

**ACTION REQUEST FORM**

**DATE:** January 20, 2010  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Text Amendment proposed by City County Planning Board staff

**SUMMARY OF INFORMATION:**

UDO Text Amendment proposed by City County Planning Board staff to amend Chapters A and B of the *Unified Development Ordinances* to create standards for nonresidential development and redevelopment in Growth Management Area 2 (UDO-211).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** NOT REQUIRED

## STAFF REPORT

DOCKET # UDO-211

STAFF: [Kirk Ericson](#)

### REQUEST

This UDO text amendment is proposed by City-County Planning Board staff to amend Chapters A and B of the *Unified Development Ordinances* and create standards for nonresidential development and redevelopment in the Urban Neighborhoods Growth Management Area (GMA 2). This nonresidential infill ordinance amendment is presented as a companion to the residential infill amendment previously adopted by City Council in 2008 (UDO-188).

### BACKGROUND

Redevelopment of residential property in the older urban neighborhoods surrounding the downtown core of Winston-Salem has increased in popularity in recent years. To encourage appropriate redevelopment of residential sites, a residential infill ordinance was adopted by City Council in July 2008. This ordinance provides basic standards for residential development in GMA 2 to ensure new development is consistent with the existing character of the area. Since its adoption, this ordinance has been successful at preserving the residential character of GMA 2 while still allowing for flexibility in new development. Nonresidential redevelopment and development has been less prevalent in GMA 2, however.

Lack of nonresidential investment in GMA 2 has led to many older commercial areas here being targeted as potential Revitalizing Urban Commercial Areas (RUCAs). The 2006 RUCA report identified declining commercial areas and proposed strategies for improving the condition of these areas. City Council appropriated \$1.5 million to assist in revitalizing three selected areas among those identified in the report. Another recommendation of the RUCA report was to develop an ordinance that would encourage new nonresidential development in GMA 2. The nonresidential infill ordinance standards proposed here are intended to increase development flexibility, particularly on sites smaller than one acre in size, and to also improve the appearance of nonresidential sites in GMA 2. The proposed ordinance promotes new development in GMA 2 in accordance with *Legacy* recommendations. *Legacy* recommends encouraging new infill development to make efficient use of existing infrastructure, promote a viable, growing central city, and reduce development pressures in suburban areas.

### ANALYSIS

As part of the RUCA program, Planning staff worked with owners of nonresidential property in the three funded areas on redevelopment site plans. Through this process, staff experienced first-hand the difficulty of redeveloping an existing urban site. UDO requirements such as bufferyards, interior landscape planting areas, streetyards, and modern parking standards that are more geared to new suburban development can all add to the difficulty of redeveloping a site in GMA 2. Staff believes reduction of certain UDO standards is appropriate in GMA 2, particularly since most current ordinance standards were adopted after these sites were first

developed. Development of vacant nonresidential sites, even with reduced landscaping benefits adjacent residential property and is preferable to a site remaining vacant for years due to impractical development requirements.

The proposed ordinance has two main sets of standards: 1) Standards which apply to the expansion of existing development or redevelopment of existing nonresidentially zoned sites less than one acre in size; and 2) standards which apply to all nonresidentially zoned development and redevelopment, and all nonresidential development in residential zoning in GMA 2.

Sites smaller than one acre in GMA 2 face unique challenges in meeting current ordinance requirements, due to size limitations. As a result, the proposed ordinance requirements for sites smaller than one acre are intended to make development of these sites easier. Where required, streetyards are reduced to five feet in width, and the minimum bufferyard width and number of plantings may be half of the current UDO minimums. Off-street loading requirements may also be waived with DOT approval, since many nonresidential sites in GMA 2 were developed prior to the inclusion of loading requirements in the ordinance. Additionally, a unique interior motor vehicle landscaping standard is proposed for sites less than an acre in size. This requirement is 100 square feet of landscaping area per 10,000 square feet of motor vehicle surface area. This landscaping area must include one tree and four shrubs, but can be broken up into multiple sections.

The proposed standards for sites of all sizes are intended to improve the appearance of sites, but to also encourage new development in GMA 2. Setbacks for most commercial and office districts are waived, except where adjacent to residential development. Streetyard width may also be reduced to five feet where a pedestrian oriented urban form of development is used. This amendment also proposes expanding the existing UDO exemption from current parking requirements for existing nonresidential structures built prior to 1968 to buildings built prior to 1988. When reviewing RUCA plans, staff realized that many buildings built in the 1970s had the same issues as those built in the 1960s. Parking was as significant of a problem for these sites as it was for older sites. When staff discussed this issue with Inspections staff, 1988 was a clear date for differentiating between older and newer sites, as this is when current motor vehicle planting area standards became effective.

The proposed ordinance also includes a reduction in the amount of required parking triggered by the installation of outdoor seating for restaurant uses. Currently, parking must be provided at the same rate for both indoor and outdoor seating. This ordinance proposes that outdoor seating be counted at 25 percent of indoor seating for the purposes of parking calculations, until the outdoor seating area exceeds 20 percent of indoor area. Parking for any additional outdoor seating beyond this point is calculated at the standard rate.

A significant appearance issue for many RUCA sites is the use of multiple parking surface materials. Due to the age of these sites, many parking areas have been added to and repaired multiple times, using different materials. This makes these sites appear worn-out and contributes to the decline of the area. This amendment prohibits the use of multiple parking surface materials, except where required by building code or other UDO provisions. Another common appearance issue seen in RUCA sites is trash areas without proper screening. This screening is essential to reducing the impact of nonresidential sites on neighborhoods and improving the

aesthetics of an area. Such screening will be required in GMA 2 for new development, additions of any size to existing buildings, or a change of use to a high intensity use. Similarly, poorly maintained motor vehicle storage yard screening can cause an area to look blighted. The metal slats and cloth which can currently be used to meet the screening requirements of the UDO can become worn over time and look worse than what is being screened. These materials can not be used to satisfy the proposed ordinance requirement, which requires an opaque fence be used to screen motor vehicle storage areas.

Additionally, uses in the table of permitted uses have been identified as low or high intensity as part of this amendment. Low intensity uses are those uses which have minimal impacts on adjoining properties, while high intensity uses generally have significant impacts relating to traffic generation, noise, and odor. This ordinance proposes that a change of use from a low to a high intensity use, or from one high intensity use to another, requires the installation of motor vehicle area landscaping, the installation of required bufferyards, and the screening of outdoor storage areas. These requirements are intended to reduce the impacts of a high intensity use on the surrounding area.

Staff presented the proposed ordinance to the Winston-Salem Association of Realtors and Homebuilders, the Winston-Salem Chamber of Commerce, the Liberty Street CDC, and the Winston-Salem Neighborhood Alliance. These groups agreed that the ordinance could be a useful tool in promoting investment in underutilized areas. Staff believes the proposed nonresidential development standards will promote quality redevelopment and development of sites in GMA 2 in accordance with *Legacy* principles.

## **RECOMMENDATION**

### **APPROVAL**

Kirk Ericson presented the staff report.

### **PUBLIC HEARING**

FOR:

Nancy Gould, 195 Executive Park Boulevard, Winston-Salem, NC 27103

- I do not have the luxury of after school day care so Charles Miller is going to speak for me and I'm going to go pick up my daughter.

Charles Miller, 430 Sherwood Forest Road, Winston-Salem, NC 27104

- I serve as the chairman of the Change of Use Task Force.
- I applaud the work of the Planning Board to recognize the difficulties that businesses face when we're looking at the problematic things of real estate and use and zoning and planning and such forth.
- The significant point of Kirk's presentation was the RUCA program. What RUCA means to me is that the government had to step outside of the building and enter through

the front door just like the rest of us. In doing so, they were forced to look at, in a real live way, the cumbersome rules that are affecting everybody and their property use questions.

- The task force is made up of a variety of people representing a variety of groups and interests.
- We all support this in a big way.

AGAINST: None

### **WORK SESSION**

During discussion by the Planning Board, the following points were made:

1. Lynne Mitchell: How does this impact the impervious surface? Is a specific material required (like gravel or pavement)? Kirk Ericson responded that the material is not specific as long as it is used consistently across the site. However, it is understood that areas such as loading areas or gas station islands may require different materials and attempts were made to accommodate that.
2. Arnold King and Clarence Lambe questioned whether paving material which is currently under dumpsters, around gas islands, etc would have to be torn out.
3. Clarence Lambe: 99% of this looks awesome. The pavement issue is the only thing that stands out to me that is an extraordinary expense.
4. Kirk Ericson read the applicable section of the revised ordinance. It states that this requirement (the single parking material for the lot) “shall only apply to new parking areas constructed after adoption of the ordinance and to existing parking areas where there is an increase in current parking on site by 50% or more.”
5. If someone is changing their use and does not have to increase the number of parking spaces by 50% or more, this would not apply.
6. Paul Mullican: Is the dumpster enclosure cut-and-dry? Is a dumpster hidden behind the building still required to be enclosed. Staff responded that it would have to be enclosed.
7. Brenda Smith: I think there will be questions as to how the use applications (Hi or Lo intensity) were determined. Staff from Planning and Inspections determined which would have significant impact on surrounding areas based on such criteria as noise, smell, etc.
8. Arthur King: This is another of those issues where we are trying to make progress and put people on equal footing where they can do their business and improve the community and create winners for all of us.

MOTION: Arthur King moved approval of the zoning text amendment.

SECOND: Lynne Mitchell

VOTE:

FOR: Wesley Curtis, Arnold King, Arthur King, Clarence Lambe, Darryl Little, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning

**UDO-211**  
**AN ORDINANCE AMENDING**  
**CHAPTERS A AND B OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**TO CREATE STANDARDS FOR NONRESIDENTIAL DEVELOPMENT AND**  
**REDEVELOPMENT IN GROWTH MANAGEMENT AREA 2**

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 A, Article II of the UDO is amended as follows:

**Chapter A - Definitions Ordinance**  
**Article II - Definitions**

USE, LOW INTENSITY (LO). A use which generally has minimal negative impacts on adjoining properties.

USE, HIGH INTENSITY (HI). A use which generally has significant negative impacts, including but not limited to impacts of traffic, noise, and odor, on adjoining properties.

**Section 2.** Chapter B, Article II of the UDO is amended as follows:

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

**2-1 ZONING DISTRICTS**

**2-1.3 COMMERCIAL ZONING DISTRICTS - PURPOSE STATEMENTS AND REGULATIONS**

(A) **NO Limited Office District.**

(2) **General Dimensional Requirements - NO.**

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft) <sup>1</sup>	Rear (ft)	Side			
						Interior Side (ft)	Street (ft) <sup>1</sup>		
NO	6,000	65	--	20	25	7	20	60	40

1. Residential structures in GMA 2 shall meet the requirements of Section B.3-8. **(W)**

**(B) LO Limited Office District.**

**(2) General Dimensional Requirements - LO.**

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks <sup>1,3</sup>				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft) <sup>2</sup>	Rear (ft)	Side			
						Interior Side (ft)	Street (ft) <sup>2</sup>		
LO	10,000	100	--	20	20	5	20	75	40

1. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
2. Residential structures in GMA 2 shall meet the requirements of Section B.3-8. **(W)**
3. Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section B.3-14.1(B)(1).

**(C) CPO Corporate Park Office District**

**(2) General Dimensional Requirements - CPO.**

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks <sup>2,4</sup>				Maximum Impervious Surface Cover (%)	Maximum Height (ft) <sup>3</sup>
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
CPO	-- <sup>1</sup>	250 <sup>1</sup>	10	60	40	40	40	80	60/ unlimited

1. For outparcels with internal access to the property provided, the minimum lot size is twenty thousand (20,000) square feet; the required minimum lot width is reduced to one hundred (100) feet; and the interior rear and side yard requirements are deleted, except that any side yard provided adjacent to an interior lot line shall not be less than twelve (12) feet. Negative access along external roads must be provided and on record.
2. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
3. Height of structure above sixty (60) feet may be increased by one foot for each foot of additional setback beyond minimum required, if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H.
4. Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section B.3-14.1(B)(1).

**(D) GO General Office District.**

**(2) General Dimensional Requirements - GO.**

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks <sup>1,4</sup>				Maximum Impervious Surface Cover (%)	Maximum Height (ft) <sup>3</sup>
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
GO	10,000	75	--	20	--	--	20	80 <sup>2</sup>	60/ unlimited

1. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
2. The eighty percent (80%) limit applies only to GMA 3.
3. There is no height limit unless adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Height of structure above sixty (60) feet may be increased one foot for each foot of additional setback beyond the forty (40) foot minimum required if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H.
4. Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section B.3-14.1(B)(1).

**(E) NB Neighborhood Business District.**

**(2) General Dimensional Requirements - NB.**

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft) <sup>1</sup>	Rear (ft)	Side			
						Interior Side (ft)	Street (ft) <sup>1</sup>		
NB	6,000	65	-	10	25	7	20	60	40

1. Residential structures in GMA 2 shall meet the requirements of Section B.3-8. **(W)**

**(F) PB Pedestrian Business District**

**(2) General Dimensional Requirements - PB.**

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks <sup>1</sup>				Maximum Impervious Surface Cover (%)	Maximum Height <sup>2</sup> (ft)
	Area (sf)	Width (ft)		Front (ft) <sup>3</sup>	Rear (ft)	Side			
						Interior Side (ft)	Street (ft) <sup>3</sup>		
PB	-	-	-	-	-	-	-	-	60

1. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or

highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.

2. Whenever a residential use in the PB Zoning District shares a side yard boundary line with a lot in a residential district, the requirements of Section B.3-1.2(J)(2) shall apply.
3. Residential structures in GMA 2 shall meet the requirements of Section B.3-8. **(W)**

**(G) LB Limited Business District.**

**(2) General Dimensional Requirements - LB.**

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks <sup>1,3</sup>				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
LB	10,000	100	--	20	5	0.5/12 <sup>2</sup>	20	75	40

1. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
2. Side yards are not required, however any side yard provided adjacent to an interior lot line shall be not less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard.
3. Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section B.3-14.1(B)(1).

**(H) NSB Neighborhood Shopping Center Business District.**

**(2) General Dimensional Requirements - NSB.**

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks <sup>2,3</sup>				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
NSB	-- <sup>1</sup>	250 <sup>1</sup>	4	40	40	40	20	75	40

1. For outparcels with internal access to the property provided, the minimum lot size is twenty thousand (20,000) square feet; the required minimum lot width is reduced to one hundred (100) feet; and the interior rear and side yard requirements are deleted, except that any side yard provided adjacent to an interior lot line shall not be less than twelve (12) feet. Negative access along external roads must be provided and on record.
2. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
3. Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section B.3-14.1(B)(1).

**(I) HB Highway Business District.**

**(2) General Dimensional Requirements - HB.**

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks <sup>1,3</sup>				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft)	Rear (ft)	Side			
						Interior Side (ft)	Street (ft)		
HB	20,000	100	--	40	20	0.5/12 <sup>2</sup>	20	85	60

1. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
2. Side yards are not required, however any side yard provided adjacent to an interior lot line shall be not less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard.
3. Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section B.3-14.1(B)(1).

**(J) GB General Business District.**

**(2) General Dimensional Requirements - GB.**

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks <sup>1</sup>				Maximum Impervious Surface Cover (%)	Maximum Height (ft) <sup>2</sup>
	Area (sf)	Width (ft)		Front (ft) <sup>3</sup>	Rear (ft)	Side			
						Interior Side (ft)	Street (ft) <sup>3</sup>		
GB	10,000	75	--	--	--	--	--	--	60/ unlimited

1. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
2. There is no height limit unless adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Height of structure above sixty (60) feet may be increased by one foot for each foot of additional setback beyond the forty (40) foot minimum required, if adjacent to property zoned RS, RM (except RM-U), YR, AG, or H.
3. Residential structures in GMA 2 shall meet the requirements of Section B.3-8. **(W)**

**(L) Major Retail and Business District (MRB-S) (W)**

**(2) General Dimensional Requirements – MRB-S.**

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks <sup>1, 5, Z</sup>				Maximum Impervious Surface Cover (%)	Maximum Height (ft) <sup>2</sup>
	Area (sf)	Width (ft)		Front (ft) <sup>6</sup>	Rear (ft)	Side <sup>3</sup>			
						Interior Side (ft)	Street (ft) <sup>6</sup>		
MRB-S	--	--	10	40	20 <sup>4</sup>	0.5/12	20 <sup>2</sup>	85	60

1. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
2. As per B.3-12.1 and which shall apply to all development done within the MRB-S District and which shall be reflected in the site plan required as part of the rezoning application.
3. Side yards are not required, however any side yard provided adjacent to an interior lot line shall not be less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard. This does not include the required bufferyard.
4. This does not include the required bufferyard.
5. These requirements may be varied during the review and approval of a site plan per Section B.3-12.1.
6. Residential structures in GMA 2 shall meet the requirements of Section B.3-8. **(W)**
7. Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section B.3-14.1(B)(1).

**Section 3.** Chapter B, Article II of the UDO is amended as follows:

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

**2-4 PERMITTED USES**

**2-4.1 TABLE B.2.6**

Table B.2.6 displays the principal uses allowed in each zoning district and references use conditions. Table B.2.6 should be read in conjunction with the definitions of principal uses and other terms in Section A.2. Land, buildings, and structures shall only be used in accordance with the districts shown on the *Official Zoning Maps*, and subject to all requirements and conditions specified in this Ordinance.

Table B.2.6 is amended by revising the “Use Type” column as follows:

<b>Table B.2.6 PERMITTED USES</b>
Use Type <u>((Lo) following a use indicates the use is a low-intensity use; (Hi) indicates the use is a high-intensity use)</u>
<b>RESIDENTIAL USES</b>
Residential Building, Single Family <u>(Lo)</u>
Residential Building, Duplex <u>(Lo)</u>
Residential Building, Townhouse <u>(Lo)</u>
Residential Building, Twin Home <u>(Lo)</u>
Residential Building, Multifamily <u>(Hi)</u>
Manufactured Home, Class A <u>(Lo)</u>
Manufactured Home, Class B (F) <u>(Lo)</u>
Manufactured Home, Class B (W) <u>(Lo)</u>
Manufactured Home, Class C (F) <u>(Lo)</u>
Manufactured Home, Class C (W) <u>(Lo)</u>
Manufactured Home, Class D <u>(Lo)</u>
Manufactured Housing Development <u>(Lo)</u>
Boarding or Rooming House <u>(Lo)</u>
Combined Use <u>(Lo)</u>
Family Group Home A <u>(Lo)</u>
Family Group Home B <u>(Hi)</u>
Family Group Home C <u>(Hi)</u>
Fraternity or Sorority <u>(Hi)</u>
Life Care Community <u>(Lo)</u>
Planned Residential Development <u>(Lo)</u>
<b>AGRICULTURAL USES</b>
Agricultural Production, Crops (W) <u>(Lo)</u>
Livestock (W) <u>(Lo)</u>

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.  
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Agricultural Production, Crops (F) <del>(Lo)</del>
Livestock (F) <del>(Lo)</del>
Agricultural Tourism (F) <del>(Lo)</del>
Animal Feeding Operation <u>(Hi)</u>
Fish Hatchery <del>(Lo)</del>
<b>RETAIL AND WHOLESALE TRADE</b>
Arts and Crafts Studio <del>(Lo)</del>
Building Materials Supply <u>(Hi)</u>
Bulk Storage of Petroleum Products <u>(Hi)</u>
Convenience Store <u>(Hi)</u>
Food or Drug Store <u>(Hi)</u>
Fuel Dealer <u>(Hi)</u>
Furniture and Home Furnishings Store <del>(Lo)</del>
Implement Sales and Service <u>(Hi)</u>
Motor Vehicle Dismantling and Wrecking Yard <u>(Hi)</u>
Motorcycle Dealer <u>(Hi)</u>
Nursery, Lawn and Garden Supply Store, Retail <u>(Hi)</u>
Outdoor Display Retail <u>(Hi)</u>
Restaurant (without drive-through service) <u>(Hi)</u>
Restaurant (with drive-through service) <u>(Hi)</u>
Retail Development Larger than 125,000 sf (W) <u>(Hi)</u>
Retail Store <u>(Hi)</u>
Shopping Center <u>(Hi)</u>
Storage Trailer <u>(Hi)</u>
Wholesale Trade A <u>(Hi)</u>
Wholesale Trade B <u>(Hi)</u>

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.  
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<b>BUSINESS AND PERSONAL SERVICES</b>
Adult Establishment (F) <del>(Lo)</del>
Adult Establishment (W) <u>(Hi)</u>
Banking and Financial Services <u>(Hi)</u>
Bed and Breakfast <u>(Lo)</u>
Building Contractors, General <u>(Hi)</u>
Building Contractors, Heavy <u>(Hi)</u>
Car Wash <u>(Hi)</u>
Funeral Home <u>(Lo)</u>
Health Services, Miscellaneous <u>(Lo)</u>
Hotel or Motel <u>(Hi)</u>
Kennel, Indoor <u>(Hi)</u>
Kennel, Outdoor (F) <u>(Hi)</u>
Motor Vehicle, Rental and Leasing <u>(Hi)</u>
Repair and Maintenance <u>(Hi)</u>
Body or Paint shop <u>(Hi)</u>
Storage Yard <u>(Hi)</u>
Non-Store Retailer <u>(Lo)</u>
Offices <u>(Lo)</u>
Services, Business A <u>(Lo)</u>
Services, Business B <u>(Hi)</u>
Services, Personal <u>(Lo)</u>
Signs, Off-Premises <u>(Hi)</u>
Storage Services, Retail (F) <del>(Lo)</del>
Storage Services, Retail (W) <u>(Lo)</u>
Testing and Research Laboratory <u>(Lo)</u>
Veterinary Services <u>(Lo)</u>
Warehousing <u>(Hi)</u>

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.  
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<b>RECREATIONAL USES</b>
Fishing, Fee Charged <u>(Lo)</u>
Golf Course <u>(Lo)</u>
Recreation Services, Indoor <u>(Lo)</u>
Recreation Services, Outdoor <u>(Hi)</u>
Recreation Facility, Public <u>(Lo)</u>
Recreational Vehicle Park <u>(Hi)</u>
Riding Stable <u>(Lo)</u>
Shooting Range, Indoor (F) <u>(Hi)</u>
Shooting Range, Outdoor (F) <u>(Hi)</u>
Swimming Pool, Private <u>(Lo)</u>
Theater, Drive-In <u>(Hi)</u>
Theater, Indoor <u>(Hi)</u>
<b>INSTITUTIONAL AND PUBLIC USES</b>
Academic Biomedical Research Facility <u>(Lo)</u>
Academic Medical Center <u>(Hi)</u>
Adult Day Care Home <u>(Lo)</u>
Adult Day Care Center <u>(Lo)</u>
Animal Shelter, Public <u>(Hi)</u>
Cemetery <u>(Lo)</u>
Child Care, Drop In <u>(Lo)</u>
Child Care Institution <u>(Lo)</u>
Child Care, Sick Children <u>(Lo)</u>
Child Day Care Center <u>(Lo)</u>
Child Day Care, Small Home <u>(Lo)</u>
Child Day Care, Large Home <u>(Lo)</u>
Church or Religious Institution, Neighborhood <u>(Lo)</u>
Church or Religious Institution, Community <u>(Lo)</u>

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.  
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Club or Lodge <u>(Hi)</u>
College or University <u>(Hi)</u>
Correctional Institution <u>(Hi)</u>
Dirt Storage <u>(Hi)</u>
Government Offices <u>(Lo)</u>
Group Care Facility A <u>(Hi)</u>
Group Care Facility B <u>(Hi)</u>
Habilitation Facility A <u>(Lo)</u>
Habilitation Facility B <u>(Lo)</u>
Habilitation Facility C <u>(Lo)</u>
Hospice and Palliative Care <u>(Lo)</u>
Hospital or Health Center <u>(Hi)</u>
Institutional Vocational Training Facility <u>(Hi)</u>
Landfill, Construction and Demolition (F) <u>(Hi)</u>
Landfill, Construction and Demolition (W) <u>(Hi)</u>
Landfill, Land Clearing/Inert Debris (W) <u>(Hi)</u>
Landfill, Land Clearing/Inert Debris 2 Acres or Less (F) <u>(Hi)</u>
Landfill, Land Clearing/Inert Debris, Greater Than 2 Acres (F) <u>(Hi)</u>
Landfill, Sanitary (W) <u>(Hi)</u>
Landfill, Sanitary (F) <u>(Hi)</u>
Library, Public <u>(Lo)</u>
Limited Campus Uses <u>(Lo)</u>
Museum or Art Gallery <u>(Lo)</u>
Neighborhood Organization Office <u>(Lo)</u>
Nursing Care Institution <u>(Lo)</u>
Police or Fire Station <u>(Hi)</u>
Post Office <u>(Lo)</u>
Postal Processing Facility <u>(Hi)</u>

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.  
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Recycling Center <u>(Hi)</u>
School, Private <u>(Hi)</u>
School, Public <u>(Hi)</u>
School, Vocational or Professional <u>(Lo)</u>
Shelter for Homeless <u>(Lo)</u>
Solid Waste Transfer Station <u>(Hi)</u>
Stadium or Coliseum or Exhibition Building <u>(Hi)</u>
<b>MANUFACTURING AND MINING</b>
Manufacturing A <u>(Hi)</u>
Manufacturing B <u>(Hi)</u>
Manufacturing C <u>(Hi)</u>
Asphalt and Concrete Plant (F) <u>(Hi)</u>
Asphalt and Concrete Plant (W) <u>(Hi)</u>
Borrow Site <u>(Hi)</u>
Hazardous Waste Management Facility <u>(Hi)</u>
Meat Packing Plant <u>(Hi)</u>
Mining, Quarry, or Extractive Industry <u>(Hi)</u>
Recycling Plant <u>(Hi)</u>
Storage and Salvage Yard <u>(Hi)</u>
<b>TRANSPORTATION AND UTILITIES</b>
Access Easement, Private Off-Site <u>(Lo)</u>
Airport, Public <u>(Hi)</u>
Airport, Private <u>(Hi)</u>
Broadcast Studio <u>(Lo)</u>
Helistop <u>(Hi)</u>
Heliport <u>(Hi)</u>
Park and Shuttle Lot <u>(Lo)</u>
Parking, Commercial <u>(Lo)</u>

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.  
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Terminal, Bus or Taxi <u>(Hi)</u>
Terminal, Freight <u>(Hi)</u>
Transmission Tower <u>(Hi)</u>
Utilities <u>(Hi)</u>

**Section 4.** Chapter B, Article II of the UDO is amended as follows:

## **Chapter B – Zoning Ordinance**

### **Article II - Zoning Districts, *Official Zoning Maps*, and Uses**

#### **2-5 USE CONDITIONS**

##### **2-5.55 MOTOR VEHICLE STORAGE YARD**

**(C) Right-of-Way Screening and Access – New or Expanded Storage Yards**

A Motor Vehicle Storage Yard or expansion of an existing storage yard created after the effective date of this Ordinance shall meet the following:

- (1) Outdoor Storage Area Standards.** A motor vehicle storage yard not screened by an intervening building from any public or private street, whether or not such streets provide access to the site, shall meet the outdoor storage area screening standards of Section B.3-4.5.
  - (a)** If the fencing option of Section B.3-4.5(B)(1) is selected, streetyard plantings as specified in Sections B.3-4.3(B)(3) and (4) are required on the outside of the fence;
  - (b)** If the planting option of Section B.3-4.5(B)(2) is selected and chain link fencing is installed in conjunction with the plantings, said fencing shall be a minimum six (6) feet in height and black or dark green in color. The plantings may be installed within a minimum five (5) foot strip either on the exterior of the fence or on the property owner’s side of the fencing, in which case wheel stops shall be placed a minimum seven (7) feet from the fence.
- (2) Visibility.** Fencing and plantings must not obstruct traffic visibility at driveways.
- (3) Maintenance.** Fencing and vegetation shall be maintained in good condition throughout the life of the use.

- (4) **Topographic Irregularities.** Where topographic irregularities require a different location to meet the intent of this section, the location of the landscaping or fencing may be varied with approval of the Director of Inspections.
  - (5) **Fencing Setback.** Fencing shall be set back a minimum five (5) feet from the public right-of-way or private street easement.
  - (6) **Access.** The maximum number of access points to a motor vehicle storage yard shall be two (2).
- (D) **Right-of-Way Screening and Access – Existing Storage Yards**  
 Motor vehicle storage yards existing prior to the adoption date of this Ordinance shall meet the following:
- (1) **Outdoor Storage Area Standards.**
    - (a) For sites in GMA 2, the requirements of Section B.2-5.55(C)(1) shall be met; ~~or, in all other Growth Management Areas, the requirements of (b) and (c) below may be met instead of the requirements of Section B.2-5.55(C)(1).~~
    - (b) Chain link fencing with wood, metal, or vinyl slats of a single color shall be installed. No other plastic or fiberglass cloth or other sheeting materials is permitted unless said material is constructed of materials manufactured, sold, and used exclusively as fencing materials with consistent height, materials, and color; and,
    - (c) Streetyard landscaping area in accordance with Section B.3-4.3(B).
  - (2) **Other Requirements.** The additional provisions of Sections B.2-2.55(C)(2)-(6) shall be met.

Section 5. Chapter B, Article III of the UDO is amended as follows:

## Chapter B - Zoning Ordinance

### Article III - Other Development Standards

#### 3-1 DIMENSIONAL REQUIREMENTS

Table B.3.2

Nonresidential Districts General Dimensional Requirements<sup>1,2</sup>

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks <sup>8,12</sup>				Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)		Front (ft) <sup>11</sup>	Rear (ft)	Side			
						Interior Side (ft)	Street (ft) <sup>11</sup>		
NO	6,000	65	--	20	25	7	20	60	40
LO	10,000	100	--	20	20	5	20	75	40
CPO	--	250 <sup>4</sup>	10	60	40	40	40	80	60/unlimited <sup>3</sup>
GO	10,000	75	--	20	--	--	20	80 <sup>5</sup>	60/unlimited <sup>3</sup>
NB	6,000	65	--	10	25	7	20	60	40
PB <sup>10</sup>	--	--	--	--	--	--	--	--	60
LB	10,000	100	--	20	5	0.5/12 <sup>6</sup>	20	75	40
NSB	--	250 <sup>4</sup>	4	40	40	40	20	75	40
HB	20,000	100	--	40	20	0.5/12 <sup>6</sup>	20	85	60
GB	10,000	75	--	<del>20</del> --	--	--	<del>20</del> --	--	60/unlimited <sup>3</sup>
CB	--	--	--	--	--	--	--	--	--
MRB-S <sup>9</sup>	--	--	10	40	20	0.5/12 <sup>6</sup>	20	85	60
LI	10,000	100	--	20	20	0.5/12 <sup>6</sup>	20	90	70/unlimited <sup>3</sup>
GI	43,560	150	5	40	20	0.5/12 <sup>6</sup>	20	--	70/unlimited <sup>3</sup>
CI	--	--	--	--	--	--	--	--	--
IP	10,000	65	--	25	10	5	20	60	60
C	20,000	100	20	20	20	20	20	70 <sup>7</sup>	40/75 or 60/unlimited <sup>3</sup>
MU-S	--	--	--	--	--	--	--	--	--

1. These dimensional requirements are subject to additional provisions in Section B.3-1.2; Section B.2-5; Section B.2-1; Section B.3-4; Section B.3-5; and Section B.3-8.
2. Larger lot width, depth, or area may be required by the Public Health Department for the installation of septic systems.
3. Certain districts have an option for height (e.g., 60/unlimited). The first number indicates the maximum height allowed at the minimum setback required adjacent to property zoned RS, RM (except RM-U), YR, AG, or H. Heights may be increased according to the provisions of Sections B.3-1.2(D) and (E). Height limits for the C District vary per GMAs; see Section B.2-1.5(B)(2).
4. Minimum area and width requirements may be reduced for the CPO, NSB, and CPI Districts under the respective subsections of Section B.2-1.

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.  
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5. The eighty percent (80%) limit applies only in GMA 3, per Section B.2-1.3(D).
6. Side yards are not required, however any side yard provided adjacent to an interior lot line shall be not less than twelve (12) feet in width. A space less than six (6) inches in width between an interior lot line and a building wall shall not be regarded as a side yard.
7. The seventy percent (70%) limit does not apply to GMAs 1 and 2, per Section B.2-1.5(B)(2).
8. Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.
9. Section B.3-12.1 shall apply to all development done within the MRB-S District and shall be reflected in the site plan required as part of the rezoning application. **(W)**
10. Whenever a residential use in the PB Zoning District shares a side yard boundary line with a lot in a residential district, the requirements of Section B.3-1.2(J)(2) shall apply.
11. Residential structures in GMA 2 shall meet the requirements of Section B.3-8. **(W)**
12. Minimum nonresidential setbacks in GMA 2 shall be waived in accordance with Section B.3-14.1(B)(1).

**Section 6.** Chapter B, Article III of the UDO is amended as follows:

## **Chapter B - Zoning Ordinance**

### **Article III - Other Development Standards**

#### **3-3 PARKING, STACKING, AND LOADING AREAS**

##### **3-3.2 OFF-STREET PARKING REQUIREMENTS**

###### **(B) Computing Parking Requirements**

- (1) **Multiple Use.** In cases of mixed use or where a combination of uses are developed on a site, the minimum number of off-street parking spaces shall be the cumulative total of each of the uses on the site according to the requirements unless a reduction is granted pursuant to Section B.3-3.5.
- (2) **Fractional Space Computations.** When the computation of the number of off-street parking spaces required by this section results in a fractional parking space requirement, any fraction less than one-half may be disregarded, and any fraction equaling or exceeding one-half shall be construed as requiring one full parking space.
- (3) **Seating Computations.** Where parking is based on seating which consists of benches or pews, each eighteen (18) inches of a bench or pew shall be considered as one seat.
- (4) **Number of Employees Computations.** For the purpose of computing parking requirements based on the number of employees, the owners or managers of the establishment shall be considered employees. Where more than one work shift is employed for any operation, the number of employees shall be calculated as the largest number of persons on any single shift.
- (5) **Square feet of Gross Floor Area (SF GFA)**  
For the purpose of calculating requirements based on square feet of gross floor area (SF GFA), rooms used solely for mechanical equipment and/or rooms in excess of fifty (50) square feet used solely for storage may be subtracted from SF GFA.

- (6) Outdoor Seating. Required parking for outdoor seating associated with the uses “Restaurant (Without Drive-Through Service)” and “Restaurant (With Drive-Through Service)” in GMA 2 shall be calculated at twenty-five percent (25%) of the rate in Table B.3.8 until outdoor seating area equals twenty percent (20%) of the indoor gross floor area. Required parking for outdoor seating beyond this amount shall be calculated at the rate in Table B.3.8.

### 3-3.3 DESIGN STANDARDS FOR PARKING AREAS

#### (C) Parking Surfaces

- (1) **Paving.** In GMA 1, any required parking, stacking, and loading area, and all access drives and maneuvering areas shall be paved and permanently maintained with asphalt, concrete, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights, except as noted in Section B.3-3.3(C)(3).

In GMA 2, multiple parking surfaces within a single nonresidential development shall be prohibited, except where multiple materials are otherwise required by this ordinance or the North Carolina State Building Code. Additionally, loading areas and utility areas may be of a different material than the parking surface material, and a different material may be used to define the exterior boundaries of the parking area. This requirement shall apply to new parking areas constructed after adoption of this ordinance, and to existing parking areas when there is an increase in the current parking on site by fifty percent (50%) or more.

- (2) **Gravel.** All other parking areas shall be improved with a minimum of four (4) inches of crushed rock, except as noted in Section B.3-3.3(C)(3).
- (3) **Exceptions.** Paving or graveling shall not be required for the following:
- (a) Temporary parking or parking for construction purposes. Parking areas used on an irregular or temporary basis for churches, clubs or lodges, other similar nonprofit organizations, or structures under construction.
  - (b) Agricultural Uses. Parking areas for agricultural uses.
  - (c) Parking for Construction Equipment. Parking areas for tracked heavy construction equipment, skid-mounted equipment, and similar equipment, are exempt from the paving requirements provided these parking areas are constructed with an all-weather surface.
  - (d) Overflow Parking. Parking areas identified specifically as overflow parking or parking exceeding the minimum number of spaces required.
  - (e) Neighborhood Shopping Center Business District (NSB). In the NSB District, up to ten percent (10%) of the required parking spaces may be unpaved and used for open space purposes during off peak hours, under the provisions of Section B.2-1.3(H)(3)(f).

### 3-3.6 OFF-STREET LOADING AND UNLOADING AREAS

#### (A) Requirements

In all districts except the CB and CI Districts, any building or land used for commercial, industrial, or institutional purposes, shall be designed to provide adequate space for off-street parking to accommodate the loading and unloading of goods and materials consistent with the size and proposed use of the building or land. Such space, whether inside or outside a building, shall be in addition to the parking requirements in Table B.3.8 and shall be designed so as not to impede normal vehicular and pedestrian circulation. Loading requirements may be waived for Sites in GMA 2 less than one (1) acre in size with Winston-Salem DOT approval.

Section 7. Chapter B, Article III of the UDO is amended as follows:

## Chapter B - Zoning Ordinance

### Article III - Other Development Standards

### 3-4 LANDSCAPING STANDARDS

#### 3-4.3 MOTOR VEHICLE SURFACE AREA LANDSCAPING STANDARDS

##### (A) General Requirements

- (1) **Exemption.** This section shall not apply to single family residential buildings.
- (2) **Applicability.** This section shall apply to any motor vehicle surface area or portions thereof built after March 7, 1988, except where otherwise specified.
- (3) **Expansion of Preexisting Motor Vehicle Surface Areas.** When preexisting motor vehicle surface areas are expanded:
  - (a) **Required Interior Plantings.** Required interior plantings may be dispersed throughout the entire motor vehicle surface area in accordance with Section B.3-4.3(C)(9).
  - (b) **Streetyard Width.** Streetyard width may be reduced to a minimum of fifty percent (50%) of the required width, provided the minimum required streetyard area and plant quantities for the expansion are installed; and provided such streetyard trees shall be provided a planting area with a minimum radius of seven (7) feet.

##### (B) Streetyards

A landscaped streetyard shall be required for all motor vehicle surface areas located within one hundred (100) feet of a street right-of-way or vehicular right-of-way, including controlled access highways, whether or not it may provide access to the site, unless separated by an intervening building.

- (1) **Width.** Minimum streetyard width is ten (10) feet, and shall be measured perpendicular to the street right-of-way. The streetyard shall be positioned between the motor vehicle surface area and street right-of-way. Minimum streetyard width for new motor vehicle surface areas installed in conjunction with the expansion or redevelopment of existing nonresidentially zoned sites in GMA 2 smaller than one (1) acre in size shall be five (5) feet. Minimum streetyard width shall also be five (5) feet for new nonresidential development in GMA 2 on sites of any size, regardless of zoning district, that meet the requirements of Section B.2-1.3(F)(3)(g) and Section B.2-1.3(F)(3)(h).
- (2) **Impervious Surface Cover.** A maximum of fifteen percent (15%) of the required streetyard may be covered with impervious surface cover which may be used for walkways, fountains, walls, wall planters, or utility meters and vaults, but may not be used for motor vehicle surface or display, outdoor storage, private utility service, or service areas.
- (3) **Number and Spacing of Trees.** Each streetyard shall contain a minimum of two (2) deciduous or evergreen large variety trees per one hundred (100) linear feet, excluding points of motor vehicle ingress or egress. In no case shall any streetyard contain less than one tree. Required trees must be a minimum of eight (8) feet in height at installation and shall be at least two (2) inches in diameter measured six (6) inches above ground level. Where two (2) or more streetyard trees are required, all trees shall be planted with the center of the main trunks twenty (20) to seventy-five (75) feet apart. Existing deciduous trees located in the abutting street right-of-way may be used to satisfy the distribution requirements in this section. Small or medium variety trees may be used where overhead utility lines exist in accordance with Section B.3-4.2(J).
- (4) **Other Streetyard Components.** In addition to required trees, the landowner or developer shall use one of the following to satisfy streetyard requirements: natural shrubs, closed fences, walls, wall planters, earthen berms, or a combination thereof, as follows:
  - (a) **Natural Shrubs.** Streetyard shrubs must be a minimum of eighteen (18) inches in height at installation, with a minimum height of thirty-six (36) inches within three (3) years after installation. Shrubs must be a locally adapted species which retain foliage to within six (6) inches above ground level. Said shrubs shall be spaced no more than eighteen (18) inches, edge to edge. No more than thirty percent (30%) of streetyard shrubs shall be deciduous.
  - (b) **Fences and Walls.** A streetyard fence or wall shall be a minimum of thirty-six (36) inches in height, opaque, and shall be constructed of masonry, stone, or wooden material, or of the same material as that of the principal building.

- (c) Wall planters. A streetyard wall planter shall be constructed of masonry, stone, or other permanent material. At installation, the minimum combined height of wall planters and shrubs shall be twenty-four (24) inches. Within three (3) years after installation, the combined height of wall planters and shrubs shall be no less than thirty-six (36) inches. The effective planting width of a streetyard wall planter shall be no less than thirty-six (36) inches; however, where required streetyard trees are installed in wall planters, the effective planting width of the wall planters shall be no less than seven (7) feet. A minimum of one shrub shall be required for every five (5) square feet of wall planter area.
- (d) Earthen berms. At installation, streetyard berms shall have a minimum height of eighteen (18) inches, a minimum crown width of two (2) feet, and a side slope with a width to height ratio of no greater than two (2) to one (2:1). The entire berm shall be planted and covered with live vegetation. Berm shrubs shall be a minimum of one foot in height at installation and shall be spaced no greater than eighteen (18) inches, edge to edge. Within three (3) years after installation, the combined height of berm and shrubs must be at least thirty-six (36) inches. Streetyard berms which are thirty-six (36) inches or greater in height at installation shall not be required to contain shrubs; however, streetyard trees shall still be required as specified in this section.
- (5) **CB and CI Districts.** In the CB District, a minimum two (2) foot wide strip planted with trees and shrubs in accordance with this section or a three (3) foot high masonry wall shall be provided. Unfinished concrete masonry unit (CMU) walls shall be prohibited. Split face CMU is permitted.
- (6) **PB District.** In the PB District within GMA 1, a minimum two (2) foot wide strip planted with trees and shrubs in accordance with this section shall be provided. Any required or provided trees within the streetyard shall be located within a minimum seven (7) foot wide, fifty (50) square foot planting area.

**(C) Interior Motor Vehicle Surface Area Plantings**

In addition to the required streetyard, all motor vehicle surface areas shall contain landscaped planting areas, as follows:

- (1) **Location of Plantings.** Interior planting areas shall be located adjacent to motor vehicle surface area edges or within the interior as islands or medians, and may contain berms of the minimum dimensions specified in Section B.3-4.3(B)(4)(d).
- (2) **Size.** Each planting area shall allocate a minimum of one hundred fifty (150) square feet per tree, with a minimum radius of seven (7) feet for small or medium variety trees. A minimum planting area of six hundred (600) square feet shall be required for each large variety tree. Each large variety tree planted shall provide a seven hundred and fifty (750) square foot credit towards the Requirements of Section B.3-4.2.1.

- (3) **Required Trees in Planting Area.** Each planting area shall contain at least one deciduous or evergreen large variety tree with a minimum height of eight (8) feet at the time of installation, and a minimum diameter of two (2) inches measured six (6) inches above ground level. Small or medium variety trees may be used where overhead utility lines exist in accordance with Section B.3-4.2(J).
- (4) **Ratio.** One large variety tree shall be used for every five thousand (5,000) square feet of motor vehicle surface area. One small or medium variety deciduous or evergreen tree shall be required for every two thousand five hundred (2,500) square feet of motor vehicle surface area where overhead utility lines exist in accordance with Section B.3-4.2(J).

The aforementioned Ratio requirement shall not apply to the expansion or redevelopment of existing nonresidentially zoned sites in GMA 2 which are smaller than one (1) acre in size, or change of use to a high intensity use as identified in Table B.2.6. For these sites, a landscaping area(s) totaling at least one hundred (100) square feet shall be required for every ten thousand (10,000) square feet of motor vehicle surface area. One small variety tree with a minimum height of eight (8) feet at the time of installation and a minimum diameter of two (2) inches measured six (6) inches above ground level, and four natural shrubs meeting the standards of Section B.3-4.3(B)(4)(a) shall be required for every one hundred (100) square feet of planting area. Planting areas shall be at least five (5) feet wide, unless otherwise approved by the Director of Inspections or his/her designee. Existing parking spaces removed to accommodate this landscaping requirement shall not be required to be replaced elsewhere on site.

- (5) **Distance of Parking Spaces to Trees.** No parking space shall be located more than seventy-five (75) feet from the trunk of a required large variety tree, except where overhead utility lines exist in accordance with Section B.3-4.2(J) no parking space shall be located more than fifty (50) feet from the trunk of a required small or medium variety tree, unless otherwise authorized in this Ordinance.

For the redevelopment of existing nonresidentially zoned sites in GMA 2 which are smaller than one (1) acre in size, or change of use to a high intensity use as identified in Table B.2.6, the aforementioned minimum distance requirement shall not apply. Instead, the maximum distance between a parking space and a required landscaping area shall be seventy five feet (75').

- (6) **Loading/Maneuvering Areas.** For loading docks or other maneuvering areas where placement of trees in the interior of the site is impractical, the required number of trees may be clustered around the edge of such areas, with the approval of the Director of Inspections.
- (7) **Credit for Streetyard or Bufferyard Trees.** Deciduous or broadleaf evergreen trees used as streetyard or bufferyard plantings may be used as credit toward interior planting area requirements, provided that streetyard or bufferyard plantings meet the size requirements of Section B.3-5.3(B) and the distance requirements of Section B.3-4.3(C)(5).

- (8) **Credit for Bufferyard Area.** The landscaped bufferyard area provided to meet the requirements of Section B.3-5 and located adjacent to a motor vehicle use area may be counted toward the interior planting requirement.
- (9) **Expansion of Preexisting Areas.** When preexisting motor vehicle surface areas are expanded, required interior plantings may be dispersed throughout the entire motor vehicle surface area if the landowner so desires, subject to the following conditions:
- (a) The required plant material will be calculated with reference to the expansion area only;
  - (b) Such planting may be dispersed throughout the entire, combined, existing, and new motor vehicle surface area; and,
  - (c) The provisions of this section shall preempt the spacing requirement contained in Section B.3-4.3(C)(5).
- (10) **Alternative Compliance.** An applicant whose contiguous parking area exceeds five hundred (500) spaces may propose a landscaping plan which varies from the strict application of the provisions of this section in order to accommodate unique characteristics of the site or to utilize innovative design. Application for alternative compliance shall include a site plan following the requirements specified in Section B.7 and shall be approved by the Planning Board only upon a finding that the proposed landscaping plan fulfills the intent and purposes of this section as well as or better than would strict conformance with the requirements of this section.

### 3-4.5 OUTDOOR STORAGE AREA SCREENING STANDARDS

- (A) **Applicability**  
Any outdoor storage area not screened from any public or private street by an intervening building built after the adoption of this Ordinance with a linear dimension of fifteen (15) feet or greater, or any dumpster with a linear dimension of five (5) feet or greater and not screened by an intervening building shall be screened from view from any street right-of-way or vehicular right-of-way including controlled access highways, whether or not it may provide access to the site, for its entire length except for necessary access. For nonresidential development in GMA 2, outdoor storage area screening shall be required for new development, additions of any size to existing buildings, or a change of use to a high intensity use as identified in Table B.2.6.
- (B) **Screening**  
Outdoor storage area screening shall be provided as specified in either of the conditions in Sections B.3-4.5(B)(1) and (2) or as a combination of the two conditions:
- (1) **Fencing.** A fence or wall may be used to screen an outdoor storage area. The fence or wall shall be at least six (6) feet in height, opaque and of masonry, stone or wooden material, or of the same material as that of the principal building.

- (2) **Plantings.** Natural evergreen plant materials may also be used to screen an outdoor storage area as follows: (Suggested plant materials are listed in Section B.3-4.10.)
  - (a) **Minimum Height.** The minimum height of the plant material shall be six (6) feet at installation; and,
  - (b) **Spacing.** The spacing of the planting shall be in a double-row configuration, staggered, with five (5) foot spacing between the centers of the main trunks.

**Section 8.** Chapter B, Article III of the UDO is amended as follows:

## **Chapter B - Zoning Ordinance**

### **Article III - Other Development Standards**

#### **3-5 BUFFERYARD STANDARDS**

##### **3-5.2 DETERMINATION OF BUFFERYARD**

**(A) Procedure**

The type of bufferyard required shall be determined as follows:

- (1) Identify the Zoning Type for the Proposed Project and all adjacent properties, excluding properties across a public right-of-way. The zoning types are defined as follows for the purposes of this section only.
  - (a) **Single Family Residential (SFR) Zoning Types.** Single family residential zoning types include the H, YR, AG, all RS Districts (including RSQ).
  - (b) **Multifamily Residential (MFR) Zoning Types.** Multifamily residential zoning types include all RM Districts and the MH District where a manufactured housing development is involved.
  - (c) **Low Intensity Commercial (LIC) Zoning Types.** Low intensity commercial zoning types include the LO, PB, LB, IP, and C Districts.
  - (d) **High Intensity Commercial (HIC) Zoning Types.** High intensity commercial zoning types include the CPO, GO, NSB, HB, GB, CB, and MU-S Districts.
  - (e) **Industrial (IND) Zoning Types.** Industrial zoning types include the LI, CPI, GI, and CI Districts and certain uses which require outdoor storage, have high trip generation rates, or have the potential for nuisance to adjacent properties due to noise, light and glare, or typical hours of

operations. The following list of specific uses identified in Table B.2.6 shall be classified as industrial zoning types for bufferyard purposes.

- (i) Banking and Financial Services, with Drive-Through Facilities;
- (ii) Car Wash;
- (iii) Convenience Store with Gasoline Sales;
- (iv) Implement Sales and Service;
- (v) Kennels;
- (vi) Outdoor Display Retail;
- (vii) Motor Vehicle Repair and Maintenance;
- (viii) Motor Vehicle Storage Yard;
- (ix) Outdoor Display Retail;
- (x) Recreational Vehicle Park;
- (xi) Recreation Services, Outdoor;
- (xii) Restaurants (With Drive-Through Service);
- (xiii) Storage and Salvage Yard; and,
- (xiv) Dirt Storage Sites.

**(2) Determine the Bufferyard Type (I, II, III, or IV) required for each adjacent zoning type from Table B.3.13.**

TABLE B.3.13  
Bufferyard Requirements

Zoning Type of Project	Zoning Type of Adjacent Property				
	SFR	MFR	LIC	HIC	IND
Single Family Residential (SFR)	*	*	*	*	*
Multifamily Residential (MFR)	II	*	*	I <sup>+</sup>	I <sup>+</sup>
Low Intensity Commercial (LIC)	II	I	*	*	*
High Intensity Commercial (HIC)	III	II	*	*	*
Industrial (IND)	IV	IV	I	*	*

\* = No bufferyard requirement

+ = Type I bufferyard required if no bufferyard is provided on developed adjacent property designated as high intensity commercial (HIC) or industrial (IND) zoning types.

**(3) Select the Desired Bufferyard Option** for the required bufferyard type from those described in the following:

- (a) Type I Bufferyard. A type I bufferyard is a low density screen designed to partially block visual contact and create spatial separation between adjacent uses. The four (4) design options that may be used to satisfy this bufferyard requirement are identified in Table B.3.14.

TABLE B.3.14  
Type I Bufferyard Design Options

Minimum Bufferyard Width	Minimum Plant Material per One Hundred (100) Linear Feet
10 feet	2 deciduous trees; 8 primary evergreen plants; 10 supplemental evergreen shrubs
20 feet	2 deciduous trees; 8 primary evergreen plants
30 feet	2 deciduous trees; 5 primary evergreen plants
50 feet	2 deciduous trees; 3 primary evergreen plants

- (b) Type II Bufferyard. A type II bufferyard is a medium density screen designed to block visual contact and create spatial separation between adjacent uses. The four (4) design options that may be used to satisfy this bufferyard requirement are identified in Table B.3.15.

TABLE B.3.15  
Type II Bufferyard Design Options

Minimum Bufferyard Width	Minimum Plant Material per One Hundred (100) Linear Feet
15 feet	2 deciduous trees; 8 primary evergreen plants; 20 supplemental evergreen shrubs
20 feet	2 deciduous trees; 8 primary evergreen plants; 10 supplemental evergreen shrubs
30 feet	2 deciduous trees; 8 primary evergreen plants
100 feet	2 deciduous trees; 4 primary evergreen plants

- (c) Type III Bufferyard. A type III bufferyard is a high density screen designed to eliminate visual contact and create spatial separation between adjacent uses. The five (5) design options that may be used to satisfy this bufferyard requirement are identified in Table B.3.16.

TABLE B.3.16  
Type III Bufferyard Design Options

Minimum Bufferyard Width	Minimum Plant Material per One Hundred (100) Linear Feet
15 feet	2 deciduous trees; 18 primary evergreen plants; 20 supplemental evergreen shrubs
20 feet	2 deciduous trees; 18 primary evergreen plants
30 feet	3 deciduous trees; 13 primary evergreen plants
40 feet	3 deciduous trees; 10 primary evergreen plants
200 feet	3 deciduous trees; 5 primary evergreen plants

- (d) Type IV Bufferyard. A type IV bufferyard is a high density screen designed to eliminate visual contact and create spatial separation between adjacent uses. The six (6) design options that may be used to satisfy this bufferyard requirement are identified in Table B.3.17.

Table B.3.17  
Type IV Bufferyard Design Options

Minimum Bufferyard Width	Minimum Plant Material per One Hundred (100) Linear Feet
15 feet	2 deciduous trees; 18 primary evergreen plants; 20 supplemental evergreen shrubs
30 feet	2 deciduous trees; 18 primary evergreen plants; 10 supplementary evergreen shrubs
40 feet	3 deciduous trees; 18 primary evergreen plants
50 feet	3 deciduous trees; 14 primary evergreen plants
100 feet	3 deciduous trees; 10 primary evergreen plants
200 feet	3 deciduous trees; 5 primary evergreen plants

**(B) Additional Requirements**

- (1) **Fractional Calculations.** Fractional planting requirement calculations shall be rounded to the next higher whole number.
- (2) **Existing Plant Material.** Existing plant material within the required bufferyard may be included in the computation of the required plantings with approval of the Director of Inspections.
- (3) **Fence or Wall Option.** An opaque fence or wall may be used in lieu of not more than fifty percent (50%) of the required evergreen bufferyard plantings with the approval of the Director of Inspections and providing the following conditions are met, where applicable:
  - (a) Fence Height for Industrial Zoning Type. The minimum required fence height shall be eight (8) feet above ground level when the proposed project zoning type is classified as an industrial zoning type.
  - (b) Fence Height for Zoning Types Except Industrial. The minimum required fence height shall be six (6) feet above ground level when the proposed project zoning type is classified as any zoning type except those classified as industrial.
  - (c) Vegetation Planted on Exterior Sides. Where a fence or wall is used as part of the required screening, all required vegetation shall be planted on the exterior side of the fence or wall.
  - (d) Screening Multifamily Residential Zoning Type. Where the fence option is used to screen multifamily residential zoning types from more intense zoning types, the required vegetation may be planted on the interior side of the fence or wall.

- (e) Remaining Vegetation Distribution. Where a fence is used in lieu of not more than fifty percent (50%) of the required vegetation, the remaining percentage of vegetation to be used in conjunction with the fence or wall shall be evenly distributed in the bufferyard.

**(4) Earthen Berms**

Earthen berms six (6) feet high or greater, or earthen berms with combined evergreen shrub plantings reaching a minimum height of six (6) feet, may be used in lieu of not more than fifty percent (50%) of the evergreen bufferyard plantings providing the following conditions are met:

- (a) Live Vegetation. The entire berm shall be planted and covered with live vegetation.
- (b) Evergreen Shrubs. On berms less than six (6) feet in height, evergreen shrubs, if used, shall be a minimum of one foot in height at installation and shall be placed no greater than eighteen (18) inches edge to edge.
- (c) Shape. Berms shall be naturally shaped, shall have a minimum crown width of two (2) feet, and shall have side slopes stabilized to sedimentation and erosion control standards.

**(C) Alternative Compliance for NO, NB, MRB-S and MU-S Districts**

In the NO, NB, MRB-S and MU-S Districts, a developer may propose a bufferyard plan that varies from the strict application of the provisions of this section in order to accommodate unique characteristics of the site, utilize innovative design, or provide an appropriate degree of buffering for separate phases and types of development. Application for alternative compliance shall include a site plan following the requirements specified in Section B-7, and shall be approved by the Planning Board only upon a finding that the proposed bufferyard plan fulfills the intent and purposes of this section better than would strict conformance with the requirements of this section.

**(D) Alternative Compliance for Schools**

The bufferyard requirements of this section otherwise required for development of public or private schools in certain zones may be met by the submittal and approval of a tree preservation and planting plan according to the provisions of Section B.3-4.2.1.

**(E) Conflicting Bufferyard Requirements**

If any conflict exists between the bufferyard requirements as identified in this section and any use conditions or zoning district regulations contained in other sections of this ordinance, the bufferyard requirements in the other section shall apply.

**(F) Bufferyard Standards for Nonresidential Uses in GMA 2**

Installation of bufferyards shall be required for expansion or redevelopment of existing nonresidentially zoned sites smaller than one (1) acre in size, change of use to a high intensity use as identified in Table B.2.6, or parking additions which increase the current parking on site by twenty percent (20%) or more. The minimum width and number of plantings required of bufferyards in Section B.3-5.2(A) shall be reduced by

fifty percent (50%) for these sites. Additionally, deciduous trees used in meeting the requirements of this Section shall be small variety where bufferyards are less than seven and one-half feet (7.5') wide, and medium variety where bufferyards are less than ten feet (10') wide. Large variety trees shall be used where bufferyards have a width of ten feet (10') or more. Bufferyards meeting the requirements of Section B.3-5.2(A) which currently exist on these sites shall not be eligible for such reductions.

**Section 9.** Chapter B, Article III of the UDO is amended as follows:

## **Chapter B - Zoning Ordinance**

### **Article III - Other Development Standards**

#### 3-14 SUPPLEMENTARY STANDARDS FOR NONRESIDENTIAL DEVELOPMENT IN GMA 2

- (A) PURPOSE. The intent of this ordinance is to encourage the development and redevelopment of nonresidential sites which are compatible with the surrounding character of the urban areas of Winston-Salem (Growth Management Area 2), where adequate public facilities and infrastructure are available. These standards apply to all uses in nonresidential zoning as well as nonresidential uses in residential zoning.

#### 3-14.1 STANDARDS FOR NONRESIDENTIAL DEVELOPMENT

- (A) STANDARDS FOR SITES LESS THAN ONE (1) ACRE IN SIZE. The following standards shall apply to the expansion or redevelopment of existing nonresidentially zoned sites of less than one (1) acre in GMA 2:
- (1) Streetyard Width
    - (a) Minimum streetyard width shall be five (5) feet in accordance with the requirements of Section B.3-4.3(B)(1).
  - (2) Bufferyard Width and Plantings
    - (a) The minimum bufferyard width and planting requirements of the Ordinance shall be reduced in accordance with Section B.3-5.2(F).
  - (3) Interior Motor Vehicle Surface Area Planting Requirements
    - (a) The Interior Motor Vehicle Surface Area Planting requirements shall be relaxed in accordance with Section B.3-4.3(C)(4) and B.3-4.3(C)(5).
  - (4) Off-Street Loading Requirements
    - (a) The Off-Street Loading requirements of the Ordinance shall be waived in accordance with Section B.3-3.6(A).

(B) STANDARDS FOR ALL SITES. The following standards may apply to all nonresidentially zoned development and redevelopment; and all nonresidential development in residential zoning in GMA 2:

(1) Setback Requirements

- (a) Setbacks for certain nonresidential zoning districts shall be waived for sites in GMA 2 in accordance with Section B.2-1.

(2) Streetyard Width

- (a) Minimum streetyard width may be reduced to five (5) feet in accordance with the requirements of Section B.3-5.2(B)(1).

(3) Outdoor Storage Area Screening

- (a) Outdoor Storage Area Screening in accordance with Section B.3-4.5 shall be required for new development, additions of any size to existing buildings, or a change of use to a high intensity use as identified in Table B.2.6.

(4) Motor Vehicle Storage Yard Screening

- (a) Motor Vehicle Storage Yard Screening shall meet the standards of Section B.2-5.55

(5) Parking Surface Materials

- (a) Multiple parking surface materials within a single nonresidential development shall be prohibited, except as provided in Section B.3-3.3(C).

(6) Parking for Existing Nonresidential Structures Built Prior to March 7, 1988

- (a) Nonresidential structures that are nonconforming as to off-street parking requirements may change uses within the building without any requirement to increase existing off-street parking on the zoning lot in accordance with Section B.5-4.3(E).

(7) Parking Requirements for Outdoor Seating

- (a) Required parking for outdoor seating associated with the uses “Restaurant (Without Drive-Through Service)” and “Restaurant (With Drive-Through Service)” may be reduced in accordance with Section B.3-3.2(B)(6).

Section 10. Chapter B, Article V of the UDO is amended as follows:

## **Chapter B - Zoning Ordinance**

### **Article V - Nonconforming Situations**

#### **5-4 NONCONFORMING STRUCTURES AND IMPROVEMENTS**

##### **5-4.3 MAINTENANCE, RENOVATION, EXPANSION AND RECONSTRUCTION**

- (E) **Parking for Nonresidential Structures built prior to ~~September 16, 1968~~ March 7, 1988.**

Nonresidential structures that are nonconforming as to off-street parking requirements in GMA 1 and GMA 2 may change uses within the building without any requirement to increase existing off-street parking on the zoning lot including zoning lots without any off-street parking. This exemption includes all permitted uses except the uses of “Restaurant (without drive-through service)” and “Restaurant (with drive-through service)”. A Special Use Permit from the Elected Body in accordance with Section B.6-1.5 must be granted for restaurant uses. Additions to these nonresidential structures shall be permitted in accordance with section B.5-4.3 (C), however, no new additions shall be permitted which would eliminate any existing off-street parking on the zoning lot unless the number of parking spaces remaining meets the number required by the Zoning Ordinance for the zoning lot. Removal of parking spaces to comply with the requirements of Section B.3-4.3(C)(4) shall be permitted.

Section 11. This ordinance shall be effective upon adoption.