cover in perpetuity. This approach could be crafted to require a reforested area that exceeds the ten percent area mandated for retained trees.

3.2.6 NONCONFORMITY TRACKING

City-County staff cited nonconformity tracking as another area where a great deal of staff time and effort is expended with reduced tangible results. It is very common, particularly in communities that experienced a fair amount of their development in eras with few or no development regulations, to suffer from many nonconformities. It is also common among forward-thinking communities to recognize that a nonconforming use or building is often more desirable than a vacant one (at least in most locations). To those ends, local governments work to allow existing nonconformities to not just remain, but also to expand and convert. Article 5 of Chapter B of the UDO currently includes many of these same kinds of provisions.

For whatever reason, the flexibility offered through the provisions is resulting in a need for City-County staff to track a wide variety of floor area, cubicle content, and site features as buildings are expanded or remodeled. Perhaps Winston-Salem/Forsyth County may wish to revisit and refine the underlying premise of these regulations – why is a particular use still considered nonconforming? Are the dimensional requirements resulting in a nonconforming situation necessary? Perhaps some of the nonconforming situations that exist are improperly construed as nonconforming in the first place? Certainly the current standards have very liberal provisions for expansion and conversion of nonconforming uses, as well as no requirements for conversion to conforming uses upon casualty damage. Perhaps there are parts of the community where amnesty for nonconforming situations should be extended for no other reason than tracking the application of the standards is providing diminishing marginal returns. Another potential change to ease the burden of administration is to remove the amortization provisions. In many cases, it appears the horizon for reaching compliance has come and gone.

3.2.7 WATERSHED REQUIREMENTS

The current watershed standards in Chapter C were identified by numerous stakeholders and staff as complicated, expensive, and excessive. In most cases these regulations are creatures of the State and have a broader public safety purpose that extends beyond local government boundaries. As such, there is little the community can do in terms of softening the minimum requirements. There is an opportunity to review the existing language and attempt to find ways to better illustrate provisions and reword what is often model language from the state into more clear and descriptive provisions that are easier to understand.

3.2.8 GROWTH MANAGEMENT AREA RULES FOR INFILL

The comprehensive plan establishes a series of five differing growth management areas (GMAs) or “character areas” across the community that are or are not appropriate for differing types of development. In many ways, these GMAs act as de facto future land use designations that exert influence on the type and density/intensity of development that takes place within them. The infill provisions are identified by City-County staff as a set of standards that are complex and provide a diminished return given the level of effort necessary to administer them. The City may wish to explore ways in which the GMA concept can be more fully integrated with the current zoning system so that the interface between zoning district requirements and growth management goals does not continue to create conflicts.

3.2.9 SIDEWALKS

Sidewalk standards are a perennial problem in development codes. They are vital to the establishment of a functioning pedestrian network and for providing transportation choice. The problem is that it makes the most sense from a planning perspective to install them as a precedent to development instead of an antecedent. In other words, to install sidewalks before they are expected to be widely used. This approach is called into question by those who must pay for their installation, and rightfully so. Early installation of sidewalks raises development costs, complicates construction, and requires increased maintenance cost. On

the other hand, the presence of sidewalks facilitates safe movement of the public and helps mitigate environmental degradation- public goods that should be provided by a government.

City-County staff get caught between the laudable goal of ensuring safe and varied travel modes and practical real word construction and maintenance cost issues. Best practices often rely on a detailed transportation plan that recognizes sidewalks as a vital part of the transportation framework, establishes a clear and predictable schedule for the extension or upgrade of sidewalk connections, and establishes a funding mechanism that relies (at least in part) on the contributions of those developing land.

Along these lines, it may be necessary to review and revise the City's sidewalk policies and identify general rules of thumb about which streets and which sides of streets get sidewalks, where pedestrian connections are required, and how fee-in-lieu policies will operate.

3.2.10 ALTERNATIVE COMPLIANCE

Flexibility in the application of development standards is critical and is included in many forms in the current UDO. Best practice dictates that flexibility, in the form of alternative forms of compliance, helps address the development of difficult sites, limits the need for variances, and helps ensure due process for landowners. The challenge with flexibility is that it can often be at odds with clear and straightforward application of development standards. Flexibility requires nuance and tolerance. Nuance and tolerance can be the antithesis of equal protection under the law. Equal protection calls for similar situations to be handled similarly, so that no one receives special treatment – all are equally protected.

The key to successful flexibility provisions is clear quantified standards, a tiered system of decision-making responsibilities where deeper deviations undergo greater scrutiny, and the ability for applicants and the community to negotiate in good faith about how trade-offs can be accommodated. The current range of flexibility is likely appropriate, but there could be room to add more quantitative standards and a more tiered decision-making process.

The Town of Morrisville, NC has a Unified Development Ordinance that includes flexibility on numerous levels, including a basic administrative adjustment process that allows the staff to approve de minimum deviations from numeric standards based on specific criteria. The Morrisville ordinance also includes a wide variety of alternative plan options for various development standards such as parking, landscaping, and exterior lighting. The UDO also includes a series of planned development districts that allow for negotiated solutions that may deviate from some development standard with the basic criteria that the resulting development will have a higher overall quality or closer alignment with their adopted policy guidance than would have resulted without the deviations. Finally, they have a public benefit procedure that allows applicants to deviate from or disregard a series of development standards as part of a special exception application that includes the provision of some form of compensating public benefits such as an increased rate of open space provision or development that drastically surpasses minimum design quality standards.

A different approach is one used by Burlington, North Carolina. In Burlington they have established a series of six or seven conditional zoning districts (not a parallel district to each general use district as is seen in most communities). This allows them a degree of control when it comes to how uses are handled. For example, the Burlington code may allow a particular use in one of its conditional districts instead of the corresponding general use district. Further, they allow applicants to request deviations form development standards as part of the conditional zoning review process. In this way, applicants are able to request deviations from standards they find difficult to address while the elected officials may engage in negotiation about how that the proposed development will compensate for the proposed deviation.

4.0 DIGITAL DOCUMENT

This section contains information intended to help Winston-Salem/Forsyth County make decisions about the digital version of the UDO. Today, most code users access the UDO online, and an online code format also ensures that amendments and updates can be made and disseminated in a timely fashion. Nevertheless, just because a code is available online does not mean that it is user-friendly. Stakeholders reported a range of issues with the way the code is currently displayed on the online platform and expressed ideas for improvement. One major issue for the City and County to discuss is whether to migrate the updated UDO to a new hosting platform. The document is currently hosted on MuniCode (as are the City and County Codes of Ordinances). Staff asked the consulting team to explore other online codification options that might offer more functionality in the way of graphics, navigability, and general user-friendliness. The findings of this exploration are included in this section for the City and County to consider.

4.1 GOALS FOR THE DIGITAL DOCUMENT

Stakeholders and staff identified a range of goals for the digital version of the UDO. This section serves as a list of functionalities that the online codification of the updated UDO should strive to achieve.

- **Navigation:** The online platform should provide a nested table of contents that code users can easily navigate through. Stakeholders like the current table of contents feature in MuniCode because the table of contents is constantly visible in a side “frame” of the screen, and because it allows “nesting” – opening up one section to see subsections and navigating to a new section with a click. An improvement would be showing additional levels of section headings to improve click-by-click navigation.
- **Linked cross-references:** Code users should be able to click on cross-references and be taken directly to the source in another code section. This functionality helps reduce repetitiveness, cuts down on bulk, and increases user-friendliness.
- **Page Layout:** The platform should have the ability to use color, apply bolding, underline, or italics to text, and the ability to set indentation levels needed for clearly readable nested text (should support the improvements described in Section 2.2 of this report). A methodology for incorporating dynamic headers or some other way for code users to know what section they are currently reading would also improve user-friendliness.
- **Tables:** The updated code will likely include additional tables compared to the current code. One of the main issues with the current online format is that tables often do not fit on one screen, and when a user scrolls, the header rows become invisible. To remedy this, we suggest first that all tables be

formatted in portrait format, to reduce scrolling side-to-side, and that the platform provide a way to “freeze” the header row as a user scrolls through a long table.

- **Graphics and Illustrations:** The code should be able to host a range of high-resolution photos, illustrations, and other graphic types, and should be able to keep these inside their referenced sections (rather than in an appendix or similar companion file separate from source text).

4.2 SURVEY OF SIMILAR COMMUNITIES

In order to understand the codification options available and the trends in usage of specific providers, the consulting team conducted a survey of communities to see what provider they use. The sample included the 20 largest cities in North Carolina, the 20 largest cities in South Carolina, the 20 largest cities in Virginia, and 20 comparably-sized cities from across the country, for a total of 80 communities. This section contains a summary of the findings. “In-house” indicates that the community does not use a codifier service, but rather maintains the document in a searchable, interactive PDF format and publishes this PDF on their website.

4.2.1 NORTH CAROLINA

45% In-house

30% MuniCode

25% Other Codifier

Size Rank	City	Population	Codifier
1	Charlotte	842,051	in-house
2	Raleigh	458,880	in-house
3	Greensboro	287,027	EnCode Plus
4	Durham	263,016	Code Publishing Co
5	Winston-Salem	242,203	MuniCode
6	Fayetteville	204,759	EnCode Plus
7	Cary	162,320	American Legal
8	Wilmington	117,523	MuniCode
9	High Point	111,223	MuniCode
10	Greenville	91,495	American Legal
11	Concord	89,891	in-house
12	Asheville	89,121	MuniCode
13	Gastonia	75,536	MuniCode
14	Jacksonville	67,784	in-house
15	Chapel Hill	59,246	MuniCode
16	Rocky Mount	55,466	in-house
17	Huntersville	54,839	in-house
18	Burlington	52,709	in-house
19	Wilson	49,643	in-house
20	Kannapolis	47,839	in-house

4.2.2 SOUTH CAROLINA

50% In-house

40% MuniCode

10% Other Codifier

Size Rank	City	Population	Codifier
1	Columbia	129,272	MuniCode
2	Charleston	120,083	MuniCode
3	North Charleston	97,471	MuniCode
4	Mount Pleasant	67,843	American Legal
5	Rock Hill	66,154	in-house
6	Greenville	58,409	MuniCode
7	Summerville	43,392	MuniCode
8	Sumter	40,524	in-house
9	Hilton Head Island	37,099	MuniCode
10	Florence	37,056	in-house
11	Spartanburg	37,013	in-house
12	Goose Creek	35,938	American Legal
13	Aiken	29,524	MuniCode
14	Myrtle Beach	27,109	in-house
15	Anderson	26,686	in-house
16	Greer	25,515	in-house
17	Greenwood	23,222	in-house
18	Mauldin	22,889	MuniCode
19	North Augusta	21,348	in-house
20	Easley	19,993	in-house

4.2.3 VIRGINIA

60% MuniCode

30% In-house

10% Other Codifier

Size Rank	City	Population	Codifier
1	Virginia Beach	447,021	MuniCode
2	Norfolk	245,782	MuniCode
3	Chesapeake	222,209	MuniCode
4	Richmond	210,309	in-house
5	Newport News	180,726	MuniCode
6	Alexandria	147,391	MuniCode
7	Hampton	146,437	MuniCode
8	Portsmouth	96,470	in-house
9	Roanoke	94,911	MuniCode
10	Lynchburg	65,269	in-house
11	Suffolk	63,677	MuniCode
12	Danville	48,411	MuniCode
13	Charlottesville	45,049	MuniCode
14	Manassas	40,605	in-house
15	Harrisonburg	40,468	MuniCode
16	Petersburg	33,740	in-house
17	Salem	24,747	MuniCode
18	Fredericksburg	24,286	eCode 360
19	Staunton	23,853	Code Publishing Co
20	Winchester	23,585	in-house

4.2.4 NATIONWIDE

45% In-house

45% MuniCode

10% Other Codifier

City	State	Population	Codifier
St. Petersburg	FL	260,999	MuniCode
Laredo	TX	257,156	in-house
Buffalo	NY	256,902	in-house
Madison	WI	252,551	MuniCode
Lubbock	TX	252,506	Franklin Legal Publishing
Chandler	AZ	247,477	MuniCode
Scottsdale	AZ	246,645	MuniCode
Glendale	AZ	245,895	MuniCode
Reno	NV	245,255	MuniCode
Irving	TX	238,289	MuniCode
Hialeah	FL	236,387	MuniCode
Garland	TX	234,943	in-house
Fremont	CA	233,136	Code Publishing Co
Baton Rouge	LA	227,715	in-house
Boise	ID	223,154	in-house
San Bernardino	CA	216,239	in-house
Spokane	WA	215,973	in-house
Des Moines	IA	215,472	MuniCode
Birmingham	AL	212,177	in-house
Tacoma	WA	211,277	in-house

4.2.5 SUMMARY OF FINDINGS

Overall, of the 80 communities surveyed, 44% (35 communities) use MuniCode, Winston-Salem/Forsyth County's current codifier. A close second is publishing the code in-house using interactive PDF files maintained and regularly uploaded by staff; this method is used by 43% of surveyed communities (34 communities). A minority of 13% (11 communities) use another codifier: American Legal (4 communities), Code Publishing Co. (3 communities), Encode Plus (2 communities), eCode360 (1 community), or Franklin Legal Publishing (1 community).

The next section gives examples of each of these codifiers and provides contact information for each, should Winston-Salem/Forsyth County desire further communication.

4.3 OVERVIEW OF CODIFICATION PROVIDERS

This section offers Winston-Salem/Forsyth County a brief overview of the online codification provider options available today. Where possible, we have included a screenshot of a community that uses each provider and have pointed out some key features based on the list of goals for the digital document in Section 4.1 of this report. We encourage staff, elected officials, and appointed officials to visit the various firms' websites and explore the additional links provided to get a more

4.3.1 NATIONAL CODIFICATION FIRMS

MuniCode	www.municode.com	WSFC's current provider
Code Publishing Co.	www.codebook.com	1 client in NC
American Legal	www.amlegal.com	107 clients in NC
Kendig Keast Co. (enCode Plus)	www.encodeplus.com	1+? clients in NC
General Code Corp. (eCode 360)	www.generalcode.com	0 clients in NC
Sterling Codifiers	www.sterlingcodifiers.com	0 clients in NC

4.3.2 CODE PUBLISHING CO. – DURHAM, NC

The screenshot displays the Durham Unified Development Ordinance page on the Code Publishing Co. platform. The browser address bar shows the URL: www.codepublishing.com/NC/Durham/17.3.html. The page title is "Durham Unified Development Ordinance" and the subtitle is "Durham City-County Planning Department Homepage". The page features a search bar at the top right and a navigation menu on the left. The main content area lists definitions for various building terms, including Building Articulation, Building Base, Building Coverage, Building Elevation, Building Envelope, Building Front, Building Line, Building Permit, Building Primary or Principal, Building Podium, Building Separation, Bulk Storage, Build-to Zone, C Definitions, Caliper, Canopy, Cardinal Direction, Cemetery, Certificate of Compliance, Changeable Copy, and Chemical Storage Facility. A diagram of a building footprint is shown on the right side of the page.

Code Publishing Co.'s platform offers a point-and-click navigation table of contents that remains visible, allows for a moderate amount of text variation, and has clickable links. The photos and images are fairly small and low-resolution. Durham's use table includes color and does have a constantly visible header row.

4.3.3 AMERICAN LEGAL – CARY, NC

library.amlegal.com/nxt/gateway.dll/North%20Carolina/cary/nc/codeofordinance...
 American Legal Publishing Corporation

Check Search: Search

Document Search Results Print Save Email Help

Start Over Prev Doc Next Doc Prev Match Next Match New Window

Minimum Lot Width (feet)	50	50	Detached dwellings: 40 Townhomes: 34 Other uses: 50	Detached dwellings: 40 Townhomes: 34 Other uses: 50
Minimum Side and Rear Yard Setback (feet) adjacent to non-residential use	10	10	10	10
Minimum Side and Rear Yard Setback (feet) adjacent to residential use	25	25	Townhomes: 0 side, 15 rear Detached dwellings: 3 side, 15 rear Other uses: 25	Townhomes: 0 side, 15 rear Detached dwellings: 3 side, 15 rear Other uses: 25
Minimum Setback from internal streets (feet)	15	15	Townhomes and Detached dwellings: 18	Townhomes and Detached dwellings: 18

(Ord. No. 04-001, 1-8-04; Ord. No. 2007-21, 12-13-07; Ord. No. 2008-LDO-01, 9-25-08; Ord. No. 2010-LDO-01, 1-14-10; Ord. No. 2010-LDO-02, 1-28-10; Ord. No. 12-LDO-01, 2-23-12; Ord. No. 2013-LDO-02, 6-13-13; Ord. No. 2014-LDO-01, 1-9-14; Ord. No. 2014-LDO-03, 8-14-14; Ord. No. 2015-LDO-001, 4-21-15; Ord. No. 2016-LDO-01, 7-25-16)

6.2 LOT MEASUREMENT AND REQUIREMENTS

6.2.1 Definitions/Measurements

(A) Lot Area
 Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot or site. Public rights-of-way shall not be included in calculating lot size, except where specifically allowed by this Ordinance.

(B) Lot Width
 Lot width refers to the horizontal distance between side lot lines. Lot width shall be measured as the distance between the side lot lines as measured at the front building line, provided that the width at the street property line is not less than twenty (20) feet.

Lot Area, Lot Width, and Lot Depth

American Legal's platform is very similar to the current MuniCode format: it offers a point-and-click navigation table of contents that remains visible, and allows for a moderate amount of text variation (though text often appears cramped and not clearly nested in American Legal codes). It does offer clickable links. Cary's code includes scroll-able tables nested in individual "frames" within the document, which some users may find confusing, though it does save space on the page. Color images are of medium-low resolution.

4.3.4 ECODE360– FREDERICKSBURG, VA

Charter

Code

New Laws

Index

Notes

Public Documents

Misc. Documents

Resolutions

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Article 72-8: Definitions and Interpretations

SECTION 72-82: Rules of Measurement

☐ 72-82.1 Purpose.

The purpose of this section is to clarify the rules of measurement and exemptions that apply to all principal and accessory uses allowed in this chapter. These standards may be modified by other applicable sections of this chapter.

☐ 72-82.2 Measurements, generally.

A. Distance measurements, generally. Unless otherwise expressly stated, distances specified in this chapter are to be measured as the length of an imaginary straight line joining those points.

B. Fractions. If a calculation results in a figure with a fraction equal to 0.5 or greater, then the figure shall be rounded up to the nearest whole number. If the fraction is less than 0.5, the figure shall be rounded down to the nearest whole number.

C. Irregular shapes. The Zoning Administrator shall determine the applicable dimensional standards and setbacks for irregularly shaped lots.

☐ 72-82.3 Lots.

A. Definitions/measurement.

(1) Lot area, minimum. The minimum amount of land area required for a lot shall be measured on a horizontal plan in units of square feet or acres, as specified within the zoning regulations for the district in which the lot is situated. Land encumbered by easements and resource protection and management areas shall be considered according to § 72-51.3.

Figure 72-82.3A(1). Lot Area Measurement

LOT AREA

EXCLUSIONS FROM LOT AREA

Lot Width

Lot Width

Lot Width

15' Sewer Easement

60' Overhead Utility Easement

By using eCode360 you agree to be legally bound by the Terms of Use. If you do not agree to the Terms of Use, please do not use eCode360.

eCode360 offers an additional level of customization in terms of typeface and text nesting, as shown in the example above. It uses a clickable navigation from the Table of Contents, and the user can choose whether the Table of Contents stays visible or “hides” to the side to make more room for reading the document. It does have dynamic page headers (the grey box at the top of the page), which shows the reader where they are currently located in the code. This bar also provides a way for the user to “flip the page” to the next or previous code section.

The platform allows for large tables to “pop out” of the main body of the text for easier viewing, and does allow for color use and graphics to be embedded in tables. The Fredericksburg code keeps smaller tables (10 rows or less) in the text as they would appear in a PDF (not dynamic), but readability is not an issue with short tables. The images are of medium-high resolution.

4.3.5 ENCODE PLUS – FAYETTEVILLE, NC

City of Fayetteville North Carolina

View Search Archives Maps Favorite Links Favorite Tables Documents Ordinances Land Use About

MUNICIPAL CODE

Part II - Code of Ordinances > Chapter 30 - Unified Development Ordinance > Article 30-3: Zoning Districts

Figure 30-3.D.3a: SF-10 Typical Building/Floor Configuration

[Ord. No. 2011-014, § 1.2, 11-28-2011; Ord. No. 2012-001, Pt. 3, § 3.1, 1-29-2012; Ord. No. 2012-026, § 3, 11-15-2012; Ord. No. 2014-018, § 3, 9-11-2014; Ord. No. 2014-008, § 3, 1-27-2014; Ord. No. 2014-018, § 3, 9-11-2014; Ord. No. 2015-008, § 4, 8-10-2015]
(Effective on 8/10/2015)

30-3.D.4. Single-Family Residential 6 (S1-6) District

DIMENSIONAL STANDARDS	PURPOSE			
	SINGLE-FAMILY DETACHED DWELLINGS (1)	SINGLE-FAMILY ATTACHED DWELLINGS	TWO-TO FOUR-FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES
LOT AREA (SQ. FT.)	6,000	6,000	6,000	N/A

UP & SINGLE-FAMILY RESIDENTIAL DISTRICT

The Single-Family Residential 6 (S1-6) District is established and intended to accommodate primarily single-family detached residential development on moderately sloping lots that is designed to respond to environmental and site conditions. It also accommodates two-to-four-family dwellings, single-family attached, and two-to-four-family dwellings subject to the requirements of this Ordinance. All uses in the district are subject to the design standards in Article 30-4: Development Standards. Certain regulations discourage any use that substantially interferes with the development of single-family dwellings and that is detrimental to the quiet residential nature of the district. Also allowed are complementary uses usually found in residential zoning districts, such as retail, food service, minor offices, accessory dwellings, schools, and places of worship.

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- Part I - Charter
- Part II - Code of Ordinances
 - Chapter 1 - General Provisions
 - Chapter 2 - Administration
 - Chapter 3 - Aircraft and Airports
 - Chapter 4 - Alarm Systems Regulations
 - Chapter 5 - Alcoholic Beverages
 - Chapter 6 - Reserved
 - Chapter 7 - Building Code
 - Chapter 8 - Cemeteries
 - Chapter 9 - Emergency Management
 - Chapter 10 - Fair Housing
 - Chapter 11 - Fire Protection and Prevention
 - Chapter 12 - Flood Damage Prevention
 - Chapter 13 - Health and Sanitation
 - Chapter 14 - Housing, Dwellings and Buildings
 - Chapter 15 - Licenses
 - Chapter 16 - Motor Vehicles and Traffic
 - Chapter 17 - Offenses and Miscellaneous Provisions
 - Chapter 18 - Parks and Recreation
 - Chapter 19 - Personnel
 - Chapter 20 - Police
 - Chapter 21 - Railroads
 - Chapter 22 - Solid Waste
 - Chapter 23 - Stormwater Management
 - Chapter 24 - Streets and Sidewalks
 - Chapter 25 - Reserved
 - Chapter 26 - Taxicabs
 - Chapter 27 - Trailers, Manufactured Homes, and Manufactured
 - Chapter 28 - Water and Sewers
 - Chapter 29 - Water Supply Watershed Management and Protection
 - Chapter 30 - Unified Development Ordinance
 - Article 30-1: General Provisions
 - Article 30-2: Administration
 - Article 30-3: Zoning Districts
 - 30-3.A. General Provisions
 - 30-3.B. Base Zoning Districts Established
 - 30-3.C. Special Base Zoning Districts
 - 30-3.D. Residential Base Zoning Districts

EnCode Plus features a view for readers that is most similar to a PDF viewer. It includes a constantly-visible nested table of contents, clickable cross-reference links, moderate allowances for text and page layout customization, and medium-to-high resolution images. The tables incorporate color and a constantly-visible header row.

4.3.6 IN HOUSE – WILSON, NC

2 DISTRICT STANDARDS
2.3 RURAL AND SUBURBAN DISTRICTS (Revises 2-8 1-3 & 2-8 38-40)

In order to maintain existing auto-oriented commercial and industrial uses, and occasionally developed residential subdivisions, there are hereby continued several base districts with the designations and general purposes listed under each and the specifically permitted uses, special uses, and dimensional standards included. It is expected that the expansion or enlargement of these districts will be minimal as more than sufficient area currently exists in accordance with the adopted 2010 Comprehensive Plan for such single-use categories. Each base district has a corresponding Conditional District designation which shall be administered in accordance with Section 2.11.

BASE DISTRICT	DESCRIPTION
A. Rural/Agricultural District (RA) Previous District(s): A1	The Rural/Agricultural District is established as a district in which the principal uses of the land are restricted due to lack of available utilities, unsuitable soil types, steep slopes, or for the protection of prime agricultural lands.
B. Open Space District (OS) Previous District(s): A1	The Open Space District is established to preserve and protect environmentally sensitive lands (e.g. floodways, wetlands) and properties that are already under public ownership and/or otherwise restricted for use for passive or active recreational use.
C. Mobile Home District (MHR) Previous District(s): RA-MH, RA-M(S)	This district accommodates manufactured homes in a variety of settings, including mobile home parks, mobile home subdivisions, and a single-lot mobile home district.
D. Suburban Residential – Low Density (SR4) Previous District(s): RA-1(S), RA-12(S)	The Suburban Residential Low Density District is established to maintain previously developed or approved suburban residential subdivisions and their related recreational, religious and educational facilities at a density of approximately 4 dwelling units per acre. Intended to act as a transitional zoning district between rural development in the county and the urban development of the city, these regulations are further intended to discourage any use which would be detrimental to the predominantly residential nature of the areas included within the district.
E. Suburban Residential – Medium Density (SR6) Previous District(s): RA-1(S), RA-8 (S)	The Suburban Residential Medium Density District is established to maintain previously developed or approved suburban residential subdivisions and their related recreational, religious and educational facilities at a density of approximately 6 dwelling units per acre. Intended to act as a transitional zoning district between rural development in the county and the urban development of the city, these regulations are further intended to discourage any use which would be detrimental to the predominantly residential nature of the areas included within the district.
F. Neighborhood Commercial (NC) Previous District(s): C1, C4	The Neighborhood Commercial District is generally located on thoroughfares and provides opportunities for the provision of offices and neighborhood services that serve as an acceptable transition to generally auto-dependent, suburban neighborhoods.

CITY OF WILSON, NC

8 TREE PROTECTION, LANDSCAPING AND BUFFERS
8.6 PARKING LOT AREA LANDSCAPING

8.6.1 REQUIRED PARKING LOT LANDSCAPE AREAS

The diagram below is intended to provide guidance by illustrating the screening and landscape islands required by this chapter. This diagram is not inclusive of the required screening and landscaping islands for all new or expanded parking lots.

1. Private drive islands (see Section 8.6.4.C)
2. Parking lot islands / planting areas (see Section 8.6.4.B)
3. Parking lot perimeter screening area (see Section 8.6.3)

8.6.2 OPTIONAL COMPLIANCE FOR INDUSTRIAL AND AUTOMOTIVE USES

Parking lots which serve industrial and automotive uses, as designated in the Use Table in Section 2.7.3, (whether for display of new or used vehicles for rental/sales/lease or for employee or customer parking) shall be exempt from:

A. Parking Lot Interior Landscaping: Interior landscaping and curbing requirements of Section 8.6.4 are not required if a 30-foot wide landscape area with a Type B buffer (see 8.7.2) is provided along any portion of the lot adjacent to a public or private street.

B. Parking Lot Perimeter Screening: Perimeter landscaping as shown in 8.6.3 is only required where the industrial or automotive development is located adjacent to a Major Street as indicated in the City of Wilson GIS database. When applicable, the landscaping shall be required along the frontage of the major street only. Development exercising the option in 8.6.2.A have met their requirement for parking lot perimeter landscaping.

8-11

When a community chooses to publish their development code “in-house” rather than through a commercial codifier, they typically do so by maintaining a PDF version of the code that is available for download from the planning and zoning department’s website, either as a full document, or chapter-by-chapter, as Wilson does. In-house published PDFs are equipped with clickable tables of contents and cross-reference links. Publishing a PDF from a Microsoft Word document allows the community to take full advantage of Word’s abilities to create highly user-friendly documents with nested text that automatically updates, dynamic headers and footers, and tables that include header rows on every page. The images in a PDF version will be as high-resolution as they are in the community’s Word version, and this method does not include extra cost for graphics. Another advantage is easy printing compared to web-based codifiers.

While most in-house published codes do not feature a constantly-visible table of contents, this feature is available.

4.3.7 OTHER EXAMPLES

Code Publishing Co:

<http://www.codepublishing.com/WA/Lacey/#!/Lacey16/Lacey1624.html>

EnCode:

<http://online.encodeplus.com/regs/kansascity-mo/doc-viewer.aspx#secid-2481>

<http://online.encodeplus.com/regs/redmond-wa/doc-viewer.aspx#secid-1068>

ECode360:

<https://ecode360.com/30194997#30194997>

<https://ecode360.com/30538932>

<https://ecode360.com/29297646Z#29297646Z>

In-house:

<https://www.wilsonnc.org/development-services/unified-development-ordinance/>

<https://www.concordnc.gov/Departments/Planning/Zoning-Services/Development-Ordinance>

<http://www.cityofrockhill.com/home/showdocument?id=2065>

5.0 ANNOTATED OUTLINE

The Annotated Outline is a brief topical outline of what a revised Winston-Salem/Forsyth County UDO could resemble if Winston-Salem/Forsyth County chooses to follow some of the recommendations in this code assessment.

The following pages offer some suggestions about the potential structure and contents of an updated Unified Development Ordinance. These suggestions are offered as a framework to organize discussion about how and in what ways the current ordinance could be modified to achieve the community's goals.

As noted in Section 2, the revised code structure consists of a single UDO with 10 chapters, organized by content and frequency of use. The following outline describes the key sections that could be included with each chapter. The number starts with "Chapter 5.1" because this material is embedded within the style set for the Code Assessment. The actual UDO would start with Chapter 1, not Chapter 5. See the style set in the Appendix for more details on text configuration.

5.1 HOW TO USE THIS DOCUMENT

This portion of the document replaces the Preface in the current Unified Development Ordinance (UDO). It introduces the document and its purpose to the reader as well as briefly describing the document's structure and contents. It also provides examples of visual cues in the text and explains document functionality, including:

- Page headers with relevant section numbering details (for ease of navigating the document by looking only at the tops of pages);
- Page numbers at outside corners and supplemented with chapter numbers (to speed "thumbing" through the document);
- Heading and subheading text attributes like different colors, fonts, and underlining (designed to make the headings easier to find when scanning pages);
- A text indentation scheme to help readers better discern the relationship between headings and the text beneath;
- Numbered figures and tables (for ease of cross referencing);
- Different text attributes for standards that **apply only to development in the City**, versus those that **apply only to development in the County**, versus text for standards that applies to both;
- Table of contents entries and cross references that are dynamically-linked in the digital version of the document (that allow a user to jump to a desired section by clicking on the hyperlinked text);

- A glossary of abbreviations; and
- An index based on common terms and phrases rather than listing all instances of a particular word;

This initial section could also include a series of answers to frequently asked questions. For example, the following questions are included in another UDO currently in the adoption process:

- Question: What is the Unified Development Ordinance?
- Question: What is the Official Zoning Map?
- Question: What can I do or place on my land?
- Question: What permits do I need to build a house?
- Question: What permits do I need to build a porch or deck?
- Question: Do I need permits to have a home business?
- Question: How do I create a lot for a family member?
- Question: Do I need a permit for a sign?
- Question: What is the process for rezoning my land?
- Question: Who makes decisions on applications?
- Question: How can I appeal a decision?
- Question: What's the best way to learn more about submitting an application for development?
- Question: How long does it take to get an approval?
- Question: Who can I call about flooding or other nuisances?

5.2 CHAPTER 1: GENERAL PROVISIONS

General Commentary: This chapter is proposed to replace portions of Chapter A Article I and Chapter B Article I of the current ordinance. It establishes the Unified Development Ordinance (UDO) and incorporates the Official Zoning Map by reference. It recites the authority for adopting the standards and describes where and how they apply (including how conflicts are addressed). It also recognizes the various forms of adopted policy guidance that inform the purpose and intent of the regulations. There is a section on the rules of language construction that provides guidance on the meaning of basic terms (may versus shall), how delegation of authority works, and the relationship between text and any associated illustrations. This chapter also includes a series of transitional provisions that addresses how existing violations, nonconformities, and applications still in progress upon adoption are to be handled. The chapter also includes provisions on the establishment of vested rights and the severability provisions.

5.2.1 TITLE

This section replaces Sections A1-1 and B1-1 of the current ordinance and sets forth the official name by which the Winston-Salem/Forsyth County Unified Development Ordinance may be cited (e.g., "The Unified Development Ordinance") as well as any acceptable shortened references (e.g., "the UDO," or "this UDO" or "UDO").

This section will also identify the Official Zoning Map and any other development-related maps (like the water supply watershed boundary map) and incorporate it by reference.

5.2.2 EFFECTIVE DATE

This is a new section that sets out the date of enactment of the new Unified Development Ordinance (UDO), and clarifies that the current UDO is rescinded. (Note that the adoption date and the effective date may differ as necessary to allow City-County staff the time to prepare revised application forms or to codify the adopted version of the text.)

5.2.3 AUTHORITY

- A. General Assembly**
- B. North Carolina General Statutes**
- C. Other Relevant Laws**
- D. Consolidated Regulations**

This section replaces Section B1-4.1 of the current ordinance and recognizes the City and County charters, references to the statutory basis for zoning, subdivision, streets, water and air resources, and pollution control regulations in Sections 160A and 153A of the General Statutes, as well as any relevant special legislation (such as Chapter 677 of the 1947 Session Laws). It also clarifies that Winston-Salem and Forsyth County have a unified or consolidated set of development standards.

5.2.4 GENERAL PURPOSE AND INTENT

A general purpose and intent section can inform decision-makers in future years about the intent of the City Council and Board of County Commissioners when they adopted the Unified Development Ordinance (UDO). This is a new section that replaces the purpose statements in Section B1.2 and the intent statement in Section B1-4.2 of the current ordinance. It includes generic statements from the enabling legislation in Chapters 160A and 153A of the General Statutes as well as relevant goal statements from the *Legacy* Comprehensive Plan (instead of a general reference) and other long range planning documents like the Transportation Plan. Individual purpose statements related to aspects such as zoning districts, design standards, or application review procedures will be included with those provisions and are not included here.

5.2.5 APPLICABILITY AND JURISDICTION

- A. Where Applied**
- B. Distinctions Between City and County Law**
- C. Application to Governmental Units**
- D. No Development until Compliance with All Applicable Law**
- E. Minimum Requirements**
- F. Exemptions**

This section identifies the forms of development subject to the standards in the Unified Development Ordinance (UDO). It also confirms that the City, County, and all private developments are subject to the ordinance (unless otherwise exempted). In addition, the section clarifies that State buildings will need to comply with the ordinance (in accordance with G.S. §160A-392), and that development not subject to G.S. §160A-392 (e.g. activities of the federal government) is strongly encouraged to comply with the standards.

This section clarifies that there are some regulations in the Unified Development Ordinance (UDO) that apply solely to development on lands in the City and some regulations that apply solely to development on lands in the County (as is done in current Section B1-3). It will cross reference the section in the section on Rules of Language Construction that depict how these provisions are graphically distinguished from one another.

This section carries forward and builds on the standards in Section B1-5.1 pertaining to compliance with the provisions of the Unified Development Ordinance (UDO) as minimum requirements (as is done in Section B1-5.4). It clarifies that no development shall take place except in accordance with the provisions of this document (though it also recognizes the exemptions from zoning rules for bona fide farms (as is done in Section B1-5.5 of the current ordinance) and the exemptions from subdivision regulations for court-ordered subdivisions).

5.2.6 CONFORMANCE WITH ADOPTED POLICY GUIDANCE

- A. Components**
- B. Conformance**
- C. Automatic Amendment**

This is a new section that identifies the key elements of the City-County's adopted policy guidance framework, such as the *Legacy* Comprehensive Plan, the Transportation Plan, and other adopted long range planning documents. It clarifies that new development should be consistent with adopted policy guidance, but that policy guidance is advisory in nature, and that consistency with adopted policy guidance is not a requirement for validity of any provision in the Unified Development Ordinance (UDO) except where required under G.S. § 160A-382 and 383.

The section will also recognize recent changes in State law (Session Law 2017-10) that allow elected officials to automatically amend adopted policy guidance for consistency with an approved amendment to the Zoning Map or the Unified Development Ordinance (UDO).

5.2.7 RELATIONSHIP WITH OTHER LAWS OR DEED RESTRICTIONS

This is a new section that clarifies that the Unified Development Ordinance (UDO) is not intended to affect or annul private agreements or covenants (unless they are in violation of State or federal law), and that neither the City nor the County enforce private agreements or covenants.

The section also establishes that the City and the County reserve the right to review and approve some private agreements such as access, cross-access, or drainage easements as well as the formation documents associated with homeowners' or property owners' associations.

5.2.8 CONFLICT

- A. Conflict with Other Codes or Laws**
- B. Conflicts with State or Federal Laws**
- C. Conflicts Between Standards in this Ordinance**

This section replaces Section B1-7 in the current ordinance and addresses regulatory conflicts in a comprehensive way. It is not always the case that the most restrictive standards should apply, particularly in cases where conditional zoning has been used to apply conditions or establish planned development provisions that are more permissive than minimum requirements. Further, there may be the potential to reduce some minimum requirements as an incentive to stimulate applications for preferred forms of development such as infill, redevelopment, mixed use or sustainable development practices. This section addresses how conflict is interpreted.

5.2.9 RULES OF LANGUAGE CONSTRUCTION

- A. Meanings and Intent**
- B. Headings, Illustrations, and Text**
- C. Lists and Examples**
- D. Computation of Time**
- E. Time-Related Language**
- F. References to This Ordinance**
- G. References to Other Regulations/Publications**
- H. References to North Carolina General Statutes**
- I. Delegation of Authority**
- J. Joint Authority**
- K. Technical and Non-Technical Terms**
- L. Public Officials and Agencies**
- M. Mandatory and Discretionary Terms**
- N. Conjunctions**
- O. Tenses, Plurals, and Gender of Words**
- P. Oath**
- Q. Term Not Defined**

This portion of the text sets out a series of basic rules regarding how the text in the Unified Development Ordinance is applied and interpreted. It explains how time is computed, how references to other documents are intended to be to the most recently-amended versions, how authority for an action may be delegated by a review authority to professional-level staff, the difference between mandatory (shall) and discretionary (should) terms, how the text controls when it differs from an associated illustration, the protocol when a particular term is not defined, and several other aspects.

This section replaces the standards in Sections A1-3, A1-4, A1-7, and B1-8 in the current ordinance.

5.2.10 TRANSITIONAL PROVISIONS

- A. Violations Continue**
- B. Existing Nonconformities**
- C. Approved Applications**
- D. Pending Applications**
- E. Prior Approved Planned Unit Developments**
- F. Pre-Existing Special Use Districts**
- G. Established Uses Without a Special Use Permit**

The transitional provisions section describes how various applications and development conditions in progress at the time of adoption of the new Unified Development Ordinance (UDO) are addressed. It establishes that:

- Violations of the current regulations continue to be violations under the new ordinance (unless they are no longer considered violations, or unless the statute of limitations has expired) and are subject to the penalties and enforcement provisions set forth in new Chapter 9, Enforcement.
- Nonconformities existing prior to adoption of the new Unified Development Ordinance (UDO) will continue to be nonconforming under the new regulations unless the regulations resulting in the nonconforming status are changed.
- Completed applications that are already in the development approval process at the time of the adoption of the new Unified Development Ordinance (UDO) may be processed under the provisions of the prior regulations or the standards of the new ordinance, at the applicant's discretion. In cases where an applicant seeks to proceed under the newly-adopted regulations, written notice must be provided to the City-County Planning Department, and the application no longer subject to any timing provisions associated with the prior regulations.
- Applications that are submitted, but not determined to be complete prior to the effective date of the new Unified Development Ordinance (UDO), shall only be processed under the newly adopted regulations.
- Special use permits, variances, preliminary plats, statutorily-vested development, and building permits are governed by the terms and conditions of their approvals, and the rules in existence at the time of their approval. If, however, they fail to comply with the terms and conditions of their approval or fail to meet established time frames, their approval expires, and development of the site must comply with the requirements of the new Unified Development Ordinance (UDO).
- Applications submitted after the effective date of the new UDO are subject to the procedures and standards of the new UDO.
- Lands subject to a special use zoning permit and corresponding special use zoning district designation approved prior to the effective date of the new Unified Development Ordinance (UDO) retain their zoning district designation and special use district zoning permit unless there is an application to change the district designation or aspect of the permit. Applications for change are subject to the standards of the new UDO.
- In the event a particular use type becomes subject to requirements for a special use or other discretionary permit that is not required under the current regulations, the transitional standards consider the existing development to have acquired the permit as part of adoption of the new UDO. Any changes to the existing development will require approval of the required discretionary permit.

5.2.11 ZONING DISTRICT TRANSLATION

This section is comprised of a summary table setting out any proposed translations, consolidations, or deletions of existing zoning districts along with a listing of new zoning districts proposed under the new Unified Development Ordinance (UDO). The translation process allows the community to revise zoning district names and abbreviations for greater clarity and consolidate existing districts with very similar dimensional standards or uses without rising to the level of a community-wide rezoning process. An initial version of a translation chart for the general zoning districts is listed below. Details on the district consolidations and additions is set out in the paragraphs on new Chapter 3: Zoning Districts. The table below is proposed as a starting point for discussion. It seeks to consolidate the community's current general use zoning districts (and the Historic district) into 23 proposed general use districts and four planned development districts configured for different contexts.

These changes are proposed to simplify the Unified Development Ordinance (UDO) as well as to propose intuitive district names and density/intensity distinctions. These general districts are supplemented with a series of corresponding new conditional zoning districts. The community's existing special use and special

use-limited districts are proposed to be carried forward, but the process for establishing these kinds of conditioned districts is proposed for revision to the one-step legislative conditional rezoning process. Any changes to an existing special use district requires a rezoning a general use, conditional, or planned development district.

TABLE <>: ZONING DISTRICT TRANSLATION			
FORMER ZONING DISTRICTS		PROPOSED ZONING DISTRICTS [1] [2]	
Protected Districts			
YR	Yadkin River Conservation	CON	Conservation
AG	Agricultural	AGR	Agriculture
H	Historic	HIS	Historic
Residential Districts			
RS-40	Residential Single-Family	SFL	Single-Family Low Density
RS-30	Residential Single-Family		
RS-20	Residential Single-Family	SFM	Single-Family Medium Density
RS-15	Residential Single-Family		
RS-12	Residential Single-Family		
RS-9	Residential Single-Family	SFH	Single-Family High Density
RS-7	Residential Single-Family		
RSQ	Residential Single-Family Quadraplex	MFL	Multi-Family Low Density
RM-5	Residential Multifamily		
RM-8	Residential Multifamily	MFM	Multi-Family Medium Density
RM-12	Residential Multifamily		
RM-18	Residential Multifamily	MFH	Multi-Family High Density
RM-U	Residential Multifamily		
MH	Manufactured Housing Development	MHD	Manufactured Housing Development
Mixed-Use Districts			
(new)		MUL	Mixed-Use Low Intensity
IP	Institutional and Public	MUI	Mixed-Use Institutional
C	Campus		
(new)		MUO	Mixed-Use Open
MU-S	Mixed Use-Special	(relocate to special use districts)	
Nonresidential Districts			
NO	Neighborhood Office	OFL	Office Low Intensity
LO	Limited Office		
CPO	Corporate Park Office	OFH	Office High Intensity
GO	General Office		
NB	Neighborhood Business	BZL	Business Low Intensity
PB	Pedestrian Business		
LB	Limited Business	BZM	Business Medium Intensity
NSB	Neighborhood Shopping Center Biz.		
HB	Highway Business	BZH	Business High Intensity
GB	General Business		
MRB-S	Major Retail and Business – Special	(relocate to special use districts)	
CB	Central Business	CBD	Central Business
E	Entertainment (Winston-Salem only)	EWS	Entertainment
LI	Limited Industrial	INL	Industrial Low Intensity
CI	Central Industrial	INM	Industrial Medium Intensity
GI	General Industrial	INH	Industrial High Intensity
Planned Development Districts			
(new)		PD-DT	Planned Development - Downtown
(new)		PD-TN	Planned Development – Traditional

TABLE <>: ZONING DISTRICT TRANSLATION

FORMER ZONING DISTRICTS	PROPOSED ZONING DISTRICTS [1] [2]	
		Neighborhood
(new)	PD-TO	Planned Development – Transit Oriented
(new)	PD-NF	Planned Development – Infill
NOTES: [1] Each Protected, Residential, Mixed-Use, and Nonresidential district has a corresponding conditional zoning district. [2] All existing Special Use (including Special Use Limited and No Site Plan) districts are carried forward, but may only be changed to a general use, condition, or planned development district.		

5.2.12 VESTED RIGHTS

This section establishes the rules for the vesting of approved development from the need to comply with changes to the requirements in the Unified Development Ordinance (UDO). This section carries forward the provisions for vested rights in Section B1-5.2 of the current ordinance with one change which is the relocation of the definitions in the section to Chapter 10: Measurement and Definitions.

5.2.13 SEVERABILITY

- A. Invalidation of Ordinance**
- B. Invalidation of Application**
- C. Presumption of Validity**

This section declares that if any part of the Unified Development Ordinance (UDO) is ruled invalid, the remainder of the UDO is not affected and continues to apply. This section carries forward the standards in Section B1-6 of the current ordinance with no substantive changes.

5.2.14 GLOSSARY OF ABBREVIATIONS

The glossary of abbreviations is a new section consisting of a very simple two-column table that lists the abbreviations used in the Unified Development Ordinance (UDO) and the corresponding terms they signify. One common example of this are base zoning district names, which are often identified by abbreviation.

5.3 CHAPTER 2: PROCEDURES

General Commentary: This chapter consolidates all the various procedural information from throughout the ordinance into a single location. The chapter includes the standard review procedures section that sets out the application submittal and review process that applies to each and every development application type reviewed under the ordinance. It also includes detailed information on the various individual permit review procedures (map amendments, site plans, building permits, etc.). This information will be consolidated, streamlined, and standardized in terms of its structure for greater predictability.

5.3.1 STANDARD REVIEW PROCEDURES

- A. Purpose and Intent**
- B. Pre-Application Conference**
- C. Neighborhood Meeting**
- D. Application Submittal**
- E. Staff Review and Action**
- F. Public Notice**
- G. Public Meetings and Hearings**
- H. Review by Planning Board**
- I. Action by Review Authority**
- J. Conditions of Approval**
- K. Notification of Decision**
- L. Effect**
- M. Continuance**
- N. Withdrawal**
- O. Limitation on Subsequent Similar Applications**
- P. Amendment**
- Q. Expiration**

One trend typical to modern development regulations is the consolidation and standardization of procedural material so that it must only be listed once in the code. This reduces the heft of a zoning ordinance, helps users find the information easily, and helps limit inconsistency as the ordinance evolves over time. One area ripe for such a consolidation is the various development review procedures related to the following:

- Who has authority to submit applications;
- Application fees and schedule (included in the current appendices);
- Rules governing the timing, preparation, and distribution of a staff report;
- Public notification and public hearing requirements;
- Deferral and withdrawal of applications;
- Basic procedures to follow during public hearings;
- Review and approval (including the imposition of conditions on approval);
- Notification of the applicant regarding the decision;
- Amendment or extension of an approval;
- Appeals; and
- Lapse (or expiration) of approval.

These are basic provisions that remain consistent regardless of the type of development application being reviewed. They are listed once in this section and then cross referenced in each of the specific development review application procedures.

5.3.2 SPECIFIC DEVELOPMENT APPLICATIONS

- A. Purpose and Intent**
- B. Procedure Text Structure**
- C. Specific Review Procedures Summary Table**
- D. Administrative Adjustment**
- E. Appeal**
- F. Building Permit**
- G. Certificate of Occupancy**
- H. Development Agreements**
- I. Exempt Subdivision**
- J. Expedited Subdivision**
- K. Final Plat**
- L. Interpretation**
- M. Major Site Plan**
- N. Minor Subdivision**
- O. Planned Development**
- P. Preliminary Plat**
- Q. Sign Permit**
- R. Special Use Permit**
- S. Temporary Use Permit**
- T. UDO Text Amendment**
- U. Variance**
- V. Zoning Compliance Permit**
- W. Zoning Map Amendment**

This section includes the specific review standards that are applied to each individual application for development approval, other unique procedural review requirements for each individual application if there are additional or different procedures apart from the standard review procedures, and the rules governing minor modifications and amendments. It also broadens the line-up of current procedures by adding information on interpretations, and new permit procedures, including an administrative adjustment, a codified appeal procedure, , a development agreement procedure, a procedure for exempt and expedited subdivisions, an interpretation procedure, a planned development procedure, a sign permit procedure, and a map amendment procedure that includes provisions for conditional zoning applications. Each permit procedure will follow a standardized format that includes: a purpose and intent, applicability, a description of the application review process, the action to be taken by the decision-making body, the review criteria to be used in deciding the application, the effect of the decision, if and how the permit can expire, and appeal provisions. In addition, each specific review procedure includes a review process flowchart. In addition, the section includes a summary table that explains the review authority and process for review of each specific application type a sample table from another community is shown below.

ARTICLE 151.2 PROCEDURES

Section 2.3 Specific Review Procedures

2.3.3 Specific Review Procedures Summary Table

TABLE <>: SPECIFIC DEVELOPMENT REVIEW PROCEDURES							
Pre-application Conference: "M" = Mandatory "O" = Optional "—" = not applicable Type of Action: "R"=Recommendation "D"=Decision "A"=Appeal Table symbols: < >=Legislative Public Hearing / \ =Quasi-Judicial Hearing "—" = not applicable [] = see Notes							
REVIEW PROCEDURE	SECTION REFERENCE	PRE-APPLICATION	REVIEW AUTHORITIES				
			UDO ADMINISTRATOR	BUILDING INSPECTOR	PLANNING BOARD [1]	BOARD OF COMMISSIONERS	BOARD OF ADJUSTMENT
Administrative Adjustment	<>	M	D	-	-	-	/A\
Appeal	<>	O	-	-	-	-	/D\
Building Permit	<>	-	-	D	-	-	/A\
Certificate of Occupancy	<>	-	-	D	-	-	/A\
Development Agreement	<>	M	-	-	R	<D>	-
Exempt Subdivision	<>	-	D	-	-	-	/A\
Expedited Subdivision	<>	-	D	-	-	-	/A\
Fill Permit	<>	O	D	-	-	-	/A\
Final Plat	<>	O	D	-	-	-	/A\
Floodplain Development Permit	<>	-	D	-	-	-	/A\
Interpretation	<>	O	D	-	-	-	/A\
Major Site Plan	<>	M	-	-	<D>	-	/A\
Minor Site Plan	<>	O	D	-	-	-	/A\
Minor Subdivision	<>	O	D	-	-	-	/A\
Planned Development	<>	M	-	-	R	<D>	-
Preliminary Plat	<>	M	[2]	-	R	<D>	-
Sign Permit	<>	O	D	-	-	-	/A\
Special Use Permit	<>	M	-	-	-	/D\	-
Transfer Plat	<>	O	D	-	-	-	/A\
Temporary Use Permit	<>	O	D	-	-	-	/A\
UDO Text Amendment	<>	M	-	-	R	<D>	-
Variance	<>	M	-	-	-	-	/D\ [3]
Vested Rights Determination	<>	M	-	-	-	<D>	-
Watershed Protection Permit	<>	O	-	D	-	-	/A\
Zoning Compliance Permit	<>	O	D	-	-	-	/A\
Zoning Map Amendment	<>	M	-	-	R	<D>	-
NOTES: [1] Applications subject to a recommendation by the Planning Board shall be heard by the Planning Board during a public meeting, but public meetings are not subject to public notification requirements in Section <>, Public Notice . [2] The TRC shall review applications for preliminary plats prior to consideration by the Planning Board. [3] Applications for a major variance to the watershed protection provisions are decided by the NC Environmental Management Commission following a recommendation by the Board of Adjustment.							

5.4 CHAPTER 3: ZONING DISTRICTS

General Commentary: This chapter consolidates all the zoning district-related provisions in the Unified Development Ordinance (UDO) into a single location. It includes portions of Article 2 of Chapter B of the current ordinance pertaining to the zoning districts, Official Zoning Map, and the application of the district regulations. New Chapter 3 also includes portions of current Article 3 of Chapter B pertaining to the district dimensional requirements, the overlay district standards in Article 4 of Chapter B pertaining to historic areas, and Articles 3 & 4 of Chapter C pertaining to water supply watershed areas, which are proposed to be treated as an overlay district in the new Unified Development Ordinance (UDO). Chapter 3 is organized to place generally-applicable information at the beginning of the chapter, then information on the general zoning districts, then the provisions for conditional (formerly referred to as “special use”) zoning districts, a new section for planned development districts, and finally, the information on overlay zoning districts.

The *Legacy* Comprehensive Plan provides several goals and objectives related to zoning districts which should be addressed in the new Unified Development Ordinance (UDO), including: a desire to accommodate and incentivize more use mixing, techniques to increase densities in infill areas while maintaining compatibility, allowances for a wider variety of housing options, design requirements and other provisions to raise the bar for development quality along the community’s growth corridors, and the potential use of form controls (in lieu of more traditional zoning techniques) to facilitate street-level vibrancy and increased pedestrian orientation around downtown. The following sections set out how the new Unified Development Ordinance can accomplish some of these objectives while at the same time increasing user-friendliness and predictability.

5.4.1 INTRODUCTORY PROVISIONS

- A. Compliance Required**
- B. Zoning Districts Distinguished**
- C. Generally Applicable Dimensional Standards**

This section introduces the zoning regulations and clarifies that all development in Winston-Salem and Forsyth County is subject to these standards. The section distinguishes between the general zoning districts, the conditional (formerly “special use”) zoning districts, planned development, and the overlay zoning districts (which apply in addition to any applicable general or special use district requirements). It also sets out all the generally applicable dimensional requirements that require new lots to meet minimum dimensional standards, the inability for more than one lot to claim credit for provision of a required yard, or how dimensional standards are applied to multiple-building developments. In addition, the section informs code reader that while the zoning district standards may specify a maximum density, there are other provisions in the UDO (like sustainable development incentives, infill incentives, or affordable housing incentives) that will allow residential densities to increase beyond the maximum threshold by a moderate amount in accordance with the particular sustainability standards in new Chapter 7: Environmental Provisions or the infill standards in new Chapter 5: Development Standards.

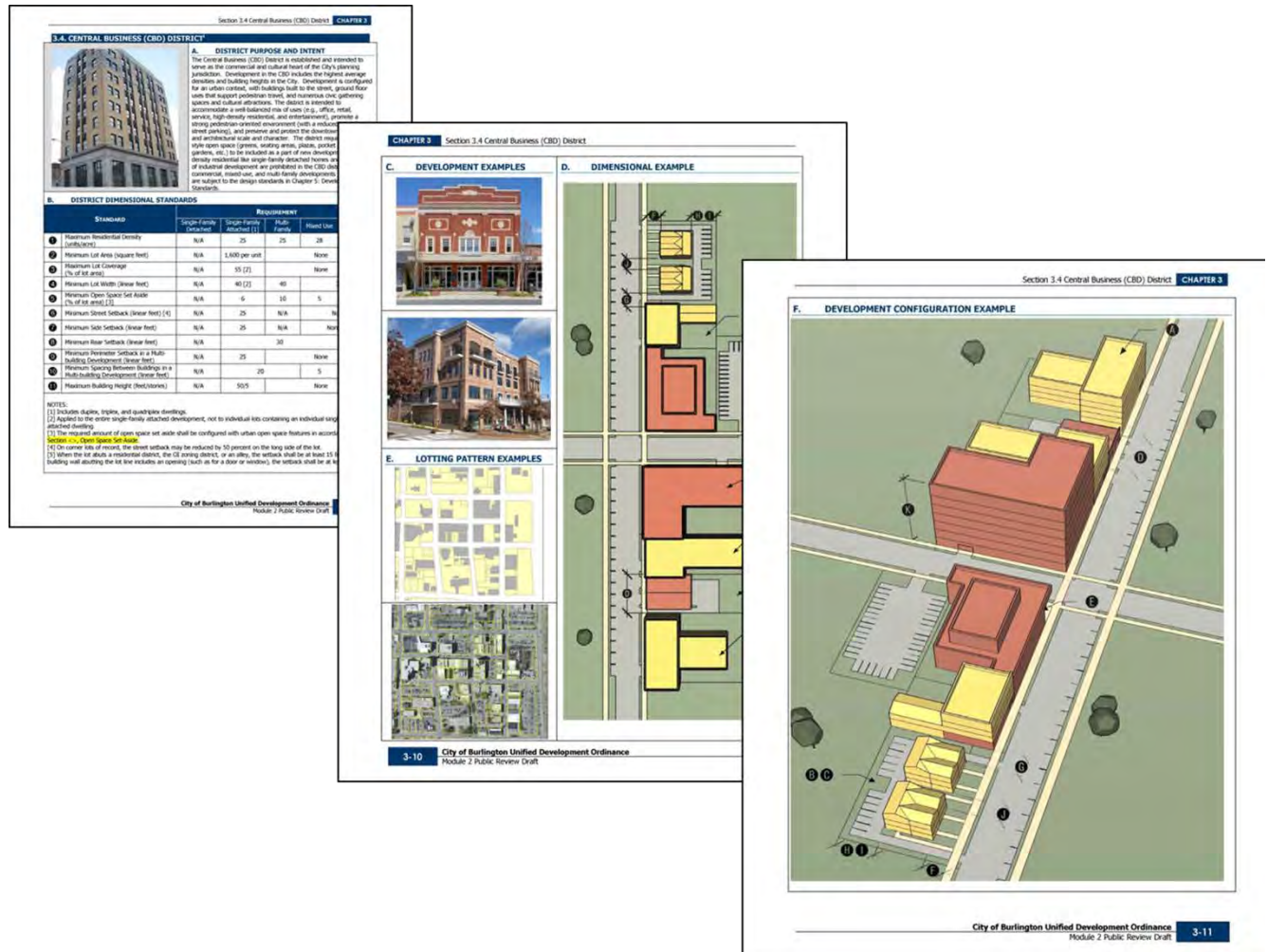
5.4.2 GENERAL ZONING DISTRICTS ESTABLISHED

- A. Summary Table**
- B. Organization of District Standards**

This section establishes the general zoning districts in a tabular form and organizes them into one of five types: special districts, residential districts, mixed-use districts, nonresidential districts, and planned development districts (see the information on the Zoning District Translation Table in Chapter 1, General Provisions, for more details on a proposed set of translations). This table is similar to the zoning district translation table in Chapter 1, General Provisions, except that it does not list the current zoning districts.

This section also explains the content, layout, and organization of the information for each of the general zoning districts. The new Unified Development Ordinance (UDO) may include a new tabular organization of general zoning district standards that include a detailed purpose statement, a summary table of dimensional

standards (organized by the range of allowable use types), images of typical or preferred development forms, an example of preferred subdivision or development configuration, and graphical depictions of the dimensional requirements. An example of these kinds of layouts is available in the Page Layout section of Part 2 of this code assessment. In addition to this basic information, the current ordinance includes a series of district-specific standards that are carried forward after the dimensional standards information. In the interest of removing repetition, the summary dimensional standards in Section B3-1.1 should not be carried forward in the updated Unified Development Ordinance (UDO).



An example three-page zoning district layout from another community. It sets out the district purpose, the dimensional standards (by use type), examples of development, preferred subdivision patterns, and then a series of diagrams showing how the buildings relate to their lots, their streets, and to one another.

5.4.3 OFFICIAL ZONING MAP

- A. Generally
- B. Incorporated By Reference
- C. Interpretation of Map Boundaries
- D. Amendments to Map

This section establishes the general provisions affecting the Official Zoning Map. It clarifies where and how the map is kept and how it can be inspected. It also establishes the review authority responsible for interpreting the map, and the criteria for how interpretations are rendered. This section also clarifies the

process for how changes to the Official Zoning Map are made following decisions on zoning map amendment applications by the appropriate elected officials.

5.4.4 GENERAL USE ZONING DISTRICT INTENT STATEMENTS

- A. Protected Zoning Districts**
- B. Residential Zoning Districts**
- C. Mixed-Use Zoning Districts**
- D. Nonresidential Zoning Districts**

This section includes four sub-sections that establish the basic intent statements applicable to all the general use zoning districts.

5.4.5 PROTECTED GENERAL USE ZONING DISTRICTS

- A. Conservation (CON) District**
- B. Agriculture (AGR) District**
- C. Historic (HIS) District**

This section sets out the three protected zoning districts: Conservation (CON) (the re-named the Yadkin River Conservation district), Agriculture (AGR), and Historic (HIS). Each of the districts is organized in accordance with the structure specified in the section on the Organization of District Standards.

The AGR district includes new requirements for any residential development constituting a major subdivision to be configured as a conservation subdivision with at least 50% open space and located on its site in a manner that minimizes the ability to see the development from adjacent thoroughfare and collector streets. The standards for a conservation subdivision are established in new Chapter 6, Subdivision Requirements.

The HIS district is proposed for removal from its current location with numerous other historic-related (but not district-based) standards and inclusion with the other zoning district materials. The HO district is relocated to the overlay standards, the historic district establishment, amendment, variance, COA, and demolition by neglect provisions are proposed for relocation to new Chapter 2, Procedures. The enforcement-related provisions and material related to the Historic Resources Commission are proposed for relocation to the new Chapter 7, Authorities and Enforcement.

5.4.6 RESIDENTIAL GENERAL USE ZONING DISTRICTS

- A. Single-Family Low Density (SFL) District**
- B. Single-Family Medium Density (SFM) District**
- C. Single-Family High Density (SFH) District**
- D. Multi-Family Low Density (MFL) District**
- E. Multi-Family Medium Density (MFM) District**
- F. Multi-Family High Density (MFH) District**
- G. Manufactured Housing Development (MHD) District**

This portion of Chapter 3 sets out the district standards for the proposed seven residential zoning districts (which are consolidated from the 14 residential districts in the current zoning regulations). Information for each of the districts is organized in tabular form, including a purpose statement, dimensional standards, and graphics of preferred development forms, subdivision layout, and diagrams about how buildings in each district relate to one another and the public realm (should the City-County decide to organize its zoning district information in accordance with the zoning district figures in Part 2 of this code assessment). Each district will also include any district-specific standards after the illustrations.

As shown in the district translation table in the material describing new Chapter 1, General Provisions, the general use residential districts have been consolidated from 14 to seven districts and given new district

names and abbreviations intended to impart information about the character of the district. The proposed names and consolidations are proposed as a starting point for discussion by the community. In many cases, the consolidations join districts with differing dimensional requirements. In these cases, the most permissive dimensional requirement is the one proposed for retention as the district standard. For example, if one former district has a lot size of 30,000 square feet and it is proposed to be consolidated with another district that allows lot sizes of 20,000 square feet, then the new consolidated district lot size would be the smaller of the two. This is done to avoid the creation of nonconformities as well as to ensure that the proposed changes may be considered as a translation. It is true that the proposed translations could increase development potential in some areas, and this is an issue for consideration by the community. There are pros and cons to such an approach. On the “pro” or positive side, this kind of translation creates a potential to increase densities in areas already served by infrastructure as well as the potential to accommodate wider varieties of housing types in already developed areas. On the potential negative or “con” side, this kind of approach can create higher densities that were not anticipated by existing landowners. One way to address these kinds of concerns is to limit densities on existing, developed lots of record to what existed upon adoption of the new UDO.

5.4.7 MIXED-USE GENERAL USE ZONING DISTRICTS

- A. Mixed-Use Low Intensity (MUL) District**
- B. Mixed-Use Institutional (MUI) District**
- C. Mixed-Use Open (MUO) District**

This section sets out zoning district information (in a format similar to that listed in the residential general use zoning district section) for the proposed three mixed-use zoning districts. The proposed UDO establishes a new low-intensity or neighborhood scale mixed use district called Mixed-Use Low Intensity (MUL), a consolidation of the current Institutional and Public and Campus districts into a new Mixed-Use Institutional (MUI) district, and proposes a new high intensity general zoning district referred to as the Mixed-Use Open (MUO) district. The MU-S district is a special use district and is relocated to the section on special use zoning districts (though the current MU-S district is actually more similar to the proposed planned development districts).

As with the residential districts, each of the mixed use districts is organized in tabular form, including a purpose statement, dimensional standards, and graphics of preferred development forms, subdivision layout, and diagrams about how buildings in each district relate to one another and the public realm (should the City-County decide to organize its zoning district information in accordance with the zoning district figures in Part 2 of this code assessment). Each district will also include any district-specific standards after the illustrations. The new MUL and MUO districts are proposed to be made available to landowners, and may include locational criteria such as corner lots and lots lining collector or thoroughfare streets that back up to residential neighborhoods for the MUL district. This annotated outline does not anticipate the initiation of any zoning map amendments by the City of County to establish either of the new mixed-use districts as part of adoption of the updated Unified Development Ordinance (UDO).

5.4.8 NONRESIDENTIAL GENERAL USE ZONING DISTRICTS

- A. Office Low Intensity (OFL) District**
- B. Office High Intensity (OFH) District**
- C. Business Low Intensity (BZL) District**
- D. Business Medium Intensity (BZM) District**
- E. Business High Intensity (BZH) District**
- F. Central Business (CBD) District**
- G. Entertainment (EWS) District**
- H. Industrial Low Intensity (INL) District**

I. Industrial Medium Intensity (INM) District

J. Industrial High Intensity (INH) District

The nonresidential general use zoning districts section sets out the proposed 10 nonresidential districts (including the industrial districts). As with the residential districts, the proposed Unified Development Ordinance (UDO) seeks to consolidate many of the current districts into a new organization that reduces the number of districts generally, and helps “fit” zoning districts to different established contexts. For example, the four current office districts are proposed for consolidation into two districts, and six business districts are proposed for consolidation into three classifications based on low, medium, and high intensity. The MRB-S district is a special use district and as is relocated to the special use zoning district provisions. It is possible that the new Unified Development Ordinance (UDO) could be supplemented with large retail design standards that would lessen the need for the MRB-S district altogether. The industrial districts are proposed to be carried forward with the other nonresidential districts, subject to name changes that are consistent with the high medium and low intensity distinctions. The Entertainment (E) district is also carried forward.

While the Central Business (CB) district is proposed to be carried forward, one possibility for the community’s consideration is the establishment of a new voluntary, floating planned development district within and around the central business district. Part of the proposed planned development district would be an eligibility line within which any land could be rezoned to the planned development downtown district, while land outside the eligibility boundary could not. This approach creates the potential for landowners within the designated area to rezone their land to a much more flexible and largely form-based planned development zoning district (as contemplated in the *Legacy Comprehensive Plan*). The planned development district is attractive to potential applicants since it removes density limitations, height limits, parking requirements, most landscaping standards, and reduces the focus on the portions of buildings and sites not visible from the public realm. This approach serves the community by encouraging more vibrant downtown streets, more residential development in the core of the community, and an increased pedestrian orientation in the community core.

5.4.9 CONDITIONAL ZONING DISTRICTS

A. Purpose and Intent

B. Classification

C. Districts Established

D. Applicable Standards

E. Conditional Zoning Plan

This is a new section that is proposed to replace the community’s current special use and special use limited/no site plan district sections. It establishes a series of parallel conditional zoning districts that correspond to the general use zoning districts except that the development within a conditional district is subject to a series of conditions accepted by the applicant and the elected officials. A conditional zoning district is established in accordance with the zoning map amendment process. However, conditional zoning does not require issuance of a special use permit or special use zoning permit. The conditions (and any associated site or “zoning” plan) are embodied within the zoning district approval.

One distinction between this proposed section and current practice is that a conceptual zoning plan is required to be filed with an application for conditional zoning along with a text description of the proposed development and any proposed conditions. An applicant may, at their own discretion, submit a highly detailed zoning plan, or the zoning plan may be more conceptual in nature. A conceptual plan may not show lots, exact building footprints, streets, parking areas, driveways, landscaping, or similar features (though such feature may be included, at the applicant’s discretion). Any subsequent subdivision of land is subject to the subdivision review process and development must undergo site plan review in accordance with all applicable provisions (this differs from the current MU-S district process where a preliminary plat is approved concurrently with the MU-S district designation). Nothing limits an applicant from filing an application for a preliminary plat and or a site plan concurrently with their application for conditional zoning.

5.4.10 SPECIAL USE ZONING DISTRICTS

- A. Purpose**
- B. Districts Established**
- C. Modifications**

This section carries forward the special use district standards (including the special use limited and the special use no site plan provisions). However, the proposed Unified Development Ordinance (UDO) converts the community's current special use zoning districts to conditional rezoning districts as a means of limiting confusion between the special use districts, special use zoning permits, and regular special use permits applied to specific types of development in accordance with the principal use table.

Special use districts are established in this section and the standards clarify that land designated with a special use zoning district designation shall remain in that designation and shall be subject to all applicable conditions of approval until such time as the applicant seeks to change the development or the zoning district designation. All changes to approved development or zoning district designations shall comply with the proposed Unified Development Ordinance (UDO) and as such, applications shall be treated as a request for general use zoning, conditional zoning, or planned development zoning.

One change from the current ordinance is the relocation of the Major Retail and Business District (MRB-S) and the Mixed Use Special Use (MU-S) districts from the general use zoning districts to this section on special use districts.

5.4.11 PLANNED DEVELOPMENT DISTRICTS

- A. Purpose and Intent**
- B. General Standards for All Planned Development Districts**
- C. Planned Development Master Plan**
- D. Planned Development Terms and Conditions**
- E. Planned Development Districts**

This section includes a new set of planned development districts. Planned development districts are zoning districts that are subject to a master plan and a statement of terms and conditions. The basic premise behind the approach is that an applicant can receive flexibility in the methods of compliance with (most) of the otherwise applicable dimensional and development standards in return for proposing a form of development that would result in a higher overall level of quality or a an increased level of consistency with the Legacy Comprehensive Plan than would otherwise result from strict adherence to the codified standards. It allows an applicant the ability to negotiate the requirements in return for a better development (much like the process envisioned by the current MU-S district standards).

While the current ordinance allows for planned residential developments, they are treated as a use type. These draft standards consider them as zoning district so they may be considered by the elected officials during the legislative decision making process. Like the special use districts, the application to establish a planned development district is supplemented with a site plan. This is so the community can determine if in fact the proposed development will result in a higher quality of design or a better overall outcome.

The proposed Unified Development Ordinance (UDO) includes four different types of planned development district, each configured for a specific kind of development: downtown, traditional neighborhood development, transit oriented development, and infill development.

The downtown district is proposed for applicability to the blocks around the central business district (30-40 blocks is a typical district size). The district includes an eligibility boundary outside of which the district is not available. The district is voluntary, and it may be applied to any lands within the PD-DT eligibility area. It includes considerable flexibility in return for development configured to support pedestrian-orientation, a vibrant public realm, and mixed-uses (along with other aspects similar to those found in the current CB district and the WO overlay district). One additional issue to consider is whether or not the City would approve a map amendment application within the PD-DT eligibility area that sought to establish a zoning district other

than the PD-DT district. Allowing districts other than the PD-DT to be established maintains maximum flexibility, but could delay the conversion of uses and development to the kinds of mixed-use high intensity downtown district envisioned by the *Legacy Comprehensive Plan*.

The proposed Unified Development Ordinance (UDO) includes two other planned development districts that build on the standards in the current MU-S district – the PD-TN (traditional neighborhood) and the PD-TD (transit-oriented) districts. These planned development districts include parameters intended to support the establishment of preferred development forms, and may also have locational attributes that control where the districts may be established. The proposed UDO also includes a planned development designed to foster infill development that allows a broad range of uses and development configurations but emphasizes compatibility.

All planned unit development configurations approved prior to the adoption of the new Unified Development Ordinance (UDO) would be permitted to remain, subject to their prior approvals. In the event any changes are sought, the development would need to be configured in accordance with the new ordinance. In addition, the new standards will clarify that an applicant may file an application for a preliminary plat and/or a site plan concurrently with an application to established a planned development district.

5.4.12 OVERLAY DISTRICTS

- A. Purpose
- B. Establishment
- C. Relationship to General Use, Conditional, and Special Use Districts
- D. Conflict
- E. Overlay District Provisions

This section establishes the overlay zoning districts and describes how they relate to the underlying general use, conditional, special use, or planned development districts. It also explains how conflicts between underlying and overlay districts are addressed as well as how conflicts between multiple overlays applying to the same lot are addressed. The table below describes the proposed changes to the six overlay districts in the current Unified Development Ordinance (UDO).

TABLE <>: OVERLAY ZONING DISTRICTS			
FORMER UNIFIED DEVELOPMENT ORDINANCE		PROPOSED UNIFIED DEVELOPMENT ORDINANCE	
AO	Airport Overlay	AIRO	Airport Overlay
(new)		GOMO	Growth Management Area Overlay [1]
HO	Historic Overlay	HISO	Historic Protection Overlay [2]
NCO	Neighborhood Conservation Overlay	NECO	Neighborhood Conservation Overlay
MLKO	Martin Luther King Overlay [3]	THRO	Thoroughfare Overlay
TO	Thoroughfare Overlay		
WO	Winston Overlay	WISO	Winston Overlay
(new)		WATO	Watershed Protection Overlay
NOTES:			
[1] This proposed overlay district is comprised of five sub-districts each corresponding to the area designations in the Legacy Comprehensive Plan.			
[2] The Historic (H) district is proposed for relocation with the other general use districts,			
[3] The MLKO is proposed for consolidation as one of the THRO sub-districts (though it could also be converted to a designated NCO sub-district instead).			

As shown in the table, the proposed Unified Development Ordinance (UDO) would rename and consolidate several of the overlay districts as well as add a new Growth Management Area Overlay (GOMO) district. The

GOMO creates the ability to represent the Legacy Comprehensive Plan GMA areas on the zoning map as a means of helping guide rezonings. In addition, the various use-based, dimensional, and design-based provisions currently embedded within individual general use districts can be relocated to a central location within the new UDO.

The Neighborhood Conservation Overlay (NECO) district is carried forward, but the district needs to be revised to establish and incorporate each of the individual sub-districts that currently exist as well as indicate to the reader where these individual standards can be reviewed. Any existing residential sub-district standards should be reviewed for consistency with recent changes in the State statutes that bar the community from applying or enforcing design-related provisions to single-family and two-family dwellings.

The current Thoroughfare Overlay is carried forward with a new abbreviation, and more clarity about the fact that different portions of the community may be designated as with a particular NECO sub-district designation intended to help implement the *Legacy* Comprehensive Plan. As with the current Neighborhood Conservation Overlay district standards, individual portions of the community subject to unique THRO standards should be identified by name in the regulation and supplemented with details about where these individual standards may be reviewed. Another potential consideration is the conversion of the MLKO into one of the NECO sub-districts.

The Winston Overlay is proposed to carry forward with a new abbreviation, though the WISO standards should be integrated with the other Planned Development Downtown (PD-DT) standards. This approach would expand the application of the WISO standards to a larger area, and allow the overlay district to be phased out as lands around downtown convert to the proposed planned development district.

Because the water supply watershed protection standards have a strong influence on development densities, impervious surface cover, and the range of allowable uses, this proposed Unified Development Ordinance (UDO) relocates these standards (with no substantive changes) to a new Watershed Protection Overlay (WATO) district in this section.

5.5 CHAPTER 4: USE STANDARDS

General Commentary: Chapter 4, Use Standards, consolidates all the use-related provisions into a single chapter. It includes the information on principal, accessory, and temporary uses, each of which is organized into its own section.

5.5.1 CHAPTER ORGANIZATION

A. Uses Distinguished

B. Chapter Organization

This section explains the difference between principal, accessory, and temporary uses. It also describes the structure of the chapter and clarifies that all uses are defined in new Chapter 10, Measurement and Definitions.

5.5.2 PROHIBITED USES

A. Prohibited Everywhere

B. Prohibited by Overlay District

This is a new section necessitated by recent NC Court of Appeals rulings on how unlisted uses must be treated. In the past, local governments have taken the position that uses not listed in its district provisions or in its use table are prohibited, but this stance can no longer be taken. Now, local governments must clarify if there are particular uses that are prohibited throughout the community. This section establishes two types of prohibited uses: those prohibited everywhere, and those prohibited by overlay district (it is possible to add a third section that prohibits particular use types by jurisdiction, if such an approach is desired).

Uses prohibited throughout a jurisdiction are typically intensive or locally undesirable uses like infectious or radioactive waste storage, paper processing, and uses engaged in rendering of compounds from animals. Some local governments also seek to prohibit any additional new outdoor advertising (billboards). There are some uses that may not be prohibited throughout a jurisdiction, such as: adult uses, manufactured homes, hydraulic fracturing, group homes, and games of skill.

This section also cautions code users that some use types, while permitted in an underlying general use, conditional, special, or planned development district, may be prohibited within an overlay district like the Watershed Protection Overlay (WATO) district, in flood damage protection areas, or as limited by the proposed Growth Management Overlay (GOMO) district. Any use prohibitions should be located with the particular overlay district standards (though the use-specific standards may include information pertaining to overlay districts where particular uses are prohibited).

5.5.3 PRINCIPAL USES

A. Use Organization System

B. Unlisted Uses

C. Principal Use Table

D. Use-Specific Standards

In an effort to provide better organization, precision, clarity, and flexibility to the uses in the zoning districts and the administration of the principal use table, the table and use regulation system is organized around a three-tiered concept of use classifications, use categories, and use types. The principal use table in the current ordinance does include an organizing principle, but it appears to blend use classifications with use categories. For example, "residential" is a use classification, but "retail and wholesale trade" are examples of use categories. Both of these terms are used as an organizing principal in the principal use table.

Use classifications, the broadest category, organize land uses and activities into general use categories (residential uses, institutional uses, commercial uses, industrial, and agricultural uses). Use categories, the

second level or tier in the system, is composed of groups of individual types of uses. Use categories are further divided into specific use types based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.

This three-tiered system of use classifications, use categories, and use types provides a systematic basis for assigning present and future land uses into zoning districts. The section will also describe the procedure and criteria for classifying new or unlisted uses based upon the existing classification system. While the current use table is exhaustive, there are many newer uses that are not included. For example, uses like co-working space, maker space, event venues, live/work units, business incubators, pocket neighborhoods, bungalow courts, small wireless facilities, and many others. In addition there are some listed uses that do not appear to be principal uses, or are uses that need further consideration. For example: storage trailer, outdoor display retail, fee charged fishing, small home child care, and others.

The principal use table is a vital part of any ordinance as it shows which uses are allowed in which districts, and under what review procedures. This section includes a new principal use table that color codes the columns by district type (protected, residential, mixed-use, and nonresidential). The district consolidations described in Chapter 3 may allow the table to be re-oriented into portrait view. The table header includes details on the type of review procedure to establish a use. Finally, the new table will include a new symbol "A" that indicates if a particular use type is allowed in a particular planned development district (any use desired for inclusion in a particular planned development district must be identified by name in the terms and conditions statement, and must have an "A" in the corresponding column in the use table to be permitted). A portion of an example table from another jurisdiction is reproduced below.

TABLE <>: PRINCIPAL USE TABLE [1]																									
"A" = Allowed if included in Master Plan or Terms and Conditions Statement "C" = Permitted, subject to Section <>, Rezoning, applicable Use-Specific Standards, and identified in conditions of approval "P" = Permitted, subject to applicable Use-Specific Standards "S" = Permitted subject to Section <>, Special Use Permit, and applicable Use-Specific Standards " " (blank cell) = Prohibited																									
USE TYPE	PC	RESIDENTIAL				MX	COMMERCIAL				IND.		CONDITIONAL				PD & PDD	USE-SPECIFIC STANDARDS [2]							
		RMH	LDR	MDR	HDR		OI	NB	GB	CBD	LI	HI	CR	COI	CB	CI									
Current District/ Use (to be deleted after adoption)		R-M	R-30	R-15	R-12	R-9	R-6	MF-A	MF-B	CMX-R	CMX-C	P-OI	OI	B-1	B-2	B-3	I-2	I-3	CB	COI	CB	CI	C		
RESIDENTIAL USE CLASSIFICATION																									
Assisted Living Facility																			C	C	C	C	A	<>	
Boarding/Rooming House												S	S										A	<>	
Boarding and Rooming Houses										C	C	P	P	P						C					
Bungalow Court							P							P									A		
Continuing Care Retirement Community																			C	C	C		A	<>	
Continuing Care Retirement Community																			C	C					
Duplex Dwelling					P		P			P													A		
Dwelling, duplex or two-family on one lot						P	P	P	P	C	C		P							C					
Family Care Home		P	P		P		P		P	P		P	P	P									A	<>	
Family Care Home		P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	C	C	C	C			
Group Home							S		S	S			S										A	<>	
Halfway House							S		S	S														<>	
Live/Work Dwelling									P	P		P	P	P									A	<>	
Manufactured Dwelling		P																						<>	
Manufactured Dwelling Park																			C					<>	
Mobile Home																									
Mobile Homes/ Manufactured Houses		P																							
Mobile Home Park																								<>	

This last sub-section in the principal use provisions consolidates the specific use standards from Section B.2-5 of the current ordinance. The draft Unified Development Ordinance will organize the use-specific standards in alphabetic order by use classification and then by use category. In no instance shall the section include standards for use types that are not listed in the summary use table though there may be use types that do not have any use-specific standards. Where possible, any existing accessory use standards will be relocated to the next section on accessory uses. The planned residential development use type will be recognized as a use type, but any changes to this use will require rezoning to one of the available planned development districts. The telecommunication standards will be revised into a single set of standards applicable in both the City and the County that addresses the recent changes on collocation and small wireless facilities.

5.5.4 ACCESSORY USES AND STRUCTURES

- A. Purpose and Intent**
- B. Organization**
- C. Procedure for Establishment**
- D. General Standards Applicable to All Accessory Uses**
- E. Common Accessory Uses**
- F. Use-Specific Standards for Common Accessory Uses**

Accessory uses or structures are those uses that are subordinate to the principal use of a building or land, located on the same lot as the principal use, and customarily incidental to such use or structure. For example, an above- or below-ground swimming pool is typically considered an accessory structure to a single-family home. All of the regulations and standards governing accessory uses and structures are relocated to this section, including those pertaining to home occupations and accessory dwelling units.

This section describes the purpose and intent of the accessory use standards and how they are organized. The section also clarifies that an accessory use may not be established until after a principal use has been established.

There are general provisions applicable to all accessory uses and structures that describe the ways in which the accessory must be subordinate to the principal use, and address issues such as allowable locations, maximum size, compliance with dimensional requirements, and any allowable exceptions (such structures accessory to a residential lot on a site in excess of ten acres).

As with the principal uses, the accessory use section includes a summary table of accessory uses by zoning district. It introduces the concept that some accessory uses are only allowable in some districts through the approval of a special use permit (e.g., drive-throughs in low intensity districts, new telecommunication towers over 30 feet in height, or outdoor storage). It also includes a series of newer accessory uses such as food trucks, ice houses, outdoor seating (for commercial establishments), solar energy systems, art installations, ATMs, EV charging stations, small wireless facilities (including DAS nodes), and cluster box units.

5.5.5 TEMPORARY USES AND STRUCTURES

- A. Purpose and Intent**
- B. Applicability**
- C. General Standards Applicable to All Temporary Uses**
- D. Standards for Specific Temporary Uses**

Temporary uses are uses proposed to be located on a lot for a limited duration of time and are not identified as principal or accessory uses. Temporary uses include items like temporary storage containers or construction trailers. The proposed temporary use permit procedure (instead of the current zoning permit procedure) will be used to evaluate these uses, based on the standards and time limitations for temporary uses established in this section.

The standards are organized to list the standards applicable to all types of temporary uses and then the standards applicable to specific temporary uses (including maximum duration and maximum number of occurrences per lot per calendar year). The section includes new standards for temporary family care structures, portable storage containers on residential lots, itinerant merchant sales, outdoor seasonal sales (Christmas trees, pumpkins, etc.), and temporary wireless facilities.

5.6 CHAPTER 5. DEVELOPMENT STANDARDS

General Commentary: This chapter contains all of the development standards in the updated UDO related to the physical layout of new development with the exception of the standards pertaining to the environment in new Chapter 7, Environmental Provisions (e.g., open space, riparian buffers, flood damage prevention, etc.). One notable change from the current Unified Development Ordinance (UDO) is the inclusion of purpose and intent statements for all development standards. The sequencing of the standards has been somewhat revised from the sequence in the current ordinance, though the ultimate organization is discretionary. Each set of development standards, particularly the design standards, should be illustrated. While the current ordinance does include a few illustrations, there needs to be considerably more graphics and illustrations in the document, including illustrations of what not to do in addition to illustrations of what should be done.

5.6.1 OFF-STREET PARKING AND LOADING

- A. Purpose and Intent
- B. Applicability
- C. Exemptions
- D. Off-Street Parking Requirements
- E. Parking Lot Configuration
- F. Bicycle Parking
- G. Maintenance and Operation
- H. Parking Alternatives
- I. Off-Street Loading

This section carries forward much of the community's current parking standards with some basic reorganization and inclusion of illustrations. The off-street parking requirements table should continue to mirror the principal and accessory use tables in terms of which uses have listed standards. The community's current parking alternative provisions should be consolidated under a new alternative parking plan section that establishes a single staff-administered process for granting flexibility to deviate from parking requirements. One area of more significant change is shifting away from requirements for providing off-street loading facilities to an approach where an applicant may determine on their own whether or not a use requires loading facilities, and if so, then ensuring the loading facilities are configured in accordance with the required standards.

5.6.2 ACCESS AND CIRCULATION

- A. Purpose and Intent
- B. Applicability
- C. Exemptions
- D. Street, Sidewalk, and Greenway Configuration
- E. Driveways
- F. Visibility at Intersections
- G. On-Site Pedestrian Walkways

This is a new section proposed to address how persons enter, exit, and move around individual development sites safely, whether on foot or in a vehicle. It consolidates a wide variety of existing standards pertaining to driveways, sight distance triangles, parking lot cross access, on-site pedestrian walkways (between buildings and to the sidewalk/greenway system), and includes cross references to the street, sidewalk, and greenway standards in new Chapter 6, Subdivision Requirements (as a means of clarifying that these standards apply to individual development sites as well as to subdivisions).

5.6.3 LANDSCAPING

- A. Purpose and Intent**
- B. Applicability**
- C. Exemptions**
- D. Landscaping Plan Required**
- E. Plant Material Specifications**
- F. Landscaping Placement**
- G. Features Allowed in Landscaped Areas**
- H. Parking Lot Landscaping**
- I. Perimeter Landscaping Buffers**
- J. Street Trees**
- K. Planting Flexibility**
- L. Time of Installation**
- M. Required Maintenance**
- N. Site Inspection**
- O. Removal and Revegetation**

This section carries forward and consolidates many of the community's current landscaping standards in a variety of different ways. First and foremost, it consolidates the City and County standards into a single set of standards. It consolidates the basic landscaping provisions (size, spacing, etc.) with the parking lot landscaping and bufferyard standards for ease of comprehension. There is also a section on street trees which is differentiated from landscaping associated with a parking lot that abuts a street. Further, these standards relocate the tree protection and screening standards to their own respective sections. As with the other development standards, this section needs copious illustrations of parking lot landscaping provisions, plant spacing standards, and examples of bufferyard options. The section includes a compressive approach to landscaping compliance flexibility through the staff approval of an alternative landscaping plan. The standards specify maintenance obligations and clarify that topping or severe pruning is a violation of the ordinance requiring replacement (subject to performance guarantees in some instances such as removal of large trees).

5.6.4 TREE PROTECTION

- A. Purpose and Intent**
- B. Applicability and Exemptions**
- C. Retention Standards**
- D. Reforestation**
- E. Credit Towards Landscaping Requirements**
- F. Tree Protection Fencing**
- G. Replacement**

This is a new section that carries forward the tree protection provisions but with a number of revisions designed to make the regulations easier to follow and administer.

For example, one necessary revision is a summary table of the kinds of development that are subject to the standards versus the kinds of development that are exempted. New provisions about how existing canopy is determined, how retained canopy is determined, and how replacement canopy is determined, all supplemented with visuals and hypothetical calculations showing how the standards operate. The standards no longer require reforestation on sites that lack the minimum tree canopy threshold prior to development as this is not a tree protection standard; rather it is a tree planting/establishment standard. The community could require a fee-in-lieu in these cases for use in re-establishing canopy on public lands or rights-of-way. In

addition, these standards suggest the inclusion of a new reforestation provisions that allows an applicant to remove most/all existing trees on a site to meet grading or stormwater challenges, and then reforest a portion of the site (15% to 20%) after development to be retained in perpetuity as forested land.

This section also includes the credits towards landscaping requirements for the retention of existing trees and the requirements for tree protection fencing during construction (around retained trees, reforested trees, and trees being credited towards landscaping requirements. There are also replacement standards (including accelerated minimum sizes for replacement trees in cases where existing trees to be retained were removed in willful violation of the ordinance.

5.6.5 SCREENING

- A. Purpose and Intent**
- B. Applicability**
- C. Exemptions**
- D. Features to be Screened**
- E. Screening Methods**

This is a comprehensive new section that addresses screening standards for a wide variety of activities, including: refuse collection areas; recycling containers; service and loading areas; outdoor storage of materials, equipment, and vehicles (not for sale); ground-based mechanical equipment, wall-mounted equipment, and roof-mounted equipment.

The section uses a matrix-based approach that sets out the features to be screened on one table axis and the locations from which the feature must be screened on the other access (on-site views, from a driveway or private street, from a public street or right-of-way, from adjacent public lands, from an adjacent residential zone, etc.) Inside the matrix shows whether screening is required and the range of allowable screening techniques or configurations that may be used to screen the particular feature in question.

5.6.6 DESIGN STANDARDS

- A. Multi-Family Development**
- B. Mixed-Use Development**
- C. Commercial Development**
- D. Large Format Retail**

This is a section that consolidates the design standards for multi-family uses, mixed-use development, commercial development, and large format retail. The standards for each type of development are organized into one of four subsections, though all follow a somewhat similar structure comprised of purpose, applicability, exemption, relationship to district standards, orientation, entryways, exterior material configuration, façade articulation, fenestration, roof form, accessory structures, and site configuration aspects. Where possible, the standards provide a menu of options with the applicant able to choose which methods to comply with the requirements. Each set of standards is illustrated with positive and negative examples of compliance with the standards. In some cases, the standards may simply cross reference design standards in the GOMO sub-district, the applicable THRO district, or any applicable planned development standards (like the design principles in the PD-DT district). The large retail standards are anticipated to be carried forward with little-to-no revision.

One area for the community to consider is the desirability of including a set of single-family residential design guidelines. Recent statutory changes bar local governments from applying or enforcing aesthetic standards for single-family (detached and attached) and two-family homes. However, these kinds of requirements may be voluntarily consented to by an applicant as part of a conditional map amendment or the establishment of a planned development district. The inclusion of listed design guidelines gives the community and the applicant a starting place with respect to the kinds of provisions that might be desirable such as anti-

monotony requirements, limits on the amount of façade that may be occupied by garage doors, the dwelling size provisions, and other features.

5.6.7 AFFORDABLE HOUSING

- A. Purpose and Intent**
- B. Applicability**
- C. Allowable Density Increases**
- D. Contract Requirements**

This section carries forward the current density bonus provisions in Section B 3-9 of the current ordinance with no substantive changes other than removal of the non-regulatory provisions related to disclosure of contract terms to buyers and conveyance of property to a public agency.

5.6.8 SIGNAGE

- A. Purpose and Intent**
- B. Applicability**
- C. Exclusions**
- D. Prohibited Signs**
- E. Obsolete or Abandoned Signs**
- F. Signs Permitted without a Sign Permit**
- G. Sign Permit Required**
- H. Sign Standards in Residential Districts**
- I. Sign Standards in Mixed Use Districts**
- J. Sign Standards in Nonresidential Districts**
- K. Additional Sign Specifications**
- L. Temporary Sign Standards**
- M. Off-Premise Signage**
- N. Inspections and Investigations**

This section sets out a revised set of signage standards that comply with the recent *Gilbert vs Reed* decision from the United States Supreme Court. In this decision, the Court offered a more narrowly tailored definition of what content-neutral sign regulations really mean- namely that is that if a regulator must read the sign to determine which kinds of regulations to apply, then the regulation is content based, and thus subject to strict scrutiny (a constitutional test very very few sign regulations have ever passed). Removing content-based regulations from the sign standards basically means removing references to speaker-based and use-based sign standards, no longer distinguishing between commercial or noncommercial messages, and treating temporary signage the same regardless of the type of use it serves. It is still constitutional to regulate signage by zoning district (as is currently done) and through what are loosely referred to as "time, place, manner" rules (which address sign face area, height, illumination, # signs per lot, etc.). Basically, the suggested approach in the updated Unified Development Ordinance is to establish a series of generic standards for signage that differ by general type of sign and type of zoning district. In addition, these standards seek to remove distinctions between sign standards for the City versus the County. It is no longer permissible to distinguish between sign specifications by type of use or to have special regulations for particular kinds of signs (e.g., menu boards or directory signs). Temporary sign standards must be generic (i.e., the community may no longer distinguish between for sale, for rent, grand opening, etc. since to do so requires reading the sign), and thus are limited to size, height, placement, illumination, and placement provisions. It is possible to distinguish between these general standards based on zoning district, but not use type.

In addition, these standards suggest revising the language pertaining to political signs in the current ordinance to only those rules promulgated in the General Statutes. The reason for this is that there is a

conflict between state law pertaining to political signs and the *Reed* ruling which would say that regulations for political signs requires reading the sign, which is a content-based standard. Additional clarity on this issue should be forthcoming after further litigation (hopefully not in Winston-Salem or Forsyth County).

5.6.9 EXTERIOR LIGHTING

- A. Purpose and Intent**
- B. Applicability**
- C. Exemptions**
- D. Prohibited Forms of Lighting**
- E. Lighting Plan Required**
- F. Maximum Illumination Levels**
- G. Glare Reduction**
- H. Nonconforming Lighting**

This is a new section of standards that are largely absent from the current regulations. The standards are intended to prevent light trespass from one site to another and limit glare on the public and private rights-of-way from exterior lighting. The standards establish lighting prohibitions on strobe lights and LED lights where the source of illumination is visible from off-site areas (like when wrapped around the edge of a window), maximum illumination values (in footcandles) at lot lines, and shielding requirements that prevent view of the source of illumination from off-site areas.

5.6.10 FENCES AND WALLS

- A. Purpose and Intent**
- B. Applicability**
- C. Exemptions**
- D. Locational Standards**
- E. Maximum Height**
- F. Materials**
- G. Finished Side**
- H. Maintenance**

This is a new section that expands on the current fence and wall standards in the landscaping provisions to a new set of standards that address location, height, and appearance for fences and walls. The standards seek to avoid the placement of fences and walls in easements and sight distance triangles. It sets out a series of maximum fence and wall heights by zoning district, location on the lot (front yard, corner side yard, rear yard, etc.), requirements for the finished side of a fence to face outwards, and minimum maintenance requirements when fences or walls are visible from a public or private street.

5.6.11 INFRASTRUCTURE

This section cross references the infrastructure, street, sidewalk, and greenway standards in new chapter 6, Subdivision Requirements as a means of ensuring that applicants seeking only site plan, zoning permit, or building permit approval realize that these standards apply to those forms of development as well.

5.7 CHAPTER 6. SUBDIVISION REQUIREMENTS

General Commentary: This chapter includes the standards related to the subdivision of land and the provision of public utilities as a part of new development. The chapter will also include the standards and procedures related to performance guarantees and owner's associations. It relocates like material together by moving definitions to the definitions chapter and procedures to the procedures chapter.

5.7.1 SUBDIVISION STANDARDS

- A. Purpose and Intent
- B. Applicability
- C. Subdivision Design
- D. Lot Configuration
- E. Easements
- F. Monuments
- G. Cluster Mailboxes

This section includes the subdivision design provisions for lots, markers, easements, and similar configuration aspects.

5.7.2 REQUIRED INFRASTRUCTURE

- A. Applicability
- B. Generally
- C. Potable Water Systems
- D. Sewage Systems
- E. Fire Protection
- F. Storm Drainage
- G. Underground Utilities

This section addresses the requirements for public infrastructure.

5.7.3 STREETS, SIDEWALKS, GREENWAYS, AND BICYCLE LANES

- A. Purpose and Intent
- B. Applicability
- C. Public Street Requirements
- D. Private Street Requirements
- E. Sidewalk Requirements
- F. Greenway Requirements
- G. Bicycle Lanes

This section details the requirements for transportation facilities, including the requirements for dedication, construction, and acceptance (where appropriate).

5.7.4 OPEN SPACE AND DEDICATION

- A. Purpose and Intent
- B. Applicability
- C. Exemptions
- D. Open Space Set Aside

E. Dedication of Land for Public Parks

F. Reservation of School Sites

This section sets out the requirements for parkland dedication (for single-family detached homes), open space set aside for multi-family, and the requirements for reservation of designated school sites.

5.7.5 PERFORMANCE GUARANTEES

A. Purpose and Intent

B. When Required

C. Maximum Term of Guarantee

D. Form of Guarantee

E. Amount of Guarantee

F. Release or Reduction of Guarantee

G. Improper Release of Financial Guarantees

H. Forfeiture of Guarantee

I. As-Built Plans Required

J. Maintenance Warranties

This section is proposed to replace the current surety standards given the wide number of changes to these provisions in recent years (caps on amount, applicant discretion on form, loss of the ability to require maintenance warranties, changes to maximum term, and release provisions).

5.7.6 OWNER ASSOCIATIONS

A. Purpose

B. Applicability

C. Creation Required

D. Responsibilities of Association

E. Procedure for Association Establishment

F. Documentation Requirements

G. Membership Requirements

H. Transfer of Maintenance Responsibility

I. Failure to Maintain is a Violation

This section sets out the conditions under which an owners' association must be established and the provisions governing its establishment (including new requirements for "seed" money from the developer to ensure the association is capable of meeting its maintenance responsibilities. As an alternative, the developer can maintain the commonly held features for a longer term.

5.7.7 CONSERVATION SUBDIVISIONS

A. Purpose and Intent

B. Applicability

C. Procedure

D. Conservation Subdivision Standards

E. Delineation of Conservation and Development Areas

F. Evaluation Criteria for Conservation Subdivision Layout

This section includes new configuration and review process standards for conservation subdivisions which create opportunities for farmers to sell lots and recover land value while still farming.

5.8 CHAPTER 7. ENVIRONMENTAL PROVISIONS

General Commentary: This chapter contains all of the provisions pertaining to the environment or areas of special environmental consideration in Chapter C of the current Ordinance. Article I of current Chapter C includes numerous prefatory provisions like title, purpose, severability, conflict, etc. Article 7 of current Chapter C includes numerous administrative provisions that are also already addressed by other parts of the ordinance. This material does not need to be included because it is already stated in other chapters of the new ordinance. For the most part, these standards are proposed for carrying forward without significant substantive modification other than reformatting to the new format, and illustration where necessary. The reason for this is that most of these regulations are heavily based on state and federal regulation, and significant revision would trigger the need for new State or federal review. Minor non-substantive revisions are acceptable and are not likely to trigger the need for additional review.

5.8.1 FLOODWAY AND FLOOD FRINGE

This section includes the standards for uses and development within the floodplain, floodway, and flood fringe areas, as well as in flood prone areas that may not yet be identified on a Flood Insurance Rate Map. These standards are carried forward with no substantive change. It is possible to relocate definitions, review procedures, and floodplain administrator duties to other parts of the ordinance, but this will likely necessitate a cursory review by the NC Public Safety Department on behalf of FEMA.

5.8.2 SALEM LAKE WATERSHED PROTECTION

This section carries forward the water supply watershed protection standards for the Salem Lake Watershed. The proposed Unified Development Ordinance (UDO) does seek to establish a Watershed Protection Overlay (WAPO) district as a means of ensuring landowners and developers are aware that development potential is constrained in watershed protection areas, but the overlay districts will simply establish the district and then cross-reference this section and the general watershed protection provisions in the next section.

5.8.3 WATERSHED PROTECTION

This section carries forward the watershed protection standards from Chapter C. It is possible to relocate the watershed development permit procedure, the watershed variance procedure, the definitions, and the Watershed Review Board provisions to the appropriate locations in the new Unified Development Ordinance (UDO) without affecting the substance of the standards.

5.8.4 EROSION CONTROL

This section carries forward the erosion control and sedimentation standards with no substantive changes.

5.8.5 DAM BREACH HAZARD AREAS

This section carries forward the current dam breach standards, though it may be possible to relocate these standards to the floodway and flood fringe provisions, and abolish this section.

5.8.6 RANDLEMAN RIPARIAN BUFFER PROTECTION

This section carries forward the Randleman Riparian Buffer Protection standards with no substantive changes.

5.9 CHAPTER 8. NONCONFORMITIES

General Commentary: This chapter includes the provisions pertaining to nonconformities (uses, lots, structures, signs, and site features). These standards allow nonconformities to continue and carry forward the somewhat liberal provisions in the current ordinance allowing the expansion and conversion of nonconforming uses.

5.9.1 NONCONFORMITIES GENERALLY

- A. Purpose and Intent**
- B. Determination of Nonconforming Status**
- C. Continuation, Minor Repairs, and Maintenance**
- D. Change in Tenancy or Ownership**

This section establishes the basic parameters of the nonconforming provisions, and places the burden of proof regarding the lawful existence of a nonconformity on the applicant. It clarifies that maintenance is encouraged.

5.9.2 NONCONFORMING USES

- A. Declared Incompatible**
- B. Increasing Elevation Above Base Flood Encouraged**
- C. Extension and Expansion**
- D. Conversion**
- E. Restoration Following Damage**
- F. Cessation**
- G. Replacement**

This section carries forward most of the communities current provisions for nonconforming uses, but establishes a threshold level of casualty damage (replacement costs exceed 51% of the pre-casualty assessed value) beyond which a nonconforming use may not be re-established except through approval of a special use permit.

5.9.3 NONCONFORMING STRUCTURES

- A. Applicability**
- B. Continuation and Replacement**
- C. Alteration and Expansion**
- D. Cessation**

This section carries forward the current standards for nonconforming structures.

5.9.4 NONCONFORMING LOTS OF RECORD

- A. Applicability**
- B. Nonconforming Lot Width or Area**
- C. Nonconformity Affects Required Setbacks**
- D. Combination Required**
- E. Reconstruction**
- F. Governmental Acquisition of Land**

These provisions address established lots of record that were platted prior to the effective date of the Unified Development Ordinance (UDO), but that do not meet the dimensional requirements of the district where they

are located. It discusses the procedures for use of such lots of record when located in a residential district as well as redevelopment or reconstruction on such lots following a casualty (major damage). In addition, the standards specify that governmental acquisition of a portion of a lot in a residential district shall not render the lot nonconforming (even if it no longer meets the dimensional standards). Finally, the section will deal with changes to nonconforming lots such as boundary line adjustments or assembly of multiple lots.

5.9.5 NONCONFORMING SIGNS

- A. General**
- B. Prohibited Actions**
- C. Maintenance**
- D. Replacement**
- E. Removal Following Discontinuance**

This is a new section that addresses nonconforming signage that no longer meets the requirements of the Unified Development Ordinance (UDO) as well as signs advertising uses that are no longer in place, which must be removed in a timely fashion.

5.9.6 NONCONFORMING SITES

- A. Applicability**
- B. Priority of Features to Address**
- C. Determination of Improvement Cost**
- D. Remodeling**
- E. Additions and Expansions**
- F. Physically Constrained Properties**

This is a proposed new section that adds provisions dealing with nonconformities in site elements, such as landscaping, lighting, access and on-site circulation, parking areas, and screening of elements like outdoor storage. Currently, the development regulations do not specify when such nonconforming site features must be brought into conformity. This new section requires that specified site elements be brought into conformance on a sliding scale when the structure is substantially remodeled, or when the floor area of a building is enlarged by threshold percentages, with an important “safety valve” provision that allows for a waiver of requirements in cases where the site has physical constraints that prevent upgrading certain elements.

5.10 CHAPTER 9. AUTHORITIES & ENFORCEMENT

General Commentary: This section sets out the review authorities and City-County staff members with powers and duties under the Unified Development Ordinance (UDO). Each will consolidate the enforcement provisions scattered throughout the current UDO with some minor reorganization and reformatting to be consistent with the rest of the UDO. By making it easier to understand the enforcement process, we hope to reduce the time, expense, and uncertainty of enforcing the UDO.

5.10.1 AUTHORITIES

- A. Winston-Salem City Council**
- B. Forsyth County Board of Commissioners**
- C. City-County Joint Planning Board**
- D. Board of Adjustment**
- E. Planning Director**
- F. Director of Inspections**
- G. Floodplain Administrator**
- H. Watershed Administrator**

This section identifies the decision-making entities and persons responsible for the review and administration of development under the UDO. This section identifies the specific responsibilities relative to the UDO of each review board or staff person. It also includes the rules of composition, membership, and operation for each of the review authorities under the ordinance.

5.10.2 ENFORCEMENT

- A. Purpose and Intent**
- B. Compliance Required**
- C. Statute of Limitations**
- D. Violations Identified**
- E. Responsible Persons**
- F. Enforcement Responsibility**
- G. Enforcement Procedure**
- H. Remedies**
- I. Assessment of Civil Penalties**
- J. Assessment of Criminal Penalties**
- K. Enforcement of Specific Environmental Regulations**

This section sets out the enforcement provisions, and clarify that compliance with all provisions of the UDO is required. It explains that failure to comply with any provision of the UDO, or the terms or conditions of any permit or authorization granted pursuant to the UDO, shall constitute a violation of the ordinance. Any person who violates the UDO shall be subject to the remedies and penalties set forth in this chapter. "Person" is defined broadly to include both human beings and business entities (firms and corporations). The section describes the enforcement process and includes provisions for notice of violation, and procedures to deal with complaints filed by others regarding a perceived or potential violation. Finally, the section includes provisions detailing a range of penalties and remedies available to the community under North Carolina law. To the maximum extent possible, the section will attempt to consolidate the provisions for the City with those for the County in order to limit repetition.

5.11 CHAPTER 10. MEASUREMENT & DEFINITIONS

General Commentary: This chapter incorporates the definitions, rules of measurement, rules of language construction for the text in the UDO, and a glossary of abbreviations.

5.11.1 RULES FOR LANGUAGE CONSTRUCTION

- A. Meanings and Intent
- B. Headings, Illustrations, and Text
- C. Lists and Examples
- D. Computation of Time
- E. Time-Related Language
- F. References to This Ordinance
- G. References to Other Regulations/Publications
- H. References to North Carolina General Statutes
- I. Delegation of Authority
- J. Joint Authority
- K. Technical and Non-Technical Terms
- L. Public Officials and Agencies
- M. Mandatory and Discretionary Terms
- N. Conjunctions
- O. Tenses, Plurals, and Gender of Words
- P. Oath
- Q. Term Not Defined

This section addresses general issues related to interpretation of ordinance language, including permissive versus restrictive terms, titles and delegation, and other general issues that arise in interpreting and administering the ordinance and its procedures.

5.11.2 RULES OF MEASUREMENT

- A. Purpose
- B. Measurements, Generally
- C. Lot Dimensions
- D. Setbacks
- E. Setback Encroachments
- F. Residential Density
- G. Gross Floor Area
- H. Height
- I. Lot Coverage
- J. Slope and Elevation
- K. Open Space
- L. Parking Space Computation
- M. Landscaping
- N. Signage
- O. Exterior Lighting
- P. Fence and Wall Height

This section consolidates the rules for measuring bulk and dimensional requirements like height, width, setbacks and others, as well as how encroachments into required yards will be determined and regulated. It also explains how compliance with various dimensional requirements in the development standards is determined (e.g., parking space size, landscaping material size, fence height, sign face area, etc.). These are currently located in many places throughout the development regulations, and will be relocated and heavily illustrated for user-friendly reference.

5.11.3 TABLE OF ABBREVIATIONS

This section lists the abbreviations used in the Unified Development Ordinance (UDO).

5.11.4 DEFINITIONS

This section includes definitions of terms used throughout the Unified Development Ordinance (UDO). Conflicting and obsolete terms are removed and any standards embedded in a current definition are also removed.

6.0 APPENDICES

The following pages include a series of 4 appendices that supplement the code assessment.

Appendix 1 is summary table of actions from the recent comprehensive plan pertaining to the UDO.

Appendix 2 is a summary of recent legislative changes that may affect the UDO.

Appendix 3 is a section-by-section review of the current UDO with recommendations for the updated UDO.

Appendix 4 is the Input Summary showing meeting results and prior presentations.

Appendix 5 is a proposed style set for the staff's use in creating a new UDO. This is a fully functional automatic numbering style set available for the community's use in establishing its updated UDO.

APPENDIX 1: LEGACY COMPREHENSIVE PLAN

UDO-RELATED ACTION ITEMS

The following table summarizes the key “Action Agenda” items from the *Legacy* Comprehensive Plan related to the UDO. This table contains all the items related to the UDO, whether or not they have been acted upon; completed or previously addressed items appear in yellow highlight in the table. In most cases, these action items call for or will require further substantive revisions to the UDO. This information provides the basis for several substantive recommendations in Part 3 of this Code Assessment, as well as in Part 5, Annotated Outline. The Comprehensive Plan action items are summarized in the following table by Plan chapter. Items from the Plan not directly connected to the UDO are not included.

TABLE 6.1: LEGACY COMPREHENSIVE PLAN ACTIONS RELATED TO THE UDO

ACTION #	ACTION NAME	DESCRIPTION
Yellow highlighted rows denote action items that have been completed as of September 2018.		
CHAPTER 3: GROWTH MANAGEMENT		
3.2.1.	Zoning Overlay Districts	Study the feasibility of zoning overlay districts for growth corridors and activity centers that emphasize mixed-use development, pedestrian and bicycle circulation, and design compatibility for surrounding land uses.
3.2.6.	Accessory Dwelling Units	Allow detached accessory dwelling units by right in some single-family zoning districts with design requirements or other specific criteria.
3.2.7.	Attached Dwelling Unit Feasibility	Study the feasibility of low to moderate density attached units by right in some single family zoning districts with design requirements or other specific criteria.
3.2.8.	Zoning Ordinance Changes	Consider other changes to the zoning ordinance that encourage appropriate increased density, such as density bonuses.
CHAPTER 4: LAND USE		
4.1.1.	Design Guidelines	Develop design guidelines for multifamily, neighborhood commercial, detached accessory dwelling units, and transitional land uses.
4.1.2.	Growth Corridor Designs	Consider design guidelines or standards for growth corridors.
4.1.3.	Institutional Expansion	Review current standards for institutional expansion for neighborhood compatibility issues.
4.1.4.	Parking	Complete a comprehensive parking study and revise UDO parking standards. Include consideration of minimum and maximum on-site parking requirements, shared and on-street parking incentives and approvals, fee-in-lieu of construction options, parking lot design and connectivity, neighborhood compatibility and new technologies to reduce stormwater and other environmental impacts.
4.1.5.	Bufferyard Standards	Review bufferyard standards, consider modifications where design standards should allow blending instead of buffering.
4.1.6.	Open Space Subdivisions	Reevaluate open space subdivision requirements.
4.1.7.	Walkability/ Bikeability Standards	Review existing zoning districts for walkability/bikeability standards.
4.1.8.	Low Impact Commercial	Create a commercial zoning district containing only low impact uses or retrofit existing district (from list used in area plan documents).

TABLE 6.1: LEGACY COMPREHENSIVE PLAN ACTIONS RELATED TO THE UDO

ACTION #	ACTION NAME	DESCRIPTION
Yellow highlighted rows denote action items that have been completed as of September 2018.		
4.1.9.	Form-Based Code	Consider whether a form-based code approach should be applied in areas such as Downtown Winston-Salem and the surrounding Center City area, activity centers, and growth corridors, to allow more land use flexibility while assuring better design compatibility and walkability.
4.1.10.	Performance Standards	Consider performance standards to reduce the negative impacts of uses such as fast food restaurants, 24-hour mini-marts and convenience stores, and other high-impact businesses that generate late-night noise, activity.
4.1.11.	Parking Maximums	Consider reducing the visual impact of parking lots by setting parking maximums with a special approval process to exceed maximums. Consider requiring shared parking where appropriate.
4.1.12.	Design Templates	Study and consider the development of an urban design pattern book that contains pre-approved templates to promote good design.
4.2.2. - 4.2.7	Mixed-Use	Considerations for overlay districts, incentives, and specific areas to encourage more mixed-use development.
4.3.1.	Infill and Brownfield Incentives	Create incentives for infill and brownfield development, such as density bonuses and/or an expedited review process.
4.3.2.	Detached Accessory Dwelling Units	Consider changing the UDO to allow detached accessory units in some single-family zoning districts with design requirements or other specific criteria.
4.3.3.	Revitalize Empty Buildings	Create incentives to revitalize empty buildings, such as the RUCA Program or an expedited review process.
4.3.4.	Infill Ordinance	Assess and monitor how the new infill provisions for residential and nonresidential development in GMA 2 are working. Consider expansion to GMA 3.
4.3.5.	Redevelopment Approval	Streamline the approval process for redevelopment of older commercial and abandoned industrial sites. Reduce permit fees for revitalized sites and buildings.
4.4.1.	Zoning Districts and Land Uses	Consider consolidating the number of zoning districts and permitted land uses in the UDO.
4.4.2.	Site Plan Amendments	Consider allowing the Planning Board to approve site plan amendments with an appeal to the elected body.
4.4.3.	Smaller Site Plans	Consider allowing smaller site plans to be approved by Planning Department staff.
4.4.4.	Special Use Permits	Consider allowing Zoning Board of Adjustment special use permits to be handled by the Planning Department rather than the Inspections Division.
4.4.5.	Minor Land Use Changes	Consider allowing approval of some land use changes to be approved at the staff level with additional safeguards, such as appeal by the petitioner or affected property owners.
4.4.6.	Ordinance Graphics	Enhance the UDO by adding descriptive graphics that help explain standards and concepts throughout the document.
4.5.2.	Growth Corridor Guidelines	Develop guidelines or an overlay district for growth corridors.
4.5.6.	Low-Density Land Use	Consider allowing the low-density land use designation on the Proposed Land Use Map to include attached as well as detached units.
CHAPTER 5: TRANSPORTATION		
5.1.5.	Road Classifications	Continue to use road classifications as a factor in UDO standards (zoning districts and use conditions). Review and revise language to assure consistency between transportation function and land use.

TABLE 6.1: LEGACY COMPREHENSIVE PLAN ACTIONS RELATED TO THE UDO

ACTION #	ACTION NAME	DESCRIPTION
Yellow highlighted rows denote action items that have been completed as of September 2018.		
5.1.6.	Access Management	Develop a comprehensive access management policy/program for the City of Winston-Salem.
5.1.7.	Transit/ Pedestrian Design Standards	Prepare and adopt design standards for transit/ pedestrian-oriented design for both new developments and changes to existing developments. Standards should address land uses, density, building location and orientation, transit features, bike and pedestrian facilities and linkages.
5.2.4.	Connectivity Ratio	Review the connectivity ratio in the UDO street standards and consider whether revisions are needed to provide greater connectivity in the street network.
5.3.2.	Street Standards	Work with stakeholders to review and revise UDO street standards to make streets more multimodal, livable, and sustainable by incorporating complete streets and traffic calming concepts.
5.3.8.	Corridor Design	Prepare corridor studies and overlay districts with design guidelines for major roadway corridors. Focus on land use, transportation facilities, access management, signage, parking location, building design/location, and landscaping.
5.4.4.	Sidewalk Regulations	Amend the UDO and subdivision regulations/ordinances to require the construction of sidewalks on both sides of streets in new subdivisions as well as new and redeveloped sites. Work with stakeholders to develop revised standards.
5.4.5.	Bike Parking	Consider amending the UDO to require bike parking for commercial, mixed-use, and multifamily developments. Continue to allow reduction of required vehicle parking spaces for provision of bike parking. Consider providing incentives in the UDO, such as reduced parking requirements, for the provision of bicycle amenities.
5.5.11.	Event Shuttles	Substitute event shuttle services for on site parking requirements, where feasible, to free land for other uses around event locations. Amend the UDO as necessary to allow parking space reductions.
CHAPTER 7. ENVIRONMENTAL QUALITY & SUSTAINABILITY		
7.3.2.	Environmental Protection Practices	Study existing environmental protection practices in the land development process for effectiveness.
7.3.3.	Natural Areas Integration	Study methodologies for integrating natural areas into the site design of development projects and ensure that these areas are protected during construction.
7.3.4.	Pervious Parking Surfaces	Study pervious parking surfaces and consider whether to encourage their use in appropriate development situations.
7.3.6.	Sustainable Building Practices	Review and amend local regulations that prevent or hinder sustainable building practices.
7.3.7.	Green Building Standards	Create a list of green building standards for new construction and redevelopment and consider how they might be incentivized.
7.3.8.	Environmental Performance Standards	Consider investigating environmental performance standards for private and public development projects that address such issues as air emissions, pollutant discharges, erosion and sediment controls, and natural features.
7.6.1.	Light Pollution Ordinance	Consider a lighting ordinance that will address light pollution and spill-over. Involve various citizen and business stakeholders in discussion.

TABLE 6.1: LEGACY COMPREHENSIVE PLAN ACTIONS RELATED TO THE UDO

ACTION #	ACTION NAME	DESCRIPTION
Yellow highlighted rows denote action items that have been completed as of September 2018.		
7.6.3.	Noise Ordinance	Investigate amending the current noise ordinance to be in accordance with the US Environmental Protection Agency day-night sound levels, and consider variations for entertainment uses at certain locations.
CHAPTER 8. HEALTHY, COMPLETE, AND EQUITABLE COMMUNITIES		
8.2.2.	Neighborhood Commercial	Create a neighborhood commercial zoning district that provides retail services but eliminates permitted uses that may have a negative impact on neighborhoods.
8.2.6.	Universal Design Principles	Consider employing design principles that enable all community members, regardless of age or disability, to access services, social activities and opportunities for physical activity without special or separate design.
8.3.5.	Affordable Housing Incentives	Consider incentives for including affordable housing in infill and mixed-use developments.
8.5.7.	Small-Scale Agriculture	Develop regulations that allow for community gardens and small-scale agriculture within residential neighborhoods and on publicly-owned property
8.5.8.	Urban Agriculture	Review municipal regulations to facilitate and/or remove barriers to the utilization of land/buildings for various forms of urban agriculture production, including community gardens, hydroponic agriculture, and rooftop gardens.
CHAPTER 9. COMMUNITY CHARACTER		
9.1.1.	Overlay Districts	Study the use of overlay districts where design standards are desired to enhance community appearance and maintain a unique sense of place.
9.2.3.	Public Art Incentives	Explore innovative private and public incentives for installing public art.
9.4.6.	Rural Historic Districts	Consider establishing historic districts in rural areas containing significant rural landscapes.
9.4.13.	Neighborhood Protection	Consider using Historic and Historic Overlay Districts, Neighborhood Conservation Overlay Districts, and other zoning regulations and planning tools in response to neighborhood requests for protection and conservation.
CHAPTER 10. DOWNTOWN AND THE CENTER CITY		
10.1.3.	Winston Overlay District	Monitor the Winston Overlay District and make adjustments, as necessary, to its geographic coverage as well as the content of the overlay.
10.2.3.	Residential Development Incentives	Create incentives for residential development in Downtown and the Center City.
10.2.5.	Affordable Housing Units	Determine if changes to the UDO or other codes are needed to ensure more affordable housing units Downtown.
10.2.7	Gentle Density	Consider how gentle density can work in the Center City outside of Downtown to provide for a greater diversity of housing types.
10.6.9.	Parking Lot Reuse Incentives	Develop incentives for the reuse of surface parking lots.
CHAPTER 11. NEIGHBORHOODS AND TOWNS		
11.1.4.	Affordable Housing	Consider ways to include affordable housing in larger-scale developments.
11.3.1.	Design Standards	Develop basic design standards or an infill guide that includes landscaping, building placement, and materials for small-lot, townhouse and multifamily residential development to ensure compatibility of diverse housing types.

TABLE 6.1: LEGACY COMPREHENSIVE PLAN ACTIONS RELATED TO THE UDO

ACTION #	ACTION NAME	DESCRIPTION
Yellow highlighted rows denote action items that have been completed as of September 2018.		
11.3.8.	Development Codes	Consider changes to existing codes to better accommodate infill development in older neighborhoods. Explore easing standards for pre-existing lots, reducing off-street parking standards, reducing front setbacks, or using performance standards to focus on controlling the impacts of development.
11.3.9.	Granny Flats	Allow detached accessory units or granny flats under designated zoning districts in Growth Management Areas 2 and 3.
11.5.2.	Development Regulations	Investigate changes to development regulations to more easily enable the creation of more land-efficient subdivisions and developments accommodating a variety of housing types and land uses.
11.5.4.	Contiguous Neighborhoods	Study ways to connect contiguous neighborhoods to one another and revise subdivision requirements as necessary.
11.5.6.	Residential Infill Ordinance	Consider expanding the Residential Infill Development Ordinance into GMA 3.
11.6.4.	Building Orientation	Consider requiring new buildings to be oriented to both public and internal streets and parking areas located internally on the site or behind buildings.
11.6.5.	Streets in Redeveloped Shopping Centers	Require a system of interconnected streets for new and redeveloped centers and a Main Street character lined with retail shops or offices.
11.6.6.	Bicycle and Pedestrian Links	Strengthen bicycle and pedestrian links [from redeveloped shopping centers] to surrounding residential areas.
11.6.7.	Ground-Floor Retail	Maintain storefront retail uses on the ground floor of multistory buildings in shopping areas for pedestrian orientation and vitality.
11.7.1.	Main Street Character	In activity centers and mixed-use development, establish continuous building street frontages and reduced setbacks to frame and enclose a Main Street character for pedestrians.
11.7.2.	Greater Mixture of Uses	Through zoning actions, allow and encourage a greater mixture of uses, including office, retail, a variety of housing types, civic and institutional uses, and urban open spaces, such as squares or plazas.
11.7.3.	Minimize Vehicle and Pedestrian Conflicts	Provide for both vehicular and pedestrian circulation with the goal of minimizing conflicts and maximizing convenience.
11.7.4.	Vehicle Parking	Minimize the visual prominence of parked vehicles to create more aesthetically appealing sites and to increase storefront or office visibility.
11.7.6.	Site Amenities	Consider requiring site amenities, such as public plazas, squares, outdoor seating areas or sidewalk cafes, and pedestrian-scale features, such as street furniture, clock towers or water features, which offer spaces for social interaction and create a pedestrian-friendly development.
11.7.7.	Design Standards	Develop design standards to create variety-rich, mixed-use projects.
11.7.8.	Better Transitions	Develop regulations that create a better and context-specific transition between more intense mixed-use development and adjacent established neighborhoods.
11.7.10	Incentives for Retrofitting	Explore a range of incentives, both regulatory (density bonuses, allowing a more intense zoning district, and fast permitting) and financial, to make retrofitting faster and economically feasible.
CHAPTER 12. RURAL CHARACTER		

TABLE 6.1: LEGACY COMPREHENSIVE PLAN ACTIONS RELATED TO THE UDO

ACTION #	ACTION NAME	DESCRIPTION
Yellow highlighted rows denote action items that have been completed as of September 2018.		
12.1.1.	Agriculture in Rural Areas	Continue to allow and encourage farming and agricultural activity in the Rural Areas of Forsyth County.
12.1.2.	Agricultural Ordinances	Review the UDO to ensure flexibility in zoning for agricultural uses and related activities.
12.1.5.	Barriers to Agriculture	Review Forsyth County's regulatory environment to minimize potential barriers to agriculture and farms.
12.1.7.	Farmland Protection	Review the UDO and investigate alternatives to further protect important farmland and recommend appropriate revisions.
12.3.2.	Residential Development Regulations	Revise residential development regulations as necessary to provide greater protection for the community's rural character.
12.3.3.	Package Treatment Plants	Research package treatment plants to determine if there have been technological and related advancements that result in improved systems. Consider whether regulatory provisions/revisions are needed to limit their use or require plants that use the latest system advancements.
12.3.6.	Commercial Use Compatibility	Carefully review commercial uses that, due to scale or function, may be inappropriate for a rural setting.

APPENDIX 2: SUMMARY OF STATUTORY CHANGES

This appendix contains a summary of recent legislative changes that may necessitate revisions to the UDO. This list is not meant to be exhaustive; those performing the revisions to the UDO should closely monitor the current legislative session and work with an attorney to ensure that the revised UDO complies with all current statutory requirements and restrictions.

A. RESIDENTIAL DESIGN STANDARD LIMITS

Session Law 2015-86 prohibits local governments from applying some design standards to one- and two-family dwellings (including attached residential or townhouses) without the owner's consent. Limitations include room location/purpose, door and window placement (include garage doors), exterior color/materials, and nonstructural architectural ornamentation. These limitations are not extended to manufactured housing, which may continue to be regulated regarding appearance.

B. BOA VOTING RULES

Session Law 2013-126 made several changes to the rules of procedure for Boards of Adjustment, including new mailed and posted notice provisions for quasi-judicial hearings; requirements for decisions to be made in writing and delivered to parties with standing; and revised voting requirements from a 4/5 majority to a simple majority for appeals, conditional, and special use permits.

C. REVISIONS TO PERFORMANCE GUARANTEES

Session Law 2015-187 limits the ability of local governments to require maintenance guarantees under the subdivision provisions (though such authority still exists for some public facilities under the stormwater and enterprise statutes). The law now allows the applicant to choose the form of performance guarantee they will offer, and the amount is capped at 125 percent of the cost. Local governments must allow an extension of an agreement if good progress is demonstrated by the term's expiration.

D. COMPREHENSIVE PLAN CONSISTENCY REQUIREMENTS

While not a recent statutory change, the state planning statutes (160A-383, 387 & 153A-341, 344) require local governments to adopt statements of comprehensive plan consistency associated with map and text amendments. Decisions are not required to be consistent with the comprehensive plan, but must explain the public interest associated with the decision.

E. AUTOMATIC COMPREHENSIVE PLAN REVISION OPTION

The legislature has recently amended the required consistency statement provisions again (Session Law 2017-10) to allow elected officials to indicate, in their decision approving a zoning map or text amendment, that the comprehensive plan or adopted policy guidance is to be automatically amended for consistency with this decision.

F. NEW WIRELESS TELECOMMUNICATIONS FACILITIES STANDARDS

Session Law 2013-185 requires local governments to issue decisions regarding applications for all wireless communication facility collocation requests within 45 days. It also requires local governments to approve equipment replacement and collocation requests that constitute minor modifications, including requests that add up to 10% to an existing tower's height, up to 20 feet in width to the base of a tower, or less than 2,500 square feet to the equipment compound area. Even more recent changes now compel local governments to expedite and batch-process applications for "small wireless facilities" located within road rights-of-way.

G. RIPARIAN BUFFERS

Session Law 2015-246 limits the maximum allowable width of riparian buffers to those adopted by state law (unless an appeal is made to the EMC). The law also requires that riparian buffers within lots be shown on the final plat, and that when inside a lot, the area associated with the riparian buffer be counted towards dimensional requirements. In cases where riparian buffers are established as private common open space, then each lot abutting the private common open space receives a pro rata share of the land area within the buffer for the purposes of density calculation. In addition, land area within a riparian buffer must be credited towards open space, buffer, and tree retention area requirements.

H. WETLANDS MITIGATION LIMITS

Session Law 2015-286 limits the application of wetland mitigation requirements to all instances of isolated wetlands except Basin Wetlands and Bogs (precluding man-made ditches and ponds).

I. IMPERVIOUS SURFACES

Session Law 2013-413 excludes wooden slatted decks, the water area of swimming pools, and gravel from the definition of "built-upon areas," and exempts farm ponds from riparian buffer rules. Session Law 2015-149 additionally excludes gravel areas and trails from the State's definition of built-upon areas.

J. STORMWATER CALCULATIONS

Session Law 2015-286 specifies that the calculation of the pre- and post-development runoff anticipated during a one-year 24hour storm may be calculated using any acceptable engineering hydrological and hydraulic method. The law also allows development within a required buffer provided the stormwater is collected, treated, and discharged in a manner so that it passes through the buffer.

K. TEMPORARY HEALTH CARE STRUCTURES ALLOWED

Session Law 2014-94 requires that temporary health care structures that meet state requirements must be allowed as uses accessory to single-family detached homes.

L. WITHHOLDING PERMITS ILLEGAL

Session Law 2015-187 states that a local government may not withhold a building permit or certificate of occupancy on one lot to compel the owner of that lot to address compliance on a different lot owned by the same person. In cases where subdivisions do not meet minimum roadway requirements, building permits for lots in these subdivisions are not subject to the protections identified in this session law because the roadway deficiencies render the lots ineligible for building permit issuance.

M. ALLOWANCE FOR BEE KEEPING

Session Law 2015-246 limits local governments from prohibiting bee keeping of five or fewer hives.

N. LIMITATIONS ON STANDARDS FOR PRODUCE STANDS

Session Law 2012-187 exempts farm produce stands of less than 1,000 square feet, open less than 180 days per year, and certified by the state as a roadside farm market from state building code requirements.

O. LIMITATIONS ON STANDARDS FOR PRIMITIVE BUILDINGS

Session Law 2013-75 exempts primitive camp and "heritage" farm buildings from meeting building code requirements provided they are less than 4,000 square feet in area and occupied for less than 24 hours per day.

P. ALLOWANCE FOR RESIDENTIAL DEVELOPMENT ON LARGE LOTS

Session Law 2011-384 prohibits counties from barring single-family residential uses on lots over 10 acres in area in districts intended for agriculture, in cases where lots do not have frontage on a public or private road, or in cases where the lot is not served by public water or sewer lines.

Q. FRACKING EXEMPTION

Session Law 2015-264 limits local government rules pertaining to fracking that limit such operations beyond minimum state requirements.

R. GRAIN DRYING FACILITIES EXEMPT

Session Law 2013-347 treats grain drying and storage facilities (including receiving, loading, weighing, and drying) as bona fide farms for the purpose of zoning regulations.

S. NOTICE OF ZONING VIOLATION

Session Law 2013-151 allows local governments to notify chronic violators by regular mail in addition to registered or certified mail, and removes the requirement that certified mail must be accepted.

T. STATUTE OF LIMITATIONS FOR REMEDY OF VIOLATIONS

Session Law 2017-10 includes a brief and cryptic set of provisions that now bar local governments from applying enforcement actions to some violations based upon how long those violations have been in place and the degree to which they are visible from the public realm.

U. PROTECTION OF ESTABLISHED FARMS

Session Law 2013-314 protects farming and forestry uses from nuisance claims generated by new uses locating adjacent to them after one or more years following establishment of the farm or forestry use.

V. SIDEWALK DINING

Session Law 2013-266 allows local governments to enter into agreements with the NCDOT to allow sidewalk dining within state road rights-of-way, provided: the roadway design speed is 45 miles per hour or lower, a sidewalk is present, and the furniture is at least six linear feet from a travel lane.

W. REGULATION OF FERTILIZER LIMITED

Session Law 2014-103 prohibits local governments from regulating the use, sale, storage, or manufacturing of fertilizer, but does allow application of dimensional requirements, water quality protection, and fire protection rules.

X. DEVELOPMENT AGREEMENTS

Session Law 2015-246 removes the minimum area and maximum duration limitations on development agreements.

Y. CONSTRUCTION FENCE SIGNS

Session Law 2015-246 exempts construction site fence signage from local zoning rules until the certificate of occupancy is issued or 24 months passes.

APPENDIX 3: SECTION-BY-SECTION REVIEW OF CURRENT UDO

Table A-3 below provides a review of each section of the current Winston-Salem/Forsyth County Unified Development Ordinance (UDO). The table lists each section number and name as well as a description of the text in the section. The fourth column in the table provides a disposition or recommendation of how to revise or improve the provisions in light of the recommendations in this code assessment. Chapter or section references in Table A-3 correspond to chapter or section titles in Part 5, Annotated Outline, of this code assessment. In some cases, existing sections or portions of existing sections are indicated for deletion due to repetition or inconsistency. The recommendations in this table can be used to guide the City-County Planning Staff in their preparation of a revised Unified Development Ordinance (UDO) that is more user friendly, consistent with changing State laws, and supportive of modern best practices for the regulation of development.

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
PREFACE			
-	-	5 short paragraphs explaining what the UDO is, how its organized, where it applies, and where to go to get assistance	Carry forward this material in a new section at the front of the new UDO called "How to Use This Document" and supplement with information explaining document organization, the function of some text elements like cross references, commentary, and applicability distinctions. Another possible element to include is a series of frequently asked questions.
CHAPTER A: DEFINITIONS ORDINANCE			
A 1-1	Short Title	Sets out the title for Chapter A – The "Definitions Ordinance"	<ul style="list-style-type: none"> - Relocate and consolidate this information with other short title information in a new Title section in new Chapter 1, General Provisions. - Suggest the practice of naming chapters of the UDO as individual 'ordinances' be abolished.
A 1-2	Purpose	Describes the purpose for the definitions	Abolish; not needed.
A 1-3	Meaning of Definitions	Clarifies that words and phrases have the definitions as listed and unlisted words have common meaning	Relocate to a consolidated section on Rules of Language Construction in new Chapter 1, General Provisions.
A 1-4	Tenses	Describes how common terms are used (shall, use, may, etc.)	
A 1-5	Standard Industrial Classification Manual	References the 1987 Standard Industrial Classification Manual as well as the 1997 North American Industrial Classification System Manual and indicates that use definitions may be based on a combination of the SIC code number from the 1987 manual and the use description from the 1997 manual	<ul style="list-style-type: none"> -Consider converting the 1987 SIC codes to the 1997 NAICS codes. - Identify the 1997 NAICS manual as a source for defining unlisted uses in the Interpretation procedure in new Chapter 2, Procedures, as well as a reference document for undefined terms in the Rules of Language Construction in new Chapter 1, General Provisions.
A 1-6	Erosion Control Definitions	Indicates erosion control definitions are included with definitions and bear the notation	Abolish; not needed.

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
		(erosion control)	
A 1-7	Illustrations	Clarify that illustrations are supplemental and that the text controls	Consolidate with similar provision in Section B1-8, and relocate to the section on Rules of Language Construction in new Chapter 1, General Provisions.
-	Definitions	Sets out definitions in two-column format	<ul style="list-style-type: none"> - Consolidate all definitions into a single Definitions section in new Chapter 10, Measurement and Definitions. - Remove the two-column format. - Relocate any standards in the definitions to the relevant portion(s) of the UDO (standards included in the definitions can be missed since they are not with the other regulatory information) (e.g., bed and breakfast, convenience store, critical root zone, family group home, class A manufactured home, service bay, etc.). - Update the definitions to include modern terms (e.g., small wireless facility, eligible facility (collocation), substantial modification (collocation), etc.). - Update the definitions to remove obsolete terms (e.g., DENR, mobile home, protest petition, sign definitions based on use type like "real estate sign", etc.). - In cases where a single term is defined differently by the City versus the County, consolidate these two definitions under a single listing of the term and use the different font style to call attention to the distinction. - Consider removing jurisdictional distinctions for terms defined by only one jurisdiction so that the single definition applies to both jurisdictions. - Ensure there is no repetition between the Definitions, Rules of Language Construction, and the Rules of Measurement section. - Consider relocating terms pertaining to Rules of Measurement concepts (e.g., lot, lot line, setback, density, intensity, lot coverage, etc.) to the new section on Rules of Measurement and simply cross reference in the Definitions section.
CHAPTER B ZONING ORDINANCE			
B 1-1	Short Title	Sets out the title for Chapter B – The "Zoning Ordinance"	<ul style="list-style-type: none"> - Consolidate with other title information in new Title section in new Chapter 1, General Provisions. - Abolish the practice of referring to each chapter (A, B, C, etc.) as an "ordinance".
B 1-2	Purpose	Makes general reference to the core purposes in the State's planning enabling legislation (health, safety, welfare) and references the Legacy Comprehensive Plan and other associated policy guidance like the Transportation Plan	<ul style="list-style-type: none"> - Carry forward in new section on Purpose and Intent in new Chapter 1, General Provisions. - Enhance this section with more guidance about the purpose for the UDO generally, including more specific references to the relevant General Statutes and the Legacy Comprehensive Plan goals and objectives.
B 1-3	Jurisdiction	- Indicates that the standards in the ordinance apply to land in unincorporated Forsyth County	<ul style="list-style-type: none"> - Carry forward in a new section on Applicability and Jurisdiction in new Chapter 1, General Provisions. - Add a sub-section distinguishing between text

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
		and the planning jurisdiction of Winston Salem - Denotes provisions marked with an "F" apply to Forsyth County, and provisions marked with a "W" apply to Winston-Salem	applied to the City versus the County instead of reliance on a "(W)" or "(F)" in the text. - Clarify that no development may progress unless it complies with this Ordinance and that the requirements in this Ordinance are minimum requirements. - Include a sub-section on application of these standards to governmental units, as well as exemptions from this Ordinance for bona fide farms, court-ordered subdivisions, etc.
B 1-4	Authority	Comprised of 3 subsections referencing applicable state planning law (Ch. 153A & 160A) and clarifies that City & County intend to exercise all authority granted by State law	- Carry forward in a section called Authority in new Chapter 1, General Provisions. - Supplement the section with more details about the various enabling legislation (charters, special legislation, relevant municipal and county statutes, etc.). - Clarify that the standards in G.S. § 160A apply to lands in the City's corporate limits and extra territorial jurisdiction, and the standards in G.S. § 153A apply to lands in the County outside the City's extra territorial jurisdiction.
B 1-5	Compliance	Comprised of 5 sections: - Clarifies no development until compliance with this Ordinance - Sets out the vested rights provisions - Explains how standards are applied to lots with two or more uses - Combines typical 'minimum requirements' language with conflict provisions - Exempts bona fide farming from the Ordinance in the County	- Relocate the compliance provisions to section on Applicability and Jurisdiction In new Chapter 1, General Provisions. - Carry forward the vested rights provisions without substantive modifications in their own section called Vested Rights in Chapter 1, General Provisions. - Relocate the minimum requirements and bona fide farm exemption to the section on Applicability and Jurisdiction. - Clarify that bona fide farm exemption applies to zoning rules, not flood damage protection or subdivision. - Delete the language on multiple uses on the same lot (unnecessary).
B 1-6	Severability	Comprised of 3 sections addressing severability	- Carry forward without substantive modification in a new Severability section in new Chapter 1, General Provisions. - Relocate the definitions to New Chapter 10, Measurement and Definitions.
B 1-7	Conflicting Provisions	Comprised of 2 sections that clarify when conflicts arise, the more restrictive standard controls	- Revise to create three subsections, one for how conflicts between the UDO and other city-county standards are addressed; one for how conflicts between the UDO and other State and federal standards are addressed; and one for how conflicts between UDO provisions are addressed. - Consider revising the conflict provisions to address situations where new development is subject to flexibility provisions or where some standards are relaxed as an incentive for the provisions of sustainable development.
B 1-8	Illustrations	Clarifies that illustrations supplement text	Consolidate with similar provisions in Rules of Language Construction in New Chapter 1, General Provisions, to clarify that text controls in cases when

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
			the text differs from an illustration.
B 1-9	Cumulative Requirements	Clarifies that standards in ordinance are cumulative	Relocate to New Chapter 9, Enforcement.
B 2-1	ZONING DISTRICTS		
B 2-1.1	Zoning Districts Established	<ul style="list-style-type: none"> - Establishes the distinctions between general use districts, special use, and special use limited (same as special, but no graphical conditions or site plans allowed) districts - Sets out the Growth Management Plan and the corresponding 5 growth management areas 	<ul style="list-style-type: none"> - Reconcile distinctions between zoning district naming conventions in City vs County to have these match. - Consider the translation from 36 general use districts to 24 general use districts (including two new planned development districts). - Consider revising the Special Use and Special Use Limited/No Site Plan districts to the one-step legislative conditional zoning process and abolishing the special use zoning permit. - Consolidate the "Limited" and "No Site Plan" terminology to a common name since both applications types are identical. - Include a section carrying forward all existing Special Use Permit and Special Use Permit Limited/No Site Plan districts and their associated permits, but that requires any changes to be considered as a map amendment for a general or conditional zoning district. - Establish the GMA designations as new overlay zoning districts that apply additional use limitations, dimensional requirements, and design controls.
B 2-1.2	Residential Zoning Districts Purpose Statements and Regulations	Section starts with a table establishing the 16 residential zoning districts, then sets out the purpose, dimensional, and district-specific standards for each district	<ul style="list-style-type: none"> - Suggest a new table-based format for zoning districts, supplemented with images showing district standards and desired forms of development. - Relocate repeated table notes and other standards like the limitation on the number of principal buildings per lot could as generally applicable dimensional requirements applied to all districts. - Relocate Yadkin River Conservation and Agricultural districts into a new class of protected districts. - Consider mandating conservation subdivisions in the AGR district and allowing them in the SFL district. - Explore ways to consolidate the single-family residential districts (RS-40 & RS-30 into a low-density district; RS-20, 15, & 12 into a medium density district; and RS-9 & RS-7 into a high density district) as a means of simplifying the ordinance. - Explore ways to consolidate the multi-family districts: RSQ & RM-5, RM-8 & RM-12 & RM-18, RM-18 & RM-U to simplify the ordinance. - Relocate any development standards (parking, landscaping, etc.) to new Chapter 5, Development Standards, dealing exclusively with development standards. - Remove roof pitch requirements (no longer allowed, except on manufactured housing).
B 2-1.3	Commercial Zoning Districts Purpose Statements and Regulations	Section starts with table establishing the 13 commercial zoning districts, then sets out the purpose, dimensional, and district-specific standards for	<ul style="list-style-type: none"> - Suggest a new table-based format for zoning districts, supplemented with images showing district standards and desired forms of development. - Relocate repeated table notes and other standards like the limitation on the number of principal buildings

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
		each district	<p>per lot could as generally applicable dimensional requirements applied to all districts.</p> <ul style="list-style-type: none"> - Explore ways to consolidate many of the 13 districts into high, medium, and low intensity ranges to simplify the ordinance. - Relocate GMA-related standards into the new GMA overlay district section. - Relocate repetitive development standards (parking, landscaping, signage, exterior lighting, etc.) that are not district-specific standards to a new Chapter 5, Development Standards. - Remove the MRB-S district from the line up of general use districts and relocate it to the special use districts (consider the establishment of new large format retail design standards to help address the issues addressed by the current MRB-S standards).
B 2-1.4	Industrial Zoning Districts Purpose Statements and Regulations	Section starts with table establishing the 3 industrial zoning districts, then sets out the purpose, dimensional, and district-specific standards for each district	<ul style="list-style-type: none"> - Incorporate the industrial districts with the other nonresidential zoning district provisions. - Suggest a new table-based format for zoning districts, supplemented with images showing district standards and desired forms of development. - Relocate repeated table notes and other standards like the limitation on the number of principal buildings per lot could as generally applicable dimensional requirements applied to all districts. - Suggest new districts names based on intensity: Limited to low; Central to medium; and General to high intensity. - Repeated table notes and other standards like the limitation on the number of principal buildings per lot could be re-established as a set of common dimensional requirements applied to all districts.
B 2-1.5	Institutional and Mixed Use Zoning Districts Purpose Statements and Regulations	Section starts with table establishing the 3 zoning districts, then sets out the purpose, dimensional, and district-specific standards for each district	<ul style="list-style-type: none"> - Suggest a new table-based format for zoning districts, supplemented with images showing district standards and desired forms of development. - Revise the line-up of mixed-use districts to be more intensity based: low, high, and institutional. - Establish two new mixed-use districts (low and high density); consolidate the IP and C districts into the institutional (MUI) district. - Relocate the MU-S district to the section on special use districts (the process and standards for the MU-S are actually quite close to a planned development procedure, and this district could help inform the proposed planned development districts).
B 2-1.6	Overlay and Special Purpose Zoning Districts Purpose Statements and Regulations	Section starts with a table establishing the 6 overlay zoning districts, and then sets out the purpose statements, and requirements for each overlay district	<ul style="list-style-type: none"> - Supplement with additional details on how overlay districts apply in addition to general use, conditional, special use, or planned development zoning district standards. - Clarify how conflict between overlay and general use/conditional standards are addressed. - Carry forward the NCO district standards but supplement with names of the various districts already established and where the individual district standards can be inspected.

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
			<ul style="list-style-type: none"> - Consider designating the current TO standards as generally applicable standards and then allow for the establishment of distinct TO sub-districts that address design related issues described in the Legacy Comprehensive Plan. - Supplement the general TO standards with additional provisions addressing sign type and height as well as sidewalks. - Clarify if the TO district does or does not including additional landscaping provisions. - Relocate the variance provisions to the variance procedure in new Chapter 2, Procedures. - Clarify if there are general standards applied to all lands designated TO or if there are corridor/area-specific requirements applied. If there are unique standards, they need to be codified here - Consider revising the zoning map to show the outer extents of the AO district. - Relocate the HO district provisions here with the rest of the overlay districts. - Consider integrating the Winston overlay district provisions into the proposed downtown planned development district (the overlay district could still be carried forward). - Suggest MLKO overlay district be revised into a sub-district of the TO. - Suggest relocating the water supply watershed standards to this portion of the UDO and treat as an overlay district.
B 2-2	OFFICIAL ZONING MAPS		
B 2-2.1	Official Zoning Maps	Sets out 4 sections dealing with the establishment, location, and procedure for amendment to the Official Zoning Maps	<ul style="list-style-type: none"> - Carry forward and consolidate these standards with similar provisions in the general portion of new Chapter 3, Zoning Districts. - Reference and incorporate (by reference) other maps that have impact on land uses or land use configuration, like: FIRM/FIS maps, a water supply watershed boundary map, boundaries of various TO sub-districts, or similar maps (like the airport overlay map). - Clarify if superseded zoning maps are also maintained digitally or on paper.
B 2-2.2	Zoning District Boundaries	Includes details on interpretation of Zoning Map boundaries	<ul style="list-style-type: none"> - Carry forward the rules for interpretation. - Clarify the City-County Planning staff member empowered to interpret the Official Zoning Map. - Cross reference the interpretation procedure that explains how map interpretations (among other things) take place.
B 2-3	APPLICATION OF DISTRICT REGULATIONS		
B 2-3.1	Minimum Standards	Establishes that the district standards in the Ordinance are minimum requirements	Suggest broadening to apply to all Ordinance requirements and relocating to Jurisdiction and Applicability section of new Chapter 1, General Provisions.
B 2-3.2	Compliance	Clarifies that land may only be used for the allowable uses in the	Carry forward, but relocate to prefatory standards introducing the principal use table in new chapter 4,

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
		use table, subject to the district dimensional requirements	Use Standards.
B 2-3.3	Separate Compliance	Clarifies that any required yard or portion of one lot may not be used by another lot	Carry forward with generally applicable dimensional requirements applied to all districts in new Chapter 3, Zoning Districts.
B 2-3.4	Yard and Lot Compliance	Prohibits the reduction in a required yard or setback, except in compliance with Ordinance standards	Relocate to Jurisdiction and Applicability section in new Chapter 1, General Provisions.
B 2-3.5	Corner Lots	Assigns the determination of front and side lot line determination on corner lots to the Building Inspector	Suggest the new ordinance include a rules of measurement section that establishes basic rules of thumb regarding determination of front lot lines for corner or irregular lots with the ability for staff to make a determination (when necessary) in accordance with an Interpretation procedure. Rules of measurement are located in new Chapter 10, Measurement and Definitions.
B 2-3.6	Subdivided Zoning Lots with Written Agreements	Clarifies that when a pre-existing lot of record is further subdivided, the density and floodplain standards may be applied to only one of the lots under a series of circumstances	Carry forward with the subdivision standards in new Chapter 6, Subdivision Requirements.
2-4	PERMITTED USES		
B 2-4.1	Table B.2.6	Introduces the principal use table	<ul style="list-style-type: none"> - Suggest naming the table instead of relying on its number. - Suggest revising the current approach to classifying uses be revised into a three-tiered use classification system based on 5 use classifications (residential, institutional, commercial, industrial, agricultural), each of which are further broken down into use categories (retail sales, personal services, offices, recreation, etc.), which is then broken down into individual use types. - Add a note clarifying that use classifications, categories, and use types are defined in new Chapter 10, Measurement and Definitions.
B 2-4.2	Established Nonconforming Uses	Cross references another section of the Ordinance	Remove- unnecessary.
B 2-4.3	New or Unlisted Uses & Expansion of Uses Classified in Previous Ordinances	Indicates that the Director of Inspections will classify an unlisted use based on the uses in the table	<ul style="list-style-type: none"> - Add additional language on the process used to classify an unlisted use (the proposed interpretation process) and clarify that an interpretation is an appealable decision. - Include a new section on use types that are prohibited throughout the planning jurisdiction and clarify that some overlay district provisions prohibit certain use types though they may be allowed by the underlying zoning district.
B 2-4.4	H District	Clarifies that use regulations associated with the "H" district are not included in the table	Remove – unnecessary.
B 2-4.5	Application of Table B.2.6	Identifies the procedure codes (Z, P, A, E) used in the principal use table and explains the	<ul style="list-style-type: none"> - Carry forward and describe other aspects in the use table. - Convert the special use permit procedure by the

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
		conditions column	elected officials into a special exception procedure to limit confusion.
B 2-4.6	Other Development Requirements of the Zoning Ordinance	Reminds code users that other standards (beyond those in the use table) may apply	Carry forward and clarify how lots with multiple different uses are addressed.
B.2.6	B.2.6	This is the principal use table	<ul style="list-style-type: none"> - Give the table a name in addition to a number (suggest "Principal Use Table"). - Use color codes to differential types of zoning districts (protected, residential, mixed-use, nonresidential, planned development). - Re-orient the table to portrait layout. - Sort uses by use classification, then use category - Reorder the use types to have an alphabetic listing by use classification (or use category, if that is added). - Clarify the parenthetical references listed at the end of each use type (Lo, Hi, F, W). - Consider using a "." symbol in cells where a particular use is not allowed. - Any use reviewed as a special use or special exception should include standards to be applied as part of the review procedure; several use types reviewed as special uses lack conditions to apply during the review (could be included as a set of generic conditions). - Broaden the list of uses to include new modern use types and remove items that are not principal use types. - Convert footnotes to table notes or embed within the use-specific standards.
2.5	USE CONDITIONS		
B 2-5.1 through B 2-5.81	Use Conditions	Lists the various use-specific standards for principal uses listed in Table B.2.6	<ul style="list-style-type: none"> - Reorganize into alphabetic order by use classification (Residential, Agricultural, Institutional, etc.), then by use category (household living, group living, etc.) - Consider organizing in a tabular format with an example image for each use to aid in navigation. - Supplement with modern uses (event venues, co-working, maker space, live/work dwellings, wineries, brew pubs, distilleries, flex space, pop-up retail, cottage industry, pocket neighborhood, bungalow court, business incubators, solar equipment systems, etc.) - Remove items that are not principal uses (access easements, child day care homes [these are accessory], dirt storage, limited campus use, off-site parking, etc.). - Ensure compliance with changing state law (Animal feeding operation, child day care, electronic sweepstakes, games of skill, telecommunications collocations, small wireless facilities, etc.). - Double check for RILUIPA compliance (religious institution/club or lodge/school). - Remove nebulous use types like "combined use" or "fishing, fee charged"). - Consider converting planned residential development

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
			from a use type to a district with a procedure for establishment and expand to allow commercial and mixed use planned development. - Discuss what to do about off-premise signs in light of Reed decision.
2-6	ACCESSORY USES		
B 2-6.1	General Requirements	Sets down the basic parameters of accessory uses	- Add purpose and intent statements. - Supplement with greater detail regarding how the accessory use standards are organized. - Clarify the term incidental (subordinate) in terms of maximum size, height, dimensional requirements, timing, sale apart from principal use, etc.
B 2-6.2	Uses Accessory to Certain Principal Uses	Sets out a series of allowable accessory uses to 14 groups of principal use types	Consider embedding in the use-specific standards for the particular principal use type, or broaden to be applicable to any principal use.
B 2-6.3	Accessory Uses Subject to Other Requirements	Sets out the accessory use-specific standards for a handful of accessory uses	- Carry forward, but supplement with standards for additional accessory uses like: outdoor storage, seasonal outdoor sales, portable storage containers, ATMs, CBUs, EV stations, membrane structures, etc. - Supplement with a summary table of common accessory uses similar to the principal use table.
B 2-6.4	Uses which may only be Accessory to Principal Uses	Sets out standards for uses that may only be permitted as accessory uses	Carry forward.
B 2-6.5	Other Accessory Uses	Sets out additional accessory use standards	Integrate with other accessory use standards.
2-7	TEMPORARY USES		
B 2-7.1	Purpose	Sets out the purpose statements for these uses	Carry forward and supplement with new applicability statements.
B 2-7.2	Temporary Uses Permitted	Sets out the standards for 13 temporary uses	- Carry forward, but clarify how fill or removal of soil is temporary. - Consider adding provisions for temporary family care homes, itinerant merchants, yard sales, temporary wireless facilities, etc. - Supplement with standards clarifying the number of times per year a particular temporary use may take place on the same lot.
B 2-7.3	Permit	Identifies the zoning permit as the applicable permit type	Consider establishing a temporary use permit instead, and using this for temporary signage as well.
3-1	DIMENSIONAL REQUIREMENTS		
B 3-1.1	General Requirements	Sets out some basic dimensional standards	- Relocate to generally applicable dimensional standards located prior to zoning district provisions in new Chapter 3, Zoning Districts. - Reconcile Section 2-3.6 and 3-1.1.D, both titled Subdivided Zoning Lots with Written Agreements. - Clarify that variances may not be used to increase allowable densities. - Consider adding a section that indicates how maximum densities or other minimum dimensional standards may be increased or reduced (as appropriate) as incentives for preferred forms of development. - Clarify how dimensional averaging may take place,

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
			<p>and under what circumstances (typically done for infill and on vacant nonconforming lots of record).</p> <ul style="list-style-type: none"> - Remove repetitious dimensional standards tables in favor of individual district-based standards in new Chapter 3, Zoning Districts. - Consolidate the standards from Tables B.3.3 and B.3.4 with the individual district-based tables.
B 3-1.2	Supplementary Dimensional Requirements	Sets out 25 subsections addressing the standards for encroachments into required setbacks/yards, aspects which may exceed height limitations, multi-family building spacing provisions, and standards pertaining to lot dimensions	<ul style="list-style-type: none"> - Relocate material pertaining to height limits and allowable extensions, allowable encroachments into yards and setbacks, flag lots, and irregular lots to a section on Rules of Measurement in new Chapter 10, Measurement and Definitions. - Relocate zoning district-based additional height allowances, special yard or setback requirements, and minimum lot areas to the appropriate zoning district standards in new Chapter 3, Zoning Districts. - Relocate provisions pertaining to accessory use size and placement to the section on accessory uses in new Chapter 4, Use Standards. - Suggest simplification of multi-family, townhouse, twin home minimum building separation requirements by removing triangle requirements and listing building spacing standards in the individual district dimensional standards in new Chapter 3, Zoning Districts. - Relocate basic double counting and easement-related provisions to the section on Applicability and Jurisdiction in new Chapter 1, General Provisions. - Relocate material pertaining to access easements and private streets to a section of Access and Circulation in new Chapter 5, Development Standards. - Relocate general dimensional requirements addressing lot frontage and similar issues to the section on General Dimensional Standards in new Chapter 3, Zoning Districts.
3-2	SIGN REGULATIONS		
B 3-2.1	Sign Regulations (W) & (F)	This section has two sets of signage standards: one for Winston-Salem (labeled with a W) and one for Forsyth County (labeled with an F)	<ul style="list-style-type: none"> - Join the sign regulations from both communities into a single set of standards to help eliminate confusion. - Supplement the purpose statements with new statements about protecting the First Amendment right to free speech, that the standards are the minimum necessary to protect the health, safety, and general welfare, and that the standards avoid the regulation of sign content except where absolutely necessary to ensure public safety. - Suggest adding a sign permit procedure and using this permit (instead of a zoning permit) for the purposes of reviewing signage applications. - Suggest adding a temporary use permit procedure and using this temporary use permit procedure to consider applications for temporary signage. - Supplement the standards with a list of exempt signage (traffic signs, government signs, historic markers, flags, fence wraps, legal notices, accessible parking space signs, etc.).

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
			<ul style="list-style-type: none"> - Relocate the sign measurement provisions to the appropriate section in new Chapter 10, Measurement and Definitions. - Suggest removing standards for political signs and referring solely to the General Statutes (there is conflict between the Reed ruling and NC State law). - Remove ALL references to signage based on use type (for example, church signs, menu boards, gas pump signs, home occupation signs, directory signs, etc. – signs regulated based on the use they serve is not content neutral according to Reed). - Remove ALL references to activity-based signs (for example: construction/lender signs, real estate signs, builder signs, agricultural signs, etc.- this is also content based regulation as determined by Reed). - Remove ALL references to regulating what is on the face of a sign, including time, temperature, date. Also, it is no longer permissible to treat signs with no commercial message differently since this requires reading the sign – a key characteristic of a content-based standards in accordance with Reed. - Temporary sign rules need to be made generic (no longer keyed to uses or non-profit status) and applied identically to commercial and noncommercial signage. - To the extent possible, suggest removing amortization provisions, especially if there are few/no nonconforming signs left in the County.
3-3	PARKING, STACKING, AND LOADING AREAS		
B 3-3.1	General Requirements	Sets out 8 general subsections dealing with basic requirements to provide off-street parking, results of changes in use, and maintenance and operation of parking lots	<ul style="list-style-type: none"> - Supplement with purpose and intent statements. - Clarify if there are some developments that are exempt from parking (bona fide farms, re-use of a historic structure, etc.). -Relocate the maintenance provisions to a section on Required Maintenance. - Relocate access provisions to a section on Parking Area Configuration. - Suggest requiring all new site plan and building permit applications to provide a simple parking plan to demonstrate compliance.
B 3-3.2	Off-Street Parking Requirements	Sets out the vehicular and bicycle parking standards by use type, how parking space requirements are computed, how unlisted uses are handled, the rules for provision of more than the maximum number of spaces, and locational provisions for parking lots	<ul style="list-style-type: none"> - Carry forward table, ensure all standards correspond to a listed principal use/accessory use. - Suggest a different standards for resident-based requirements (hard to enforce). - Suggest removing requirements for agricultural uses since most occur on bona fide farms anyway. - Office standard is a little low for modern times suggest reducing to 1/200 sf. - Ability to reduce standards (like for churches) appears arbitrary; consider rolling in to a more formal parking flexibility mechanism. - The landscaping standards for providing more than maximum parking are not clear; consider locating here or adding cross-reference. - Supplement section on parking location with cross

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
			references to district/GMA-based design provisions.
B 3-3.3	Design Standards for Parking Areas	Establishes the basic design criteria for parking lots, off-street parking space dimensions, parking lot surfacing requirements, standards for cross access, throat lanes, and stacking spaces	<ul style="list-style-type: none"> - Suggest adding standards that limit the need to back from a parking space onto a collector, thoroughfare, or arterial street. - Add standards to connect entranceways of individual buildings in multiple-building developments with pedestrian walkways and relocate all internal pedestrian circulation provisions to a new section on Access and Circulation in new Chapter 5, Development Standards. - Clarify where gravel parking is allowed and prohibited. - Consider applying cross-access provisions to mixed-use developments.
B 3-3.4	Off-Site Parking	Sets out the standards for allowing off-site parking for multi-family, institutional, and nonresidential uses	<ul style="list-style-type: none"> - Relocate to other parking alternative provisions. - Add a maximum distance requirement for off-site parking serving nonresidential development.
B 3-3.5	Alternative Parking and Parking Incentives	Includes the shared parking, shuttle lots, district-based reductions, compact space, tree-save, transit, on-street, car-share, and electrical vehicle reductions from parking standards	Carry forward, consider adding the ability to reduce some standards (landscaping or required parking spaces, or both) for the configuration of a parking lot in accordance with low impact development practices.
B 3-3.6	Off-Street Loading and Unloading Areas	Establishes the count and configuration for loading spaces	<ul style="list-style-type: none"> - Suggest different approach where applicant determines if they need/will provide loading spaces, and if they choose to provide, the loading space is configured in accordance with the minimum standards. - Suggest expanding the current design/location configuration applied to industrial development to all forms of development.
3-4	LANDSCAPING AND TREE PRESERVATION STANDARDS		
B 3-4.1	General Requirements (W) & (F)	This section has two sets of landscaping standards, one for Winston-Salem (W) and one for Forsyth County (F)	<ul style="list-style-type: none"> - Join the two sets of landscaping standards into a single section to minimize confusion. - Clarify how the requirements apply to additions and extensions. - Supplement exclusions with removal of nuisance vegetation.
B 3-4.2	Application Procedures and General Requirements	This section sets out the development required to provide landscaping, limitations on landscaping placement, requirements for soil stabilization, the requirements to maintain landscaping, and the enforcement/penalties material	<ul style="list-style-type: none"> - Clarify that a landscaping plan is required with new development. - Reorganize into two sections: one on plant material specifications and one on plant placement. - Clarify rules for landscaping around stormwater management facilities. - Clarify how standards are applied to phased developments. - Relocate the maintenance and enforcement provisions to a separate section on maintenance and supplement with replacement requirements. - Suggest adding "severe pruning" as a violation akin to tree topping. - Relocate the credit for tree retention to a new separate section on tree protection in new Chapter 5, Development Standards.

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SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
			<ul style="list-style-type: none"> - Suggest revising tree credit provisions from a diameter-to-#-of-trees-credited system to a DBH-to-caliper-inch requirement to better encourage tree protection. - Supplement this section with the minimum required vegetation sizes at time of planting and species diversity requirements.
B 3-4.2.1	Tree Preservation and Planting (W)	Sets out the standards for tree retention on lots in the City, or how tree canopy must be re-established if lot lacks sufficient pre-development tree cover	<ul style="list-style-type: none"> - Clarify applicability: what kinds of development must save trees (through a table) and add example hypothetical sites with calculations showing how the standards operate. - Need to supplement with standards about how existing tree canopy coverage is determined in advance of development. - Clarify if tree save in unbuildable areas is credited towards basic requirements. - Suggest removing requirements for reforestation on sites lacking minimum threshold of existing tree canopy prior to development (consider fee-in lieu instead). - Suggest adding an alternative that allows reforestation (after clearing) on 15%-20% of the site area as an alternative to retaining existing trees.
B 3-4.3	Motor Vehicle Surface Area Landscaping Standards	Includes the standards for parking lot landscaping, consisting of streetyards (2 trees/100 LF + shrubs, fences, planters, or berms) and interior plantings	<ul style="list-style-type: none"> - Consider shifting from a "streetyard" approach to requirements for trees and shrubs (or fences, etc.) all the way around a parking lot except in cases where the parking lot abuts another parking lot. - Clarify if the shading requirement can be met through streetyard, or perimeter trees. Suggest dropping spacing from 75 to 60 feet. Allow understory trees under powerlines and drop credited distance from 60 to 30 feet. - Suggest revising current interior planting area approach to an approach requiring planted islands at the end of rows and every 12-15 spaces, along with solid uninterrupted planting strips every 6 parking rows. - Do not require trees in every island as this can interfere with lighting – suggest shading approach and minimum spacing between trees and lights. - Add illustrations for clarity.
B 3-4.4	Motor Vehicle Display Area Landscaping Standards	Clarifies that vehicle display area must meet other parking lot landscaping standards	Consolidate with other parking lot landscaping standards.
B 3-4.5	Outdoor Storage Area Screening Standards	Sets out the screening requirements for outdoor storage and refuse dumpsters	<ul style="list-style-type: none"> - Relocate to a section on screening in new Chapter 5, Development standards. - Supplement with screening requirements for loading and service areas, ground-based mechanical equipment, recycling containers, wall-mounted equipment, and roof-based equipment. - Suggest allowing applicants to also use berms for screening ground-based items and combining allowable screening techniques.

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
			<ul style="list-style-type: none"> - Add standards for parapets and other methods of screening roof-based equipment. - Include guidance for camouflaging wall-mounted equipment. - Include illustrations for clarity.
B 3-4.6	Utility Service Area Screening Standards	Sets out standards for screening utility service area structures	<ul style="list-style-type: none"> - Clarify what constitutes a utility service area structure. - Consolidate with other screening standards.
B 3-4.7	Parking Structures or Buildings	Requires parking structures (and any building?) to provide a landscaped streetyard	<ul style="list-style-type: none"> - Clarify applicability. - If all buildings are required to provide a streetyard, then move the streetyard standards out of parking lot landscaping and into their own section. - If only parking structures are required to provide the streetyard, add parking structures to parking lot landscaping applicability statements, or add as a use-specific standard.
B 3-4.8	Planting Requirements for Schools	Sets out landscaping standards for public and private schools	<ul style="list-style-type: none"> - Remove references to public schools; they are exempt and this adds cost to school construction and maintenance - If private school landscaping requirements are retained, relocate to use-specific standards in new Chapter 4, Use Standards.
B 3-4.9	Variance	Sets out criteria for hardship for variance applications from landscaping	<ul style="list-style-type: none"> - Consider adopting an alternative landscaping plan provision to address these issues instead of requiring developments to meet 'hardship' test. - Add existing shaded conditions to the range of situations that would allow a deviation. - Relocate variance-related materials to the variance procedure in new Chapter 2, Procedures.
B 3-4.10	Suggested Plant Materials List	Sets out a suggested list of plant materials for use in complying with landscaping standards	<ul style="list-style-type: none"> - Remove from ordinance; these are suggestions. - Remove any reference to alternative plant choices requiring approval – plants on this list are suggestions only - Relocate prohibited (non-credit) vegetation from this list and include in the standards for planting materials.
3-5	BUFFERYARD STANDARDS		
B 3-5.1	General Requirements	Sets out the purpose and applicability requirements for landscaped buffers	Relocate with other landscaping standards.
B 3-5.2	Determination of Bufferyard	Describes how buffers are assigned (by zoning district), the options available for buffer configuration, and alternatives available	<ul style="list-style-type: none"> - Clarify that the developing property is responsible for providing the required buffer. - Explain what happens if existing (but insufficient) vegetative material is already there. - Supplement the buffer options with example images of buffer options and drawings of plantings. - Suggest standardizing buffer options instead of listing multiple options for each buffer type. - Supplement the planting standards with a minimum buffer width requirement (this may be modified by options as well). - Explain the difference between evergreen "plants" and evergreen "shrubs". - Address alternative buffering with generic alternative landscaping plan section.

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
B 3-5.3	Bufferyard Location and Design Requirements	Sets out the buffer design and plant material sizes	<ul style="list-style-type: none"> - Carry forward design standards, but relocate plant size material to the on minimum size at time of planting. - Supplement with illustrations.
B 3-5.4	Multiple Use of Bufferyards	Clarifies that bufferyards may be credited towards other landscaping standards, and describes what may be located in a buffer	<ul style="list-style-type: none"> - Carry forward with other applicability standards for buffers. - Clarify minimum buffer widths and consider allowing staff (not the Planning Board) to approve the 5% buffer width reduction as an alternative landscaping plan.
B 3-5.5	Bufferyard Variance	Sets out criteria for hardship for variance applications from landscaping	<ul style="list-style-type: none"> - Consider adopting an alternative landscaping plan provision to address these issues instead of requiring developments to meet 'hardship' test. - Add existing shaded conditions to the range of situations that would allow a deviation. - Relocate variance-related materials to the variance procedure in new Chapter 2, Procedures.
3-6	COMMON RECREATION AREAS		
B 3-6.1	Applicability	<ul style="list-style-type: none"> - Sets out the requirements for multi-family developments (of 40+ units) and all manufactured home developments to provide private common open space - Establishes the amount and configuration requirements, as well as clarifying that maintenance is required 	<ul style="list-style-type: none"> - Add purpose and intent statements. - Consider the possibility of accepting a fee in lieu instead of reducing the open space amount required. - Clarify if open space is supposed to be for active or passive recreation (or both). - Need to clarify the types of allowable development in open space areas, and what is not credited towards open space. - Broaden access provisions to address central location or the ability to extend existing off-site recreation areas. - Supplement with additional provisions regarding ownership and maintenance (whether landowner or HOA). - Supplement with standards for providing open space in multi-phase developments.
B 3-6.2	Minimum Size		
B 3-6.3	Combining Areas		
B 3-6.4	Access		
B 3-6.5	Finished Grade		
B 3-6.6	Landscaping		
B 3-6.7	Exclusions		
B 3-6.8	Maintenance		
3.7	PROTECTION OF PUBLIC RIGHTS-OF-WAY AND GREENWAYS		
B 3-7.1	Public Rights-of-Way	Establishes the requirements for and parameters of dedicating land for public rights-of-way	<ul style="list-style-type: none"> - Relocate to the section on Streets in new Chapter 6, Subdivision Requirements. - Ensure there is a cross reference to the streets and other infrastructure standards in new Chapter 5, Development Standards, to ensure applicants for site plans, zoning permits, or building permits (but not subdivisions) are aware of the dedication requirements.
B 3-7.2	Greenways	Establishes the procedure for reserving greenway land located within areas identified on the Greenway Plan	<ul style="list-style-type: none"> - Explore whether or not the community wishes to require this land to be dedicated. - Supplement with additional criteria regarding minimum specifications for dedicated/reserved land. - Include incentives for a construction by a developer during development of the lot.
3-8	SUPPLEMENTARY STANDARDS FOR OLDER NEIGHBORHOODS (F)		
B 3-8.1	Applicability	<ul style="list-style-type: none"> - Sets out alternative setbacks for lots of record platted before 1948 in 4 different zoning districts - Sets out a series of additional 	<ul style="list-style-type: none"> - Relocate the alternative setback and configuration requirements to the respective zoning district standards in new Chapter 3, Zoning Districts. - Delete roof pitch requirements as these are unrelated to the standards.
B 3-8.2	Alternative Setbacks and Standards		
B 3-8.3	Alteration or		

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
	Expansion Not Affecting Occupancy or Intensity	standards applied to development using the alternative setbacks	
B 3-8.4	Submittal of Information		
3-8	SUPPLEMENTARY STANDARDS FOR RESIDENTIAL DEVELOPMENT IN GMA 2 (W)		
B 3-8.1	Single Family Development on Scattered Sites	Sets out a variety of standards for single-family structures on infill lots	<ul style="list-style-type: none">- Clarify if these standards are applied solely to single-family detached or if they apply to single-family attached structures as well.- Relocate these standards to the appropriate sub-district in the GOMO overlay standards in new Chapter 3, Zoning Districts.- Remove standards limiting the width of street-facing garage openings (no longer authorized by General Statutes).- Relocate the front setback measurement provisions to the appropriate subsection in Rules of Measurement in new Chapter 10, Measurement and Definitions.- Simplify and broaden the standards for narrow lots.
B 3-8.2	Subdivisions	Sets out standards for subdividing land subject to these standards	Delete as unnecessary. Requirements mandating use of special use zoning are legally dubious.
B 3-8.3	Multifamily Development	Cross reference	Delete-unnecessary
3-9	BONUS DENSITY FOR AFFORDABLE HOUSING		
B 3-9.1	Density Increase Permitted	Clarifies that maximum residential densities may be exceeded in cases when a portion of the development is set aside for low-to-moderate income residents for a period of 15 years	Carry forward in new section of Chapter 5, Development Standards.
B 3-9.2	Applicability	Establishes the 25% density bonus for provision of affordable housing or land for affordable housing	
B 3-9.3	Contract for Sale of Single Family Residences	Sets out the required contractual provisions associated with receipt of the density bonus	
B 3-9.4	Contract for Rental of Duplex or Multifamily Units		
B 3-9.5	Disclosure of Contract Terms to Potential Home Buyers		Relocate to an outside policy document, not a standard.
B 3-9.6	Conveyance of Property to County, City, or Housing Authority		Relocate to an outside policy document, not a standard.
3-10	WATER SUPPLY AND SEWAGE DISPOSAL		

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
B 3-10.1	Approval	Clarifies that when public water or sewer is not available, an applicant is required to secure private water and wastewater treatment in accordance with State requirements.	Carry forward in a new section on Infrastructure in new Chapter 6, Subdivision Requirements (as well as a cross reference in Chapter 5, Development Standards).
B 3-10.2	Method to be Specified	Sets out the types of private systems allowed	
B 3-10.3	System Approval	Clarifies the approving agency for private utilities	
B 3-10.4	Community Water System	Clarifies performance guarantees for community-level private systems are in place	
3-11	OTHER STANDARDS		
B 3-11.1	Lighting	Requires outdoor lighting in a bufferyard to be shielded to avoid casting light onto an adjacent property	Relocate with other exterior lighting standards in new Chapter 5, Development Standards.
B 3-11.2	Noise	Requires several features to be setback from residential uses or zoning	- Relocate to generally applicable dimensional standards section of new Chapter 3, Zoning Districts. - Suggest removing residential “use” and retaining district only since uses can change easily yielding nonconformance.
B 3-11.4	Keeping of Horses, Mules, Donkeys, Goats, Sheep, or Cattle	Establishes a 50-foot setback for animal housing from lot lines	Relocate to section on accessory uses in new Chapter 4, Use Standards.
3-12	LARGE SCALE RETAIL DEVELOPMENTS		
B 3-12.1	Design Requirements for Large Scale Retail Developments	Sets out the intent, definitions, applicability, design standards, site configuration requirements, operational standards, and submittal requirements for large scale retail uses	- Relocate the definitions to the other definitions in new chapter 10, Measurement and Definitions. - Relocate the standards to the section on Design Standards in new Chapter 5, Development Standards. Clarify if exemptions from the standards can be achieved through conditional zoning or planned development zoning (it is okay to bar reductions to these standards). - Suggest making sure these standards also apply to multi-story structures meeting the floorplate thresholds. - Unclear if/why these standards are applied to “pad” sites associated with a larger development when they may contain buildings that do not meet the floorplate size thresholds. - Suggest the requirement applied to vacant buildings be relocated to their own subsection in the Design Standards, and applied to all vacant nonresidential/mixed-use buildings. - Supplement the design standards with more illustrations, particularly the standards about features like storage, trash collection, outdoor sales areas being incorporated into the design of the structure. - Clarify if art in the building counts towards the 1% public art allocation requirement. - Remove any references to signage copy or contents.

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
			- Suggest submittal requirements be relocated to an outside manual.
3-13	STREET STANDARDS GOVERNING VEHICLE AND PEDESTRIAN CIRCULATION		
No#	No Name	<div>- Sets out the standards for pedestrian, transit, and bicycle mobility</div> <div>- Sets out standards for ingress and egress requirements as well as streets</div>	<div>- Renumber this material in a manner consistent with the balance of the ordinance.</div> <div>- Relocate the on-site circulation provisions to a new Access and Circulation section in new Chapter 5, Development Standards.</div> <div>- Relocate sidewalk and bicycle lane requirements associated with streets to new sections within new Chapter 6, Subdivision Requirements.</div> <div>- Simplify the sidewalk applicability requirements generally.</div> <div>- Clarify if sidewalks are or are not required in the County on land not being annexed by the City.</div> <div>- Relocate the ingress/egress standards to the subdivision design provisions in new Chapter 6, Subdivision Requirements.</div> <div>- Suggest new requirements for private streets to be built to public street standards and that requirements for posting of sureties be removed (maintenance warranties for streets are now prohibited).</div> <div>- Missing text in B 3-13(B)(3)(a)(ii).</div> <div>- Relocate street standards to a section on Streets in new Chapter 6, Subdivision Requirements, and ensure a cross reference in new Chapter 5, Development Standards.</div> <div>- Consider adopting a variable connectivity index that increases with district intensity (1.2 is quite suburban).</div> <div>- Relocate any standards for street trees to the section on streetyard buffers in the Landscaping section.</div>
3-14	SUPPLEMENTARY STANDARDS FOR NONRESIDENTIAL DEVELOPMENT IN GMA 2 (W)		
B 3-14.1	Standards for Nonresidential Development	Sets out a series of somewhat more urban dimensional requirements for all sites and sites of less than one acre in area when located within the designated GMA 2 area	Relocate these standards to the section on the GOMO district in new Chapter 3, Zoning Districts.
4-1	CREATION [of Historic/Historic Overlay Districts]		
No #	No Name	Establishes the Forsyth County Historic Resources Commission	Relocate to a new section on the HRC in new Chapter 9, Authorities and Enforcement.
4-2	PURPOSE [of Historic/Historic Overlay Districts]		
No #	No Name	Sets out the purpose for the regulations	Relocate to the Historic (HIS) district and the Historic Overlay (HISO), respectively.
4-3	FORSYTH COUNTY HISTORIC RESOURCES COMMISSION		
B 4-3.1	Membership and Organization	Sets out the HRC provisions for membership	Carry forward in section on the HRC in new Chapter 9, Authorities and Enforcement.
B 4-3.2	Commission Powers	Sets out the powers and duties of the HRC under the ordinance	
4-4	LOCAL HISTORIC LANDMARK (LHL) DESIGNATION		
B 4-4.1	Designation	Describes how an application for	- Relocate these provisions to the provisions associated

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
	Application	establishing an LHL is started	with the Historic (HIS) general use zoning district in new Chapter 3, Zoning Districts. - Supplement with a listing of the established Local Historic Landmark Designations and indicate where individual LHL requirements may be inspected.
B 4-4.2	Designation Criteria	References locally adopted criteria for review of applications	
B 4-4.3	Designation Procedures	Describes the process for formally establishing an LHL	
B 4-4.4	LHL Regulations	Clarifies that the allowable uses and dimensional requirements applicable within a particular LHL shall be set down in the ordinance establishing it	
4-5	HISTORIC DISTRICTS –ESTABLISHMENT AND AMENDMENT		
B 4-5.1	H Historic District	Establishes the Historic District	Relocate to the Historic (HIS) district in the general use district section of new Chapter 3, Zoning Districts.
B 4-5.2	HO Historic Overlay District	Establishes the Historic Overlay District	Relocate to the Historic Overlay (HISO) district in the overlay district section of new Chapter 3, Zoning Districts.
B 4-5.3	Establishment and Amendment Procedure	Describes the procedure for the establishment of the H or HO districts and how the boundaries may be amended	- Relocate to the HIS district and cross reference in the HISO district. - Clarify that the HIS district does not have a corresponding conditional or special use district.
4-6	H AND HO DISTRICT USES AND DIMENSIONAL REQUIREMENTS		
B 4-6.1	H District Regulations	Sets out the allowable uses and dimensional requirements (including allowable deviations from dimensional requirements)	Relocate to the Historic (HIS) district standards in new Chapter 3, Zoning Districts.
B 4-6.2	HO District Regulations	Clarifies that underlying districts control the allowable uses Clarifies that the dimensional standards are established as part of each HO overlay district	Relocate to the Historic Overlay (HISO) district in new Chapter 3, Zoning Districts. _Identify the existing HISO sub-districts and indicate where the applicable dimensional requirements and other unique requirements may be inspected.
4-7	CERTIFICATE OF APPROPRIATENESS		
B 4-7.1	Requirements for COAs for Local Historic Landmarks	Indicates a certificate of appropriateness is required for certain kinds of development within a designated local historic landmark	- Relocate to the Certificate of Appropriateness procedure in new Chapter 2, Procedures. - Clarify that a when a Certificate of Appropriateness is required, it shall be issued prior to any other applicable permit (like a zoning permit or building permit).
B 4-7.2	Requirements for COAs in Historic and Historic Overlay Districts	Indicates a certificate of appropriateness is required for certain kinds of development within the Historic district of the Historic Overlay district	
B 4-7.3	Circumstances not requiring COAs	Identifies the actions for which no COA is required	
B 4-7.4	Procedures	Describes the procedure for review of an application for a COA (including minor works and demolition)	
B 4-7.4.1	After-the-Fact COAs	Describes the process for consideration of an application for a COA following commencement or completion of development subject to issuance	

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
		of a COA prior to commencement	
B 4-7.5	Standards for Review	Sets out the COA decision-making review criteria	
4-8	COMPLIANCE		
No #	No #	Clarifies that failure to obtain a COA when required is a violation of this ordinance, and that the Building Inspection shall enforce the COA requirements	Relocate language on enforcement to the subsection on the Building Inspector powers and duties in new Chapter 9, Authorities and Enforcement.
4-9	DEMOLITION BY NEGLECT OF LOCAL HISTORIC LANDMARKS OR STRUCTURES WITHIN THE H OR HO DISTRICTS		
B 4-9.1	Authority; Definitions	Sets out the authority for the procedure and the definitions	- Relocate this procedure to reside with the certificate of appropriateness procedure in new Chapter 2, Procedures. - Relocate the definitions to the section on definitions in new Chapter 10, Measurement and Definitions.
B 4-9.2	Prohibition of Demolition by Neglect	Clarifies that demolition by neglect is a violation and that the community may use this procedure to address the violation	- Relocate this procedure to reside with the certificate of appropriateness procedure in new Chapter 2, Procedures.
B 4-9.3	Standards	Sets out the criteria under which a petition for determination of a Protected Structure and a corresponding charge of Demolition by neglect may be made	
B 4-9.4	Petition for Determination of Demolition by Neglect	Sets out the procedure for considering a charge of demolition by neglect and possible solutions via a consent agreement between the owner and the HRC	
B 4-9.5	Mediation		
B 4-9.6	Complaint; Hearing; Order	Describes the process if a failure to reach agreement occurs	
B 4-9.7	Methods of Service		
B 4-9.8	Safeguards from Undue Economic Hardship in Cases of Demolition by Neglect	Sets out the process and criteria for considering a claim of undue hardship from an owner in response to a charge of demolition by neglect	
B 4-9.9	Right of Appeal	Describes the appeal process	
B 4-9.10	Other City or County Powers	Clarifies that nothing shall prohibit the community from invoking minimum housing standards	
B 4-9.11	Penalties and Remedies	Cross references the enforcement provisions	
5-1	PURPOSE [Nonconforming Situations]		

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
No #	No #	Sets out the purpose for the nonconforming provisions	<ul style="list-style-type: none"> - Relocate to new Chapter 8, Nonconformities. - Supplement with standards clarifying that the burden of proof of demonstrating a lawful nonconformity is on the applicant or landowner. - Clarify that continuation, minor repairs, and maintenance of a nonconformity is allowed and encouraged. - Clarify that change of tenancy or ownership does not affect a nonconformity's status. - Add a section on nonconforming signs that allows nonconforming signs to remain until the use they advertise is closed for a period of 180 days or more. - Add a section on nonconforming site features (parking, landscaping, screening, etc.) and tie compliance requirements during redevelopment to the level of investment; the higher the investment, the larger the level of compliance to be obtained.
5-2	NONCONFORMING USES		
B 5-2.1	Applicability	Defines nonconforming uses	Relocate to definitions in new Chapter 10, Measurement and Definitions.
B 5-2.2	Continuation	Clarifies continuation may take place	Relocate to general nonconformity provisions.
B 5-2.3	Expansion of a Nonconforming Use	Sets out the rules under which a nonconforming use can be enlarged or expanded	<ul style="list-style-type: none"> - Carry forward. - Relocate the provisions on telecommunications tower collocations to the use-specific standards on telecommunications towers in new Chapter 4, Use Standards.
B 5-2.4	Conversion of Certain Nonconformities Permitted	Sets out the rules under which an existing nonconforming use may be converted to another nonconforming use	Carry forward.
B 5-2.5	Application Procedure	Sets out the submittal requirements for site plan review as part of applications to expand or convert a nonconforming use	Relocate submittal requirements to an outside manual.
B 5-2.6	Required Alterations or Remodeling	Allows any alternation necessary to ensure public safety or compliance with the law	Carry forward.
B 5-2.7	Reconstruction After Demolition or Destruction	Sets out the rules for re-establishment or removal of a nonconforming use after damage	Consider including a threshold of damage or replacement cost that would render a nonconforming use not replaceable (typically 51% of assessed value prior to damage, though this could be increased).
B 5-2.8	Loss of Nonconforming Use Status	Sets out the criteria under which a nonconforming use is determined to be abandoned and may not be re-established	Carry forward.
B 5-2.9	Amortization of Nonconforming Uses	Sets out rules for amortizing nonconforming uses	Consider deleting, if possible.
5-3	NONCONFORMING VACANT LOTS		
B 5-3.1	Definition	Sets out the definition of a nonconforming lot	Relocate to definitions in new Chapter 10, Measurement and Definitions.
B 5-3.2	Combination of Nonconforming	Sets out the rules for combining nonconforming lots	Simplify this as it is desirable to combine nonconforming lots.

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
	Vacant Lots		
B 5-3.3	H district	Makes exceptions from lot combination provisions	Carry forward.
5-4	NONCONFORMING STRUCTURES AND IMPROVEMENTS		
B 5-4.1	Applicability	Sets out the definition of nonconforming structures and clarifies these standards do not apply in the Historic (HIS) district	Relocate definitions to new chapter 10, Measurement and Definitions.
B 5-4.2	Continuation	Allows continued use of nonconforming structures	Relocate to general nonconformity provisions.
B 5-4.3	Maintenance, Renovation, Expansion, Reconstruction, and Parking	Sets out the rules for maintenance and expansion	Carry forward.
B 5-4.4	Required Improvements for Certain Nonconforming Structures	Establishes time periods for reaching compliance for five uses	Relocate to use-specific standards.
6-1	ADMINISTRATION		
		Pending	
7-1	SITE PLAN REQUIREMENTS		
		Pending	
8-1	FEES		
B 8-1	General	Clarifies that applications fees are charged	Relocate to application submittal section of new Chapter 2, Procedures.
B 8-2	Readvertising, Continuances, or Remands to the Planning Board	Clarifies how application fees are charged for continuances and re-advertising	
B 8-3	Refund of Fees	Clarifies when application fees may be refunded	
B 8-4	Penalties	Cross reference	
9-1	VIOLATIONS AND PENALTIES		
B 9-1.1	Criminal Penalties (W) & (F)	Sets out the criminal penalty provisions	<ul style="list-style-type: none">- Supplement with a purpose and intent section.- Add provisions addressing the new statute of limitations on enforcement.- Supplement with a list a generic list of violations of the ordinance.- Add a section identifying the responsible party.- Add a section describing who has enforcement responsibilities under the ordinance.- Explore the possibilities of establishing a single section with references to both the municipal and the county jurisdictions instead of having two almost identical sections.
B 9-1.2	Civil Penalties	Sets out the procedure for addressing civil penalties	Carry forward.
B 9-1.3	Injunctive Relief	Sets out the procedure for injunctive relief	Carry forward.
B 9-1.4	Notice	Describes the notice of violation	Carry forward under a new section titled Enforcement

TABLE A-3: SECTION-BY-SECTION REVIEW OF THE CURRENT UDO

SEC. #	SEC. NAME	DESCRIPTION	RECOMMENDATION
		process	Procedure.
B 9-1.5	Chronic Violator	Clarifies that chronic violators may receive only one notice	Carry forward.
B 9-2	Special Use District Permit (W) & (F)	Clarifies the procedure for violations of special use district zoning	Carry forward, but clarify that this is for prior special use zoning designated land, not conditional zoning-designated land.
9-3	SUBDIVISION		
No #	No #	Clarifies that sale or transfer of land in violation of the subdivision provision is a violation of the ordinance	Carry forward.
10-1	BOARD OF ADJUSTMENT		
B 10-1.1	Establishment and Membership (F)	Establishes the review authority, sets out its composition, voting provisions, and rules for procedures	- Carry forward in new Chapter 9, Authorities and Enforcement. - Specify the powers and duties under this ordinance.
B 10-1.2	Establishment and Membership (W)		
10-2	PLANNING BOARD		
B 10-2.1	Forsyth County and City of Winston Salem	Establishes the Joint City-County Planning Commission, their composition, powers and duties, and addresses how conflict is handled	- Relocate to section on Planning Board in new Chapter 9, Authorities and Enforcement. - Supplement the powers and duties to clarify the items under this ordinance the Planning Board is responsible for (site plan decisions, recommendations on map and text amendments, the comprehensive plan, etc.).
CHAPTER C : ENVIRONMENTAL ORDINANCE			
		Carry forward with no substantive modification	
CHAPTER D: SUBDIVISION ORDINANCE			
		Pending	

APPENDIX 4: INPUT SUMMARY



1. INTRODUCTION

The UDO ClearCode project is an effort by the Winston-Salem/Forsyth County Planning and Development Services Department to improve the usability of the City/County's unified development ordinance (or "UDO"). The UDO is the set of laws governing zoning and the use of land in Winston-Salem and Forsyth County. The current UDO was adopted in 1994 and has been amended almost 300 times in the last 23 years. While each of these amendments was necessary and important, frequent amendment has made the UDO somewhat unwieldy and difficult to use. As a result, the UDOClearCode project was initiated to explore ways to make the UDO more user-friendly, predictable, and easy to use.

CodeWright Planners, LLC, was hired by the Planning and Development Services Department to prepare a code assessment of the UDO. The code assessment is an evaluation of the current UDO that includes recommendations about how to improve its organization, appearance, and functionality. One of the initial steps in the process of preparing a code assessment is to conduct interviews with code users (architects, engineers, developers, City/County staff, residents, and officials) to collect input on issues and concerns with the current UDO. This document summarizes the input collected from 29 stakeholders during interviews conducted by the CodeWright team on December 13 and December 19, 2017. Details on these interviews are summarized in a subsequent section of this summary.

This summary is organized into the following four sections:

1. Introduction;
2. Interview Details;
3. Response Summary; and
4. Next Steps.

Section 3, Response Summary, summarizes the input collected during the stakeholder interviews. Stakeholder responses are used to identify areas for deeper investigation by the CodeWright team as part of preparing the code assessment over the coming weeks. Typically, stakeholder input is organized into one of two types: non-substantive issues and substantive issues. Non-substantive issues include items like the UDO's structure, organization, page layout, use of graphics, and language construction. Substantive issues include the UDO's basic standards or requirements. While the code assessment is expected to include recommendations for both substantive and non-substantive improvements, the focus of this project is on non-substantive improvements. In other words, the objective of the code assessment is to present recommendations on how to improve the appearance, structure, and operational aspects of the UDO without making changes to existing standards, procedures, or requirements.

2. STAKEHOLDER INTERVIEWS

The CodeWright team conducted stakeholder interviews with 29 people on December 13 and 19, 2017 in the offices of the Planning and Development Services Department. Stakeholders are persons who regularly use or are especially knowledgeable about the UDO. The table below lists the stakeholders interviewed and their areas of interest or specialty:



UDOClearCode

Winston-Salem/Forsyth County UDO Code Assessment

Stakeholder Interviews Summary

December 22, 2017

Lou Baldwin	Realtor	Jon Lowder	Triad Apartment Association
Kent Barney	Engineer	Director Marty Marion	Architect
Jeff Brinker	Designer	Davida Martin	County Attorney
Eric Bushnell	Neighborhood Advocate	Matt McChesney	Developer
Steve Causey	Engineer	Reid Morgan	Attorney, Wake Forest University
Gene Crouse	Architect	John Reece	Developer
Melynda Dunigan	Planning Board Member	Milt Rhodes	Developer
Scott Frye	Engineering (Government Affairs Liaison)	John Ruffin	Realtor
Lee Garrity	City Manager, Winston-Salem	Damon Sanders-Pratt	Deputy County Manager
Troi Hicks	Realtors Association (Government Affairs Liaison)	Jack Steelman	Realtor
Arnold King	Planning Board Chair	Vince Townsend	Engineer
Carolyn Highsmith	Neighborhood Advocate	Chuck Truby	Surveyor
Jerry Kontos	Asst. City Attorney	Greg Turner	Assistant City Manager
		Gordon Watkins	Asst. County Attorney
		Amanda Williams	Developer
		Paul Williams	Developer

Stakeholder interviews were conducted in one-on-one and small group sessions without City/County staff present. This was done to ensure interviewees could be perfectly candid about their concerns with the UDO. To preserve confidentiality, this report does not attribute comments to individuals - instead, it summarizes the input collected into seven general topic areas. Stakeholder input is summarized in the Response Summary section.

3. RESPONSE SUMMARY

This section summarizes the responses provided by stakeholders during the interviews. Responses are grouped into eight main categories:

- A. General Comments;
- B. Document Structure;
- C. Visual Aids;
- D. Language Construction;
- E. Digital Version;
- F. Outside Guide or Manual;
- G. Process Related; and
- H. Substantive Comments.

Stakeholder comments or responses are provided as bullet points or short statements taken from conversation. As mentioned in the Introduction, the focus of this project is on the non-substantive improvements to the UDO (items A-F above). Responses dealing with substantive issues mentioned by the stakeholders (subsection H) are listed here for future consideration. Many interviewees suggested other communities' codes and/or other



people for the consulting team to talk with. These suggestions are greatly appreciated and have been explored, but for brevity, are not listed in this document.

A. General Comments

This subsection lists 15 stakeholder comments about the code assessment project or the UDO in general.

1. Glad that this project is happening – it is overdue and important.
2. Hope that this project keeps moving in a timely manner so that development can proceed under the updated UDO.
3. Keep the development community involved throughout the project and beyond.
4. The UDO is not easy to use as a citizen – it's too long and daunting.
5. Philosophical question: who is the audience for the UDO? General public? Staff? Developers?
6. The City and County need to get clear on what planning, zoning, and code enforcement philosophy we're operating under.
7. Claims City is pro development and as a result, some constituent's needs or concerns may not be adequately addressed during the development process.
8. The UDO takes a restrictive, not enabling, philosophic stance.
9. The Legacy plan wants walkability, urban development, etc – the UDO does not.
10. The government is sending "mixed signals" to the development community – we want development, but we want it only in a particular way and it's not going to be an easy process.
11. The City says it wants to see more "urban" style development, particularly downtown, but the standards are very suburban. You can't build a building up to the sidewalk AND keep a 10' utility easement.
12. Rather than dig in and figure it out in the online code, it's our practice to just go ahead and call staff and set up a meeting because it's too much to wade through on our own. This slows everyone down and must use a lot of staff time, too.
13. Innovations happen in the fields of engineering and construction, but the code doesn't keep up, and so it doesn't allow or recognize new and better ways of doing things. Suggest a yearly review for updated best practices.
14. The code is so unwieldy, it might be better to do a wholesale update/rewrite at some point.
15. If staff didn't provide such good customer service, I would really struggle using the code.

B. Document Structure

This subsection summarizes the 31 comments about the current UDO's structure and organization, which are organized into three subsections for the sake of clarity.

i. Structure, Generally

16. The WSFC UDO is very bulky and one of the hardest to read of anywhere we work.
17. It is difficult for any newcomer to work with - I've been using it for over twenty years so I can find most of the information I need, but I often have to call a staff member as a check, and many times I find that I've overlooked some hidden aspect of the ordinance.



18. The disorganized nature of the code leads the public to think they know the rules, then they are told they missed something – leads to mistrust between public and staff.
19. The whole code is jumbled and not organized – there is no discernable pattern or “big picture” to it.
20. Current code does not follow a “work flow” to understand current zoning. Then uses, etc.
21. If you are already used to the rules and the way the UDO lays them out, it’s not so bad, but if you are new or have a new situation come up, it’s really difficult and time-consuming.
22. Hard to know where to go unless you know where go.
23. The code contents are OK, but it’s too hard to find what you need.
24. The code is overall unwieldy and too long.
25. Code is too cumbersome for most users.
26. Code is not brief, need to cut down on wordiness.
27. Prefer brevity over clarity; believe that brevity creates clarity.

ii. Structure, Specifics

28. The chapter and article names are not intuitive – don’t know what you’re getting when you click on anything.
29. Better/more intuitive chapter and section headings.
30. Need easy to see and read headings.
31. Needs a better numbering system.
32. Applicability of rules is sometimes not clear due to multiple overlapping sections and standards located in different parts of the code that regulate the same thing.
33. Definitions at the front of the code doesn’t make sense; starts the UDO user off in a confusing place; should move to end of book.
34. Definitions need to be consolidated; they are spread throughout the document.
35. There are a few places where the UDO contains too many “conditions” that are hard to understand; for example, the parking table seems straightforward, but contains a collection of footnotes and “if/then” statements that must be applied on top of the table that make it more complicated. Better tables and/or illustrations would help in this case.
36. There are too many exceptions “sprinkled” throughout the code; you can’t tell if you have all the information on a given topic without reading the book cover to cover.
37. Standards are too dispersed. For example, there is a parking section, but several zoning districts also include parking standards.
38. Parts of the code reference “exhibits” that are in other parts of the code and very hard to identify/find.
39. There are some references to other parts of the code that don’t exist any longer.
40. Inclusion of short summaries would be helpful.
41. Would help if code had a glossary, inclusion of commentary – explanations of things as is included in staff reports.

iii. Distinguishing between City & County Standards

42. Suggests setting out or identifying the county-specific rules up front in the document.
43. Suggest using two-column approach when standards differ by jurisdiction.



44. If there are not too many instances of different standards, could they be handled by footnoting where the County differs?
45. City/County distinction needs to be clearer – could use highlighting or color coding.
46. Would love if City and County used separate books.

C. Visual Aids

This subsection sets out the 26 comments related to visual aids in the UDO, like graphics, illustrations, and page layout.

i. Graphics

47. Need more graphics and visuals...lots more graphics.
48. More pictures are needed in the document. Images that are included should be properly scaled and appropriate in view/perspective.
49. Need more imagery alongside text descriptions for people who take in information differently.
50. Some graphics should be examples of how the rules are applied.
51. Need for illustrations, especially for cases like odd-shaped lots, and in cases where two standards conflict or overlap, for example, on a lot with a stream crossing one lot line, which prevails, the bufferyard or the riparian buffer? An illustration would help here.
52. Need photos in addition to drawings in some cases, like buffer types.
53. Need illustrations (flow charts) in the development process sections.
54. Some illustrations should take the form of photos (such as massing and landscaping standards).
55. Needs graphics, especially lot setback standards and measurement rules.
56. Suggests inclusion of “model” diagrams for things like landscaping.
57. Likes diagrams of code elements, like parking.
58. Can’t visualize the standards like setbacks, images would help tremendously.
59. Be careful with images – sometimes the image can be misinterpreted as the way it must look, not an example. Be clear about what is required vs what is suggested.
60. Photos should be realistic, not idealistic, in order to provide value. (Don’t use a photo of a development that would never happen here, or with features highlighted that would be prohibitively expensive.)
61. Prefer few images with text: focus graphics on key confusing concepts.

ii. Tables

62. Needs more tables, and needs existing tables to be easier to read and less lengthy.
63. Like the inclusion of more tables to help people digest information faster.
64. Digital versions of tables are too hard to use.
65. On-line use table is impossible to use – no way to see all of the table at one time. Would support breaking the table into smaller table based on type of district.
66. Current tables have too many footnotes that cause confusion in what looks like a straightforward set of standards but isn’t.
67. Staff uses an outside document (NAICS) to further classify use types.



- 68. Use table needs adjustment for updated definitions and consolidation of similar terms; there are also some overly stringent restrictions on use, for example, to do a “twin home,” you have to rezone to MF.
- 69. Permitted use table is daunting to use.

iii. Other Suggestions

- 70. Suggest that code requirements be “called out” made more visible. – in tables, numbered standards, bold type, etc.
- 71. The whole code is in the exact same text – it would be good to use color, more hierarchical levels, etc.
- 72. Need to have parcel-based mapping of some standards such as the GMA areas.

D. Language Construction

The following 16 comments address the language construction of the current UDO. Language construction deals with issues like readability, ease of comprehension, and consistency of terms.

- 73. It stalls the process for everyone when we have to keep going back to staff for help interpreting the code.
- 74. Have to go to staff for help finding standards and reconciling inconsistencies between different code sections.
- 75. Many of the standards are overly wordy – they read as if they were written by a lawyer to eliminate any ambiguity, but are very hard to understand because are in legalese.
- 76. Repetition of sections is a problem, even when they don’t contain inconsistencies, because the code user thinks they’ve already seen that section and get confused.
- 77. Need to simplify the language, generally. Cites the tree save ordinance as an example of complex language.
- 78. Needs plain language – the rules are incoherent to most people.
- 79. Inconsistent language makes the UDO harder to enforce.
- 80. Need to be able to understand parts of the ordinance without reading the whole thing.
- 81. The development process sections of the current UDO are nearly impossible to read; clearer language, brevity needed.
- 82. Some areas use purpose and intent statements; others do not – these are good and should be used consistently, and with consistent language, voice, and format, throughout the document.
- 83. Seems like we have too many definitions- are they all necessary/being used?
- 84. Are all definitions necessary? Obsolete?
- 85. Definitions need to be updated; some need to be removed.
- 86. Definitions of uses, like Agritourism, are not clear enough for inspections to make determinations.
- 87. Suggests adding commentary to the UDO as is done for the Building Code.
- 88. No need for the code language to anticipate every possible instance/potential outcome.



E. Digital Version of the UDO

The following comments pertain to the digital version of the current UDO or are requests related to the digital version of the revised UDO.

i. Municode Version of the UDO

89. Biggest problem with using the online code is difficulty navigating. The staff can do it, but I can't.
90. Biggest obstacle is the electronic format is hard to read and navigate.
91. The permitted use table doesn't scroll well (do not show the headers all the way down). Most of the tables in the UDO do scroll, but some do not. Also, on the scrolling tables, the mouse gets "stuck" in the table pane when scrolling, which is frustrating.
92. Doesn't print well.
93. Some references seem outdated – they don't point to where they say they will.
94. There are too many layers in the regulations. Too many tabs to wade through when looking for a standard.
95. The use table on municode is too large for the screen, and users can't see header rows.
96. Municode is slow, "glitchy".
97. Doesn't like Municode version. Says it is slower than other cities, Says it locks up a lot. Also fewer print options than those available for other city codes.
98. Says Municode document has some links, but links do not go deep enough – links should be for all sections, not just the first 2-3 levels.
99. In response to the question, "Are there other development codes that you think we should examine as examples for possible improvements to WSFC's UDO," my first response was, "All the ones that aren't in Municode."
100. Need to have search capability and a better search function than Municode provides.
101. The searchability of the Municode site is very poor – it never takes you where you want to go, and brings up so many results that it's basically useless. You almost have to know the exact phrasing in order to get a good search result.
102. Municode seems to work fine, and other municipalities use Municode as well so that experience helps in navigating the site.
103. The Table of Contents feature on Municode is good, because users can click through the various sections of the Table of Contents stays visible on the left-hand side of the screen.

ii. PDF Version of the UDO Provided by Staff

104. He uses the pdf version of the code given by staff because its too hard to print 1-2 pages from the Municode site.
105. Likes the pdf version of the UDO the City makes available, but it lacks bookmarks.
106. Suggests that if the City posts pdf versions, they include the "last updated on ____" date.
107. Searchability is a key issue with the current UDO. It has a search function, but it doesn't work. Part of this may be due to inconsistency in terminology; part may be due to limitations in the software used.
108. Needs working hyperlinks for navigability.
109. Better search/links needed/index – get to the info you needed quickly.



iii. Other Suggestions

110. Would be great if on-line version of code was structured so that it was usable on a smart phone.
111. Suggests adding the capability of digital versions to increase the font size by a user on command.
112. Would be nice to have an interactive module of the code that allowed people to see what they could build on their land (based on code provisions).
113. Suggest that the UDO could be more website-like with clickable areas and high-functioning searchability.
114. Wants to be sure that the user is aware of whether or not the digital version they are seeing is the latest version of the code, or if any amendments have been approved after posting of the digital document – how can this be done?
115. Suggest that code webpage include a summary list of updates/changes/amendments by time period so that paper code users can know about any changes and stay up to date more easily.

F. A User's Guide or Companion Document

This section includes 10 responses from stakeholders on the need for or desirability of an outside document like a user's guide or procedures manual for the UDO.

116. Likes the idea of a technical document to supplement the UDO and hold the fee schedule, applications, etc.
117. Suggests something like High Point's Guidebook for Development.
118. A supplemental summary of local watershed requirements and contacts for areas within Forsyth County could be a useful publication and something short like that could be easily updated.
119. Likes the idea of an entry guide that explains the development process and how to learn about it if you are not familiar. For example, a Red "Z" sign appears in your neighborhood – now what?
120. Supports the idea of an outside document that talked about topics and actions. For example: I want to build a fence, what do I do? How do I add an addition?
121. The review process is not clear to new users - suggests a manual that explains the process:
 - Examine permitted uses;
 - Determine zoning district;
 - Learn to use/understand the GIS layers; and
 - Determine the applicable process(es).
122. Suggest an appendix with a checklist and applications.
123. Says he would like links to outside documents too, like the West End Design Guidelines.
124. Says there is currently a 1-2 page overview of district provisions available for each zoning district, but it is not linked from or to anything.
125. Technical/development guide "manual" would benefit from an example site plan with the various parts called out; and a section on "common mistakes" – common stumbling blocks or holdups in the development process.



G. Process Related

This section provides 31 process-or department-related comments from stakeholders. These comments are tangentially-related to the UDO, but are not directly related to UDO structure or contents.

126. This is a good place to do projects, staff is friendly and helpful.
127. WSFC staff has an “open-armed” approach – more welcoming to development than surrounding areas.
128. Says planning staff is great.
129. Relationship with City staff is good.
130. City staff is responsive and provides excellent customer service.
131. Planning department staff is great to work with; other departments are more difficult to communicate with.
132. Generally speaking, the perception is that it is becoming easier to develop in Winston; zoning-related problems in the past are getting better.
133. Says staff can be “siloed” in terms of the portions of the code that they understand or administer – don’t understand the balance of the code or the ripple relationships.
134. Says general perception about Planning & Inspections is that the right hand does not know what the left hand is doing.
135. Says there is a “lack of a systemic approach” between Planning & Inspections. The format/structure of documents is not together.
136. Citizens are concerned that staff is receiving guidance from above to work on behalf of developers, not residents.
137. Says the City should be more pro-development. They should walk developers through the process. Don’t obstruct development.
138. Building inspections department is hesitant to allow flexibility.
139. Zoning inspections/inspectors can sometime hold up issuance of a CO unfairly.
140. He said one possible improvement is that Planning and Inspections never really merged as was originally intended. The net impact for an outside user is that its confusing.
141. Would like to see a more consistent “group effort” between planning and code enforcement on interpretation of code – in many instances, planning is more flexible and open to innovation, while code enforcement is not. This causes problems mid-stream when code enforcement doesn’t want to approve something that Planning said was fine.
142. Suggest inspections and planning have a brainstorming session. What parts of the current code could be done away with? What parts need to be changed?
143. Better to get a quick “no” than a prolonged “no.”
144. The City needs to make it easier to find the data necessary to complete an application.
145. Sense that the staff is being held up by the code’s clunkiness and over-specificity.
146. Regional-level developers see WSFC as too difficult a place to do business due to the high costs of meeting the regulations (stormwater and utilities in particular) and the lengthy approval process. We are losing business because of this.
147. Says there are no gatekeepers of comments and status for site plan projects.



148. Feels that generally, not enough attention is paid to potential abuses or negative impacts (unintended or otherwise) of text amendments by staff, the Planning Board, or elected officials. Gentrification is a concern.
149. Says that “change is inevitable” is a common refrain provided as a means of ending discussion or debate.
150. Suggests the city start a TRC so applicants can get comments and have discussion with multiple departments over issues to address. Notes the City has a site plan review process similar to a TRC, but some staff don’t review the plan before the meeting, so not ready to give complete comments.
151. Says City is guilty of multiple rounds of comments (done with one set, here’s a set of new ones phenomenon).
152. There have been times when the initial sketch review came back “no comments” from a particular department, then later on in the project, the same department identifies major issues late in the process.
153. The sketch plan review process works pretty well, but sometimes 15 minutes isn’t enough to get the level of information needed to move forward.
154. A TRC process would be helpful.
155. The sketch review meetings are very productive, but a formalized TRC process would be even better. The ability to receive complete information early in the process is invaluable for developers, especially smaller firms.
156. He suggests an on-line site plan submittal system, and on-line comment system.
157. Says the City needs a common place to submit applications and a common or series of uniform submittal documents. If they cannot be uniform, they should at least explain the respective process to follow. Inspections has an on-line form.

H. Substantive Comments

Many interviewees provided comments and suggestions regarding substantive code issues, which are listed below. Readers are reminded that the focus of the code assessment project is non-substantive improvement to the UDO. Recommendations for substantive change to the UDO may be considered by City/County staff during or after work commences on non-substantive improvements.

- S1. Staff is unwilling or unable to apply flexibility – tend to “err on the side of caution” and just say no in cases where interpretation is called for.
- S2. When something new or different arises, staff is unable to make interpretations of the UDO. The “normal” path is fast, but the standards are very specific and flexibility is not well defined aside from conditional use zoning. This leaves no room for innovation or dealing with difficult lots.
- S3. Staff can’t administratively rezone in the case of a map error. Need the capability to do common sense things administratively.
- S4. The remaining parcels in desirable areas are all difficult to develop, and the UDO doesn’t help – “all the good ones are gone” – if the City wants infill and density, there needs to be flexibility.
- S5. Suggest the community try to avoid knee-jerk reactions to amend the code.



- S6. Reminds us that people who want to do “attractive” projects will do it, regardless of the rules. Same is true for those who don’t care about doing a project that is attractive.
- S7. Suggests we avoid provisions that are unenforceable. Like, hours of operation standards or footcandle at lot line limits. These require enforcement to work at odd hours.
- S8. Suggest the City’s GIS system be linked to the code so that a user could see the relevant district provisions (dimensional standards, allowable uses) by clicking a parcel on the zoning layer.
- S9. He says the stormwater standards are overly restrictive. Says review of stormwater/interpretation of standards is different than in past, and is not fair. They require calcs for the 1, 2, 10, and 25 year storms. Says the requirement to hold the water from a 25-year storm is an over-reach. Says they tell their clients to go somewhere else to develop because stormwater is so tough to deal with in WS.
- S10. The number one complaint we hear from clients is about the stormwater requirements – both that they are too stringent and that there seems to be some disagreement about what the requirement is. It feels like a “moving target” between changing federal and state regulations and then what the local departments will accept as in line with those requirements.
- S11. Stormwater regs are onerous – some of the worst in the state.
- S12. The stormwater criteria used are outrageous.
- S13. For a larger project, the storm sewer cost is larger than the sanitary sewer cost.
- S14. The stormwater provisions require a huge number of retention ponds. Are these really best practices? Are they being maintained 10 years down the road, when all the other infrastructure in a subdivision is dedicated to the City? Would be amenable to “stormwater as an amenity” standards that allow/encourage stormwater features to be integrated into recreation facilities. This would also encourage better upkeep over time.
- S15. Stormwater should be with the UDO.
- S16. Suggest integrating the stormwater regulations into the development code.
- S17. Watershed standards are too complicated.
- S18. Bonding required is tough for clients.
- S19. There are very stringent rules about turning over infrastructure, such as curbs and streets, which raises costs because they have to be replaced before they are dedicated.
- S20. Setbacks based on adjacent uses is confusing.
- S21. Yard space triangles are outdated – have received conflicting information about whether or not they are required from staff.
- S22. PRD is very confusing – is located in its own section and has lots of requirements unique from other districts.
- S23. Questions the placement of lots into their particular districts – seems that land was “upzoned” – for example. Lots that were 30,000 sf in area were placed in RS-9 districts in 1995.
- S24. Code should allow, but not force, mixed use.
- S25. In some cases, the mixed-use standards have been interpreted to mean that buildings must be mixed-use, even when market trends don’t support that type of development.
- S26. He likes the tree save provisions, says they are flexible, and allow reforestation.
- S27. Tree save standards – some are not even necessarily sound science; for example, requiring a developer to save one large oak in the center of a lot, even while knowing that the development will harm its root



- system and the tree will die in a few years. This type of standard doesn't even get at its intended goal and also adds cost and time to the development process – a lose/lose.
- S28. Some alternative compliance procedures lack criteria.
 - S29. Most restrictive standards are in the city, not the county.
 - S30. City should allow the TRC to make decisions and adjustments to some standards.
 - S31. Do not want elected officials (City Council) doing quasi-judicial decision-making.
 - S32. Like the idea of discussing greater delegation to staff, and the replacement of QJ/negotiated procedures with codified standards (like more detailed use-specific standards).
 - S33. Lack of flexibility in terms of stormwater especially, but also parking and tree retention standards, is a major way the UDO could be improved.
 - S34. The definition of "household" in the code seems outdated.
 - S35. Open to combining and redefining uses in table in order to be more relevant and reduce bulk.
 - S36. Would like to know how significant the differences between jurisdictions are – how many sections are different? Should they be in separate books?
 - S37. Signage standards are too hard to follow, too many caveats and conditions.
 - S38. Some landscaping provisions, like requirements to provide landscaping buffers next to parks or riparian buffers seems ludicrous.

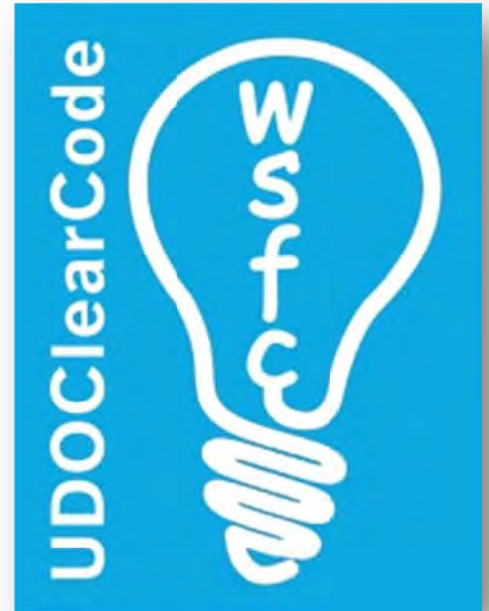
4. NEXT STEPS

The next step in the process is consideration of these comments. The CodeWright team will work with City/County staff to consolidate and categorize these comments into more clearly-defined groups or themes. Planning staff will be conducting a workshop with Inspections staff to discuss the UDO provisions generally and look for ways to provide greater clarity and remove redundancy in the standards. Once the CodeWright team has distilled this information into a series of coherent themes for improvement, the themes will be presented to the Planning Board in late January, 2018.

Following the presentation to the Planning Board, the CodeWright team will begin drafting the code assessment, which will be presented to the Planning Board in May, 2018. City/County staff expects to begin the process of making code revisions after presentation of the code assessment to the Planning Board.

WORK SESSION AGENDA

- 1:00** Introduction
- 1:15** Work Session Objective(s)
- 1:20** Input Thus Far
- 1:45** Discussion Topic 1: What Parts of the UDO could we Remove or Reduce?
- 2:15** Discussion Topic 2: What Parts of the UDO or the Review Process Need More Clarity?
- 2:45** Next Steps



1:00 INTRODUCTION

The UDO ClearCode project is an effort to improve the usability of the UDO. The current UDO was adopted in 1994 and has been amended almost 300 times in the last 23 years. While each of these amendments was necessary and important, frequent amendment has made the UDO somewhat unwieldy and difficult to use. As a result, the UDOClearCode project was initiated to explore ways to make the UDO more user-friendly, predictable, and easy to use.

CodeWright Planners, LLC, was hired to prepare a code assessment of the UDO. The code assessment is an evaluation of the current UDO that includes recommendations in two main areas:

- Non-substantive Improvements; and
- Suggestions for Substantive Change.

Non-substantive elements include aspects such as the UDO's organization, appearance, and functionality. Substantive changes fall into one of two sub-groups: "*easy changes*" and "*issues for deeper consideration*."

The *easy changes* are those that need to be made to maintain consistency with the North Carolina General Statutes or recent case law, or that are simplistic and not anticipated to radically change the community's standards or approach to development. For example, removal of repetitive language would be an "easy change." *Issues for deeper consideration*, on the other hand, are aspects that could have more profound impact. For example, with the passage of the *Reed* ruling by the US Supreme Court in 2015, the sign regulations are in need of substantive revision. There may be other issues or topics that emerge during discussion of current standards or procedures that also need more consideration.

The code assessment will be prepared in the spring of 2018 and presented to the City/County Planning Board in May, 2018. Planning staff will be undertaking any revisions to the UDO identified in the code assessment that are embraced by the community.

1:15 WORK SESSION OBJECTIVE(S)

1. To explore the UDO from differing perspectives: code drafting and code administration.
2. To build a foundation for successful collaboration as the UDO undergoes improvement in the coming weeks.
3. To discuss ways to improve the UDO and the development review process.

1:20 INPUT SO FAR

Inter-departmental Meeting with Community staff (11.29.17)

- Organization of current code is not intuitive
- Current code lacks navigational tools
- Inconsistent repetition – attributed to inconsistent amendment over time
- Inconsistent terminology – need to standardize
- Differing voice – attributed to frequent amendment
- Lack of graphics generally
- Need more summary charts (e.g. watershed, sidewalks, telecom, tree save)
- Challenges differentiating between City/County standards

Stakeholder Interviews (12.13.17 & 12.19.17)

- +/- 160 non-substantive comments or patterns of response & +/- 40 substantive comments
- (see https://docs.wixstatic.com/ugd/f7f793_f9d9ed6ad94c4d0ba4ab0d0e7b7a2f2b.pdf)
- 25 highlighted comments below

A. General Comments

This subsection lists 15 stakeholder comments about the code assessment project or the UDO in general.

1. Glad that this project is happening – it is overdue and important.
2. Hope that this project keeps moving in a timely manner so that development can proceed under the updated UDO.
3. Keep the development community involved throughout the project and beyond.
4. The UDO is not easy to use as a citizen – it's too long and daunting.
5. Philosophical question: who is the audience for the UDO? General public? Staff? Developers?
- 6. The City and County need to get clear on what planning, zoning, and code enforcement philosophy we're operating under.**
7. Claims City is pro development and as a result, some constituent's needs or concerns may not be adequately addressed during the development process.
8. The UDO takes a restrictive, not enabling, philosophic stance.
9. The Legacy plan wants walkability, urban development, etc – the UDO does not.
- 10. The government is sending "mixed signals" to the development community – we want development, but we want it only in a particular way and it's not going to be an easy process.**
11. The City says it wants to see more "urban" style development, particularly downtown, but the standards are very suburban. You can't build a building up to the sidewalk AND keep a 10' utility easement.
- 12. Rather than dig in and figure it out in the online code, it's our practice to just go ahead and call staff and set up a meeting because it's too much to wade through on our own. This slows everyone down and must use a lot of staff time, too.**

13. Innovations happen in the fields of engineering and construction, but the code doesn't keep up, and so it doesn't allow or recognize new and better ways of doing things. Suggest a yearly review for updated best practices.
14. The code is so unwieldy, it might be better to do a wholesale update/rewrite at some point.

15. If staff didn't provide such good customer service, I would really struggle using the code.

B. Document Structure

This subsection summarizes the 31 comments about the current UDO's structure and organization, which are organized into three subsections for the sake of clarity.

i. Structure, Generally

16. The WSFC UDO is very bulky and one of the hardest to read of anywhere we work.
17. It is difficult for any newcomer to work with - I've been using it for over twenty years so I can find most of the information I need, but I often have to call a staff member as a check, and many times I find that I've overlooked some hidden aspect of the ordinance.

18. The disorganized nature of the code leads the public to think they know the rules, then they are told they missed something – leads to mistrust between public and staff.

19. The whole code is jumbled and not organized – there is no discernable pattern or “big picture” to it.
20. Current code does not follow a “work flow” to understand current zoning. Then uses, etc.
21. If you are already used to the rules and the way the UDO lays them out, it's not so bad, but if you are new or have a new situation come up, it's really difficult and time-consuming.
22. Hard to know where to go unless you know where go.
23. The code contents are OK, but it's too hard to find what you need.
24. The code is overall unwieldy and too long.
25. Code is too cumbersome for most users.

26. Code is not brief, need to cut down on wordiness.

27. Prefer brevity over clarity; believe that brevity creates clarity.

ii. Structure, Specifics

28. The chapter and article names are not intuitive – don't know what you're getting when you click on anything.
29. Better/more intuitive chapter and section headings.
30. Need easy to see and read headings.
31. Needs a better numbering system.

32. Applicability of rules is sometimes not clear due to multiple overlapping sections and standards located in different parts of the code that regulate the same thing.

33. Definitions at the front of the code doesn't make sense; starts the UDO user off in a confusing place; should move to end of book.
34. Definitions need to be consolidated; they are spread throughout the document.
35. There are a few places where the UDO contains too many “conditions” that are hard to understand; for example, the parking table seems straightforward, but contains a collection of footnotes and “if/then” statements that must be applied on top of the table that make it more complicated. Better tables and/or illustrations would help in this case.

36. There are too many exceptions “sprinkled” throughout the code; you can't tell if you have all the information on a given topic without reading the book cover to cover.

37. Standards are too dispersed. For example, there is a parking section, but several zoning districts also include parking standards.
38. Parts of the code reference “exhibits” that are in other parts of the code and very hard to identify/find.
39. There are some references to other parts of the code that don't exist any longer.
40. Inclusion of short summaries would be helpful.
41. Would help if code had a glossary, inclusion of commentary – explanations of things as is included in staff reports.

iii. Distinguishing between City & County Standards

42. Suggests setting out or identifying the county-specific rules up front in the document.
43. Suggest using two-column approach when standards differ by jurisdiction.
44. If there are not too many instances of different standards, could they be handled by footnoting where the County differs?
45. City/County distinction needs to be clearer – could use highlighting or color coding.
46. Would love if City and County used separate books.

C. Visual Aids

This subsection sets out the 26 comments related to visual aids in the UDO, like graphics, illustrations, and page layout.

i. Graphics

47. Need more graphics and visuals...lots more graphics.

48. More pictures are needed in the document. Images that are included should be properly scaled and appropriate in view/perspective.

49. Need more imagery alongside text descriptions for people who take in information differently.

50. Some graphics should be examples of how the rules are applied.

51. Need for illustrations, especially for cases like odd-shaped lots, and in cases where two standards conflict or overlap, for example, on a lot with a stream crossing one lot line, which prevails, the bufferyard or the riparian buffer? An illustration would help here.

52. Need photos in addition to drawings in some cases, like buffer types.

53. Need illustrations (flow charts) in the development process sections.

54. Some illustrations should take the form of photos (such as massing and landscaping standards).

55. Needs graphics, especially lot setback standards and measurement rules.

56. Suggests inclusion of "model" diagrams for things like landscaping.

57. Likes diagrams of code elements, like parking.

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- 86. Definitions of uses, like Agritourism, are not clear enough for inspections to make determinations.

87. Suggests adding commentary to the UDO as is done for the Building Code.

- 88. No need for the code language to anticipate every possible instance/potential outcome.

E. Digital Version of the UDO

The following comments pertain to the digital version of the current UDO or are requests related to the digital version of the revised UDO.

i. Municode Version of the UDO

89. Biggest problem with using the online code is difficulty navigating. The staff can do it, but I can't.

- 90. Biggest obstacle is the electronic format is hard to read and navigate.
- 91. The permitted use table doesn't scroll well (do not show the headers all the way down). Most of the tables in the UDO do scroll, but some do not. Also, on the scrolling tables, the mouse gets "stuck" in the table pane when scrolling, which is frustrating.
- 92. Doesn't print well.
- 93. Some references seem outdated – they don't point to where they say they will.
- 94. There are too many layers in the regulations. Too many tabs to wade through when looking for a standard.
- 95. The use table on municode is too large for the screen, and users can't see header rows.
- 96. Municode is slow, "glitchy".
- 97. Doesn't like Municode version. Says it is slower than other cities, Says it locks up a lot. Also fewer print options than those available for other city codes.
- 98. Says Municode document has some links, but links do not go deep enough – links should be for all sections, not just the first 2-3 levels.
- 99. In response to the question, "Are there other development codes that you think we should examine as examples for possible improvements to WSFC's UDO," my first response was, "All the ones that aren't in Municode."
- 100. Need to have search capability and a better search function than Municode provides.
- 101. The searchability of the Municode site is very poor – it never takes you where you want to go, and brings up so many results that it's basically useless. You almost have to know the exact phrasing in order to get a good search result.
- 102. Municode seems to work fine, and other municipalities use Municode as well so that experience helps in navigating the site.
- 103. The Table of Contents feature on Municode is good, because users can click through the various sections of the Table of Contents stays visible on the left-hand side of the screen.

ii. PDF Version of the UDO Provided by Staff

- 104. He uses the pdf version of the code given by staff because its too hard to print 1-2 pages from the Municode site.
- 105. Likes the pdf version of the UDO the City makes available, but it lacks bookmarks.
- 106. Suggests that if the City posts pdf versions, they include the "last updated on ____" date.
- 107. Searchability is a key issue with the current UDO. It has a search function, but it doesn't work. Part of this may be due to inconsistency in terminology; part may be due to limitations in the software used.
- 108. Needs working hyperlinks for navigability.

109. Better search/links needed/index – get to the info you needed quickly.

iii. Other Suggestions

- 110. Would be great if on-line version of code was structured so that it was usable on a smart phone.
- 111. Suggests adding the capability of digital versions to increase the font size by a user on command.
- 112. Would be nice to have an interactive module of the code that allowed people to see what they could build on their land (based on code provisions).
- 113. Suggest that the UDO could be more website-like with clickable areas and high-functioning searchability.
- 114. Wants to be sure that the user is aware of whether or not the digital version they are seeing is the latest version of the code, or if any amendments have been approved after posting of the digital document – how can this be done?
- 115. Suggest that code webpage include a summary list of updates/changes/amendments by time period so that paper code users can know about any changes and stay up to date more easily.

F. A User's Guide or Companion Document

This section includes 10 responses from stakeholders on the need for or desirability of an outside document like a user's guide or procedures manual for the UDO.

116. Likes the idea of a technical document to supplement the UDO and hold the fee schedule, applications, etc.

117. Suggests something like High Point's Guidebook for Development.
118. A supplemental summary of local watershed requirements and contacts for areas within Forsyth County could be a useful publication and something short like that could be easily updated.
119. Likes the idea of an entry guide that explains the development process and how to learn about it if you are not familiar. For example, a Red "Z" sign appears in your neighborhood – now what?
120. Supports the idea of an outside document that talked about topics and actions. For example: I want to build a fence, what do I do? How do I add an addition?
121. The review process is not clear to new users - suggests a manual that explains the process:
- Examine permitted uses;
 - Determine zoning district;
 - Learn to use/understand the GIS layers; and
 - Determine the applicable process(es).
122. Suggest an appendix with a checklist and applications.
123. Says he would like links to outside documents too, like the West End Design Guidelines.
124. Says there is currently a 1-2 page overview of district provisions available for each zoning district, but it is not linked from or to anything.
125. Technical/development guide "manual" would benefit from an example site plan with the various parts called out; and a section on "common mistakes" – common stumbling blocks or holdups in the development process.

G. Process Related

This section provides 31 process-or department-related comments from stakeholders. These comments are tangentially-related to the UDO, but are not directly related to UDO structure or contents.

126. This is a good place to do projects, staff is friendly and helpful.
127. WSFC staff has an "open-armed" approach – more welcoming to development than surrounding areas.
128. Says planning staff is great.
129. Relationship with City staff is good.
- 130. City staff is responsive and provides excellent customer service.**
131. Planning department staff is great to work with; other departments are more difficult to communicate with.
132. Generally speaking, the perception is that it is becoming easier to develop in Winston; zoning-related problems in the past are getting better.
- 133. Says staff can be "siloed" in terms of the portions of the code that they understand or administer – don't understand the balance of the code or the ripple relationships.**
134. Says general perception about Planning & Inspections is that the right hand does not know what the left hand is doing.
135. Says there is a "lack of a systemic approach" between Planning & Inspections. The format/structure of documents is not together.
136. Citizens are concerned that staff is receiving guidance from above to work on behalf of developers, not residents.
137. Says the City should be more pro-development. They should walk developers through the process. Don't obstruct development.
138. Building inspections department is hesitant to allow flexibility.
139. Zoning inspections/inspectors can sometime hold up issuance of a CO unfairly.
140. He said one possible improvement is that Planning and Inspections never really merged as was originally intended. The net impact for an outside user is that its confusing.
141. Would like to see a more consistent "group effort" between planning and code enforcement on interpretation of code – in many instances, planning is more flexible and open to innovation, while code enforcement is not. This causes problems mid-stream when code enforcement doesn't want to approve something that Planning said was fine.
- 142. Suggest inspections and planning have a brainstorming session. What parts of the current code could be done away with? What parts need to be changed?**
143. Better to get a quick "no" than a prolonged "no."
144. The City needs to make it easier to find the data necessary to complete an application.
- 145. Sense that the staff is being held up by the code's clunkiness and over-specificity.**
146. Regional-level developers see WSFC as too difficult a place to do business due to the high costs of meeting the regulations (stormwater and utilities in particular) and the lengthy approval process. We are losing business because of this.
147. Says there are no gatekeepers of comments and status for site plan projects.

- 148. Feels that generally, not enough attention is paid to potential abuses or negative impacts (unintended or otherwise) of text amendments by staff, the Planning Board, or elected officials. Gentrification is a concern.
- 149. Says that “change is inevitable” is a common refrain provided as a means of ending discussion or debate.
- 150. Suggests the city start a TRC so applicants can get comments and have discussion with multiple departments over issues to address. Notes the City has a site plan review process similar to a TRC, but some staff don’t review the plan before the meeting, so not ready to give complete comments.
- 151. Says City is guilty of multiple rounds of comments (done with one set, here’s a set of new ones phenomenon).
- 152. There have been times when the initial sketch review came back “no comments” from a particular department, then later on in the project, the same department identifies major issues late in the process.
- 153. The sketch plan review process works pretty well, but sometimes 15 minutes isn’t enough to get the level of information needed to move forward.
- 154. A TRC process would be helpful.
- 155. The sketch review meetings are very productive, but a formalized TRC process would be even better. The ability to receive complete information early in the process is invaluable for developers, especially smaller firms.**
- 156. He suggests an on-line site plan submittal system, and on-line comment system.
- 157. Says the City needs a common place to submit applications and a common or series of uniform submittal documents. If they cannot be uniform, they should at least explain the respective process to follow. Inspections has an on-line form.

H. Substantive Comments

1:45 DISCUSSION TOPIC 1:


WHAT PARTS OF THE UDO COULD WE REMOVE OR REDUCE?

UDOClearCode Winston-Salem/Forsyth County UDO Code Assessment

Work Session with Planning & Inspections Staff

January 9, 2018

End topic 1



2:15 DISCUSSION TOPIC 2:

WHAT PARTS OF THE UDO OR THE REVIEW PROCESS NEED MORE CLARITY?

2:45 NEXT STEPS

- Mid January – Webinar with staff on on-line code examples and document layout techniques/options
- January 25 – Status update with Planning Board
- February – code assessment drafting begins
- Mid-March – delivery of initial code assessment draft

UDO CLEARCODE

PLANNING BOARD STATUS UPDATE 1.25.18



OVERVIEW

Project Background

Tasks Completed to Date

Input Summary

Top 10 Recommendations for Improvement

Non-substantive vs Substantive Changes

Next Steps



PROJECT BACKGROUND

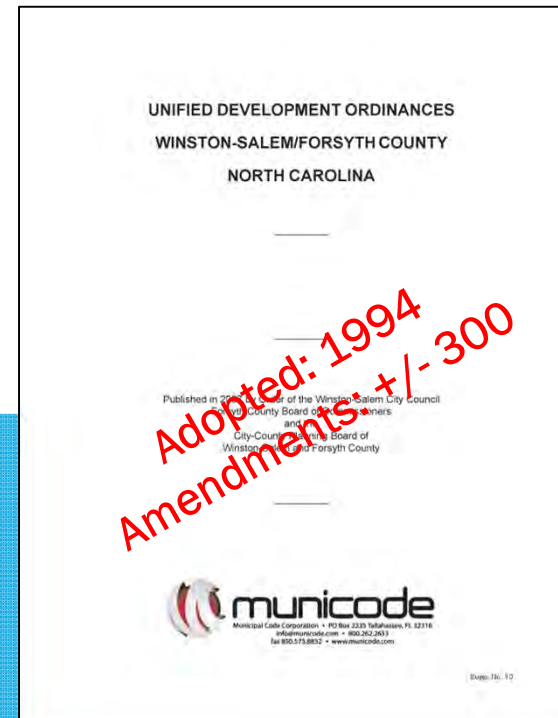
Project to make user-friendly improvements to the UDO

Part of a multi-pronged effort (text/layout, graphics, digital version improvements)

Prepare a Code Assessment of the current UDO

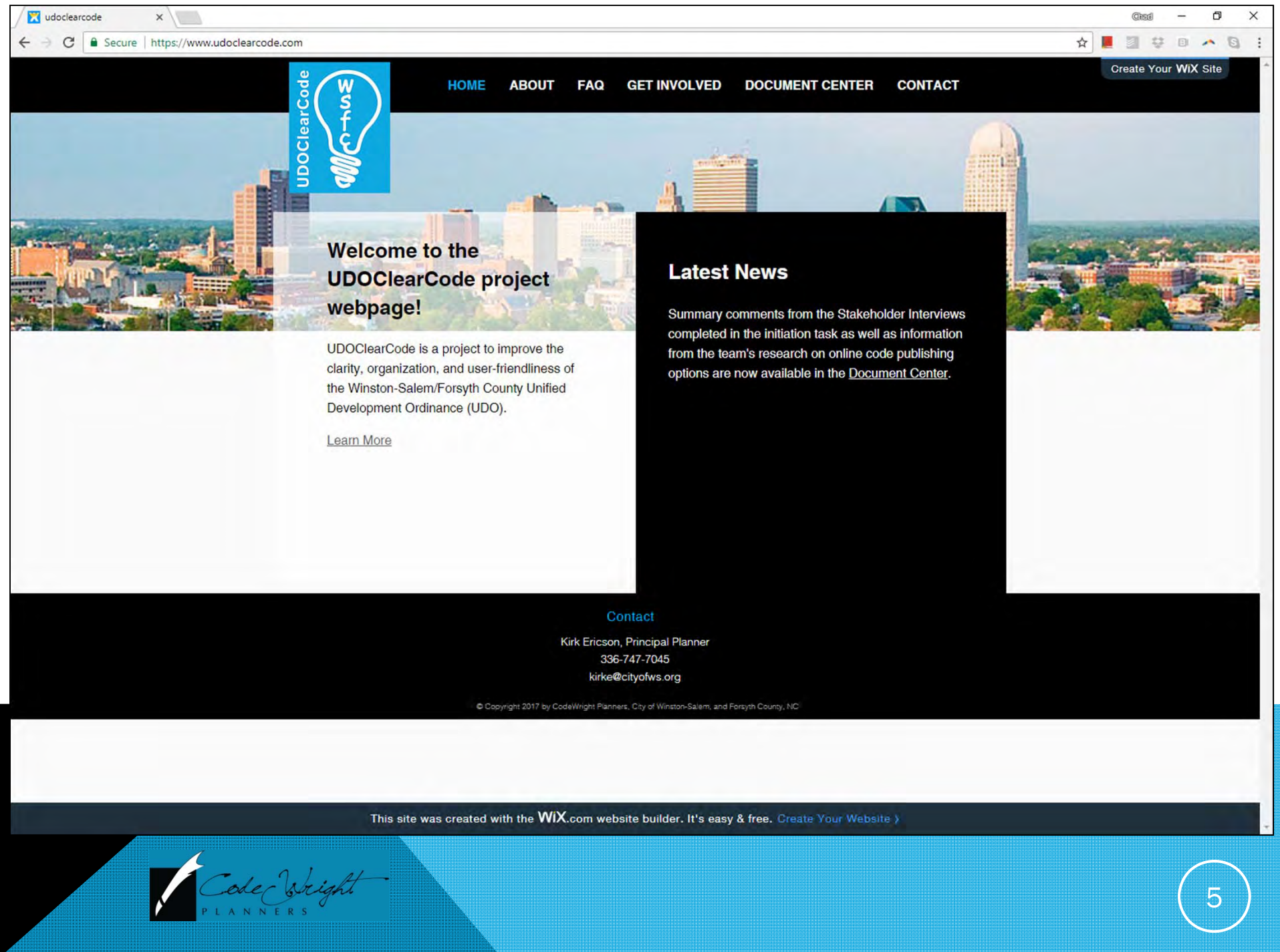
Focus on non-substantive improvements

- Organization
- Layout
- Appearance
- Operation



TASKS COMPLETED TO DATE

Project Kickoff	11.29.17
Project Webpage	12.11.17
Stakeholder Interviews (29)	12.13 & 12.19.17
Meeting with Planning/ Inspections Staff	1.9.18
Webinar with Staff on Examples	1.18.18
Update with Planning Board	1.25.18



[HOME](#) [ABOUT](#) [FAQ](#) [GET INVOLVED](#) [DOCUMENT CENTER](#) [CONTACT](#)

Create Your Wix Site

Welcome to the UDOClearCode project webpage!

UDOClearCode is a project to improve the clarity, organization, and user-friendliness of the Winston-Salem/Forsyth County Unified Development Ordinance (UDO).

[Learn More](#)

Latest News

Summary comments from the Stakeholder Interviews completed in the initiation task as well as information from the team's research on online code publishing options are now available in the [Document Center](#).

Contact

Kirk Ericson, Principal Planner
336-747-7045
kirke@cityofws.org

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This site was created with the Wix.com website builder. It's easy & free. [Create Your Website](#)



INPUT SUMMARY

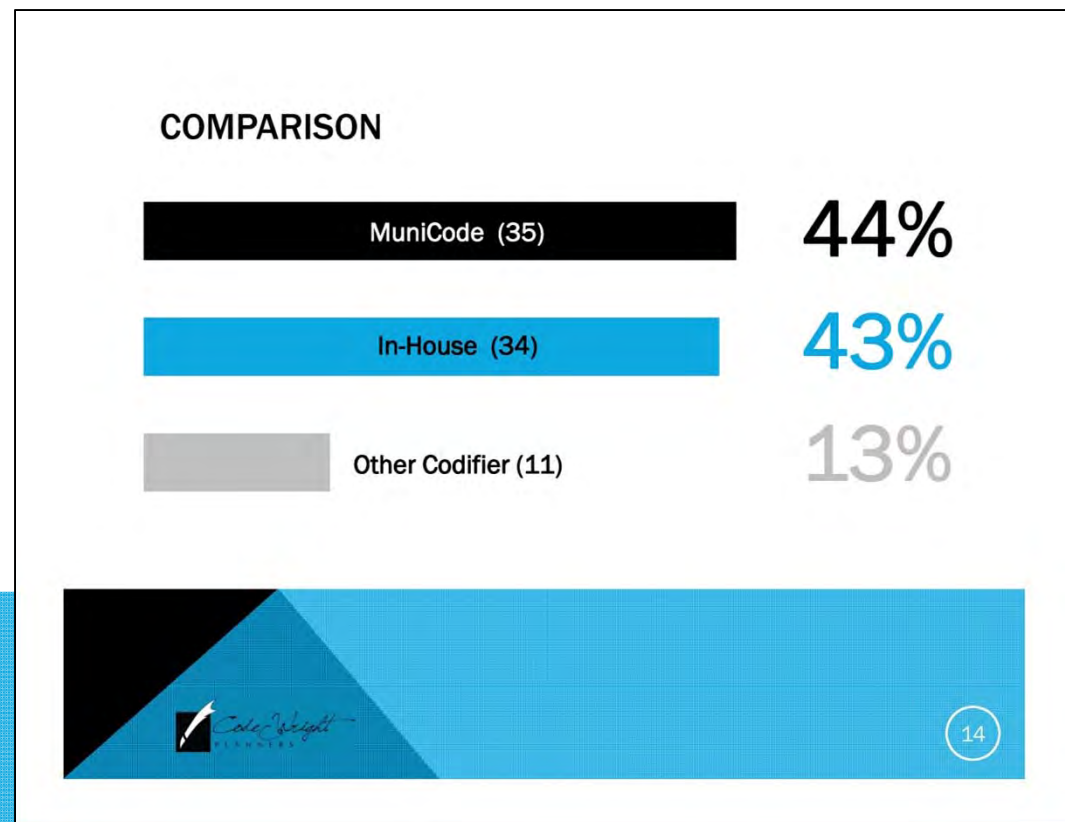
- Confusing structure / Easy to “get lost” in the document
- Lots of repetition; some of it inconsistent
- Inconsistent terminology/ “document voice”
- Often necessary to get Staff to interpret requirements
- Lack of graphics & charts
- Hard to differentiate between City & County-only standards
- Numerous challenges with using digital versions
- Perception of “right hand/left hand” issue between Planning & Inspections
- Desire for a more formal TRC review process
- Several code sections are overly complicated; need for simplification

TOP 10 RECOMMENDATIONS FOR IMPROVEMENT

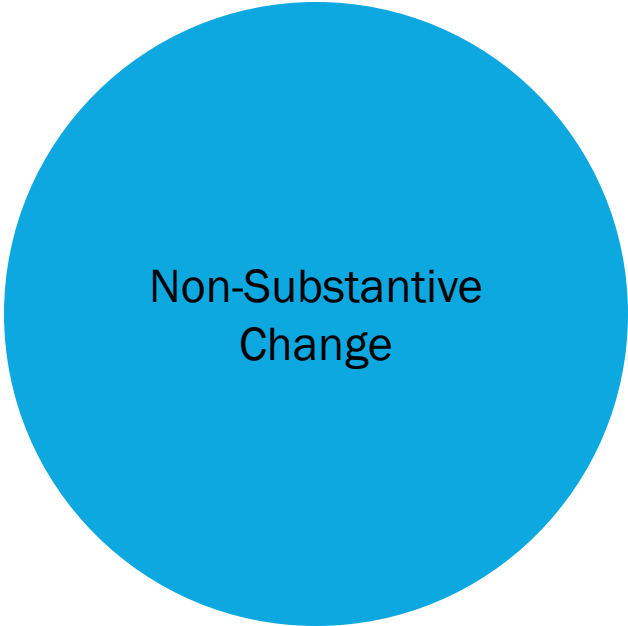
1. Reconfigure the UDO into 10 topic-based chapters
2. Use MS Word to create a new page layout with better navigational tools (typeface styles, dynamic headers, x-ref)
3. Build the document for use on the screen first & paper second
4. Use graphics, tables, and flowcharts to aid comprehension
5. Remove/Replace obsolete provisions
6. Simplify language construction (plain English, not “legalese”)
7. Embed non-binding commentary into the text
8. Add “Rules” sections: conflict, measurement, interpretation, etc.
9. Create a path of procedural least resistance
10. Undertake a campaign to simplify the development standards

TOP 10 RECOMMENDATIONS FOR IMPROVEMENT


11. Decide who will serve the digital version of the document and build to that platform



SUBSTANTIVE VS. NON-SUBSTANTIVE CHANGES

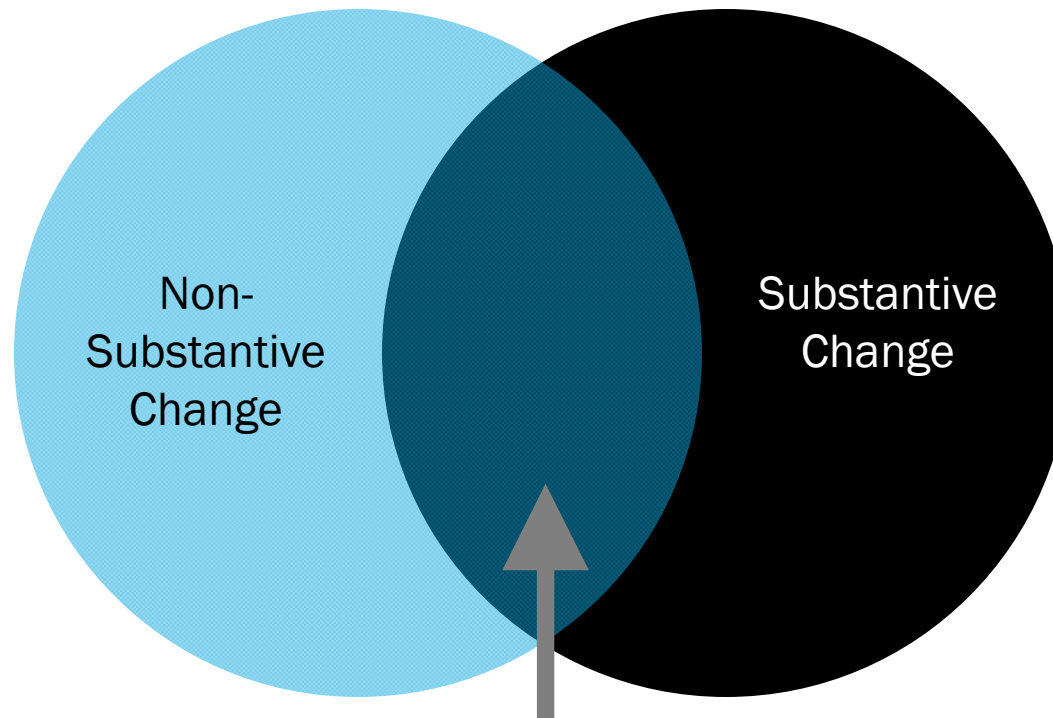


Non-Substantive
Change



Substantive
Change

SUBSTANTIVE VS. NON-SUBSTANTIVE CHANGES



THE "GRAY AREA"

HOW FAR INTO THE “GRAY AREA” WILL WE GO?

- Removal/reconfiguration of definitions
- Revisions to establish a “common voice”
- Inclusion of purpose and intent statements
- Revisions to comply with changing state statutes
- Sharpening review criteria
- Simplification

NEXT STEPS

Code Assessment Initial Draft	Feb. & March
Staff Review & Comment	April
Code Assessment Public Draft	Early May
Presentation to Planning Board	5.24.18
Code Revision	

User-friendly Examples

PAGE LAYOUT



ARTICLE 151.1. GENERAL PROVISIONS

Section 1.9. Conflicting Provisions

1.9.1. Conflicts with Other Codes or Laws

1.9. CONFLICTING PROVISIONS

1.9.1. CONFLICTS WITH OTHER CODES OR LAWS

If a provision of this Ordinance is inconsistent with another provision found in other adopted ordinances of the County, the more restrictive provision shall govern unless the terms of the more restrictive provision specifies otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

1.9.2. CONFLICTS WITH STATE OR FEDERAL LAWS

- A. If a provision of this Ordinance is inconsistent with State or federal law, the more restrictive provision controls, to the extent permitted by law.
- B. Except for minimum riparian buffer width standards, in cases where a State law related to an environmental issue is less restrictive than a comparable County standard, the State environmental standard shall control.
- C. The minimum riparian buffer width standards in this Ordinance are established for purposes of stormwater quantity management, not for purposes of maintaining environmental quality. As a result, the minimum riparian buffer width standards in this Ordinance shall control.

1.9.3. CONFLICTS BETWEEN STANDARDS IN THIS ORDINANCE

- A. In cases where two or more standards in this Ordinance conflict with one another, the more restrictive standard shall not necessarily control. Rather, the determination as to which standard controls shall be made by the UDO Administrator, in coordination with the County Attorney, based on the degree to which the application of a particular standard results in:
 - 1. Greater consistency with State or federal law;
 - 2. Greater consistency with the goals and objectives contained within the County's adopted policy guidance;
 - 3. A development that is more supportive of the purposes of this Ordinance as described in **Section <>, General Purpose and Intent**;
 - 4. Consistency with incentives for sustainable development practices identified in this Ordinance;
 - 5. Increased compatibility with adjacent development and surrounding community character;
 - 6. Enhanced environmental quality and natural resource protection;
 - 7. Greater protection and preservation of aesthetic and cultural resources; and
 - 8. A superior level of building form, design, or architecture.
- B. The text of this Ordinance shall be interpreted in accordance with **Section <>, Interpretation**. Nothing shall limit the UDO Administrator from preparing a written interpretation of how conflicting provisions are interpreted on a case-by-case basis.

1.10. RULES OF LANGUAGE CONSTRUCTION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

1.10.1. MEANINGS AND INTENT

- A. All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in **Section <>, General Purpose and Intent**, and the specific purpose statements set forth throughout this Ordinance.
- B. When a specific section of these regulations gives a different meaning than the general definition provided in **Section <>, Definitions and Rules of Measurement**, the specific section's meaning and application of the term shall control.
- C. Terms that are not defined are subject to their common or customary meaning.

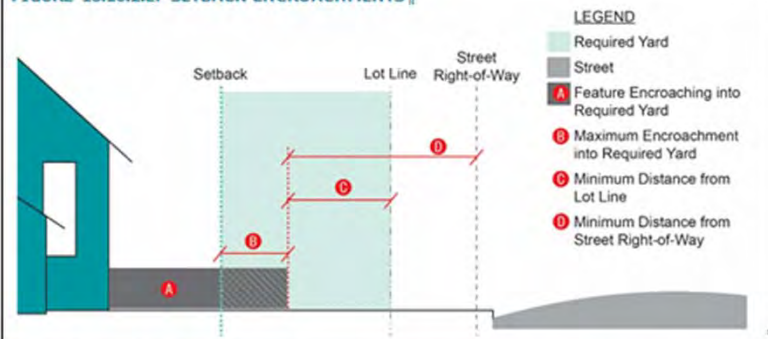
1.10.2. HEADINGS, ILLUSTRATIONS, AND TEXT

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map other than the OZM, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

1.10.3. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

FIGURE 18.10.2.E: SETBACK ENCROACHMENTS



F. → GROSS FLOOR AREA

Gross floor area (GFA) shall be defined as the sum in square feet of all floors of the building measured from the exterior face of the exterior walls. The gross floor area shall include or exclude areas as indicated below:

1. → Areas Included in Gross Floor Area

- All enclosed habitable space.
- Elevators, hallways, and stairwells on stories containing habitable space.
- On stories containing both enclosed habitable space and off-street parking, the pro-rata portion of the area of the elevators, hallways, and stairwells on that story apportioned to the enclosed habitable space function.

2. → Areas Excluded from Gross Floor Area

- Unenclosed porches or decks.
- Off-street parking areas, including the elevators, hallways, mechanical equipment, and stairwells on stories containing off-street parking.
- Utility services areas devoted to the electric service, the potable water service, the wastewater system, the telephone service, the cable service, or to a backup generator.
- Mechanical areas and uninhabited enclosed spaces on tops of roofs not intended for general storage.
- On stories containing both enclosed habitable space and off-street parking, the pro-rata portion of the area of the elevators, hallways, and stairwells on that story apportioned to the off-street parking function.

G. → FLOOR AREA RATIO

The ratio of a building's total floor area to the size of the lot upon which it is built. The terms can also refer to limits imposed on such a ratio.

H. → HEIGHT

1. → Measurement

- Building height shall be measured from the existing grade elevation prior to any land disturbing activities.
- Within the CIR District, height shall be measured from the adjacent street level of the

fronting street. In cases where the BFE is established at a height above street level, height may be measured from the BFE.

2. → Maximum Height

Building height is calculated from the existing grade elevation to the highest point of the roof.

3. → Exceptions

a. → Residential Construction

Spire, belfries, cupolas, domes, and chimneys, and similar features located above the roof level for decorative purposes and not intended for human occupancy or general storage may exceed maximum height requirements by no more than five feet (see Figure 18.10.2.H: Height).

b. → Non-Residential Construction

Water tanks, ventilators, elevator housing, mechanical equipment, or other structures placed above the roof level and not intended for human occupancy or general storage may exceed maximum height requirements by no more than 10 feet.

c. → CIR District

Spire, belfries, cupolas, chimneys, water tanks, ventilators, elevator housing, mechanical equipment, or other structures placed above the roof level and not intended for human occupancy or general storage may exceed the maximum height requirements by up to 10 feet in the B and C Sub-Area Zones, and up to 20 feet in the A and A-1 Sub-Area Zones.

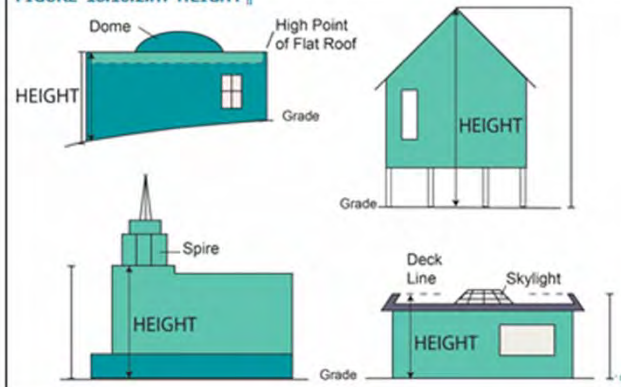
4. → Story

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

5. → Exemptions

Height limitations of this article shall not apply to government buildings, schools, hospitals, water towers, public utilities, or similar structures provided such structures meet the required NC State Building Code.

FIGURE 18.10.2.H: HEIGHT



FLOWCHARTS

REASONABLE ACCOMMODATION



FIGURE <>: EROSION CONTROL PERMIT PROCEDURE

STEP	ACTION
1	PRE-APPLICATION CONFERENCE Required for sites that disturb 10 or more acres of land area, otherwise optional See Section <>, Pre-Application Conference
2	FILE APPLICATION Filed with City Engineer Required for land-disturbing activity occupying one or more acres
3	COMPLETENESS DETERMINATION See Section <>, Completeness Determination
4	STAFF REVIEW Site plans shall include details on erosion control and sedimentation devices configured in accordance with this Ordinance, regardless of whether an erosion control permit is required
5	CITY ENGINEER DECISION Erosion control permits or approval of proposed erosion control and sedimentation devices shall take place prior to any land disturbing activity
6	NOTIFICATION OF DECISION Delivered via personal service, electronic mail, or 1 st class mail
7	APPLY FOR OTHER APPLICABLE PERMITS as appropriate

TABLES



ARTICLE 151.4. USE REGULATIONS

Section 4.2. Principal Uses

4.2.10. Principal Use Table

TABLE <>: PRINCIPAL USE TABLE														
USE CATEGORY Use Type Description	Current Use (provided for comparative purposes only- rows removed upon adoption)	"P"= Permitted					"S"= Permitted with Special Use Permit					"X"= Prohibited		
		RESIDENTIAL					COMMERCIAL					IND.		
		CP (CD)	WL (GU)	RR (R-3-2)	SR (R-3-1)	NR (R-2)	VR (R-1)	CC (NCD)	VC (COD)	MX (NEW)	HC	MC	LI (I-1)	HI (I-2)
Farmers Market A use which includes the sale of horticulture or agriculture products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agriculture products by more than one vendor. The use may or may not include a permanent building.			P	S				P	P	P	P	P		A
Farm and craft markets				S	S	S	S	Z	Z	X	Z	Z		X
Roadside Market A permanent retail establishment engaged in the retail sale or resale of agricultural products and seafood produced on site or in adjacent waters.			P					P			P	P		A
RESIDENTIAL USE CLASSIFICATION														
HOUSEHOLD LIVING USES Household living includes use types that provide for the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Accessory uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles.														
Duplex A single structure comprised of two dwelling units that share common vertical walls or horizontal floors/ceilings. The dwelling units may be on their own lots or on a single lot.							P			P				A
Two-family conversion							S			X				X
Duplex							S			X				X
Two-family apartment							S			X				X
Live/Work Dwelling A structure or portion of a structure combining a dwelling unit with an integrated nonresidential ground-level workspace typically used by one or more residents of the dwelling.			S				P	P	P	P			S	A
Manufactured Home A dwelling on its own lot constructed after June 15, 1976 that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported on its own chassis. It bears a valid seal indicating conformance with the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of its construction.			P	P	S									A
Manufactured Home or Mobile Home Park A site where two or more manufactured or mobile homes are located on individual leaseholds or other divisions of land under common ownership. The park may include additional accessory uses such as recreation facilities, shared laundry facilities, storage, and parking.														
Mobile Home A factory-built dwelling on its own lot constructed prior to June 15, 1976, to State code standards, not those adopted by the US Department of Housing and Development on June 15, 1976.			S	S										
Class A mobile home							Z	Z		X				X

PROCEDURES

TABLE <>: SUMMARY DEVELOPMENT TABLE

Type of Action: A=Appeal (initial); D=Decision; C=Comment; R=Recommendation

Pre-Application Conference: M=Mandatory; O=Optional; N/A=Not Applicable



Type of Hearing: | = Public Meeting; []=Legislative Public Hearing; { }=Quasi-judicial Public Hearing

PROCEDURE	UDO SECTION NUMBER	PRE-APPLICATION CONFERENCE	REVIEW AUTHORITY										
			CITY ENGINEER	PLANNING DIRECTOR	STORMWATER ADMINISTRATOR	TRANSPORTATION DIRECTOR	ZONING/SUBDIVISION ADMINISTRATOR	BOARD OF ADJUSTMENT	CITY COUNCIL	HISTORIC PRESERVATION COMMISSION	PLANNING & ZONING COMMISSION	TECHNICAL REVIEW COMMITTEE	SUPERIOR COURT
Administrative Adjustment	<>	O	*	*	*	*	D	{A}	*	*	*	*	*
Certificate of Appropriateness	<>	O	*	D /1/	*	*	*	{A}	*	{D} /1/	*	*	*
Comprehensive Plan Amendment	<>	O	*	R	*	*	*	*	[D]	*	R	*	A
Development Agreement	<>	M	*	R	*	*	*	*	[D]	*	R	*	A
Erosion Control Permit	<>	M /2/	D	*	*	*	*	{A} /3/	*	*	*	*	*
Fence Permit	<>	N/A	*	*	*	*	D	{A}	*	*	*	*	*
Final Plat	<>	N/A	C	*	C	C	D	*	*	*	*	*	A
Floodplain Development Permit	<>	M /4/	D	*	*	*	*	{A}	*	*	*	*	*
Interpretation /5/	<>	N/A	D	*	D	D	D	{A}	*	*	*	*	*
Planned Development	<>	M	*	*	*	*	*	*	[D]	*	R	*	A
Preliminary Plat	<>	M	*	*	*	*	*	*	*	*	*	D	A
Reasonable Accommodation	<>	M	*	*	*	*	D	{A}	*	*	*	*	*
Rezoning	<>	M	*	R	*	*	*	*	[D]	*	R	*	A
Sign Permit	<>	N/A	*	*	*	*	D	{A}	*	*	*	*	*
Site Plan	<>	M	*	*	*	*	*	{A}	*	*	*	D	*
Special Use Permit	<>	M	*	*	*	*	*	{D}	*	*	*	*	A
Stormwater Permit	<>	O	*	*	D	*	*	{A}	*	*	*	*	*
Stream/Riparian Buffer Impact Certification	<>	O	*	*	D	*	*	{A}	*	*	*	*	*
Text Amendment	<>	O	*	R	*	*	*	*	[D]	*	R	*	A
Temporary Use Permit	<>	N/A	*	*	*	*	D	{A}	*	*	*	*	*
Transportation Impact Analysis	<>	M	*	*	*	D	*	{A}	*	*	*	*	*
Vested Rights Certificate	<>	O	*	R	*	*	*	*	[D]	*	*	*	A
Water Supply Watershed Protection Permit	<>	O	*	*	D	*	*	{A}	*	*	*	*	*
Water-Related Variance /6/	<>	M	D /7/	*	D /8/	*	*	{D} /8/	*	*	*	*	A
Zoning/Subdivision Variance	<>	M	*	*	*	*	*	{D}	*	*	*	*	A

ILLUSTRATIONS (NEXT SLIDES)

ARTICLE 40.1-5: DEVELOPMENT STANDARDS
 Section 40.1-5.2 Landscaping and Screening
 Subsection (E): Perimeter Buffers

TABLE 40.1-5.2(E)(3): BUFFER TYPES



TABLE 40.1-5.2(E)(3): BUFFER TYPES		
BUFFER TYPE AND CONFIGURATION ACI = AGGREGATE CALIPER INCHES	MINIMUM PERIMETER BUFFER	
	OPTION 1: MINIMUM WIDTH 20 FEET	OPTION 2: MINIMUM WIDTH 10 FEET [4]
TYPE A - BASIC		
This perimeter buffer functions as basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of ten feet.		
	2 ACI of canopy trees + 10 ACI of understory trees + 15 shrubs per 100 linear feet	
TYPE B - AESTHETIC		
This perimeter buffer functions as an intermittent visual obstruction from the ground to a height of at least 20 feet, and creates the impression of spatial separation without eliminating visual contact between uses.		
	8 ACI of canopy trees + 10 ACI of understory trees + 15 shrubs per 100 linear feet	2 ACI of canopy trees + 14 ACI of understory trees + 35 shrubs per 100 linear feet

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ARTICLE 40.1-5: DEVELOPMENT STANDARDS
 Section 40.1-5.2 Landscaping and Screening
 Subsection (E): Perimeter Buffers

TABLE 40.1-5.2(E)(3): BUFFER TYPES

BUFFER TYPE AND CONFIGURATION ACI = AGGREGATE CALIPER INCHES	MINIMUM PERIMETER BUFFER	
	[1] [2] [3]	
	OPTION 1: MINIMUM WIDTH 20 FEET	OPTION 2: MINIMUM WIDTH 10 FEET [4]
TYPE C - SEMI-OPAQUE		
This perimeter buffer functions as a semi-opaque screen from the ground to at least a height of six feet.		
	12 ACI of canopy trees + 14 ACI of understory trees + 25 shrubs per 100 linear feet	One 4-foot-high berm or one 4-foot-high solid fence + 2 ACI of canopy trees + 16 ACI understory trees per 100 linear feet
TYPE D - OPAQUE		
This perimeter buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation.		
	18 ACI of canopy trees + 20 ACI of understory trees + 55 shrubs per 100 linear feet	One 6-foot-high solid fence + 12 ACI of canopy trees per 100 linear feet
NOTES:		

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G. RESIDENTIAL MULTI-FAMILY (RMF)

RESIDENTIAL MULTI-FAMILY (RMF)

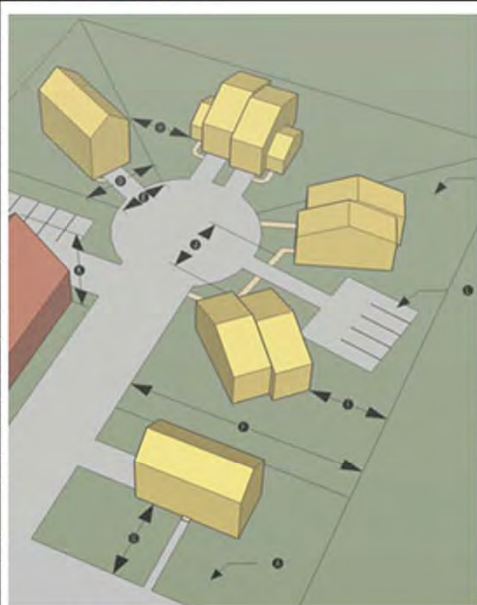
1. Purpose

The RMF district is established to accommodate a wide range of residential uses, including single-family detached, duplex, triplex, and quadplex dwellings, along with parks, open space, institutions, minor utilities, minor eating establishments, minor offices, and minor visitor accommodations uses. Development in the RMF district shall take place only in accordance with the standards in this table and other relevant standards of this Ordinance.

2. Dimensional Standards

Ref. #	Standard	Req. [1]
A	Min. Lot Area Per Single-Family Unit (sf)	5,000
B	Max. Residential Density -- Single-Family (units/acre)	8
C	Min. Lot Area Per Unit -- Duplex, Triplex, Quadplex (sf)	3,600
D	Max. Residential Density -- Duplex, Triplex, Quadplex (individual units/acre)	12
E	Minimum Lot Area -- All Other Uses (sf)	10,000
F	Minimum Lot Width (ft)	50
G	Min. Street Frontage (linear ft)	25 [2]
H	Minimum Lot Depth (ft)	100
I	Min. Street Setback (ft)	10
J	Min. Side Setback (ft)	5
K	Min. Rear Setback (ft)	10 [3]
L	Min. Spacing Between Buildings in same development (ft)	15
M	Maximum Height (ft)	45
N	Maximum Impervious Surface Coverage (% of lot area)	40 [4]

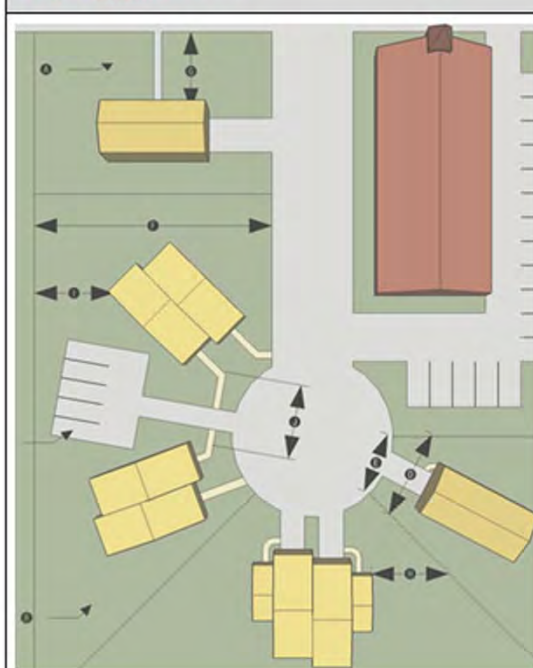
3. Dimensional Illustration



Notes

- [1] Portions of lots within or abutting AEC or Ocean Hazard areas shall be subject to applicable CMAA setbacks.
- [2] In cases where a single multi-family structure is on two or more separate lots, the frontage standard applies to the entire development.
- [3] Corner lots with single-family detached and duplex dwellings may reduce the rear setback to five feet.
- [4] Developments subject to a State stormwater permit are exempted from these standards.

4. Typical Lotting Illustration



5. Typical Development Illustrations



6. Aerial Photo



Page Break

TABLE 18.5.10.1: SIGN STANDARDS IN COMMERCIAL DISTRICTS

TYPE OF SIGN	MAXIMUM FACE AREA [1]-[2]	MAXIMUM HEIGHT	MAXIMUM NUMBER OF SIGNS PER LOT	ADDITIONAL STANDARDS [3]
Freestanding Sign	50 sf total	15 feet above grade	1	Signs shall be located at least five feet from a lot line and at least ten feet from the street right-of-way
Freestanding Sign serving a multi-building use	Up to 6 tenants: 100 sf; 7-14 tenants: 125 sf; 15+ tenants: 150 sf	20 feet above grade	1 per street frontage	

LEGEND

A Maximum Sign Face Area 50 sf (25 sf per side for two-sided sign)

B 5' Minimum Distance from Lot Line

C 10' Minimum Distance from Street Right-of-Way

Portable Sign	24 inches by 36 inches	4 feet above grade	2	Signs shall be located at least five feet from a lot line and at least ten feet from the street right-of-way
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A Maximum Sign Dimensions

TABLE 18.5.10.2: SIGN STANDARDS IN COMMERCIAL DISTRICTS

TYPE OF SIGN	MAXIMUM FACE AREA [1]-[2]	MAXIMUM HEIGHT	MAXIMUM NUMBER OF SIGNS PER LOT	ADDITIONAL STANDARDS [3]
Monument Sign serving an outparcel	50 sf total	4 feet above grade	1 per outparcel	Signs shall be at least ten feet from the street right-of-way
<p>LEGEND</p> <p>A Maximum Sign Face Area 50 sf (25 sf per side for two-sided sign)</p> <p>B 4' Maximum Height Above Grade</p> <p>C 10' Minimum Distance from Street Right-of-Way</p>				
<p>NOTES:</p> <p>[1] Regardless of the composition of signage, the maximum available sign area per development shall be 200 square feet (not counting signage excluded from these standards).</p> <p>[2] "sf" = square feet</p> <p>[3] Signs shall also be subject to the standards in Section 18.5.10.1, Additional Sign Specifications.</p> <p>[4] Projecting signs shall maintain a minimum of eight feet of clearance above the grade or a walkway</p>				

L. ADDITIONAL SIGN SPECIFICATIONS

1. → **Wall Signs**
 - a. → No wall sign or its supporting structure shall cover any window or part of a window, nor shall it extend on the roofline, parapet, or mansard roof.
 - b. → Canopy and awning signs may be substituted for part or all of the allowable wall signage per premises.
 - c. → Signs may be painted or printed onto a canopy or awning.
 - d. → In no instance shall a canopy or awning sign extend into a street right-of-way.
 - e. → No wall sign shall be attached to any cupola, tower, or other architectural feature that is above the roofline.
2. → **Freestanding and Monument Signs**
Any freestanding or monument sign greater than three and one-half feet in height as measured from the grade of the road upon which it fronts shall be located outside the required sight distance triangle.
3. → **Projecting Signs**
 - a. → A projecting sign shall not project more than four feet from a building wall.
 - b. → A projecting sign shall not extend vertically above the roofline or parapet of a building.
 - c. → Projecting signs may be substituted for wall signs in a shopping center, provided:

UDO CLEARCODE

PLANNING BOARD STATUS UPDATE 5.24.18



CODE ASSESSMENT

Outline

Input

Schedule

OUTLINE

1. Executive Summary
2. Background
3. Non-Substantive Recommendations
4. Substantive Recommendations
5. Digital Document
6. Annotated Outline
7. Appendix

2. BACKGROUND

Project Purpose

Details/Issues with
Current UDO

Report Organization

Next Steps for Project

3. NON-SUBSTANTIVE RECOMMENDATIONS

Structure &
Organization

Page Layout

Text

Graphics

Summary Tables

4. SUBSTANTIVE RECOMMENDATIONS

“Easy” Changes

Issues for Deeper
Consideration

4. SUBSTANTIVE RECOMMENDATIONS

“EASY” CHANGES

Remove Obsolete Text

Purpose/Intent

Procedural Changes

Enhance Clarity

Document “Voice”

Comply with State Law

Revise Definitions

4. SUBSTANTIVE RECOMMENDATIONS ISSUES FOR CONSIDERATION

Outside Manual
Text Amendment Reform
Signs
Tree Save
Nonconformity tracking
Landscaping for
Redevelopment
Watershed
GMA Rules for Infill
Sidewalks
Dimensional Standards
Alternative Compliance



5. DIGITAL DOCUMENT

Desired End State

Details on Other
Communities

Details on Providers

6. ANNOTATED OUTLINE

Suggested
organization and
contents for updated
UDO

7. APPENDIX

Stakeholder Input
Summary

Recent Statutory
Changes

Section-by-Section
Review of current UDO

INPUT

A series of outreach sessions with different audiences

- Explain the Assessment
- Elicit feedback
- Revise the document

INPUT

A series of outreach sessions with different audiences

- City/County staff
- Stakeholders
- The public (may be a webinar or Youtube video)
- Others?

SCHEDULE

Initial Draft to Staff	6.11.18
Staff Review	7.6.18
Revision to Initial Draft	7.13.18
Input	7.16 to 7.28.18
Revision to Final Draft	8.10.18
Presentation	August

1.0 HEADING ONE

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1. HEADING FIVE

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1.01. HEADING SIX

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Text 6 Body text 6 Body Text 6 Body Text 6 Body Text 6 Body Text 6 Body Text 6 Body text
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a. HEADING SEVEN

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1. HEADING EIGHT

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1.01. HEADING NINE
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Body Text 9 Body Text 9 Body Text 9 Body Text 9 Body Text 9 Body Text 9

GENERIC HEADING

GENERIC SUBHEADING

- B. List Four
 - 1. List Five
 - 1.01. List Six
 - a. List Seven
 - 1. List Eight
 - 1.01. List Nine

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Body Text Two

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Body Text Nine

TABLE HEADING
TABLE SUBHEADING
Table Text
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FIGURE HEADING

Figure Caption

DEFINITION TITLE

Footnote³

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