

**ACTION REQUEST FORM**

**DATE:** June 25, 2008  
**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 Chapter B of the *Unified Development Ordinances* to create standards for residential infill development in Growth Management Area (GMA) 2 (UDO-188).

**PLANNING BOARD ACTION:**

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

## STAFF REPORT

DOCKET # UDO-188

STAFF: [Kirk Ericson](#)

### REQUEST

This UDO text amendment is proposed by City-County Planning Board staff to amend Chapters B and D of the *Unified Development Ordinances* to create standards for residential infill development in Growth Management Area (GMA) 2.

### BACKGROUND

Redevelopment of residential property in older urban neighborhoods surrounding the downtown core of Winston-Salem is a trend which has gained momentum in recent years. While infill development frequently complements existing neighborhoods and adds vitality to the central city, the character of some infill structures may not be very sensitive to the positive aspects of the surrounding neighborhood fabric. Infill standards can provide a mechanism for promoting new residential development which does not negatively affect the established character of older neighborhoods.

*Legacy* recommends encouraging new infill development for multiple reasons. Infill development makes efficient use of existing infrastructure, promotes a viable, growing central city, and reduces development pressures in suburban areas. Winston-Salem is different from most major cities in North Carolina as it still has a well preserved ring of established, urban neighborhoods surrounding its downtown core. These neighborhoods are diverse and well developed due to the fact that Winston-Salem was the largest city in the state during the first part of the twentieth century. This ring of older urban neighborhoods contributes substantially to the overall character of the community, and the preservation of their essential character benefits the whole of Forsyth County. The integrity of these neighborhoods also places the city in an ideal position to take advantage of the national trend of renewed interest in urban living as a way to avoid lengthy commutes and increasingly high energy costs.

Any standards proposed by an infill ordinance would need to apply throughout the entire area of GMA 2, an area with varied residential development patterns and lot sizes. The Institute of Government at UNC Chapel Hill advised staff that infill regulations must exist within the realm of standard zoning regulations allowed by state zoning enabling legislation. This enabling legislation allows for the regulation of basic concepts of zoning such as lot size, building height, setbacks, and mass, but not for concepts such as a particular architectural style or building detailing. Therefore, the Institute advised against becoming very detailed and prescriptive with infill regulations applying to all these varied neighborhoods.

The proposed residential infill standards exist midway on the continuum between Neighborhood Conservation Overlay (NCO) districts and general zoning requirements. NCO districts are appropriate for preserving the integrity of small, well defined areas that feature a uniform neighborhood character which may be based on a combination of factors such as building size, setback, type, and architecture. NCO district standards are often more restrictive and the inclusion of lots within an NCO must be justified through an in-depth survey of the area.

Conversely, general zoning requirements allow for the greatest development potential of properties and do not mandate the preservation of a particular character. While not as restrictive as an NCO, the proposed infill ordinance promotes the preservation of the overall residential character of GMA 2, which is much more varied than the area an NCO regulates. The infill ordinance may reduce the pressure on neighborhoods to establish NCO districts by providing many of the benefits an NCO provides in preserving neighborhood character and prohibiting inappropriate new development, but without the unnecessarily complex overlay district rezoning process.

Staff recognizes that unnecessarily complex development standards will discourage desirable infill development in GMA 2, and the proposed ordinance attempts to balance the need for preserving neighborhood character with the need for design flexibility and individuality. While no ordinance can completely prohibit inappropriate infill development from happening, the proposed ordinance should eliminate the worst effects of incompatible infill development with the least amount of regulation.

## **ANALYSIS**

The proposed infill ordinance promotes new residential development that is compatible with the general character of surrounding development in the older, urban neighborhoods of Winston-Salem. The ordinance includes standards for front and street facing building setbacks, garage placement, orientation of buildings on narrow lots, subdivision of property, and includes provisions applying to new single family and multifamily development, and additions to existing single family structures.

While front setbacks vary greatly from one part of GMA 2 as it exists to another, general streetscape uniformity exists within blocks whether front setbacks average 15' or 100'. The proposed infill ordinance would require this uniformity be maintained by new construction. Front setbacks of new infill structures must be no less than 90% of the average of the front setbacks of the nearest structures on each side of the infill lot. Where an infill structure is proposed on a corner lot, the setback of one side of the subject lot must be no less than 90% of the setback of that side of the lot, while the other street facing setback of the lot must meet the minimum setback requirements of the applicable zoning district. A variance to this standard may be granted by the Board of Adjustment in situations where lot size, shape, topography, or configuration would make development according to these standards impracticable.

Another component of the uniform character of GMA 2 is the absence of attached front-loaded garages from most structures. Most structures in GMA 2 were built before attached front-loaded garages were a common feature of residences. Accordingly, the infill ordinance limits attached front-loaded garages to comprising no more than 50% of the width of the front façade of an infill structure. Additionally, front-loaded attached garages must be setback a minimum of 5' behind the front façade of an infill structure. These standards would not apply to garages which are entered from the side of an infill structure. Additionally, where an existing structure on either side of an infill lot includes an attached front-loaded garage, front-loaded garages would be permitted.

Special standards exist for infill development on narrow lots, or those lots which are less than 65' wide. Any structure on a narrow lot which has a depth more than 150% of the width of the street facing façade of the structure must include the primary entrance on that street facing façade. Additionally, at least 15% of the street facing facade must consist of doors and windows. Structures which do not meet these standards may be considered through a Special-Use District Rezoning process. This rezoning process would give neighbors the opportunity to express their concerns about proposed development in public hearings before the Planning Board and City Council.

Provisions also exist in the proposed infill ordinance for additions to existing structures in GMA 2. Additions must be no closer to the street right-of-way of an existing structure than 80% of that structure's current front setback. Additions to structures on corner lots must be no closer to the street right-of-way on either side than 80% of the current street facing setback of the corresponding side of the structure. This method of setback calculation would not require the use of a surveyor to establish the location of adjoining setbacks and may prove to be more cost efficient in most building expansion situations. An alternative method of setback calculation also exists, however. This method allows the front setback of an addition to be 80% of the average front setback of the nearest structures on each side of the subject structure. Street facing setbacks of additions on corner lots shall be no more than 80% of the street facing setbacks of the structure on the corresponding side of the subject structure. This method of setback determination requires the use of a surveyor.

Infill regulations would also apply to minor and major subdivisions in GMA 2. These standards would only apply to subdivisions less than 5 acres in size, however, as subdivisions larger than 5 acres are large enough to establish their own unique character. Infill subdivisions would be required to meet the same standards as individual infill lots, with the exception of front setback standards. Unique front setback standards are proposed for infill subdivisions. Front setbacks for lots within the subdivision must be no less than 90% of the average of the front setbacks of the nearest structures on each side of the infill lot being subdivided. Where an infill subdivision is proposed on a corner lot, the street facing setbacks of both sides of a property being subdivided must be no less than 90% of the street facing setback of the structure on the applicable side of the subject property. Subdivisions which do not meet these setback requirements may be approved through a Special-Use District rezoning process. Additionally, flag lots and lots being served by a private access easement without public road frontage may also be approved through a Special-Use District rezoning.

Basic development standards are also proposed for multifamily development in GMA 2. A multifamily building which is located on an existing road, with the exception of roads classified as Major Thoroughfares and Freeways/Expressways, must have its primary entrance oriented towards the existing road. This building orientation requirement does not apply to buildings adjacent to intensely traveled thoroughfares because pedestrian access is not likely in such situations and a better site layout would incorporate buildings facing a new internal street. Parking areas for new multifamily development must be located to the side or rear of the primary building entrance. Where multifamily buildings are located within 10' or less of the right-of-way, a minimum 2.5' separation between the grade of the street and the finished floor elevation of the building will be required. This vertical separation gives multifamily structures with an urban building placement an increased sense of privacy from pedestrian and vehicular traffic. This minimum grade separation does not apply to multifamily structures which are set back more

than 10' from the right-of-way. These multifamily infill standards would not apply to expansions of existing multifamily developments in the same ownership as the multifamily development being expanded. Additionally, multifamily developments larger than three acres in size which do not meet the requirements of the proposed ordinance could be considered through the Special-Use District rezoning process.

Staff believes the proposed infill ordinance will preserve the unique character of GMA 2 while allowing neighborhoods to continue to develop and provide opportunities for new housing close to the downtown core. Staff recommends approval of this text amendment.

## **RECOMMENDATION**

### **APPROVAL**

Glenn Simmons and Kirk Ericson presented the staff report.

### **PUBLIC HEARING**

FOR:

Lonnie F. Clark, 1212 Watson Avenue, Winston-Salem, NC 27103

- I'm representing Ardmore Neighborhood Association.
- We endorse this ordinance.
- We believe it will help preserve the character of our neighborhood and the entire City.
- The plan addresses streetscape which will help preserve the residential character of neighborhoods throughout the City.
- It is flexible enough to be applied to a wide variety of areas built throughout Winston-Salem's history.
- We believe appropriate infill development prevents urban sprawl and can support vibrant communities.
- We thank Glenn Simmons & Kirk Ericson for developing this plan, graciously accepting input, and holding multiple public forums.
- Thank you.

Julie Magness, 630 Fenimore Street, Winston-Salem, NC 27103

- I'm here representing Winston-Salem Neighborhood Alliance in support of this amendment. It's long overdue.
- It's a shame that something like this has to happen because common sense and consideration could be the rule.
- We have a little bit of concern that some properties in GMA3 may be the next "hit" for the kind of development that this amendment is trying to prevent and we don't want to see this amendment held up because of that.
- We appreciate the hard work.

Pam Kohl, 611 Arbor Road, Winston-Salem, NC 27104

- I'm a member of the newly formed Buena Vista Neighborhood Association.
- We have several hundred signatures on an on-line petition in support of this ordinance.
- We are now experiencing a lot of tear-downs in our neighborhood.

- We are not against tear-downs, but some of the buildings being built in their place are infringing on the neighboring properties.
- A setback ordinance would be very helpful in maintaining the character and streetscape of the neighborhood.
- We have one enormous house being built now that is almost to the street because of no setback ordinance.
- The whole neighborhood is changing.
- Tear-downs are an issue in several communities in North Carolina and it's wonderful to see Winston-Salem ahead of the game and thinking about these issues.
- Thank you for the opportunity to speak.

Robert Vorsteg, 3620 Marlowe Avenue, Winston-Salem, NC 27106

- I'm speaking on behalf of the University area association.
- Various neighborhoods may be outside GMA2.
- I'm referring to an area called Oakcrest. It's on Polo Road which used to be Oakcrest Drive.
- These properties go back to the 1920s. They are significant to our history. They have a distinctive character and many have been very well maintained.
- I don't know if we need to expand GMA2 or include GMA3, but these areas need to be protected.

David Burns, 607 Roslyn Road, Winston-Salem, NC 27104

- I share Ms. Kohl's concern about infill development and the character of the streetscape of Buena Vista.
- I can see the house which Ms. Kohl referenced and it has a very negative impact on the streetscape of Roslyn Road.
- For lack of a better description, it looks like a sumo wrestler on a bathmat. That is not the look I wanted when I purchased my house in Buena Vista. One of the reasons I purchased my home was the beauty and character of the neighborhood.

AGAINST:

Chris Leon, 916 Brookmeade, Winston-Salem, NC 27106

- I signed up for the opposition, but my wife and I have spoken with Mr. Simmons and Mr. Ericson and they have addressed a number of our concerns and we are no longer in opposition to this request.

## **WORK SESSION**

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

1. Paul Mullican noted that he spoke with Nancy Gould earlier in the day and the Realtors/Homebuilders are neither in support or opposition to this amendment. He thanked Glenn Simmons and Kirk Ericson for their work and their helpfulness in explaining it. This is a good ordinance and will alleviate a significant problem.

2. Carol Eickmeyer: Because a couple of people have asked about other areas, are there plans to look at infill standards for other neighborhoods? Paul Norby stated that staff would like to look at the specific situations and see what the best alternatives are.

MOTION: Paul Mullican moved approval of the zoning text amendment.

SECOND: Wesley Curtis

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King,  
Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning

**UDO-188**

**AN ORDINANCE PROPOSED BY CITY-COUNTY PLANNING STAFF AMENDING CHAPTERS B AND D OF THE *UNIFIED DEVELOPMENT ORDINANCES* TO CREATE STANDARDS FOR RESIDENTIAL INFILL DEVELOPMENT IN GMA 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 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**

**2-1.2 RESIDENTIAL ZONING DISTRICTS - PURPOSE STATEMENTS AND REGULATIONS**

**(C) RS-40 Residential Single Family District.**

**(2) General Dimensional Requirements - RS-40.**

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft) <sup>2</sup>	Front (ft) <sup>3,4</sup>	Rear (ft)	Side <sup>1</sup>				
					One Side (ft)	Combined (ft)	Street (ft) <sup>4</sup>		
RS-40	40,000	100	35	40	10	25	20	--	40

1. Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
2. Cul-de-sac lots shall be exempt from lot width requirements.
3. Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
4. Residential structures in GMA 2 shall meet the requirements of Section B.3-8



**(D) RS-30 Residential Single Family District.**

**(2) General Dimensional Requirements - RS-30.**

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) <sup>3,4</sup>	Rear (ft)	Side <sup>1</sup>				
	Area (sf)	Width (ft) <sup>2</sup>			One Side (ft)	Combined (ft)	Street (ft) <sup>4</sup>		
RS-30	30,000	100	35	35	7	20	20	--	40

1. Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
2. Cul-de-sac lots shall be exempt from lot width requirements.
3. Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
4. Residential structures in GMA 2 shall meet the requirements of Section B.3-8

**(E) RS-20 Residential Single Family District.**

**(2) General Dimensional Requirements - RS-20.**

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) <sup>3,4</sup>	Rear (ft)	Side <sup>1</sup>				
	Area (sf)	Width (ft) <sup>2</sup>			One Side (ft)	Combined (ft)	Street (ft) <sup>4</sup>		
RS-20	20,000	95	30	30	7	20	20	--	40

1. Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
2. Cul-de-sac lots shall be exempt from lot width requirements.
3. Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
4. Residential structures in GMA 2 shall meet the requirements of Section B.3-8

**(F) RS-15 Residential Single Family District.**

**(2) General Dimensional Requirements - RS-15.**

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) <sup>3,4</sup>	Rear (ft)	Side <sup>1</sup>				
	Area (sf)	Width (ft) <sup>2</sup>			One Side (ft)	Combined (ft)	Street (ft) <sup>4</sup>		
RS-15	15,000	85	25	25	7	20	20	--	40

1. Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.

2. Cul-de-sac lots shall be exempt from lot width requirements.
3. Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
4. Residential structures in GMA 2 shall meet the requirements of Section B.3-8

**(G) RS-12 Residential Single Family District.**

**(2) General Dimensional Requirements - RS-12.**

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) <sup>3,4</sup>	Rear (ft)	Side <sup>1</sup>				
	Area (sf)	Width (ft) <sup>2</sup>			One Side (ft)	Combined (ft)	Street (ft) <sup>4</sup>		
RS-12	12,000	75	20	25	7	20	20	--	40

1. Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
2. Cul-de-sac lots shall be exempt from lot width requirements.
3. Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
4. Residential structures in GMA 2 shall meet the requirements of Section B.3-8

**(H) RS-9 Residential Single Family District.**

**(2) General Dimensional Requirements - RS-9.**

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) <sup>3,4</sup>	Rear (ft)	Side <sup>1</sup>				
	Area (sf)	Width (ft) <sup>2</sup>			One Side (ft)	Combined (ft)	Street (ft) <sup>4</sup>		
RS-9	9,000	65	20	25	7	20	20	--	40

1. Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
2. Cul-de-sac lots shall be exempt from lot width requirements.
3. Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
4. Residential structures in GMA 2 shall meet the requirements of Section B.3-8

**(I) RS-7 Residential Single Family District.**

**(2) General Dimensional Requirements - RS-7.**

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) <sup>3,4</sup>	Rear (ft)	Side <sup>1</sup>				
	Area (sf)	Width (ft) <sup>2</sup>			One Side (ft)	Combined (ft)	Street (ft) <sup>4</sup>		
RS-7	7,000	50	15	20	5	15	20	--	40

1. Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
2. Cul-de-sac lots shall be exempt from lot width requirements.
3. Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
4. Residential structures in GMA 2 shall meet the requirements of Section B.3-8

**(J) RSQ Residential Single Family Quadraplex District.**

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

RSQ Zoning District/ Use	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) <sup>3,6</sup>	Rear (ft)	Side				
	Area (sf)	Width (ft) <sup>2</sup>			One Side (ft)	Combined (ft)	Street (ft) <sup>6</sup>		
Single Family	5,000	40	15	15	5	15	20	--	40
Duplex	7,000	50	15	15	7	15	20	--	40
Twin Homes	-- <sup>4</sup>	-- <sup>4</sup>	0 <sup>4</sup>	0 <sup>4</sup>	0 <sup>4</sup>	0 <sup>4</sup>	0 <sup>4</sup>	--	40
Triplex	9,000	60	15	15	10	20	20	--	40
Quadraplex	11,000	60	15	15	10	20	20	--	40
3- or 4- Unit Townhouse	-- <sup>5</sup>	-- <sup>5</sup>	0 <sup>5</sup>	0 <sup>5</sup>	0 <sup>5</sup>	0 <sup>5</sup>	0 <sup>5</sup>	--	40
Other	11,000	60	15	15	10	20	20	--	40

1. Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
2. Cul-de-sac lots shall be exempt from lot width requirements.
3. Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
4. Lot area, lot width and building setbacks for Twin Homes shall be the same as for Duplex in this same chart, however the land under units may be sold with no setbacks.
5. Lot area, lot width and building setbacks for 3- and 4-Unit Townhouses shall be the same as for Quadraplex in this same chart, however, the land under units may be sold with no setbacks.
6. Residential structures in GMA 2 shall meet the requirements of Section B.3-8

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.  
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**(K) RM-5 Residential Multifamily District.**

**(2) General Dimensional Requirements - RM-5.**

Zoning District/ Use	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft) <sup>4</sup>	Front (ft) <sup>5,7</sup>	Rear (ft)	Side <sup>1</sup>				
					One Side (ft)	Combined (ft)	Street (ft) <sup>7</sup>		
Single Family	5,000	40	15	15	5	15	15	--	40
Duplex	7,000	50	15	15	7	15	15	--	40
Twin Homes	--	--	0 <sup>2</sup>	0 <sup>3</sup>	0 <sup>3</sup>	0 <sup>3</sup>	0 <sup>2</sup>	--	40
Triplex Multi-family	9,000	60	15	15	10	20	15	--	40
Quad-raplex Multi-family	11,000	60	15	15	10	20	15	--	40
3- or 4- Unit Town-house	--	--	0 <sup>2</sup>	0 <sup>6</sup>	0 <sup>6</sup>	0 <sup>6</sup>	0 <sup>2</sup>	--	40
Other	11,000	60	15	15	10	20	15	--	40

1. Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
2. Buildings must be set back minimum fifteen (15) feet off front and side street right-of-way.
3. Buildings must be spaced a minimum of fifteen (15) feet from side to side, fifteen (15) feet from side to rear and 30' from rear to rear; however, the land under units may be sold with no setbacks.
4. Cul-de-sac lots shall be exempt from lot width requirements.
5. Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
6. Buildings must be spaced a minimum twenty (20) feet from side to side, twenty (20) feet from side to rear and forty (40) feet from rear to rear; however, the land under units may be sold with no setbacks.
7. Residential structures in GMA 2 shall meet the requirements of Section B.3-8

**(L) RM-8 Residential Multifamily District.**

**(2) General Dimensional Requirements - RM-8.**

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft) <sup>2</sup>	Front (ft) <sup>3,4</sup>	Rear (ft)	Side <sup>1</sup>				
					One Side (ft)	Combined (ft)	Street (ft) <sup>4</sup>		
RM-8	8,000	70	25	25	7	20	20	70	45

1. Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.

2. Cul-de-sac lots shall be exempt from lot width requirements.
3. Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
4. Residential structures in GMA 2 shall meet the requirements of Section B.3-8

**(M) RM-12 Residential Multifamily District.**

**(2) General Dimensional Requirements - RM-12.**

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) <sup>3,4</sup>	Rear (ft)	Side <sup>1</sup>				
	Area (sf)	Width (ft) <sup>2</sup>			One Side (ft)	Combined (ft)	Street (ft) <sup>4</sup>		
RM-12	7,000	70	25	25	15	30	20	75	45

1. Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
2. Cul-de-sac lots shall be exempt from lot width requirements.
3. Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
4. Residential structures in GMA 2 shall meet the requirements of Section B.3-8

**(N) RM-18 Residential Multifamily District.**

**(2) General Dimensional Requirements - RM-18.**

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
			Front (ft) <sup>3,4</sup>	Rear (ft)	Side <sup>1</sup>				
	Area (sf)	Width (ft) <sup>2</sup>			One Side (ft)	Combined (ft)	Street (ft) <sup>4</sup>		
RM-18	5,000	70	25	25	15	30	20	80	60

1. Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
2. Cul-de-sac lots shall be exempt from lot width requirements.
3. Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
4. Residential structures in GMA 2 shall meet the requirements of Section B.3-8

**(O) RM-U Residential Multifamily District.**

**(2) General Dimensional Requirements - RM-U.**

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft) <sup>2</sup>	Front (ft) <sup>3,4</sup>	Rear (ft)	Side <sup>1</sup>				
					One Side (ft)	Combined (ft)	Street (ft) <sup>4</sup>		
RM-U	5,000	70	10	10	10	10	10	85	--

1. Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
2. Cul-de-sac lots shall be exempt from lot width requirements.
3. Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
4. Residential structures in GMA 2 shall meet the requirements of Section B.3-8

**(P) MH Manufactured Housing Development District.**

**(2) General Dimensional Requirements - MH.** The general dimensional requirements for a single home on an individual lot in the MH District are given below. The dimensional requirements for manufactured housing developments are contained in the use conditions for manufactured housing developments, Section B.2-5.49.

Zoning District	Minimum Zoning Lot		Minimum Setbacks					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft) <sup>2</sup>	Front (ft) <sup>3,4</sup>	Rear (ft)	Side <sup>1</sup>				
					One Side (ft)	Combined (ft)	Street (ft) <sup>4</sup>		
MH	10,000	70	30	20	10	25	20	--	40

1. Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
2. Cul-de-sac lots shall be exempt from lot width requirements.
3. Cul-de-sac lots may measure the front setback from a chord or straight line between front lot corners provided it does not decrease the front yard setback from the right-of-way of the cul-de-sac or turnaround more than ten (10) feet from the requirements of the zoning district in which the lot is located.
4. Residential structures in GMA 2 shall meet the requirements of Section B.3-8

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

**(A) NO Neighborhood 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

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

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

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks <sup>1</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

**(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

**(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 (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

**(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



**(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</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

- 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.
- 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.
- 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.
- This does not include the required bufferyard.
- These requirements may be varied during the review and approval of a site plan per Section B.3-12.1.
- Residential structures in GMA 2 shall meet the requirements of Section B.3-8

**2-1.5 INSTITUTIONAL AND MIXED USE ZONING DISTRICTS - PURPOSE STATEMENTS AND REGULATIONS**

**(A) IP Institutional and Public District**

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

Zoning District	Minimum Zoning Lot		Minimum Contiguous Site Area (ac)	Minimum Setbacks <sup>1</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>		
IP	10,000	65	--	25	10	5	20	60	60

- 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.
- Residential structures in GMA 2 shall meet the requirements of Section B.3-8

## 2-5 USE CONDITIONS

### 2-5.64 RESIDENTIAL BUILDING, MULTIFAMILY; RESIDENTIAL BUILDING, TOWNHOUSE; OR RESIDENTIAL BUILDING, TWIN HOME

#### (A) Site Plan Review by the Planning Board

The Planning Board shall review all multifamily residential building developments with the following exceptions:

- (1) **Front on Public Streets.** Developments in which all multifamily residential buildings front upon an existing public street;
- (2) **Six (6) Units or Less.** Developments which contain six (6) units or less.

#### (B) Standards

With the exception of multifamily development located in the RSQ District, all multifamily residential buildings shall comply with the following:

- (1) **Traffic Requirements.** In approving the site plan for a multifamily development, the Planning Board shall determine that the streets, driveways, parking areas, and other public and private drives shown on the plan are so located that:
  - (a) Effect on Public Street System. They do not block, impede, or interfere with the orderly development of the public street system.
  - (b) Standards and Dedication. Those streets on the plan which are likely to be used by the public as through or connector streets, or which for the orderly development of the area should be made public streets, are designed to the standards of public streets and are dedicated or offered for dedication as such on a recorded plat except that public streets in the RM-5 District may be constructed to alternative width and horizontal and vertical curvature standards, as approved by the Director of Transportation (W)/Traffic Engineer(F).
  - (c) Access. Adequate provision is made for vehicular traffic to and from the premises and for vehicular traffic and pedestrian traffic to and from the proposed buildings, structures, and parking areas on the premises, including fire fighting and police equipment and personnel, ambulance service, garbage collection service, postal service, delivery service, and other public and private services and individuals who would require access to the premises.
- (2) **Common Recreation Area.** Common recreation areas and facilities, such as areas for small children or other recreational areas, shall be provided for multifamily developments containing forty (40) units or more, based on the standards of Section B.3-6. Multifamily developments which are located in ~~the CB District~~ GMA 1 or which provide elderly housing are exempt from this requirement.

- (3) **~~Other Development~~ Architectural Standards**. All multifamily developments shall meet the following architectural standards.
- (a) ~~Air and Light~~. ~~The project provides adequate air and light to the development and surrounding properties.~~
  - (b)(a) Architectural Features. Through the use of a variety of fenestration patterns, building facade offsets, roof line treatments, and other architectural features, the perceived bulk, scale, and length and width of the building is compatible with surrounding buildings.
  - (c) ~~Affected Area~~. ~~The project will not be injurious to property or improvements in the affected area.~~
  - (d) ~~Adopted Plans~~. ~~The project is in accordance with all development criteria established by the Elected Bodies' adopted plans and policies, such as *Legacy*, and development guides.~~
- (4) **Developments on Smaller Lots**. Developments of residential multifamily buildings subject to the minimum lot size requirements of Table B.3.3 shall meet the following requirements:
- (a) Impervious Surface Cover. For new construction on vacant lots, impervious surface cover is limited to a maximum of sixty percent (60%). Impervious surface cover is otherwise limited to seventy percent (70%).
  - (b) Building Height. No building shall exceed a height of forty (40) feet.
  - (c) Bufferyard. Bufferyard requirements of Section B.3-5 must be met for multifamily developments containing more than four (4) units.
  - (d) Off-Street Parking.
    - (i) Number of Spaces. Off-street parking for multifamily uses shall meet the standards for Efficiency Units, if applicable, or Urban Residential Building in Table B.3.8.
    - (ii) Parking in Rear. All off-street parking shall be provided to the rear of the principal building(s) unless the Planning Board determines that, due to lot size, shape or topographic features, some or all parking cannot be placed to the rear.
    - (iii) Reduction in Bufferyard. A side or rear bufferyard which may be reduced to allow a driveway to the rear of the property which accesses the off-street parking if the provisions of Section B.3-5.4(C) are met.
    - (iv) Landscaped Separation from Building. A minimum three and one-half (3.5) foot wide landscaped area shall be provided between any parking area and building wall providing access into the unit(s).

- (e) Vehicular Use Landscaping Requirements. Vehicular use landscaping requirements of Section B.3-4 must be met for multifamily developments containing more than four (4) units or nonresidential uses.
- (f) Roofs. Pitched roofs are required on all buildings.
- (5) **Building Spacing Requirements.** All multifamily, ~~or~~ townhouse, or twin home residential buildings shall meet the requirements of Section B.3-1.2(K).
- (6) **Parking in RM-5 Districts.** The following shall apply to all residential development in the RM-5 District, except single family detached residences. All off-street parking shall be provided to the side or rear of the principal building(s) unless the Planning staff determines that, due to lot size, shape or topographic features, some or all parking cannot be placed to the side or rear. All parking shall be set back at least five (5) feet off the property line. The intervening five (5) feet shall be landscaped to meet the type I bufferyard standards of Section B.3-5. Vehicular use landscaping requirements of Section B.3-4.3 must be met for multifamily or townhouse developments (triplexes or quadraplexes) where parking is provided at the front of the principal building. A minimum three (3) foot wide landscaped area shall be provided between any parking area and building wall providing access into the unit(s).
- (7) **Multifamily Buildings in GMA 2.** The following requirements shall apply to all multifamily buildings in Growth Management Area 2 except for expansions to existing multifamily developments in the same ownership as the development being expanded.
  - (a) **Orientation.** Buildings adjacent to all existing streets except major thoroughfares shall have their primary entrance oriented towards the existing street.
  - (b) **Front Setbacks.** Front setbacks of less than ten (10) feet shall be accompanied by a finished floor elevation of at least two and one half (2.5) feet above the average street grade in front of the building or unit. This requirement shall not apply to multifamily buildings where non-residential uses occupy the street level of the building.
  - (c) **Parking.** Parking shall be located to the side and/or rear of the primary building entrance, except where buildings are adjacent to major thoroughfares.
  - (d) **Developments Larger Than Three (3) Acres.** Developments larger than three acres in size which do not meet these requirements but which meet the intent of the Ordinance may be approved through a Special-Use District rezoning.

(C) **LO District**

Multifamily development is permitted in the LO District at a maximum density of twelve (12) units per acre.

**(D) RM-5 District**

Three- and four-unit buildings are the only type of multifamily or townhouse residential buildings permitted in the RM-5 Zoning District.

**(E) Dimensional Requirements for Townhouse and Twin Home Units and Buildings**

**(1) Townhouse and Twin Home Units.** Townhouse and twin home units developed in the RSQ and RM-5 Districts shall adhere to the dimensional requirements of their respective Zoning Districts. Townhouse and twin home units in other permitted zoning districts may be constructed and sold with no setback, lot area, or lot width requirements.

**(2) Townhouse or Twin Home Buildings.** Development projects with townhouse and twin home buildings shall comply with the general dimensional and building spacing requirements of the applicable zoning district for the project as one zoning lot.

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

## Chapter B - Zoning Ordinance

### Article III - Other Development Standards

#### 3-1 DIMENSIONAL REQUIREMENTS

Table B.3.1  
Residential Districts General Dimensional Requirements <sup>1,2,3</sup>

Zoning District	Minimum Zoning Lot		Minimum Setbacks <sup>4</sup>					Maximum Impervious Surface Cover (%)	Maximum Height (ft)
	Area (sf)	Width (ft)	Front (ft) <sup>2</sup>	Rear (ft)	Side <sup>8</sup>				
					One Side (ft)	Combined (ft)	Street (ft) <sup>2</sup>		
YR <sup>6</sup>	130,680	300	45	50	20	50	30	--	40
AG <sup>6</sup>	40,000	150	45	50	20	50	30	--	40
RS-40	40,000	100	35	40	10	25	20	--	40
RS-30	30,000	100	35	35	7	20	20	--	40
RS-20	20,000	95	30	30	7	20	20	--	40
RS-15	15,000	85	25	25	7	20	20	--	40
RS-12	12,000	75	20	25	7	20	20	--	40
RS-9	9,000	65	20	25	7	20	20	--	40
RS-7	7,000	50	15	20	5	15	20	--	40
RSQ <sup>5</sup>	--/11,000	--/60	0/15	0/15	0/10	0/20	0/20	--	40
RM-5 <sup>5</sup>	--/11,000	--/60	0/15	0/15	0/10	0/20	0/15	--	40
RM-8 <sup>7</sup>	8,000	70	25	25	7	20	20	70	45

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.  
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			Minimum Setbacks <sup>4</sup>						
RM-12	7,000	70	25	25	15	30	20	75	45
RM-18	5,000	70	25	25	15	30	20	80	60
RM-U	5,000	70	10	10	10	10	10	85	--
MH	10,000	70	30	20	10	25	20	--	40

1. These dimensional requirements are subject to additional provisions in Section B.3-1.2; Section B.2-5; Section B.2-1.6(C); 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. Additional dimensional requirements for residential uses in other districts are listed in Tables B.3.3 and B.3.4.
4. No setback is required for twin homes; all other uses must be set back a minimum of five (5) feet.
5. Ranges of requirements for RSQ and RM-5 are listed; dimensional requirements are based on use in the district. Please refer to Section B.2-1.2(J)(2) for RSQ and Section B.2-1.2(K)(2) for RM-5.
6. Nonconforming lots in the YR and AG Districts meeting the provisions of Section B.5-3.2(C) must meet the minimum setback requirements of the RS-20 zoning district.
7. Three story structures in RM-8 must be setback a minimum of fifty (50) feet from adjacent properties zoned for single family residential development.
8. Where the main entrance to a single family residence is located on a side yard, the setback for the portion of the wall on which the door is located shall be equal to the front yard setback.
9. Residential structures in GMA 2 shall meet the requirements of Section B.3-8

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</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	--	--	--	--	--	--	--	--	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	--	20	--	--	20	--	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>
CPI	--	150 <sup>4</sup>	30	40	20	20	20	70	70
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

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.  
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			Minimum Setbacks <sup>8</sup>						
C	20,000	100	20	20	20	20	20	70 <sup>7</sup>	40/75 or 60/unlimited <sup>3</sup>
MU-S	5,000	30	30	10	--	--	10	--	60/unlimited <sup>3</sup>

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.
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. **(W)** 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.
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

## ~~3-8~~ **SUPPLEMENTARY STANDARDS FOR OLDER NEIGHBORHOODS**

### ~~3-8.1~~ **APPLICABILITY**

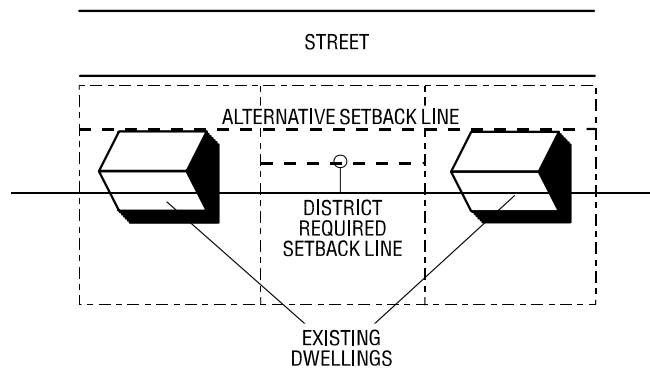
~~These supplementary standards for older neighborhoods apply to development on blocks which:~~

- ~~(A) **Date Platted or Developed**  
Were originally platted or developed prior to March 3, 1948;~~
- ~~(B) **Percentage of Lots Developed**  
Have at least fifty percent (50%) of the lots developed; and,~~
- ~~(C) **Permitted in Certain Zoning Districts**  
Are zoned in whole or in part, RS, RM, NO or NB.~~

### ~~3-8.2~~ **ALTERNATIVE SETBACKS AND STANDARDS**

- ~~(A) **Alternative Setbacks**  
In older neighborhoods the required setbacks for the underlying zoning district may be replaced by the following alternative method of compliance. No building or part of a building, other than steps, open porches, overhanging eaves and cornices, shall extend nearer to the front, side or rear property lines than the average distance of the respective setbacks of the principal buildings on the same block and on the same side of the street within one hundred (100) feet from the zoning lot in either direction. Any fractional amounts calculated shall be rounded up. However, in no case shall the front setback be less than eight (8) feet nor more than forty (40) feet.~~

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.  
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**(B) — Development Standards**

If the alternative method of compliance is used, the following development standards apply:

- (1) — **Impervious Surface Cover.** For new construction on vacant lots, impervious surface cover is limited to a maximum of sixty percent (60%). Impervious surface cover is otherwise limited to seventy percent (70%).
- (2) — **Building Height.** No building shall exceed a height of forty (40) feet.
- (3) — **Bufferyard.** Bufferyard requirements of Section B.3-5 must be met for multifamily developments containing more than four (4) units, or for nonresidential uses.
- (4) — **Off Street Parking.**
  - (a) — Number of Spaces. Off street parking for multifamily uses shall meet the standards for *Efficiency* units, if applicable, or *Urban Residential Building* in Table B.3.8.
  - (b) — Parking in Rear. All off street parking shall be provided to the rear of the principal building(s) unless the Planning Board determines that, due to lot size, shape or topographic features, some or all parking cannot be placed to the rear.
  - (c) — Reduction in Bufferyard. A side or rear bufferyard width may be reduced to allow a driveway to the rear of the property which accesses the off street parking if the provisions of Section B.3-5.4(C) are met.
  - (d) — Landscaped Separation From Building. A minimum three (3) foot wide landscaped area shall be provided between any parking area and building wall providing access into the unit(s).
- (5) — **Vehicular Use Landscaping Requirements.** Vehicular use landscaping requirements of Section B.3-4 must be met for multifamily developments containing more than four (4) units or nonresidential uses.
- (6) — **Building Size.** For projects located on two (2) acres or less, multifamily buildings shall contain no more than six (6) units.



- ~~(7) — **Roofs.** A roof having a pitch with a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run is required on all buildings.~~

### ~~3-8.3 — **ALTERATION OR EXPANSION NOT AFFECTING OCCUPANCY OR INTENSITY**~~

~~For any existing residential building containing four (4) units or less, any expansion or alteration of the principal building which meets the dimensional requirements of Section B.3-8.2(A) and which does not increase the occupancy capacity of the building, including expansion or alteration of kitchen, bathroom, closet, or patio areas, shall not be subject to the provisions of Section B.5-4.3.~~

### ~~3-8.4 — **SUBMITTAL OF INFORMATION**~~

~~The applicant or property owner shall be responsible for submitting all information relative to the setbacks and buildings of the relevant nearby properties in support of the permit request.~~

## **3-8 SUPPLEMENTARY STANDARDS FOR RESIDENTIAL DEVELOPMENT IN GMA 2**

- (A) **PURPOSE.** The intent of this ordinance is to encourage the development of single family structures on scattered sites, infill subdivisions, and multifamily developments that are compatible with the surrounding character of the urban areas of Winston-Salem, where adequate public facilities and infrastructure are available. By incorporating features of existing development, such as front building setback and garage placement, new development can be accommodated while protecting neighborhood character. The standards of Section B.3-8 shall not apply to lots in GMA 2 which are located within adopted Neighborhood Conservation Overlay (NCO) Districts.

### **3-8.1 SINGLE FAMILY DEVELOPMENT ON SCATTERED SITES**

- (A) **REQUIREMENTS FOR NEW SINGLE FAMILY STRUCTURES.** Newly constructed single family infill structures shall meet the following requirements:

(1) **Front Setback**

- (a) **Structures With a Single Road Frontage.** The front setback of an infill structure shall be determined by averaging the street facing setbacks of the primary structures nearest to each side of the infill lot within the same block. The front setback of the new infill structure shall be no closer to the front property line than ninety (90) percent of the average of the street facing setbacks of the nearest structures on each side of the infill lot.

- (b) **Structures on Corner Lots.** Street facing setbacks on corner lots shall not be less than ninety (90) percent of the street facing setback of the nearest structure on one side of the infill structure within the same block, and shall meet the minimum ordinance setback requirement on the other side of the infill structure.

(c) ~~Variance.~~ A variance to these setback standards may be granted by the Board of Adjustment where the size, shape, configuration, or topographic features of an existing lot makes development according to the aforementioned standard impracticable.

(2) **Garages**

(a) Attached garages with doors opening towards the street shall not comprise more than 50% of the total width of the front building wall of the infill structure.

(b) Attached garages with doors opening towards the street shall be setback a minimum of five (5) feet from the front building wall of the structure, except where an existing primary structure on either side of the subject lot has an attached garage with doors opening towards the street and which projects at least five (5) feet toward the street from the front building wall. Additionally, all garages with doors opening towards the street shall be set back no less than twenty (20) feet from public rights-of-way or private access easements.

(3) **Parking**

(a) Parking areas orienting towards the street shall extend at least twenty (20) feet from public rights-of-way or private access easements.

(4) **Structures on Narrow Interior Lots**

(a) A Single-Family dwelling which has a depth greater than one hundred and fifty (150) percent of the width of its street facing building wall, and which is located on a lot less than sixty-five (65) feet wide shall meet the following requirements unless approved in accordance with Section 3-8.1(A)(4)(b):

(i) The primary entrance to a Single-Family dwelling shall be located on its street-facing building wall.

(ii) At least fifteen (15) percent of the area of the street facing building wall shall be comprised of doors and/or windows.

(b) **Alternative Compliance.** A Single-Family dwelling which does not meet the requirements of Section B.3-8.1(A)(4)(a) shall require a Special-Use District rezoning. Additional site plan review items demonstrating the character of the proposed development, including building elevations and cross sections, may be required by Planning staff, the Planning Board or Elected Body.

(B) **REQUIREMENTS FOR ADDITIONS TO EXISTING SINGLE FAMILY STRUCTURES.** Additions to existing single family structures shall meet the following requirements:

(1) **Front Setback**

- (a) Method of Setback Calculation. A one-time front setback reduction is allowed for existing single family structures in GMA 2. The front setback of this building expansion shall be no closer to the front property line than eighty (80) percent of the existing front setback of the structure. Street facing setbacks of existing structures on corner lots shall be no closer to the street than eighty (80) percent of the existing street facing setback of the corresponding side of the existing structure. Where this method of setback calculation is used, building expansions shall not extend beyond the minimum UDO setback standards of the underlying zoning district.
- (b) Alternative Method of Setback Calculation. Alternatively, front setback may be calculated by averaging the street facing setbacks of the primary structures nearest to each side of the subject property within the same block. The new front setback of the subject property shall be no closer to the front property line than eighty (80) percent of the average of the street facing setbacks of the nearest structures on each side of the structure within the same block. Street facing setbacks of corner lots shall be no closer to the property line than eighty (80) percent of the street facing setback of the nearest structure on that side of the subject property within the same block.

**3-8.2 SUBDIVISIONS**

(A) Residential Subdivisions less than five (5) acres in size are subject to the standards of Section B.3-8.1(A), with the exception of standards regulating street facing setbacks on corner lots, which shall meet the standards of Section B.3-8.2(A)(1). Subdivisions which do not meet the requirements of Section B.3-8.1 but meet the intent of the ordinance may be approved through a Special-Use District rezoning.

(1) **Street Facing Setbacks on Corner Lots.** The following setback requirements shall apply to newly subdivided corner lots.

- (a) The street facing setback of a newly subdivided corner lot shall be no less than ninety (90) percent of the street facing setback of the nearest structure on that side of the subject property within the same block.
- (b) A variance to these setback standards may be granted by the Board of Adjustment where the size, shape, configuration, or topographic features of an existing lot makes development according to the aforementioned standard impracticable.

(2) **Flag Lots.** Flag lots as described in Chapter D of the ordinance shall require approval through a Special-Use District rezoning.

- (3) **Lots Being Served by a Private Access Easement.** Lots that do not have public road frontage and will be served by a private access easement shall require approval through a Special-Use District rezoning.

### **3-8.3 MULTIFAMILY DEVELOPMENT**

- (A) See section B.2-5.64(B)(7).

**Section 3.** Chapter B, Article VI – Administration and Amendments is hereby amended as follows:

#### **6-1.4 BOARD OF ADJUSTMENT**

##### **(B) Variances**

- (1) **Authority.** No provision of this Ordinance shall be interpreted as conferring upon the Board of Adjustment the authority to approve an application for a variance of the conditions of a permitted use except with respect to the specific waiving of requirements as to:
- (a) General Dimension Requirements for Zoning Districts listed in Sections B.2-1.2, B.2-1.3, B.2-1.4 and B.2-1.5 and shall only include minimum zoning lot area and width, minimum setbacks, maximum impervious surface cover, or maximum height;
  - (b) Floodplain reconstruction as specified in Section C.2-3.1.
  - (c) Vehicular use landscaping requirements as specified in Section B.3-4;
  - (d) Bufferyard requirements as specified in Section B.3-5;
  - (e) Setback and landscaping requirements of the TO District as specified in Section B.2-1.6(B).
  - (f) Width of private access easements where such easement is for single family residential uses and where said private access easement was established prior to April 17, 1978;
  - (g) Off-street parking and loading as specified in Section B.3-3; ~~and~~;
  - (h) Delay of building permits within designated *Transportation Plan* corridors as specified in Section B.3-7.1; ~~and~~;
  - (i) Residential infill setback requirements as specified in Section B.3-8.

Section 4. Chapter D, Subdivision Regulations is hereby amended as follows:

## Chapter D - Subdivision Regulations

### 1. GENERAL PROVISIONS AND ADMINISTRATION

(A) **Status of Subdivision Requirements**

The subdivision requirements are adopted as regulations by the Planning Board for the City of Winston-Salem and Forsyth County jurisdictions.

(B) **Purpose and Adoption**

The purpose of these *Subdivision Regulations* is to provide for the orderly development of Forsyth County; for the coordination of streets within proposed subdivisions with existing or planned streets and other public facilities; for the dedication or reservation of rights-of-way or easements for street utility and other public purposes; for the avoidance of congestion and overcrowding through adequate population distribution and the development of efficient circulation patterns; and for the creation of conditions essential to public health, safety, and general welfare of the community. By adopting these rules and regulations, the Planning Board and Elected Bodies can administer land subdivision approvals vested by Chapter 677, 1947 Session Laws of North Carolina, as revised by Chapter 777, 1953 Session Laws. The Planning Board hereby adopts these rules and regulations to govern the subdivision of land in Winston-Salem and Forsyth County this the 11th day of March, 1993 and subsequent amendments thereto in accordance with Section D.1(I).

(C) **Applicability**

These rules and regulations shall apply to the subdivision of land anywhere in Forsyth County within the zoning jurisdiction of Forsyth County and the City of Winston-Salem.

(D) **General Definition of a Subdivision**

For the purpose of these regulations, *subdivision* shall mean all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of a gift, sale, or development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets. This general definition will be further defined in these regulations as:

- (1) Subdivisions exempt by State law or court judgments;
- (2) Minor subdivisions;
- (3) Major subdivisions; and,
- (4) Industrial or commercial subdivisions.

(E) **Approving Authority and Authorized Planning Staff**

The Planning Board and authorized Planning staff shall be the approving authorities for various sections of these regulations. The Planning Board is authorized to approve preliminary subdivisions. Planning staff authorized to approve extensions of preliminary subdivision approvals, revised preliminary subdivision approvals, and final plat approvals shall include the Director of Planning, Assistant Directors of Planning, the Principal Planner of the Land Use Administration Section, and any other designee of the Director of Planning. Planning staff authorized to approve deeds shall include the same Planning

staff and all the planner positions in the Land Use Administration Section, and any other designee of the Director of Planning. No subdivision shall be created anywhere in Winston-Salem or applicable areas of Forsyth County until said plat or deed has been approved by the Planning Board or Planning staff. Authorized Planning staff shall hereafter be referred to as *Planning Staff*.

**(F) Penalties for Transferring Lots in Unapproved Subdivisions**

Any owner or agent of any owner of land located within a subdivision controlled under any section of these regulations who transfers or sells land by reference to, or exhibition of, or by other use of a deeded parcel of land or parcel of land on a plat before the deed or plat has been approved by the Planning Board or Planning staff in accordance with these regulations, shall forfeit and pay a penalty as provided by law for each lot which has been duly recorded or filed in the office of the Register of Deeds. The description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or remedies herein provided.

Any jurisdiction exercising subdivision authority may enjoin the transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction.

**(G) Pre-Existing Subdivisions**

None of the provisions of these regulations shall apply to subdivision plats recorded prior to March 3, 1948 or deeds recorded prior to October 10, 1985 in the office of the Register of Deeds provided the lots met the requirements of the *Zoning Ordinance* or any other local or State land regulatory ordinances which were in effect at the time the lots were recorded.

**(H) Administration**

The Planning Board is the administering authority for any regulations contained in the *Subdivision Regulations*. These provisions shall be considered the minimum requirements for the protection of the public health, safety, welfare, and convenience. The Planning Board reserves the right to modify or to extend these regulations as may be deemed necessary to provide reasonable service to the public. If, however, the owner or owner's agent can demonstrate to the satisfaction of the Planning Board that, because of peculiar conditions pertaining to the land, the literal enforcement of these regulations would exact undue hardship, then the Planning Board may permit such variations from the literal interpretation of these regulations as may be deemed reasonable.

**(I) Amendments**

Before the adoption of any amendment to these regulations, the Planning Board shall hold a public hearing. Notice of the public hearing by the Planning Board to amend the subdivision regulations shall be given once at least ten (10) days prior to the date scheduled for the public hearing. The required notice in the newspaper shall consist of a reference to the section(s) of the regulations which will change and a general description of the proposed amendment.

**(J) Denial of Subdivision**

The reason(s) for the denial of any subdivision controlled under any section of these regulations shall be stated to the owner or the owner's agent by either the Planning staff or the Planning Board.

- (K) Appeal of Planning Staff Denial of Subdivision**  
The denial of any subdivision controlled under any section of these regulations by Planning staff as an administrative decision may be appealed to the Planning Board. The appeal request must be submitted to the Planning staff by the filing deadline of the next meeting of the Planning Board. Application requirements include a survey or drawing to scale of the appeal request, a letter explaining the reasons for the appeal request, and a fee payable to the City of Winston-Salem. If the application is complete, the appeal request will be placed on the next meeting of the Planning Board. The Planning staff will present a report and recommendation on the appeal request to the Planning Board at the meeting. The owner or owner's agent shall have a total of twelve (12) minutes to present the appeal request and the reasons for such request to the Planning Board. If the appeal request is denied, the Planning Board shall state the reasons under which the appeal request is approved. The Planning Board may require conditions of approval as deemed necessary.
- (L) Other Applicable Definitions**  
Any terms not defined in these regulations will be assumed to have the same or similar definition(s) found in the *Unified Development Ordinances* or any other local ordinances, codes, or State law.
- (M) Violation of the Subdivision Regulations**  
Violations of the Subdivision Regulations shall be enforced through the provisions established in B.9-3.
- (N) Supplementary Standards for Residential Development in GMA 2**  
In GMA 2, all subdivisions shall be subject to the requirements of Section B.3-8.

**Section 5.** This ordinance shall be effective upon adoption.