

Ordinance #23-0086  
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UDO-CC23

AN ORDINANCE AMENDING MISCELLANEOUS SECTIONS OF THE *UNIFIED DEVELOPMENT ORDINANCES* (UDO) TO PROVIDE MINOR, NON-SUBSTANTIVE CHANGES AND CLARIFICATIONS

Be it ordained by the \_\_\_\_\_, that the Unified Development Ordinances are amended as follows:

**Section 1.** Section 3.2.19 of the UDO is amended as follows:

**3 PROCEDURES**

**3.2 SPECIAL DEVELOPMENT APPLICATIONS**

**3.2.19 ZONING MAP AMENDMENT**

**A. GENERAL USE DISTRICTS**

**7. NEIGHBORHOOD MEETING/OUTREACH**

**b. WRITTEN SUMMARY**

- i. The applicant shall provide a written summary (email is an acceptable form) to Planning staff that provides a detailed explanation of the neighborhood meeting/neighborhood outreach.
- ii. The written summary shall describe the scope of outreach along with the issues discussed and **any outcomes agreed upon as a result of the outreach. The written summary** shall be provided to Planning staff at least eight (8) days prior to the date of the Planning Board meeting for which the subject rezoning is scheduled.

**B. SPECIAL USE DISTRICTS—NO SITE PLAN (F)**

**2. PREAPPLICATION CONFERENCE **RESERVED****

- ~~a. Prior to the formal submission of a proposed special use district no site plan zoning, the developer or representative shall attend a preapplication conference with the Director of Planning concerning the proposed plan of development.~~
- ~~b. At this preapplication conference, the developer shall submit general information on the proposed development for tentative review, comments, and recommendations by the Director of Planning.~~
- ~~c. The Director of Planning shall comment on whether the proposed development is suitable for special use district no site plan zoning within thirty (30) days.~~
- ~~d. No rezoning petition for special use district no site plan zoning shall be accepted until this process has been completed.~~

**C. SPECIAL USE LIMITED DISTRICTS (W)**

**2. PREAPPLICATION CONFERENCE **RESERVED****

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underscore are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

- ~~a. Prior to the formal submission of a proposed special use limited district zoning, the developer or representative shall attend a preapplication conference with the Director of Planning concerning the proposed plan of development.~~
- ~~b. At this preapplication conference, the developer shall submit general information on the proposed development for tentative review, comments, and recommendations by the Director of Planning.~~
- ~~c. The Director of Planning shall comment on whether the proposed development is suitable for special use limited district zoning within thirty (30) days.~~
- ~~d. No rezoning petition for special use limited district zoning shall be accepted until this process has been completed.~~

**Section 2.** Section 4.9.2 of the UDO is amended as follows:

#### **4 ZONING DISTRICTS**

#### **4.9 OVERLAY AND SPECIAL PURPOSE DISTRICTS**

#### **4.9.2 NCO NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT**

#### **D. ESTABLISHMENT PROCEDURE**

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The creation of an NCO District is a five-step process. The petitioner (neighborhood association) will initiate each of these steps. The following shall be the procedure for establishing NCO Districts:

- 1.** Before proceeding with a Neighborhood Conservation Overlay zoning request, the petitioner will first need to go through the pre-application process to determine the eligibility of the proposed district. The pre-application process consists of the following:
  - c.** Petitioners shall submit the signature of fifty-five percent (55%) of the property owners in the defined district who support the intention of applying for an NCO, except where the proposed NCO is located in an NRSA (Neighborhood Revitalization Strategy Area), signatures of twenty-five percent (25%) of the property owners shall be required. **If determined by the Director of Planning and Development Services or his/her designee that any standard or combination of standards proposed for the NCO District would constitute a downzoning, signatures of support from one hundred percent (100%) of the property owners in the defined district shall be required.** Each developed lot, each buildable lot under the current zoning regulations, and any nonconforming vacant lots which meet the provisions of **Section 9.3, Nonconforming Vacant Lots**, are given a vote. Any of the above may be comprised of more than one tax lot.

**Section 3.** Section 5.1.1 of the UDO is amended as follows:

#### **5 USE STANDARDS**

#### **5.1 PERMITTED USES**

#### **5.1.5 TABLE OF PRINCIPAL USES**

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underscore are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.



**K. MULTIPLE DWELLING UNITS PER ZONING LOT (W)**

1. *Multiple single family dwelling units on a zoning lot may be permitted within a PRD.*
2. ~~This provision shall only be allowed for PRDs with a minimum of five (5) contiguous acres.~~
32. If a developer chooses to locate multiple single family dwelling units on a zoning lot, it shall be clearly indicated on the preliminary subdivision plan presented to the Planning Board for approval and clearly indicated on the face of any plat recorded for the PRD.
43. If at any point in the future the owner intends to transfer individual lots into separate ownership, a plat meeting all requirements of the UDO shall be submitted to Planning staff for review and approval.

**L. MULTIPLE DWELLING UNITS PER ZONING LOT (F)**

1. Multiple single family dwelling units on a zoning lot may be permitted within a PRD.
2. ~~This provision shall only be allowed for PRDs with a minimum of five (5) contiguous acres.~~
32. If a developer chooses to locate multiple single family dwelling units on a zoning lot, it shall be clearly indicated on the preliminary subdivision plan presented to the Planning Board for approval and clearly indicated on the face of any plat recorded for the PRD.
43. If at any point in the future the owner intends to transfer individual lots into separate ownership, a plat meeting all requirements of the UDO shall be submitted to Planning staff for review and approval.
54. PRDs where multiple dwelling units are located on the same zoning lot and under the same ownership shall be metered for utilities individually for each dwelling.

**Section 5.** Section 5.2.90 of the UDO is amended as follows:

**5 USE STANDARDS**

**5.2 USE-SPECIFICS STANDARDS**

**5.2.90 SWIMMING POOLS, PRIVATE**

Private swimming pools are permitted as principal uses in all districts as indicated in Table 5.1.1, Principal Use Table, or as accessory uses, provided they meet the following requirements:

**D. FENCING**

1. Pools shall be completely enclosed by a fence, above average grade level, at least four (4) feet in height.
2. ~~However, swimming pools on lots of five (5) acres or more in the AG, YR, RS-40, RS-30, and RS-20 Districts may, in lieu of the fencing requirement, be set back at least two hundred (200) feet from the front lot line and one hundred (100) feet from the rear lot line.~~
3. ~~For purposes of this section, the exterior walls of a house or building may be incorporated as a portion of such fence to create a fully enclosed area around the pool.~~
4. ~~All fence openings or points of entry into the pool shall be equipped with gates.~~
5. ~~Gates shall be equipped with self-closing and self-latching devices for keeping the gate or door securely closed at all times.~~

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~~6. The fence and gate shall be void of any holes or openings larger than five (5) inches or ten (10) centimeters in one dimension.~~

Fencing meeting the requirements of the NC Building Code shall be installed and maintained on site.

**Section 6.** Section 9.4.3 of the UDO is amended as follows:

**9 NONCONFORMITIES**

**9.4 NONCONFORMING STRUCTURES AND IMPROVEMENTS**

**9.4.3 MAINTENANCE, RENOVATION, EXPANSION, RECONSTRUCTION, AND PARKING**

**E. PARKING FOR NONRESIDENTIAL STRUCTURES BUILT PRIOR TO MARCH 7, 1988 (W)**

~~3. A special use permit from the Elected Body in accordance with **Section 3.2.13E, Special Use Permits Authorized By The Elected Body**, must be granted for electronic sweepstakes operations and restaurant uses. **(RESERVED)**~~

**Section 7.** Section 11.2.2 of the UDO is amended as follows:

**11 MEASUREMENT AND DEFINITIONS**

**11.2 DEFINITIONS**

<b>TABLE 11.2.2: DEFINITIONS</b>	
<b>BUILDING</b>	<p><del>Generally,</del> Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any person, process, equipment, or goods.</p> <p>As used in the floodway and floodway fringe standards, Salem Lake watershed protection standards, and watershed protection standards, refer to the definition of Structure.</p>
<del>DENTAL LABORATORY</del>	See <del>Medical or Dental Laboratory</del> .
<b>EROSION, NATURAL</b>	The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man. <del>(EROSION CONTROL)</del>
<b>GRADE, FINISHED</b>	The elevation at the top of the ground, walk, or terrace where the ground, walk, or terrace intersects the exterior walls of a structure or the vertical supports of a sign.
<b>HEIGHT, BUILDING</b>	The vertical distance measured from the average elevation of the finished grade of all sides of a building, measured at the midpoint of each side, to the topmost elevation of the roof or to the topmost projection of the building above any roof, including parapet walls. Enclosed penthouses or equipment rooms are considered a part of the building and included in

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	<p><del>the calculation of building height. Please refer to Section 5.3.1.E.3</del>  <b>ACCESSORY STRUCTURES PERMITTED IN REQUIRED YARDS</b> for calculation of the height of accessory buildings.</p>
<p><del>PLANNING BOARD, CITY-COUNTY (F)</del></p> <p><b>PLANNING BOARD, CITY-COUNTY</b></p>	<p><del>The appointed body whose purpose is to make recommendations to the Elected Body regarding land use matters.</del></p> <p>The appointed body whose purpose is to make recommendations to the Elected Body regarding land use matters.</p>
<p>STORM, TEN-YEAR</p>	<p>The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.  <del>(EROSION CONTROL)</del></p>
<p>STORM, TWENTY-FIVE-YEAR</p>	<p>The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years, and of a duration which will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.  <del>(EROSION CONTROL)</del></p>
<p><u>STREAM BUFFER</u> (F)</p>	<p><u>As used in the stream protection standards, a natural or vegetated area through which stormwater runoff flows in a diffuse manner and which provides for infiltration of runoff and filtering of pollutants. The buffer is measured landward from the bank defining the edge of the channel of each side of streams.</u></p>
<p>TEN-YEAR STORM</p>	<p><del>The storm water runoff resulting from precipitation of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years, and of a duration which will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.</del></p> <p><b>See Storm, Ten-Year.</b></p>
<p>WATER SURFACE ELEVATION (WSE)</p>	<p>Water Surface Elevation (WSE) means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas. <del>Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantially flood damage may occur.</del></p>

**Section 8.** This ordinance shall be effective upon adoption.