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 UDO ClearCode 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

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:
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.
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.
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.
56. 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.

57. 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.

58. 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.

59. 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.

60. 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.

61. Stormwater regs are onerous – some of the worst in the state.

62. The stormwater criteria used are outrageous.

63. For a larger project, the storm sewer cost is larger than the sanitary sewer cost.

64. 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.

65. Stormwater should be with the UDO.

66. Suggest integrating the stormwater regulations into the development code.

67. Watershed standards are too complicated.

68. Bonding required is tough for clients.

69. 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.

70. Setbacks based on adjacent uses is confusing.

71. Yard space triangles are outdated – have received conflicting information about whether or not they are required from staff.

72. PRD is very confusing – is located in its own section and has lots of requirements unique from other districts.

73. 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.

74. Code should allow, but not force, mixed use.

75. 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.

76. He likes the tree save provisions, says they are flexible, and allow reforestation.

77. 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.