

UDO-282
AN ORDINANCE AMENDING
CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ADD ALTERNATIVE COMPLIANCE PROVISIONS FOR THE
MARTIN LUTHER KING OVERLAY (MLKO) DISTRICT

Be it ordained by the Mayor and City Council 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

(G) MLKO Martin Luther King Overlay District

- (1) Purpose.** The MLKO District is intended to encourage new development which is compatible with the proposed urban form and character of eastern Winston-Salem. The standards of this district are intended to prevent new suburban-style development while still allowing for creativity and flexibility in creating urban, pedestrian-oriented design opportunities in this area.
- (2) Applicability.** The standards of this Section shall apply to the following situations within the MLKO 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(G)(4) than currently exists on the site
 - (c) Reconstruction or renovation of existing structures 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(G)(4) than currently exists on the site

This Section shall not apply to existing structures not affected by (b)-(d) above or to the uses Residential Building, Single Family; Residential Building, Duplex; and Residential Building, Twin Home.

- (3) **MLKO District Boundaries.** The MLKO District applies in accordance with the adopted Martin Luther King Overlay District Boundaries Map.
- (4) **District Requirements.**
- (a) **Location of Structures.** Structures within the MLKO District shall have front build-to lines of between five (5') and ten (10') feet. Additionally, structures on corner lots shall also have side-street build-to lines of between five (5') and ten (10') feet.
 - (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 MLKO District shall consist of transparent windows, doors, or openings in the facade.
 - (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 MLKO District shall have at least one entrance per hundred linear feet (100') 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 inches (36") wide and six feet, eight inches (6'-8") tall.
 - (d) **Signage.** Freestanding signs in the MLKO District shall have a maximum height of six feet (6') and a maximum area of thirty-six (36) square feet.
 - (e) **Off-Street Parking.** Off-street parking within the district adjacent to Martin Luther King Jr. Drive shall meet the streetyard requirements of Section B.3-4.3 or may be alternatively screened by walls or fences which are between fifty (50%) to seventy-five percent (75%) transparent. Such walls shall be constructed of brick or stone.
 - (f) 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 and theaters, as well as uses which have vehicle drive-through or stacking lanes located between the street and the street-facing building façade, which have design characteristics and considerations that are inconsistent with the standards of Section B.2-4.6(G)(4) but are designed to minimize that inconsistency and complement the intended 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 Martin Luther King 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. This ordinance shall be effective upon adoption.