

UDO-CC1
A TEXT AMENDMENT PROPOSED BY PLANNING AND DEVELOPMENT
SERVICES STAFF TO MODIFY THE USE CONDITIONS FOR PLANNED
RESIDENTIAL DEVELOPMENTS

Be it ordained by the City Council of Winston-Salem, North Carolina, that the UDO ClearCode is hereby amended as follows:

Section 1. Section 5.2.66 Planned Residential Development (PRD) is amended as follows:

5.2.66 PLANNED RESIDENTIAL DEVELOPMENT

A. PURPOSE

1. The purpose of the ~~Planned Residential Development~~ (PRD) is to encourage the development of environments which provide certain development privileges in exchange for preplanning and design considerations.
2. PRDs provide an alternative to conventional subdivision design by promoting the conservation and creation of viable, connected open space and more flexible lot design options while minimizing development costs.
3. The ~~PRD Planned Residential Development~~ provides flexibility in utilizing new development concepts.
4. Three (3) distinct types of open space shall be required in PRDs: (1) active open space, (2) passive open space, and (3) thoroughfare open space.
5. In return for development flexibility, additional site plan information may be required of the developer to assist in evaluating the suitability of proposed PRDs.
6. PRDs are suitable for Growth Management Areas (GMA) 2, 3, 4, and 5.
7. The character of a PRD should be appropriate to the GMA in which the PRD is located along the urban to rural continuum.
8. While maximum open space preservation is the primary goal of rural PRDs, open space within urban and suburban PRDs must balance the need for open space preservation with an increased need for integration with surrounding developments through street connectivity and compatibility with adjacent and internal land uses.

B. MINIMUM SIZE

1. A ~~PRD planned residential development~~ shall be located on a site containing at least three (3) contiguous acres in GMA 3 and 4, and at least five (5) contiguous acres in GMA 5.
2. No minimum size requirement exists for PRDs in GMA 2.

C. SKETCH PLAN REVIEW ~~PREAPPLICATION CONFERENCE~~

1. Prior to the formal submission of a proposed PRD, the petitioner or their representative shall attend an interdepartmental Sketch Plan Review Meeting. The petitioner shall be required to produce a scaled sketch site plan showing the existing cultural, historic, and physical features of the site for review by the Interdepartmental Review Committee. Staff may ask for additional

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information, such as the location of prime agricultural soils, historical structures, archeological/cultural elements, the depth of viewshed as seen from existing public rights-of-way, the location of rock walls and other "unique" features on site, and the location and general specifications of any proposed septic systems. The location and design of the proposed open space types shall also be included for review including how the active open space areas are to be activated.

- ~~1. Prior to the formal submission of a proposed PRD, the petitioner or representative shall attend a preapplication conference with Planning Staff concerning the proposed development of the site.~~
- ~~2. The petitioner shall be required to produce a scaled sketch site plan showing the existing cultural, historic, and physical features of the site for review by the Planning staff.~~
- ~~3. Staff may ask for additional information such as the location of prime agricultural soils, historical structures, archeological/cultural elements, the depth of viewshed as seen from existing public rights-of-way, the location of rock walls and other "unique" features on site, and the location and general specifications of any proposed septic systems.~~
- ~~4. The Planning staff in consultation with other departments shall comment on which site features it recommends for preservation in writing within fifteen (15) days.~~
- ~~5. The official plan of development shall be submitted to the Planning Board only after the completion of the preapplication conference and the written response.~~

D. PERMITTED PRINCIPAL USES

PRDs may include all uses permitted within the underlying zoning district.

E. RELATIONSHIP TO OTHER APPLICABLE REGULATIONS

A PRD shall be subject to all applicable standards, procedures, and regulations of these Ordinances and the zoning district in which it is located unless otherwise set forth in this section.

F. MAXIMUM DENSITY

Maximum residential density shall be in accordance with the zoning district in which the PRD planned residential development lies, unless the incentives for density bonuses as set forth in **Section 5.2.66G, Incentives for Density Bonus**, apply.

G. INCENTIVES FOR DENSITY BONUS

1. DENSITY BONUS

- a. The permitted density of a PRD may be increased beyond standard allowances if a PRD preserves more than the minimum required amount of open space for the applicable zoning district.
- b. To calculate the allowed density bonus, refer to **Table 5.2.66H**.

2. USE OF FLOODPLAIN IN CALCULATING DENSITY BONUS

- a. **Land within a FEMA-designated** FEMA 100-year **F**loodplain shall not be used in the calculation of open space for the purposes of the Density Bonus provision.
- b. However, **land within designated floodplains** floodplain land may be used in calculating minimum **required** open space requirements.

H. DEVELOPMENT STANDARDS

A PRD shall meet the following standards:

1. OUTSIDE PERIMETER LOT SETBACK REQUIREMENTS

- a. Any lot which adjoins the outside boundary of the PRD shall be considered an ~~outside~~ perimeter lot.

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- b. "Internal street" refers to a street that is within the boundary of the PRD.
- c. "Adjoining street" is a street which is not located within the PRD but is adjacent to ~~its~~ the outside boundary of the planned residential development.
- d. The following setbacks shall be required for ~~outside~~ perimeter lots:
 - i. **LOTS WITH ACCESS ON AN INTERNAL STREET**
Rear yard setback requirements of the zoning district in which the PRD is located shall ~~be required~~ apply.
 - ii. **LOTS WITH ACCESS ON AN ADJOINING STREET**
Front yard setback requirements of the zoning district in which the PRD is located shall ~~be required~~ apply.
 - iii. **CORNER LOTS WITH ACCESS EITHER ON AN INTERNAL OR ADJOINING STREET**
Front yard setback requirements of the zoning district in which the PRD is located shall ~~be required~~ apply on the adjoining street, and the front yard setback requirements allowed in the PRD shall ~~be required~~ apply on the internal street.
 - iv. **ACCESS DRIVES**
No loading space, parking space, or access drive to a parking space shall be permitted within any required bufferyard.

2. REQUIRED PARKING

a. OFF-STREET PARKING

- i. Off-street parking shall be provided in compliance with **Section 6.1, Off-Street Parking and Loading**, except that the parking requirements may be met ~~through~~ by providing through group parking located on commonly owned land.
- ii. Additionally, any required parking spaces located between the fronts of residential buildings and public rights-of-way or private access easements shall be at least twenty (20) feet in depth and shown on the PRD site plan.
- iii. In no instances shall off-street parking spaces extend into public rights-of-way or private access easements.

b. ON-STREET PARKING

Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with **Section 6.1.5M, On-Street Parking Supplements for Pedestrian Oriented Developments**.

c. SPECIAL ACCOMMODATIONS

- i. Special accommodations for recreational vehicles, including boats, may be provided in group parking areas.
- ii. Such special parking areas shall be designated and screened from adjacent residential uses.

3. PRIVATE STREETS

- i. Private streets are permitted in PRDs at the discretion of the Planning Board.
- ii. Where permitted, private streets shall be built in accordance with the requirements of **Section 7.4, Streets Standards Governing Vehicle and Pedestrian Circulation**.
- iii. However, public streets may be required to ensure adequate street connectivity.

4. PEDESTRIAN ACCESS

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Pedestrian and other modes of nonvehicular movement shall be provided in accordance with **Section 7.4, Streets Standards Governing Vehicle and Pedestrian Circulation.**

5. IMPERVIOUS SURFACE COVER

Buildings and improvements on single family lots in a PRD which have at least five thousand (5,000) square feet shall not be calculated as impervious surface cover in RM Districts.

6. LOT DIMENSIONAL REQUIREMENTS AND SPACING OF STRUCTURES

a. The lot and setback dimensional requirements of the zoning district for individual lots within the PRD are waived except for a minimum ten (10) foot building setback from public rights-of-way and private access easements.

b. Minimum distances between townhouse and multifamily structures shall be those set forth in **Section 5.2.70B.5, Building Spacing Requirements**, or **Section 5.2.71B.5, Building Spacing Requirements**, as appropriate.

c. Minimum distances between single family, duplex, and twin home structures shall be as follows:

i. FRONT OR REAR FACING FRONT

The minimum distance between the front wall of one structure and the rear wall of another structure, or the front walls of structures oriented so as to face each other, shall be not less than thirty (30) feet ~~from one another.~~

ii. REAR FACING REAR

Dwellings oriented back to back shall be subject to the following provisions:

1. The minimum distance between rear walls of the dwellings shall be no less than thirty (30) feet.

2. Accessory structures shall only be permitted in the intervening space between principal dwellings oriented back to back or to the rear yard of the principal dwelling provided the accessory structures meet the provisions of **Section 5.3.1E, Accessory Structures Permitted in Required Yards**, and **Section 5.3.1F, Size Limits for Accessory Structure.**

3. Any accessory structure meeting the requirements of **Section 5.3.1G, Accessory Structures Prohibited in Required Yards**, shall be located a minimum of seven (7) feet off the side property line and twenty (20) feet off the rear property line.

iii. FRONT FACING SIDE

The minimum distance between the front wall of the structure and the side wall of another structure shall not be less than fourteen (14) feet.

iv. SIDE OR REAR FACING SIDE

The minimum distance between the rear of a structure and side of another structure, or the minimum distance between the side walls of structures, shall not be less than ten (10) feet, provided that no bay window encroachments **are** ~~be~~ allowed for buildings closer than fourteen (14) feet.

d. Any PRD with structures separated by less than fourteen (14) feet as allowed above must be provided with a public water system and fire hydrants with a minimum available water flow of one thousand five hundred (1,500) gallons per minute.

e. Fire hydrants shall have a spacing of one per five hundred (500) feet, and hydrant locations must be approved by the County Fire Marshall.

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- f. Plans submitted for Planning Board approval where the applicant wishes to have structures with spacing of less than fourteen (14) feet shall be so indicated at the time of application.
- g. The entire subdivision must be provided with the one thousand five hundred (1,500) gallons per minute fire flow, even if only some structures have spacing of less than fourteen (14) feet.

7. FRONT LOADED GARAGES.

All front loaded garages shall be set back no less than twenty (20) feet from public rights-of-way or private access easements.

8. MINIMUM PERIMETER LOT SIZE

a. When any perimeter lot within a PRD does not meet the minimum dimensional requirements of the underlying zoning district and directly abuts property which is located outside of the PRD, a minimum thirty (30) foot bufferyard shall be required along the entire perimeter of the PRD. This bufferyard shall be located on commonly owned land and shall be planted with five (5) evergreen and five (5) deciduous trees meeting the size requirements of **Section 6.3.3B.1, Size of Plant Material** per one hundred (100) linear feet, as well as the plant spacing requirements of **Section 6.3.3B.2, Spacing of Plant Material**.

b. This requirement shall not apply to perimeter lots adjacent to existing PRDs.

~~a. A minimum thirty (30) foot bufferyard, adjacent to the PRD perimeter on commonly owned land, is required between outermost lots within PRDs and an adjacent single family zoning district.~~

~~b. This bufferyard shall include five (5) evergreen and five (5) deciduous plants meeting the size requirements of **Section 6.3.3B.1, Size of Plant Material**, per one hundred (100) linear feet.~~

~~c. The bufferyard plant spacing requirements of **Section 6.3.3B.2, Spacing of Plant Material**, shall not apply.~~

~~d. This bufferyard shall be considered Passive Open Space as described in **Section Passive Open Space**.~~

~~e. This section shall not apply: (1) subject to the requirements of **Section 5.2.66H.9.e, Thoroughfare Open Space**, to outermost PRD lots which are adjacent to existing PRDs, to existing streets, or to proposed streets within the PRD; and (2) where all of the outermost lots within the PRD meet the minimum lot area and dimensional requirements of the underlying zoning district.~~

9. COMMON OPEN SPACE

a. AREA

Common open space shall not be less than the following percentages of the total land area of the PRD as indicated in the following table.

TABLE 5.2.66.H: COMMON OPEN SPACE REQUIREMENTS IN A PRD		
UNDERLYING ZONING DISTRICT	REQUIRED OPEN SPACE [1] [2]	ALLOWED DENSITY MULTIPLIER (DU/AC) 60%+ OPEN SPACE
YR	50%	1.2

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AG	45%	1.2
RS-40	45%	1.2
RS-30	45%	1.2

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RS-20	20%	Not Allowed
RS-15	15%	
RS-12	15%	
RS-9	15%	
RS-7	15%	
RSQ	15%	
RM	15%	
NOTES:		
<p>[1] Planned Residential Developments in Growth Management Area 2 may receive a thirty-three percent (33%) reduction in the common open space requirements.</p> <p>[2] Planned Residential Developments in Growth Management Area (GMA) 3 may receive a twenty-five percent (25%) reduction in the amount of minimum required open space where forty percent (40%) of this open space is active open space as defined in <u>Section 5.2.66H.9.c, Active Open Space</u>.</p>		

b. CHARACTER

- i. Common open space (as defined in this UDO) shall include both passive and active open space.
- ii. Additionally, if developments are contiguous to minor and major thoroughfares as defined by NCDOT or WSDOT, thoroughfare open space shall be required adjacent to such transportation corridors.

c. ACTIVE OPEN SPACE

- i. Active open space shall consist of natural (e.g., significant trees or rock outcroppings) and primarily man-made (e.g., well positioned seating areas, play equipment, fitness stations, sidewalks, and other hardscape elements) features which are easily accessible to pedestrians. Active open space may include historic structures which are accessible to neighborhood residents. These areas must be highly visible and convenient amenities of the development and must be designed to facilitate opportunities for social gathering. They shall not be located primarily behind or between individual homes but shall be prominently situated (perhaps at multiple locations within the development) for the enjoyment of residents. Examples include neighborhood greens or squares (when bordered on multiple sides by streets), pocket parks, community recreation areas, and community gardens.
- ii. Pedestrian access (sidewalks) to and within this space is required, and at least ninety (90) percent of the lots within the PRD shall be within an eighth-mile (660-foot) radius of active open space areas, utilizing sidewalks.
- iii. Depending upon the size of the active open space, these areas may be activated by some element of shade (e.g., large variety trees, picnic shelters and/or gazeboes), along with level open areas to facilitate athletic activities.

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- iv. Each active open space area shall have no less than fifty (50) feet of continuous street frontage.
 - v. Active open space shall comprise a minimum of fifteen (15) percent of the total required open space of a PRD in the RM, RSQ, RS-7, RS-9, RS-12, RS-15, and RS-20 zoning districts and a minimum of five (5) percent of the total required open space in the RS-30, RS-40, and AG zoning districts.
 - ~~i. Active open space shall consist of natural and (primarily) man-made features each of which is easily accessible to pedestrians and is so configured, planned, located, constructed, and maintained so as to be capable of being easily used for its intended purpose.~~
 - ~~ii. Without limiting the generality of the foregoing, examples of such features include community recreation areas, walking trails, golf courses, pocket parks, and neighborhood greens.~~
 - ~~iii. Generally, pocket parks and neighborhood greens should be no larger than one quarter (1/4) of one acre in size.~~
 - ~~iv. Active open space shall be purposeful and shall not be simply the interstitial spaces between buildings.~~
 - ~~v. Pedestrian access to this space is required, either by sidewalk or all weather surface.~~
 - ~~vi. Active open space shall comprise a minimum of fifteen percent (15%) of the total required open space of a PRD in the RM, RSQ, RS-7, RS-9, RS-12, RS-15, and RS-20 zoning districts.~~
 - ~~vii. Active open space shall comprise a minimum of five percent (5%) of the total required open space in the RS-30, RS-40, AG, and YR zoning districts.~~
- d. PASSIVE OPEN SPACE**
- Passive open space shall consist of natural features such as meadows, woods, agricultural land, riparian buffers, and steep slopes. Passive open space may also include stormwater management devices and perimeter bufferyard areas.
- e. THOROUGHFARE OPEN SPACE**
- i. GENERALLY**
 - 1. If PRDs are located in GMA 3, 4, or 5, and are contiguous to major or minor thoroughfares, thoroughfare open space shall be required.
 - 2. The intent of this thoroughfare open space is to preserve or enhance existing viewsheds along major transportation corridors.
 - ii. GMA 3**

A thoroughfare buffer at least fifty (50) feet wide and containing the plants required in a forty (40) foot wide type III bufferyard plantings shall be provided in GMA 3.
 - iii. GMA 4 AND 5**

A thoroughfare buffer at least one hundred (100) feet wide deep and containing a type III bufferyard planting shall be provided in GMA 4 and 5.
 - iv. PRESERVATION OF EXISTING LANDSCAPES**
 - 1. If thoroughfare buffers contain significant existing natural or historic elements, as identified at the Sketch Plan Review Meeting ~~preapplication conference~~ in **Section 5.2.66C, Sketch Plan Review Preapplication Conference**, these elements shall be preserved.

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2. Where present, these natural elements may take the place of the type III bufferyard planting required above.

v. ALTERNATIVE COMPLIANCE

1. Alternative compliance measures may be proposed which vary from the strict application of the above requirements in order to accommodate the unique character of the site or to utilize innovative design.
2. Alternative compliance may be granted by the Planning Board or Elected Body upon a finding that the proposed alternative fulfills the intent of the Ordinance as well as or better than would strict compliance with the requirements of this Ordinance.

f. OPEN SPACE CONNECTIVITY REQUIREMENTS

- i. Where practicable, areas of open space within a PRD shall be connected.
- ii. Separate areas of active open space **within a PRD** ~~on-site~~ shall be connected by a sidewalk or pedestrian path consisting of an all-weather surface.
- iii. Open space in PRDs shall adjoin open space in neighboring parcels where practicable.
- iv. If public parks or greenways are present on adjacent sites, a pedestrian connection to these resources shall be made from the PRD in accordance with **Section 7.4, Streets Standards Governing Vehicle and Pedestrian Circulation**.

g. ADJACENCY

Where PRDs are comprised of two (2) or more tracts which are divided by an existing street or are otherwise physically separated, each tract shall meet a proportional share of the total open space requirements for the PRD.

~~h. TYPES OF OPEN SPACE~~

- ~~i. The total area and percentage of each type of open space within the PRD must be shown on the site plan approved by the Planning Board.~~
- ~~ii. PRDs must be developed according to this approved plan, and any changes or deviations must be approved in accordance with **Section 10.1.2, City-County Joint Planning Board**.~~

I. OWNERSHIP AND RESPONSIBILITY FOR COMMON OPEN SPACE AND AMENITIES

1. Common open space may be ~~either~~ owned by the **established** homeowners association or dedicated to a public entity or other non-profit organization.
2. Land not to be held in private or public ownership shall be owned by a nonprofit corporation in which all owners of property within the development have automatic membership rights and assessment obligations for the maintenance of these areas.
3. These automatic membership rights and assessment obligations shall be covered by covenants running with the land and other contractual provisions as to insure the proper maintenance of all commonly owned areas, and shall include provision for liens against the individual properties and legally enforceable personal obligations on the part of the individual property owners in the development.
4. Such covenants shall be recorded in the office of the Register of Deeds and such contractual rights and obligations shall be established prior to the issuance of a building permit.
5. For PRDs where all units and common areas are under single ownership, a homeowners association may not be required.

J. PLATTING REQUIREMENTS

1. All **PRDs** ~~planned residential developments~~ shall meet the requirements of the subdivision

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regulations.

2. In addition, prior to a permit being issued for the construction of any building, there shall have been recorded in the office of the Register of Deeds, a plat of the property or section thereof, showing: easement and right-of-way widths, street widths, the actual or approximate location of single family lots, commonly owned tracts, and lots and buildings to be occupied by other uses.

K. MULTIPLE DWELLING UNITS PER ZONING LOT

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.*
3. *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.*
4. *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.*

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4. 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.
5. 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 2. This ordinance shall be effective upon adoption.

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