

STAFF REPORT

DOCKET: UDO-CC35
STAFF: [Steve Smotherman](#)

REQUEST/BACKGROUND

An ordinance amendment proposed by Planning and Development Services staff modifying miscellaneous sections in Chapters 3, 4, 5, 6, 7, 8 and 9 of the *Unified Development Ordinances (UDO)*. UDO-CC35 is the latest in a series of periodic amendments intended to keep the UDO up to date through various minor, non-substantive changes, corrections, and clarifications.

SUMMARY:

Planning staff proposes 16 miscellaneous amendments within three broad categories:

- three (3) amendments that provide clarification to ordinance requirements;
- three (3) amendments that remove conflicts with other State, county, or local regulations; and,
- ten (10) amendments that correct errors related to section numbering or lettering, misspellings, or grammar, without any changes in content.

The amendments that provide clarification to ordinance requirements are listed below, with changes underlined:

1. Section 5.2.89 Storage Services, Retail—Currently, standards for interior-access Storage Services, Retail buildings require any facade section greater than 75 feet in length to be differentiated from the rest of the façade by projections or recesses. As the UDO currently does not specify a minimum dimension for such articulation, applicants have argued that projections of as little as six inches meet Ordinance requirements, despite such articulation not being distinguishable from adjacent streets. Staff recommends adding a minimum projection/recess depth of at least 5 feet in length to this Section.
2. Section 6.1.5.H.2. Parking—The UDO allows every large variety tree planted in a parking area to reduce the amount of required parking for a site by four spaces. Currently, application of this rule to smaller sites could lead to a situation where no parking was required for a development. The proposed amendment would add language clarifying that in no case shall the reduced number of parking spaces exceed 10% of the required parking for the site.
3. Section 7.3.3.B. Private Streets in Industrial and Commercial Subdivisions—This section clarifies that industrial and commercial subdivisions are not subject to the same requirements as residential subdivisions regarding the number of lots which may be served by private access easements. Proposed language states that industrial and commercial subdivisions shall not be limited to three lots per tract which do not front on public streets – this change will streamline the process of platting shopping centers, industrial parks, and similar development.

Amendments that remove conflicts with State, county, or local regulations are as follows, with changes underlined:

1. Section 4.9.7.B.2 Martin Luther King Overlay District—Adds residential townhouses and multifamily units within buildings containing four (4) or fewer units to the uses exempted from the overlay district requirements. Currently, one- and two-unit residential buildings are exempt from meeting these requirements, as the NC General Statutes prohibit regulating the design of structures built under the residential building code (RBC). The proposed change is necessary because a recent state-level change allows three- and four-unit buildings to be built under the RBC.
2. Sections 5.2.18, 5.2.19, and 5.2.20 Child Care Facilities—Interior Floor Area and Outdoor Play Area Standards—Removes specific square footage standards for indoor and outdoor play areas, instead simply requiring that such areas shall be provided to meet any applicable State, county, or local regulations. Conflicts have historically existed between the per-child indoor and outdoor play area requirements of the UDO, the state building code, and the NC Administrative Code. The proposed change simply references the other relevant regulations, removing any conflicts caused by unique local requirements. New illustrative diagrams are also proposed to reflect the revised wording.
3. Section 5.2.44 Landfill, Land Clearing and Inert Debris (LCID) —This language amends subsection E. Permit Duration to eliminate the requirement that LCID permits be renewed every three (3) years. Planning and Development Services staff were unaware of this requirement until recently, and as such the requirement has not been applied to LCIDs currently in the community (some such facilities have existed here for many years). Since LCIDs are approved via a Special Use Permit Process involving satisfying findings of fact, receiving state regulatory approval, and demonstrating a plan for the long-term build-out of the landfill, staff believes it would be appropriate to allow an LCID to remain in place until the operator of the facility files a notice of intent to permanently discontinue the LCID with Planning and Development Services.

Amendments that correct section numbering or lettering, misspellings, grammar, or revise wording with no changes in content include the following, with changes underlined:

1. Section 3.2.16.J. Variance from Watershed Protection Standards—Amends subsection 4.b., Findings, item .ii “That the use of the property otherwise meet all required conditions and specifications;” to end with a semi-colon rather than a comma in accordance with grammatical conventions.
2. Section 5.1.1. Principal Use Table (Table 5.1.1) —Amends the legend in the table heading to add “S=Special Use District Rezoning” to reflect the existing uses in the table which are only allowed through such a process.
3. Section 5.2.9. Asphalt/Concrete Plant in GI Zoning District (W), subsection D. Access—Moves condition 2, which states any expansion of existing plants shall be subject to the use specific-standards of the Ordinance and shall be approved through a Special Use Permit from the elected body, to a new subsection E. Expansion. This condition was never intended to be a sub-condition related to site access, but was intended to be a standalone condition applying to all existing asphalt/concrete plants regardless of how they are accessed.

4. Section 5.2.52 Manufactured Housing, Class C (Winston-Salem), subsection E. Farm Tenant Housing (F)—Moves a County-specific condition allowing Manufactured Housing, Class C to be used as farm tenant housing on bona-fide farms from the Winston-Salem-specific use conditions to the County-specific use conditions section (Section 5.2.50, Manufactured Housing, Class B or C (Forsyth County)).
5. Section 5.2.68 Recreational Vehicle Park, subsection B. General Use Conditions, subsection 8., Accessory Uses—Renames subheadings c. through f. as i. through iv. under item b. This change reflects the correct numbering/lettering convention of the UDO.
6. Section 5.2.76 School, Public, subsection E. Exemptions, subsection 7. Mobile School Unit (W)—Removes subheadings iv. through viii. under c. “The Board of Adjustment may . . .” and renumbers them as items i. through v. under a new d. “The requirements are as follows: . . .” These standards were always intended to be contained in their own dedicated section.
7. Section 5.3.4 Accessory Uses, subsection A. Above Ground Storage Tanks—Subheadings 2. and 3. have been renumbered as items a. and b. under subheading 1., Setbacks, and the remaining items numbered items 4. through 9. have been renumbered as items 2. through 7, in accordance with UDO formatting conventions.
8. Section 6.4 Design Standards, subsection 6.4.3 Large Scale Retail Development (W), subsection E. Façade Treatments, subsection 7. Planers or Seating Areas—Corrects the spelling of “Planers” to “Planters” and changes the first word under item a. from “Integral” to “Integrated.”
9. Section 8.3 Watershed Protection (F), subsection B. Development Standards, subsection 4. Forsyth County Special Intense Development Allocation proposes three changes:
 - Item a. ii. 1.: Removes the blank space in “(10 %)” in line 2 and changes the spelling of “seventhy” to “seventy” in line 4;
 - Item a. v. 1.: Changes the spelling of “countrywide” to “countywide” in line 3; and,
 - Item a. v. 2.: Changes the spelling of “join” to “joint” in line 1.
10. Section 9.2.4.B., Conversion of Nonconforming Use to Another Use—Removes “Implement Sales and Service” from item 3 and replaces it with “Reserved”. This change reflects the fact that Implement Sales and Services is no longer a unique UDO use, but is contained in the definition for Outdoor Display Retail.

Planning staff believes that the proposed changes will make the UDO easier to use for customers and staff alike, and will reduce conflicts between customers and staff regarding interpretation of Ordinance provisions.

RECOMMENDATION: APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-CC35
MAY 14, 2026**

Steve Smotherman presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Walter Farabee recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Salvador Patiño

VOTE:

FOR: Walter Farabee, Haley Gingles, Jason Grubbs, Clarence Lambe, Salvador Patiño, Dixon Pitt, Lindsey Schwab, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Walter Farabee recommended approval of the ordinance amendment.

SECOND: Salvador Patiño

VOTE:

FOR: Walter Farabee, Haley Gingles, Jason Grubbs, Clarence Lambe, Salvador Patiño, Dixon Pitt, Lindsey Schwab, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

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