

UDO-275
AN ORDINANCE AMENDING
CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO AMEND STANDARDS FOR THE WINSTON OVERLAY DISTRICT

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B, Article II – Zoning Districts, *Official Zoning Maps*, and Uses is hereby amended as follows:

Chapter B - Zoning Ordinance
Article II - Zoning Districts, *Official Zoning Maps*, and
Uses

2-1 ZONING DISTRICTS

2-1.6 OVERLAY AND SPECIAL PURPOSE ZONING DISTRICTS - PURPOSE
STATEMENTS AND REGULATIONS

(F) WO Winston Overlay District

- (1) Purpose.** The WO District is intended to encourage new development which is compatible with the existing urban form and character of Downtown Winston-Salem. The standards of this district are intended to prevent new inappropriate suburban-style development while still allowing for creativity and flexibility in creating urban, pedestrian-oriented design opportunities in the Core District of Downtown. Attention shall be given to creating new development which reinforces the character of existing, significant historic, institutional, and public facilities within Downtown, recognizing that such facilities have unique design characteristics that may be inconsistent with the standards set forth herein.
- (2) Applicability.** The standards of this Section shall apply to the following situations within the WO District Boundaries following adoption of this Ordinance;
 - (a)** New Construction
 - (b)** Additions to existing structures in that such additions shall not create a greater level of nonconformity with the provisions of Section B.2-1.6(F)(4) than currently exists on the site

- (c) Reconstruction or renovation of existing structures, the cost of which is equal or greater than seventy-five percent (75%) of tax value of the existing structure
- (d) Exterior alterations to existing structures in that such alterations shall not create a greater level of nonconformity with the provisions of Section B.2-1.6(F)(4) than currently exists on the site

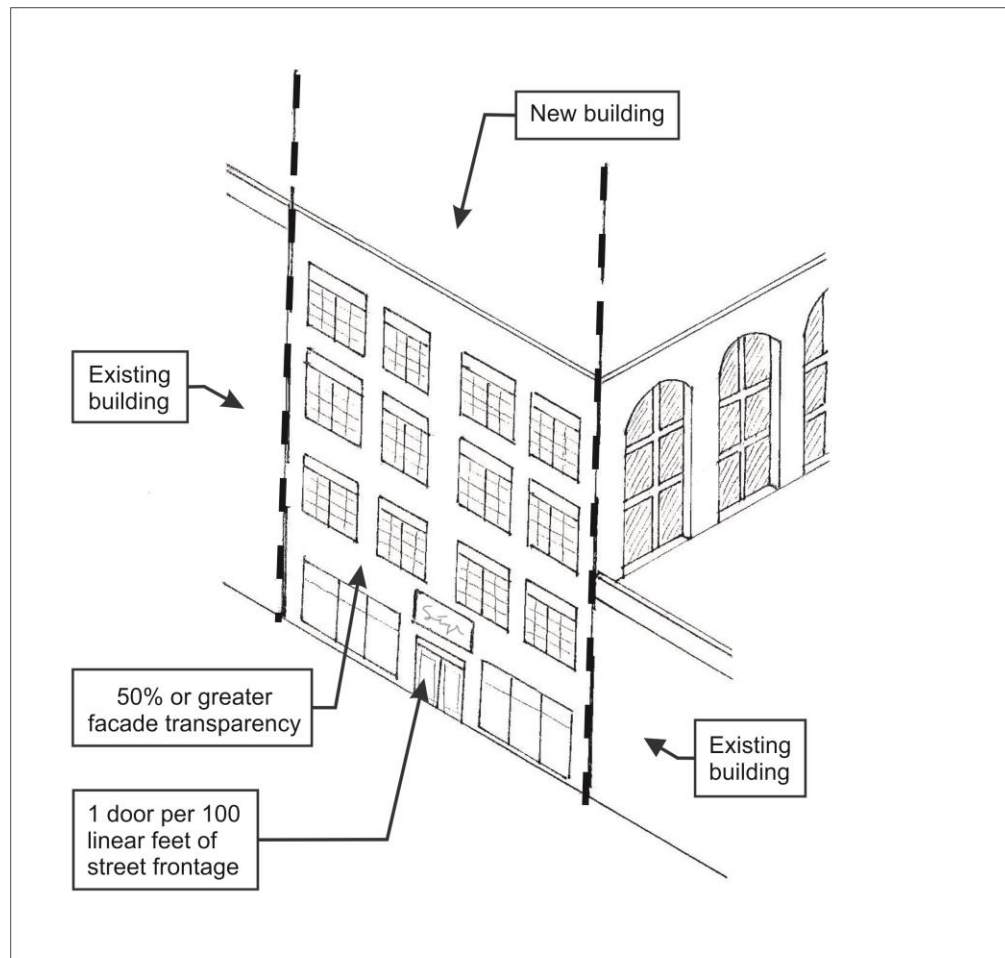
This Section shall not apply to existing structures not affected by (b)-(d) above

(3) **WO District Boundaries.** The WO District applies in accordance with the adopted Winston Overlay District Boundaries Map.

(4) **District Requirements.**

- (a) Location of Structures. Structures within the WO District shall have front build-to lines of zero (0) feet. However, where rowhouse-style residential units incorporate external stairs to satisfy the floor elevation requirements of Section B.2-1.6(F)(4)(g), the street-facing build-to line may be set back as far from the right-of-way as the facade-adjacent edge of the stair landing. Additionally, at least seventy percent (70%) of the combined site frontage adjoining street rights-of-way shall include structures with build-to lines of zero (0) feet. No surface parking shall be allowed within forty (40) feet of street rights-of-way pursuant to Section B.2-1.6(F)(4)(e) of this Ordinance.

Example of a new building meeting the WO District Requirements



(b) ~~Ground Floor~~ Façade Transparency.

- (i) No less than fifty percent (50%) of the ground floor (between two (2) and ten (10) feet above street level) street-facing facades of structures within the WO District shall consist of transparent windows, doors, or openings in the facade. Additionally, no less than twenty-five percent (25%) of the entire street-facing façades above the ground floor of structures within the WO District shall consist of transparent windows, doors, or openings in the façade.
- (ii) Where walls, fences or other similar features exist between the public right-of-way and the street-facing façade, a minimum of fifty percent (50%) of such feature shall consist of transparent openings.

- (c) Entrances. Buildings within the WO District shall have at least one entrance per one hundred (100) linear feet of street frontage, on each street-facing façade with a minimum of one entrance per building. Each entrance shall be able to accommodate a door at least thirty-six (36) inches wide and six (6) feet, eight (8) inches tall.
- (d) Commercial Parking. The use Commercial Parking within the WO District shall be allowed in the form of structured parking built in accordance with Section B.2-1.6(F)(4)(a) or in the form of surface parking lots set back a minimum of forty (40) feet from adjoining street rights-of-way.
- (e) New Surface Parking. New surface parking shall only be allowed to the rear of buildings within the WO District or shall be set back a minimum of forty (40) feet from adjoining street rights-of-way, except where new surface parking areas are enclosed with walls or fences which are between fifty percent (50%) to seventy-five percent (75%) transparent. Such walls shall be constructed of brick or stone and shall be set back two (2) feet from the street right-of-way. A streetyard meeting the requirements of Section B.3-4.3 shall be installed between such walls and the right-of-way. Additionally, such wall shall not exceed fifty (50) feet in length along the right-of-way, inclusive of any driveway opening.
- (f) New Structured Parking.
 - (i) The ground floor of any new parking structure shall contain active land uses along a minimum of fifty percent (50%) of all of its street-facing facades. No less than fifty percent (50%) of the ground floor (between two (2) and ten (10) feet above street level) street-facing facades of said active land uses shall consist of transparent windows or doors. Active land uses may be commercial, office, residential, or institutional in nature.
 - (ii) All street-facing facades above the ground floor of new parking structures shall incorporate decorative design elements such as façade detailing, shimmer walls, or public art.
- (g) Ground Floor Residential Uses. Street-adjacent ground floor residential uses in the WO District shall be designed with a finished floor elevation of at least three (3) feet above the average street grade in front of the building or unit. This requirement shall not apply to ground floor residential units which are not street-adjacent.
- (h) Over-Street Connectors. The construction of new over-street pedestrian connectors shall be prohibited in the rights-of-way of the following streets in the WO District: Fourth Street; Fifth Street; Trade Street; Liberty

Street; Main Street; Cherry Street; Marshall Street; and Spruce Street.
This prohibition shall not apply to the repair or reconstruction of existing
over-street connectors within these rights-of-way.

- (5) **Alternative Compliance.** Alternative compliance may be granted by the Planning Board for development whose practical difficulties in meeting the specific requirements of this section are determined to exist through the Planning Board Review (PBR) process as prescribed in Section B.6-1.3(A). Such development may include public, institutional, or assembly facilities such as churches, theaters, convention centers and related uses or structures which have design characteristics and considerations that are inconsistent with the standards of Section B.2-4.6(F)(4) and are designed to complement or achieve consistency with established urban form. Additionally, as part of its review, the Planning Board shall consider recommendations by the Historic Resources Commission for properties located within a National Register Historic District or for properties listed individually on the National Register.

An applicant for alternative compliance may appeal the decision of the Planning Board to the Elected Body by filing with the City secretary a notice of appeal within sixty (60) days of said decision. The Elected Body shall make its decision based upon the standards and purposes of the Winston Overlay District. Any building permit issued for the development shall state that development must comply with the decision of the Planning Board or Elected Body, as applicable. There shall be no additional fees for filing an appeal under this section.

Section 2. Chapter B, Article III – Other Development Standards is hereby amended as follows:

Chapter B - Zoning Ordinance

Article III – Other Development Standards

3-2 SIGN REGULATIONS

3-2.1 SIGN REGULATIONS (W)

(D) **Prohibited Signs or Objects**

The following signs or uses of signs are prohibited, unless otherwise provided for in this Ordinance:

- (4) **Sign with Moving and Flashing Lights or Parts.** Notwithstanding the provisions of Section B.3-2.1(F)(2), a sign with blinking, chasing, flashing or moving effects; or a sign displaying intermittent or flashing lights similar to those used in governmental traffic signals or used by police, fire, ambulance, or other emergency vehicles. Such signs include beacons, spotlights, searchlights, or reflectors and signs which revolve, rotate or swing by mechanical means. This

prohibition shall not apply to on-premises attached neon signage with blinking, chasing, flashing or moving effects within the Winston Overlay (WO) District.

(F) Signs Allowed *With* a Zoning Permit

The following signs are allowed with a zoning permit in any zoning district where the specified uses are permitted:

- (2) Electronic Message Board Sign.** Electronic Message Board Signs shall be allowed in all nonresidential zoning districts except that, within the Winston Overlay (WO) District, Electronic Message Board signs shall only be allowed on the premises of Stadiums, Coliseums, or Exhibition Buildings in accordance with the provisions of Section B.3-2.1(H)(6)(c). A development may have either attached or freestanding Electronic Message signage, but not both, unless otherwise provided for in this Ordinance. The following conditions shall apply to Electronic Message Board Signs:
- (a) Calculation of Area. An Electronic Message Board Sign which is included within a larger sign shall be included in the calculation of the total permitted sign area.
 - (b) Changes Per Day. For fifteen (15) years following the effective date of this Ordinance an Electronic Message Board Sign for which a permit has been lawfully issued as of the effective date of this Ordinance (1) may display a message that scrolls and (2) shall have a maximum change rate of once every eight (8) seconds; at the end of said fifteen (15) year period such signs shall not display a message that scrolls and shall have a maximum change rate of once every two (2) hours. All Electronic Message Board Signs for which a permit has been lawfully issued after the effective date of this Ordinance shall have a maximum change rate of once every two (2) hours and shall not display a message that scrolls. Changes shall be complete and shall not contain any scrolling, flashing, or similar transitional effects between static messages.
 - (c) Attached Signs. Attached Electronic Message Signs shall have a maximum area of twenty-four (24) square feet, unless otherwise provided for in this Ordinance.
 - (d) Area Bonus. Electronic Message Board Signs six (6) feet in height and lower containing Electronic Messages shall be allowed a ten percent (10%) increase in maximum sign area.

(H) On-Premises Freestanding Signs

Unless otherwise provided for in this Ordinance, an on-premises freestanding sign shall meet the following additional provisions:

(6) Exceptions to On-Premises Freestanding Sign Provisions.

- (c) Stadium, Coliseum, or Exhibition Building. A changeable copy and/or electronic message sign may be applied to freestanding and/or attached signage, with the total area of freestanding and attached changeable copy and/or electronic message signage not to exceed two hundred (200) square feet.

When a Stadium, Coliseum, or Exhibition Building has a maximum seating capacity of fifteen thousand (15,000) or less, the maximum permitted freestanding sign area shall be increased to two hundred (200) square feet, and the maximum height shall be twenty-two (22) feet. When the building has a maximum seating capacity of greater than fifteen thousand (15,000), the maximum permitted sign area shall be three hundred fifty (350) square feet and the maximum height shall be increased to thirty-five (35) feet.

Section 3. This ordinance shall be effective upon adoption.