

Planning Board Questions on UDO-CC8

MU-S changes

Q: Can language be added to encourage quality developments that implement LEGACY goals, such as walkability, reduction of sprawl, protection of environmental features, providing a convenient mix of uses, creativity in development, etc.?

Q: The language in the purpose statement stresses the goal of flexibility and refers only to “certain planning and design considerations” as given in exchange for such.

Q: The Objectives statement comes closest to providing a basis for evaluating development proposals, referring to developments that are “compatible and well integrated with its surrounding context”. Can we go farther in providing more parameters that spell out more specifically the kinds of development that we are looking for?

Q: I found this language helpful, from the Washington, D.C. PUD ordinance. It may go farther than we want to go here, but it gives some idea of what I am suggesting: “The purpose of a PUD is to provide for higher quality development through flexibility in building controls, including height and density, providing that the resulting development is superior to what would result from a matter-of-right development, offer a commendable number or quality of meaningful public benefits, and protect and advance the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan. The Applicant has the burden of proof to justify the granting of a PUD application. The Zoning Commission will ‘judge, balance, and reconcile’ the relative value of the public benefits and amenities, the degree of development incentives requested, and any potential adverse effects for each specific case.”

A: The following highlighted language will be added to the draft UDO Purpose Statement: 5.2.26.1.A:

- 1. The MU-S District is intended to accommodate a Planned Unit Development (PUD) containing residential uses and at least one nonresidential use with the mix of uses achieved through incorporating multiple uses within a single building or by single-use buildings located throughout the site.**
- 2. This district has applications in a broad range of urban to suburban locations.**
- 3. The size and intensity of MU-S developments may vary based on their physical context and location. Appropriate setbacks, streetyards, bufferyards, and building heights among other site and design elements will be considered to ensure compatibility of the development on a site-specific basis.**
- 4. The MU-S District provides greater development flexibility in exchange for certain planning and design considerations and provides an opportunity to propose development**

which would otherwise not be accommodated by the UDO. Any Planned Unit Development proposed via the MU-S district shall be evaluated on its own merits.

5. The MU-S district promotes quality design and respects surrounding land use and character with particular consideration given to the architectural details and facades of mixed-use and nonresidential buildings and the design of the streetscape. Elements such as building fenestration and massing, placement of windows, incorporation of awnings and other architectural elements as well as landscaping, street trees, and presence of plazas, pocket parks, public squares and other common public open space will be utilized to ensure a well-designed development.

6. The MU-S district shall include pedestrian-oriented design elements that promote walkability such as a system of sidewalks or other all-weather paths linking different parts of the development. Accommodation of multimodal transportation options is also encouraged.

Q: Send me references to more on TND and TOD. [Traditional Neighborhood Development and Transit Oriented Development]

A: Staff presented a report on TOD in Winston-Salem at the May 15, 2018 Public Works Committee and is attached. Some additional resources are below:

Charlotte's Transit Supportive Overlay District:

https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTIICOOR_APX_AZO_CH10OVDI_PT9TRSUOVDI&showChanges=true

Durham's Major Transportation Corridor Overlay District:

<https://durham.municipal.codes/UDO/4.9>

Locust, NC's Traditional Neighborhood Overlay District:

https://codelibrary.amlegal.com/codes/locust/latest/locustldo_nc/0-0-0-6109

Information on TND from National League of Cities (NLC):

<https://www.nlc.org/resource/traditional-neighborhood-development/>

Q: How have zoning overlay districts in other areas helped this type of development?

A: Zoning overlay districts include special standards for an area which go above and beyond underlying zoning requirements. They can be developed to promote a particular character such as our local Downtown Overlay (WO) or a development type such as Charlotte's Transit Supportive Overlay, linked above. Evaluating possible overlay districts was Recommendation #5 in the *Innovative and Land-Efficient Residential Development Regulations* report, and more research on overlay districts will be conducted when this item is included in a future Work Program.

Cottage Courts

Q: Members are also pleased that dumpsters would not be allowed, but wonder whether HVAC (heat pump) placement should also be addressed.

Q: Rear setbacks: I have a concern that a ten foot rear setback may not be appropriate in all cases (for example, if there will be a potentially noisy HVAC system extended into this area). Is there a way to allow up to ten feet as the minimum rear setback, subject to review on a case-by-case basis?

A: The UDO does not currently regulate the location of utilities for any type of residential development.

Q: Members expressed some concerns about the setback from adjacent single family lots, and whether the bufferyard requirement will be adequate.

A: The minimum side setback for residential lots is generally 7 feet. Many peer cities require a setback of 10 feet for cottage courts which staff believes to be appropriate and is proposed in this ordinance. The Type II bufferyard standards proposed adjacent to communal parking areas are the same as for parking areas in the NB district. A Type II bufferyard includes 2 deciduous trees, 12 primary evergreen plants, and 15 supplemental evergreen shrubs per one hundred (100) linear feet. Staff believes that these standards will lessen the impact of these parking areas.

Q: Why do cottage court residential units have to be buffered from other residential units? ‘Not very clear on first reading, but the graphics helped out.

A: Cottage Court residential units are not required to be buffered from other residential uses in the current amendment. Only parking areas need to be buffered from adjacent development with a Type II Bufferyard. These standards are the same as for parking areas in the NB district and lessen the impact of the parking area on adjacent sites. A Type II bufferyard includes 2 deciduous trees, 12 primary evergreen plants, and 15 supplemental evergreen shrubs per one hundred (100) linear feet.

Q: Why the minimum of 4 units? Could 2 or 3 units fulfill the goal of Cottage Court development?

A: Minor Subdivision regulations already allow development up to 3 units. In addition, 4 units promote the character and neighborhood feel of a Cottage Court surrounding an internal courtyard.

Q: Along that line, WSNA members expressed concern about the density bonus if there are differences in density as currently built compared to the zoning district allowance. If current residences are spaced at the maximum or expected density of the zoning district (e.g. RS-7 or RS-9), then a 25% increase in density seems incremental. However, if current houses are spaced farther than the district allows, placing four or more houses on one lot could increase the perceived as-built density by much more than 25%. Can the density bonus be made relative to what is currently built rather than what the underlying zoning district allows?

A: All density in Forsyth County is based on the standards of the underlying zoning district, not on as-built development. Attempting to determine actual density provides multiple challenges for applicants and staff, including determining boundaries for calculations, accounting for variation in building types, and geographic location of the potential project. In addition, no other Cottage Court ordinance researched by staff calculated density bonuses in this manner. Staff believes the relatively small density bonus being proposed serves as an incentive to utilize the Cottage Court provision for infill redevelopment. The Cottage Court provision allows for a planned, comprehensive approach to infill development rather than relying on the minor subdivision process which contains minimal standards.

Q: Applicability to GMAs 1, 2, and 3: Given that the developers that spoke at the public hearing on Jan. 14th all stressed the desire to use this type of development in close-in neighborhoods (which comports with the sprawl-reduction goal of concentrating residential development here first), and given that there are currently no additional infill standards that apply to GMA 3 (as exist for GMA 2), would it make sense to narrow the scope of the ordinance to GMAs 1 and 2, at least for the time being?

A: In addition to GMAs 1 and 2, staff does believe that Cottage Court development within GMA 3 is appropriate. While infill standards do not currently apply in GMA 3, staff feels that the standards included in the Cottage Court provisions strike a balance between design flexibility and ensuring compatibility with adjacent residential areas.

Q: If we don't narrow the scope to GMAs 1-2, can we extend the front setback compatibility standard in Section 7.c. to cottage court developments in GMA 3?

A: Staff has concerns about placing such a setback limitation on sites within GMA 3 as it may serve to substantially limit the applicability of the Cottage Court provision. If adopted, staff would advocate for monitoring this issue to determine if additional setback rules should be added, similar to how staff has monitored PRDs over time.

Q: Square footage of units: Given that Cottage courts are defined as small dwellings in the definition we are using, do you see a need to specify a square footage cap on dwelling size? Is there a size at which these dwellings become inappropriate and incompatible with the surrounding development?

A: The draft provision currently includes height requirements to promote small-scale residential character. Staff would like to promote use of this ordinance for a variety of product types, and does not feel that it is necessary to regulate square footage at this time.

Q: Lot coverage: Are there any lot coverage and impervious surface requirements that will apply to Cottage Courts? Are these the same as for the underlying zoning? Do you see any issue with these developments meeting current requirements?

A: There are four zoning districts that have impervious surface limits – RM-8, RM-12, RM-18, and RMU. The limits range from 70% to 85%. These would apply to any Cottage Court proposed in those districts.

Q: Stormwater: Do you see any stormwater implications resulting from Cottage Court infill development?

A: Cottage Court developments would be subject to existing stormwater regulations in Chapter 75 of the City Code, the same as for other residential development types. Staff would not anticipate negative stormwater impacts from Cottage Courts because they will be held to the same standards that apply to all development in Winston-Salem, regardless of land use.

Q: Lighting of parking areas: Can we add standards to ensure that shared parking area lighting is not too obtrusive to neighboring properties?

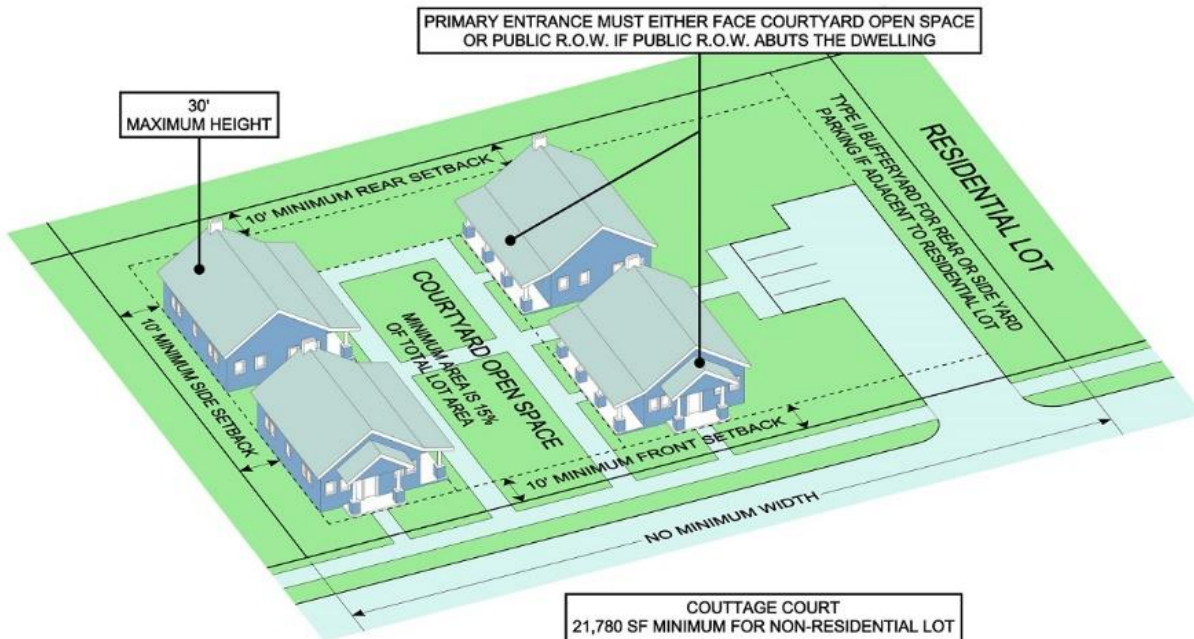
A: The following highlighted language will be added to the draft UDO text to clarify this point: 5.2.26.1.6.a.iii Should lighting be included in the parking area, it shall adhere to the lighting standards outlined in Section 6.6 Exterior Lighting.

Q: Site size: What would be the minimum-sized site that could accommodate 14 dwellings in a Cottage Court development? Is there a maximum site size that would be appropriate for infill development in existing neighborhoods?

A: Minimum site size for 14 units depends on zoning district. In RS9, the minimum lot size for 14 units would be 2 acres.

Q: Orientation: Can we see an example of a Cottage Court development with a secondary entrance fronting a public right-of-way?

A: The image included in the ordinance itself shows an entrance facing the right of way with a secondary entrance into the courtyard.



Q: Permitted uses: What are the implications of allowing twin homes and duplexes in Cottage Courts without further review? How strong would the argument be, once these uses are allowed in Cottage Courts, which themselves would be allowed in single family zoning, to extend the allowance by right in single family zoning generally?

A: Attached units are only allowed in the zoning districts that allow attached units. The following highlighted language will be added to the draft UDO text to clarify this point: **5.2.26.1.C Permitted Principal Uses: Cottage Courts may include the uses Residential Building, Single-Family; Residential Building, Duplex; and Residential Building, Twin Home. Said permitted uses shall only be allowed in districts where the underlying zoning allows these uses.**

Q: Is the total amount of Open Space required for all open spaces therefore 20% (Courtyard 15% plus Open Space 5%), or does the Open Space 5% contribute to the Courtyard requirement? What's the difference in a Public Square and a Courtyard?

A: If an MU-S development contained a Cottage Court, the cottage court would need to meet the 15% open space requirement. If, depending upon the acreage in the MU-S, this area was 5 percent of the MU-S development, then that requirement would be met also. If this Cottage Court open space did not equal 5 percent of total development, a developer would need to find additional land elsewhere in the project to meet the 5% total for MU-S.

Q: Wetlands, steep slopes, and bufferyards do not count toward Courtyard Open Space calculations. Can “steep slope” be defined in terms of % slope?

A: "Steep slopes" are not defined by percentage in other areas of the UDO. In the future, an overall definition could be the subject of a text amendment that would address this as a percentage uniformly throughout the UDO if desired by the board.

Q: Who is required to maintain common areas in lieu of an HOA, and for how long?

A: For Cottage Courts that include for sale units, an HOA will be required to maintain common areas. This is also the same for PRDs. For Cottage Courts where all units, land, and common elements are owned by one entity, that entity would be responsible for maintenance.

Q: Can internal walkways be something other than concrete sidewalks?

A: The following highlighted language will be added to the draft UDO text to clarify this point: 5.2.26.1.9.b.i Courtyard Open Space shall include walkways consisting of an all-weather surface to each individual building within the Cottage Court and to the common parking area.

Q: Does Primary Entrance mean vehicular entrance, pedestrian entrance, or each building's front door?

A: Primary entrance means primary (front) door.

Q: Do you know of built out examples of Opticus that show where their middle housing has been successful?

A: Opticos Design, Inc., is a nationally recognized leader in Missing Middle Housing research and design. Representatives from the firm came to speak in Winston-Salem in May 2019 at the request of City Council. In the report Opticos compiled for the NAHB, they reference development in Raleigh, NC and Ashland, OR. Raleigh recently made changes to its Cottage Court ordinance (July, 2020) and according to planning staff there, they have seen an increase in interest with several projects under review. The Ashland OR Cottage Court ordinance has been in place since December, 2017. According to Ashland planning staff, there have been five (5) approved projects since that time, two built and occupied, one that is almost complete, and two that have been approved and are waiting on permitting. In addition, several new phased subdivisions are reserving lots for inclusion of Cottage Courts in the overall development.

In their Missing Middle Housing book, published in 2020, Opticos references a project in Greenwich, RI. All units were sold, and 25% of the units were affordable by RI standards.

Q: A developer - Angino- mentioned an example he was involved with in Rocky Mt. Do you have a link to this example?

A: Overview of project from Richard Angino is attached.

Q: I would like to see some more examples of where staff feel these courts could occur in current neighborhoods - Town and Country? Fox hall? Along Country Club like has been occurring? Others?

A. Staff feels that Cottage Courts would be a good option in locations across Winston-Salem with varied lot sizes within specified zoning districts in GMAs 1, 2 and 3.

Q: What are the price points you have been seeing?

A: Most Cottage Court developments have market rate housing, dependent on location. There are examples of public/private partnerships that utilize Cottage Courts for affordable housing.

Q: How much at the HOA fees in established examples?

A: HOA fees vary widely depending on location and services/amenities provided, similar to other residential developments. Such fees currently range from under \$100 per year to several hundred dollars a month in our community. Staff does not regulate HOA fees for any residential development within the County.

Q: If cottage courts are pedestrian oriented are there requirements they need to be near to services that they can walk to?

A: The only location requirements currently proposed are that Cottage Courts be located in specified zoning districts in GMAs 1, 2, and 3. While cottage courts are inherently pedestrian oriented, we don't recommend a UDO requirement limiting their location to only places where sidewalks or services exist. In some cases, development of Cottage courts may catalyze such improvements.

Q: In analyzing the housing issue we know projections of increase in population have fallen short. We also know we aren't Portland, Oregon or Vancouver Canada. Let me know your analysis of the price point of housing Forsyth Co is missing.

A: *The Winston-Salem/Forsyth County Housing Study and Needs Assessment (HSNA)* makes several references to the need for housing across all price points (beginning p. 15), while also making a case for affordable units. The HSNA also makes numerous references indicating that the growth in household demand is made up primarily of one-and two-person households (beginning p. 8). In addition, the report makes a recommendation to "fill housing stock with 'missing middle housing structures' and smaller size units to meet current and future housing needs" (beginning p. 21). More information from this report can be found at:

<https://www.cityofws.org/DocumentCenter/View/445/Winston-Salem-and-Forsyth-County-Housing-Study-and-Needs-Assessment-PDF?bidId=>

Q: Can we convince developers in all these subdivisions growing around the beltway that these densities and style of living are sellable? This seems like the ideal time to be sure that developments have a higher density as those buying will be doing so with their eyes open and we in Planning will not be changing their buying objectives.

A. Developers typically do their own market studies and analysis. Local developers that spoke at the Planning Board Public Meeting on January 14th expressed their support for these types of units, and believe demand exists for them in the local market.

Q: You have focused on three items that made you think that Raleigh's CC ordinance hasn't succeeded. Have you seen other comparable areas where these items were addressed and CC were successful? Examples? To me a key of the NAHB conclusions is that house size doesn't matter as much where there are walkable services. This isn't currently the objective of this UDO.

A: Raleigh recently made changes to its Cottage Court ordinance (July, 2020) and according to planning staff there, these modifications have generally increased interest, with several projects currently under review.