

STAFF REPORT

DOCKET: UDO-CC23
STAFF: [Steve Smotherman](#)

REQUEST/BACKGROUND

An ordinance amendment proposed by Planning and Development Services staff modifying miscellaneous sections in Chapters 3, 4, 5, 9, and 11 of the *Unified Development Ordinances (UDO)*. These amendments are prepared periodically to keep the UDO up to date through various minor, non-substantive changes and clarifications.

SUMMARY:

To remove errors and inconsistencies in the UDO, the following minor, non-substantive revisions will be made to the identified sections.

Chapter 3: Procedures

Two revisions are proposed for Zoning Map Amendment processes detailed in Section 3.2.19. The first modification specifies that written summaries of neighborhood meetings and outreach shall include any outcomes and results of such meetings/outreach. Under this proposal, applicants cannot simply state that they held a meeting or made outreach efforts without mentioning the issues, outcomes, or results of such efforts. This change will help the Planning Board and elected bodies ensure the effectiveness of public outreach.

The second change removes the formal requirement for a pre-application conference for zoning requests for Special Use Districts-No Site Plan (in Forsyth County), or for Special Use-Limited Districts (in Winston-Salem). Staff believes such conferences are not necessary as issues with these rezonings are handled through the existing zoning pre-submittal process or through individual meetings with petitioners.

Chapter 4: Zoning Districts-Overlay and Special Purpose Districts

One addition is being made to the establishment procedure for Neighborhood Conservation Overlay (NCO) Districts in Section 4.9.2.D.1.c. This revision states that if the Planning Director determines that any proposed standard or combination of standards for the NCO District would constitute a downzoning, signatures of support from 100 percent of the property owners in the district is required. This change is proposed to ensure the NCO standards conform to rules for non-petitioning property owners in NCGS 160D.

Chapter 5: Use Standards

Three changes are proposed to the Use Standards chapter. The first change relates to the listing in the Principal Use Table (Table 5.1.1) for Electronic Sweepstakes Operation (ESO) for Winston-Salem. A reference to the specific prohibition of such uses in Section 5.2.29 (Electronic Sweepstakes Operation), is being added under the Conditions column for an ESO in Table 5.1.1. This change will make the rules for such uses clearer to UDO users.

Secondly, specific conditions for Planned Residential Developments (PRDs) (Section 5.2.66) are being modified to remove the required 3-acre minimum site size for PRDs in GMA 3 (Suburban

Neighborhoods) and GMA 4 (Future Growth Areas). A 5-acre minimum site size remains a requirement in GMA 5 (Rural Areas) since public water and sewer is not available in those areas. However, a required 5-acre minimum site size for multiple dwelling units on one zoning lot for PRDs is recommended for removal for both Winston-Salem and Forsyth County.

Additionally, a change is proposed to the perimeter bufferyard requirement for PRDs where perimeter lots are smaller than the minimum lot size in the underlying zoning district. This change would revise the currently required 30-foot wide bufferyard planted with 5 evergreen trees and 5 deciduous trees per 100 linear feet to a minimum 20-foot wide Type I bufferyard consisting of 2 deciduous trees and 8 primary evergreen plants per 100 linear feet. There are two reasons for this change: 1) the existing planting requirement is too crowded to allow vegetation to grow properly, and 2) switching to a 20-foot Type I Bufferyard allows this requirement to match a clearly defined planting standard, which will assist staff with ordinance enforcement as a 30-foot buffer width does not currently exist anywhere in the UDO except for PRDs.

The last change in Chapter 5 simply removes the local fencing requirements for Private Swimming Pools (Section 5.2.90.D.) and replaces them with a requirement that fencing shall follow NC Building Code standards for installation and maintenance.

Chapter 9: Nonconformities

The revision in this Chapter removes the requirement for approval of a Special Use Permit by the Winston-Salem City Council for parking related to nonconforming nonresidential structures built before March 7, 1988 (Section 9.4.3.E) and reserves the Section number. The two uses to which this standard applied (restaurants and electronic sweepstakes operations) have been removed by previous UDO amendments.

Chapter 11: Definitions

Eleven definitions within the Definitions Table (Table 11.2.2) are being amended due to one of several reasons: the definition was inadvertently omitted from the original UDO Clear Code adopted in 2019; the removal or addition of cross-references; correcting errors in definitions; and correcting inconsistent definition formatting.

RECOMMENDATION: APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-CC23
APRIL 13, 2023**

Steve Smotherman presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

Brenda Smith inquired about voting procedures when a Board member disagrees with a portion of a proposed amendment. She expressed concerns with removing the preapplication meeting requirement for limited-use zoning. Chris Murphy stated that a Board member would need to vote against the amendment if they were strongly concerned about a portion of its language. Chris also explained the reason behind eliminating the preapplication meeting requirements.

Jack Steelman inquired if sweepstakes establishments were allowed in Winston-Salem and Forsyth County. Chris Murphy explained the history of sweepstakes regulations and that these uses are currently prohibited in the City and County.

George Bryan explained his concerns and objections with portions of this text amendment related to PRD bufferyards and parking in GMA2.

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Salvador Patiño, Jack Steelman

AGAINST: Brenda Smith

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the ordinance amendment.

SECOND: Jason Grubbs

VOTE:

FOR: Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Salvador Patiño, Jack Steelman

AGAINST: George Bryan, Brenda Smith

EXCUSED: None

Chris Murphy, AICP/CZO
Director of Planning and Development Services