

STAFF REPORT

DOCKET: UDO-CC25
STAFF: [Steve Smotherman](#)

REQUEST

Planning and Development Services staff is proposing an ordinance amendment to modify Chapter 4 and Chapter 5 of the *Unified Development Ordinances (UDO)* to increase the maximum number of units allowed per building in the RM-5 Residential Multifamily District; to increase the maximum building height allowed in the RM-8, RM-12, and RM-18 Residential Multifamily Districts; and to revise the threshold for required bufferyard standards.

BACKGROUND

The supply of undeveloped, serviceable land available for residential development has been steadily decreasing in many areas of Forsyth County. The remaining developable sites often have constraints such as creeks and associated floodplains and steep slopes that must be accommodated. To offset these site challenges, there has been a recent increase in rezoning requests to higher-density multifamily residential districts not to increase the allowed residential density, but to take advantage of more permissive site and building design standards such as a greater number of dwelling units per building and increased maximum building height.

Rezoning case W-3508 (Harvest Creek) was rezoned in 2022 to RM8-S despite having a density of less than RM-5 zoning (3.5 units per acre). This development proposed up to six dwelling units per building rather than the maximum four dwelling units per building allowed by current RM-5 regulations. Cases W-3578 (Cole Highlands) and W-3584 (Grand Silo Apartments) were rezoned to RM18-S in 2023 to allow a mix of three- and four-story buildings at densities of approximately 12 dwelling units per acre or less to better utilize site topography.

A review of the maximum building heights allowed in low-, moderate-, and high-density multifamily zoning districts in selected peer communities (Asheville, Charlotte, Durham, Greensboro, Raleigh, and Wilmington) found a great degree of variation in allowed building heights (see table on page 2). Charlotte, Durham, Raleigh, and Wilmington allowed the possibility of significantly taller building heights than those permitted in Winston-Salem, particularly in moderate- and high-density zoning districts. Charlotte allowed up to 65 feet in height (approximately five stories), Durham allowed up to 75 feet (approximately six stories), Raleigh allowed a range between three and 40 stories, and Wilmington allowed up to 96 feet (approximately eight stories). Of the communities surveyed, only Asheville required lower maximum building heights (40 feet) than those currently specified in the UDO.

Maximum Multifamily Building Heights in Selected NC Peer Cities

Peer City	Multifamily Maximum Building Height (Feet/Stories)		
	Low-Density Multifamily	Moderate-Density Multifamily	High-Density Multifamily
Asheville	40'	40'	40'
Charlotte	48'	40', 65' with additional setbacks	40', 65' with additional setbacks
Durham	35', 55' with Special Use Permit approval	55', 75' with Special Use Permit approval	55', 75' with Special Use Permit approval
Greensboro	50'/3 stories	50'/3 stories	80'-100'
Raleigh	45'/3 stories	5-7 stories	12-40 stories
Wilmington	96'	96'	96'
Winston-Salem (current standards)	40'	45'	60'

ANALYSIS

Based on the analysis of peer communities and the significant number of rezonings to higher density districts, staff is proposing the following changes in the RM-5, RM-8, RM-12, and RM-18 multifamily zoning districts:

- Increase the maximum number of allowed dwellings per building from four to six units in the RM-5 district;
- Increase the maximum height in the RM-8, RM-12, and RM-18 districts as follows:
 - RM-8: from 40 to 48 feet (approximately four stories);
 - RM-12: from 45 to 60 feet (approximately five stories); and
 - RM-18: from 60 to 72 feet (approximately six stories)
- Require that new structures in the RM-8, RM-12, and RM-18 districts with heights greater than 40 feet be set back a minimum of 50 feet from adjacent properties zoned for single-family residential development; and
- Revise the bufferyard requirement threshold for multifamily and townhome developments from projects of five units or more to developments of greater than one acre in size.

Increasing the number of attached dwellings per building will allow for more-compact development to accommodate site constraints such as steep slopes, floodplains, and stormwater protection measures by reducing the number of buildings on a site. Increasing maximum building height expands the three-dimensional building envelope to take advantage of existing slopes on-site in addition to reducing the overall development footprint to better avoid site constraints. Instituting a 50-foot setback adjoining single-family residential zoning districts (which have a maximum building height of 40 feet or approximately three stories) prevents too great of a height change next to single-family residences. Parking and other site features may still be located in the 50-foot setback outside of any required bufferyards. Finally, changing the threshold for requiring bufferyards in RM districts from sites with five dwelling units to sites of one acre in size will help accommodate compact infill multifamily development on small lots.

Staff believes these changes will reduce the number of rezoning requests for higher-density multifamily districts simply to accommodate site constraints, while still respecting the need for compatibility with adjoining single-family residential uses. Furthermore, these changes will allow for greater ability to utilize existing developable sites in the municipal services area.

RECOMMENDATION: APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-CC25
DECEMBER 14, 2023**

Steve Smotherman presented the staff report.

Brenda Smith inquired about staff's rationale for proposing an increased 50-foot setback adjacent to single family zoning. Staff explained this provision only applied to taller multifamily buildings in these districts and was proposed to increase compatibility with existing neighborhoods.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

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

SECOND: Jason Grubbs

VOTE:

FOR: Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Salvador Patiño, Brenda Smith

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the ordinance amendment.

SECOND: Jason Grubbs

VOTE:

FOR: Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Salvador Patiño, Brenda Smith

AGAINST: None

EXCUSED: None

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