

ACTION REQUEST FORM

DATE: December 20, 2007
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:

Zoning Text Amendment proposed by City-County Planning Board Staff to amend Chapter B Section 2-5.60 of the *Unified Development Ordinances* to comprehensively revise the Planned Residential Development (PRD) standards (UDO-183).

PLANNING BOARD ACTION:

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

STAFF REPORT

DOCKET # UDO-183
STAFF: Kirk Ericson

REQUEST

This UDO text amendment is proposed by City-County Planning Board staff to amend Chapter B, Article II of the UDO by modifying section 2-5.60, Planned Residential Development. The purpose of this amendment is to set a more consistent standard for the quality of subdivision design for Planned Residential Developments (PRDs). More specifically, the amendment clarifies the intent of the ordinance, improves the quality of open space preserved by PRDs, and enhances the compatibility of PRDs adjacent to conventional residential subdivisions.

BACKGROUND

Forsyth County is a relatively small county in geographic size that is rapidly developing, especially in outlying suburban and rural areas. If current sprawling development patterns continue, the County may lose its distinction between urban and rural areas. To avoid this loss, a need exists to promote the preservation of usable, connected open space throughout the County. The Planned Residential Development (PRD) use was originated as a means for preserving open space by allowing greater design flexibility than conventional subdivisions. PRDs have become a popular form of subdivision development over the last several years. The open space preservation focus of PRDs is not clear in the current ordinance, however. A more comprehensive revision of the PRD ordinance is needed so that new PRDs can reflect a higher emphasis on quality open space while still being a useful development tool.

PRDs are recommended in *Legacy* and the Winston-Salem City Council's strategic plan as a tool for preserving open space. PRDs also provide a way of implementing the Open Space Subdivisions recommended in *Legacy* to preserve farmland and rural character. PRDs are a viable alternative to conventional subdivisions that allow smaller lots than would be permitted in conventional subdivisions, provided the overall density of the underlying zoning district is not exceeded. Research across the country has shown that many people prefer to live in homes on smaller lots if they have access to usable, high-quality, shared open space. The benefits of this open space can be directly or indirectly enjoyed by everyone in the community. Additionally, compact development with smaller lots can lead to lower infrastructure costs for the developer and can save communities money by encouraging more efficient service delivery.

PRDs have been a use approved through Planning Board review since the adoption of the UDO in 1995. Prior to 1995, however, PRDs were a discretionary approval that went to the Elected Body. The current ordinance is somewhat unclear about the conservation objective of PRDs. The current regulations do not ensure the retention of high-quality open space, and as a result, many PRDs provide open space only in the form of land which would have otherwise been undevelopable. While undevelopable, passive open space is a desirable component of PRDs, it must be balanced with active, useable open space as well as open space along thoroughfares.

ANALYSIS

The proposed ordinance changes will clarify the primary objective of PRDs: the allowance of intentionally planned subdivisions which cluster lots but at the same time conserve usable, high-quality open space. Ordinance changes will also require a more intentional review process for PRDs and will promote better integration of PRDs and existing residential development. Note that conventional subdivisions still remain a viable alternative to PRDs for situations where this type of development would be difficult or unsuitable.

Staff believes that requiring a preapplication conference for PRDs prior to the formal district application will promote a higher quality of development. Before formal submission of a proposed PRD site plan, a petitioner would be required to meet with the Planning staff and discuss which cultural, historical, and physical features of a site will be preserved. The proposed site plan must demonstrate an adequate preservation strategy as well as meet the minimum open space requirements of the ordinance.

Staff also recommends modifying the current ordinance language promoting private streets. The initial reason for encouraging private streets in PRDs was the additional design flexibility these streets offered in dealing with terrain challenges. Recently, however, public and private street design requirements have become very similar. Additionally, maintenance and repair of private streets can become a future problem for property owners and municipalities alike. As a result, staff believes private streets are still acceptable in PRDs in situations where public streets are not necessary, but should no longer be encouraged over public streets.

Staff believes the current minimum open space requirements for PRDs, which were recently increased from 10% to 15%, are appropriate for urban and suburban areas. The current 15% minimum open space requirement for urban and suburban zoning districts acknowledges the importance of street connectivity in these areas while still contributing to the preservation of open space. Current minimum open space requirements are not appropriate for achieving the purpose of PRDs in rural areas, however. These requirements should be significantly increased for PRDs that are done in rural areas to preserve agricultural land, maintain rural character, and implement the Open Space Subdivision Guidelines as recommended in *Legacy*. Staff believes open space requirements for rural districts should be increased from the current 30-50 % depending on zoning district to a minimum of 45%. This increase acknowledges that open space preservation takes precedence over street connectivity in rural environments where the density of development is substantially less. These increased open space requirements for rural areas are offset by a new density bonus provision which provides additional density for certain developments. Where PRDs preserve more than 60 percent of land as open space, developers would be entitled to a bonus of twenty percent increase in density for property zoned RS-30, RS-40, AG, and YR.

While the quantity of open space present in PRDs is important, the quality of this open space is even more significant in determining the character of the development. Current PRD regulations do not specify the desired character of open space, and as a result, this open space is often poorly conceived. Staff believes PRDs should contain three distinct types of open space: 1) active, occupiable open space; 2) passive, natural open space; and 3) thoroughfare open space where PRDs are adjacent to thoroughfares. Where applicable, each type of open space must be present. Active open space consists of occupiable features such as pocket parks and neighborhood greens.

This type of open space should be purposeful in design, and pedestrian access to this open space is required. A minimum of 15 percent of preserved open space in urban and suburban zoning districts should be active open space. In rural zoning districts, a minimum of 5 percent of preserved open space should be active open space. This is consistent with the increased overall percentage of open space required in rural areas. Additionally, this open space should be connected to open space in existing PRDs, parks, and greenways where possible. Passive open space consists of natural features such as drainage basins, riparian areas, and steep slopes. While not occupiable, this type of open space is also important as it functions as animal habitat, provides areas for natural drainage, and contributes to the creation of a larger open space network in Forsyth County.

Where PRDs are adjacent to thoroughfares in Growth Management Areas 3, 4, and 5, thoroughfare open space is required in addition to active and passive open space. The purpose of thoroughfare open space is to preserve roadside view corridors in suburban and rural areas, to maintain the character of the natural landscape, and to protect residential areas from the negative impacts of major transportation corridors. Thoroughfare open space consists of a 50' Type III bufferyard in GMA 3 and a 100' Type III bufferyard in GMAs 4 and 5. Where a PRD is adjacent to an existing meadow, tree stand, or similar natural feature, a formal bufferyard may not be required. Such determination would be recognized during the preapplication conference and further defined throughout the formal site plan review process.

A provision intended to improve the compatibility of new PRDs and existing residential development has also been included in the proposed ordinance. In many cases, new PRDs contain lots that are significantly smaller than those of surrounding development. The stark transition between larger and smaller lots is generally considered undesirable, especially to adjacent established neighborhoods. The proposed provision would address this concern by requiring perimeter lots in PRDs which are adjacent to existing single family zoning and do not meet the area and dimensional requirements of the underlying zoning district to provide a minimum 30' Type II bufferyard between the new and existing development. Where lot area and dimensional requirements are met, no bufferyard would be required. This provision is similar to a provision removed from the PRD ordinance in 2005 due to difficulties of enforcement. Unlike the previous provision which allowed the required bufferyard to be located on either private property or commonly owned land, however, this provision would require the bufferyard to be on commonly owned land. Additionally, this bufferyard would contribute to the passive open space requirements of the PRD.

Planning staff has collaborated over several months with local real estate professionals, homebuilders, land developers, and neighborhood advocates on developing an ordinance that addresses the inadequacies of the current PRD ordinance while preserving its economic and design benefits. Staff believes the proposed ordinance provides a good compromise while accommodating these concerns, and will positively contribute to the quality of residential development in Forsyth County. Staff also believes the proposed ordinance changes will make the ordinance more focused and user friendly by removing confusing language and rarely used provisions.

RECOMMENDATION

APPROVAL.

Glenn Simmons presented a background report on PRDs and Kirk Ericson presented the staff report.

PUBLIC HEARING

FOR:

Robert Vorsteg, 3621 Marlowe Avenue, Winston-Salem, NC 27106

- Neighborhoods would like to see this be even more restrictive, but we understand the importance of compromise and this is an acceptable compromise.
- This is better than what the original ordinance has deteriorated into.

Nancy Gould, 195 Executive Park Blvd., Winston-Salem, NC 27103

- If you put a builder's hat on and turn what Robert said around, that is how we as Realtors and Home Builders feel.
- We aren't excited about less flexibility, but this seems to be an appropriate and acceptable compromise.
- We really appreciate the work that Glenn and Kirk did in listening to all parties and taking everything in consideration.
- This does go a long way toward protecting neighborhoods, but is fair to the building industry too.
- We have had plenty of opportunity for input and we appreciate that.
- There may still be some developers out there who have problems with this compromise, but as a whole our group feels this is an acceptable compromise.
- Time is critical to us and we generally prefer to accept this compromise and have definite standards to meet and a shorter time frame for the approval process.
- Having Planning Board Review is important to us because going through elected officials involves so much more money and no matter what standards you meet, projects can still be denied.

AGAINST: None

WORK SESSION

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

1. The mechanics of enforcement regarding PRDs would not change at all.
2. Clarence Lambe: My only problem with this is that we will lose lots. I think we're going in the right direction.
3. Arnold King: This may still need some tweaking once this ordinance hits the ground and we start actually using it.
4. Paul Norby suggested that a review be done in Planning Board's work session approximately a year after the ordinance is effective and see how it is working and if adjustments need to be made.

5. Glenn Simmons noted that the effective date of this ordinance will be delayed enough to not impact projects which are currently under review.
6. Lynne Mitchell: I wish there were a way to see the context of the PRD within the community. I need to know where the shopping and schools are located.
7. Wesley Curtis: Any language we can get to help us meet the intent of what the open space is about is great.
8. It would be beneficial to have staff actually walk the sites when these cases come in.
9. It would also be beneficial to not have all the active open space paved.

MOTION: Clarence Lambe moved approval of the zoning text amendment with the change in wording that allows projects currently under review to not be impacted by this ordinance.

SECOND: Jerry Clark

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

UDO-183
AN ORDINANCE AMENDING
CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO AMEND THE PLANNED RESIDENTIAL DEVELOPMENT USE

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, Section 2-5.60 of the Planned Residential Development (PRD) use is amended as follows:

2-1 ZONING DISTRICTS

2-5.60 PLANNED RESIDENTIAL DEVELOPMENT

(A) PURPOSE

The purpose of the Planned Residential Development (PRD) is to encourage the development of living environments which meet the needs of the people who live in them by providing provide certain development privileges in exchange for preplanning and design considerations. PRDs provide an alternative to conventional subdivision design by promoting the conservation and creation of viable, connected open space and more flexible lot design options while minimizing development costs. The Planned Residential Development provides flexibility in utilizing new development concepts and in introducing variety into neighborhoods by encouraging mixed uses, private roads, variable lot size, and environmentally sensitive design which promotes the conservation of open space. Three distinct types of open space shall be required in PRDs: (1) Active Open Space, (2) Passive Open Space, and (3) Thoroughfare Open Space. In return for development flexibility, additional site plan information may be required of the developer to assist in evaluating the suitability of proposed PRDs. PRDs are suitable for Growth Management Areas 2, 3, 4, and 5. The character of a PRD should be appropriate to the GMA in which the PRD is located along the urban to rural continuum. While maximum open space preservation is the primary goal of rural PRDs, open space within urban and suburban PRDs must balance the need for open space preservation with an increased need for integration with surrounding developments through street connectivity and compatibility with adjacent and internal land uses.

(B) MINIMUM SIZE

A planned residential development shall be located on a site containing at least three (3) contiguous acres in GMA 3 and 4, and at least five (5) contiguous acres, except where single family residential is the only use in the planned residential development in GMA 5. No minimum size requirement exists for PRDs in GMA 2.

(C) LAND OWNERSHIP

~~At the time of application for a planned residential development, all land, structures and other real property shall be in single or joint ownership of whatever form, or the petitioner shall have the right to acquire ownership under a valid option, and this information shall be included in the submission of an application for a planned residential development.~~

(C) PREAPPLICATION CONFERENCE

Prior to the formal submission of a proposed PRD, the petitioner or representative shall attend a preapplication conference with Planning Staff concerning the proposed development of the site. The petitioner shall be required to produce a scaled sketch site plan showing the existing cultural, historic, and physical features of the site for review by the Planning Staff. Staff may ask for additional information such as the location of prime agricultural soils, historical structures, archeological/cultural elements, the depth of viewshed as seen from existing public rights-of-way, the location of rock walls and other "unique" features on site, and the location and general specifications of any proposed septic systems.

The Planning Staff in consultation with other departments shall comment on which site features it recommends for preservation in writing within fifteen (15) days. The official plan of development shall be submitted to the Planning Board only after the completion of the preapplication conference and the written response.

(D) PERMITTED PRINCIPAL USES

(1) Uses in Applicable Underlying Zoning Districts. ~~PRDs may include Land may be used and buildings erected, altered, enlarged, or used to include all uses permitted within the applicable underlying zoning district. In addition, in the RSQ and RS 7 Districts, up to twenty five percent (25%) of the total number of units may be multifamily residential units with approval of a special use permit from the Elected Body.~~

~~**(2) — Additional Uses.** nonresidential uses permitted in the NO and NB Districts shall be permitted in a planned residential development containing at least one hundred (100) dwelling units and located in a residential zoning district other than the YR or AG Districts.~~

(E) RELATIONSHIP TO OTHER APPLICABLE REGULATIONS

~~A planned residential development PRD shall be subject to all applicable standards, procedures, and regulations of these Ordinances and the zoning district in which it is located unless otherwise set forth in this section.~~

(F) MAXIMUM DENSITY

~~Maximum residential density shall be in accordance with the zoning district in which the planned residential development lies, unless the incentives for density bonuses as set forth in Section B.2-5.60(G) apply.~~

(G) INCENTIVES FOR DENSITY BONUS

~~**(1) — Protection of Steep Slopes.** If the developer of a planned residential development proposes to permanently prohibit development on portions of the site with average slopes of twenty percent (20%) or greater, the density bonus provision of Section B.2-5.60(G) (2) below may be utilized.~~

- (2) ~~**Density Bonus.** The permitted density of the planned residential development shall be computed by including in the land area of the site an assumed additional area equal to fifty percent (50%) of the permanently restricted land identified in Section B.2-5.60(G)(1) above.~~
- (3) ~~**Limitation of Density Bonus.** The density with the bonus density provision shall not increase by more than twenty five percent (25%) the maximum density otherwise computed in Section B.2-5.60(F) above without reference to this Section B.2-5.60(G). In the YR District, the permitted density shall not exceed two (2) units per acre of developable land not restricted by floodplain or hillsides.~~
- (4) ~~**Applicability of Density Bonus Provisions.** The computation allowed by this section shall be used solely for purposes of computing permitted density, and shall not apply to the development standards of Section B.2-5.60(H) below.~~
- (1) **Density Bonus.** The permitted density of a PRD may be increased beyond standard allowances if a PRD preserves more than the minimum required amount of open space for the applicable zoning district. To calculate the allowed density bonus, refer to Table B.2.7a.
- (2) **Use of Floodplain in Calculating Density Bonus.** F.E.M.A. 100 year Floodplain land shall not be used in the calculation of open space for the purposes of the Density Bonus provision. However, floodplain land may be used in calculating minimum open space requirements.

(H) DEVELOPMENT STANDARDS

A ~~planned residential development~~ PRD shall meet the following standards:

(1) Outside Perimeter Lot Setback Requirements

Any lot which adjoins the outside boundary of the ~~planned residential development~~ PRD shall be considered an outside perimeter lot. Internal street refers to a street that is within the boundary of the ~~planned residential development~~ PRD. Adjoining street is a street which is not located ~~with~~ within the ~~planned residential development~~ PRD but is adjacent to the outside boundary of the planned residential development. The following setbacks shall be required for outside perimeter lots:

- (a) Lots with access on an internal street. Rear yard setback requirement of the zoning district in which the ~~planned residential development~~ PRD is located shall be required.
- (b) Lots with access on an adjoining street. Front yard setback requirements of the zoning district in which the ~~planned residential development~~ PRD is located shall be required.

- (c) Corner lots with access either on an internal or adjoining street. Front yard set back requirements of the zoning district in which the ~~planned residential development PRD~~ is located shall be required on the adjoining street and the front yard set back requirements allowed in the ~~planned residential development PRD~~ shall be required on the internal street.
- (d) Access Drives. No loading space, parking space, or access drive to a parking space shall be permitted within the any required-bufferyard, ~~with the following exceptions:~~
 - (i) ~~An access drive to off-street parking serving a single family detached dwelling, whether inside or outside of a carport or garage attached to or detached from such dwelling. Such access drives shall not constitute off-street parking as required in Section B.3-3.~~
 - (ii) ~~Drives not longer than fifty (50) feet which provide access to the planned residential development.~~

(2) Required Parking

- (a) Off-Street Parking. Off-street parking shall be provided in compliance with Section B.3-3, except that the parking requirements may be met through group parking located on commonly owned land. Additionally, any required parking spaces located between the fronts of residential buildings and public rights-of-way or private access easements shall be at least twenty (20) feet in depth and shown on the PRD site plan. In no instances shall off-street parking spaces extend into public rights-of-way or private access easements.
- (b) On-Street Parking. Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with Section B.3-3.5(M).
- (c) Special Accommodations. Special accommodations for recreational vehicles, including boats, may be provided in group parking areas. Such special parking areas shall be designated and screened from adjacent residential uses.

(3) Private Streets. Private streets are permitted in PRDs at the discretion of the Planning Board. ~~according to the following~~ Where permitted, private streets shall be built in accordance with the requirements of the Street Standards Governing Vehicle and Pedestrian Circulation (Section B.3-13). However, public streets may be required to ensure adequate street connectivity.

- (a) ~~Width.~~ Access easements for roads must be a minimum of twenty-five ~~(25) feet in width.~~
- (b) ~~Utilities Easements.~~ Utilities easements at a minimum width of seven and one-half ~~(7.5) feet must be provided on each side of the road.~~
- (c) ~~Road Construction Materials Standards.~~ City of Winston-Salem road construction materials standards must be met.

- (4) **Pedestrian Access.** Pedestrian and other modes of nonvehicular movement shall be provided in accordance with section B.3-13 ~~and separated from vehicular traffic, and shall provide a safe connection between major uses on the site.~~
- (5) **Impervious Surface Cover.** Buildings and improvements on single family lots in a ~~planned residential development~~ PRD which have at least five thousand (5,000) square feet shall not be calculated as impervious surface cover in RM Districts.
- (6) **~~Reserved Nonresidential Uses.~~** ~~Nonresidential uses as permitted by Section B.2-5.60(D)(2) shall meet the following requirements:~~
- (a) ~~Orientation.~~ ~~A nonresidential use in a planned residential development shall be designed and located to serve primarily the residents of the planned residential development. Such use shall be located on and shall face an internal street of the development, and shall not access directly on a street outside the planned residential development.~~
- (b) ~~Amount.~~ ~~No more than twenty five (25) square feet of gross floor area per dwelling unit, up to a maximum of twenty thousand (20,000) square feet, shall be permitted for nonresidential uses in the planned residential development.~~
- (c) ~~Size of Nonresidential Structures.~~ ~~Structures containing only nonresidential uses shall be limited to a gross floor area no greater than fifteen hundred (1,500) square feet each.~~
- (d) ~~Setback.~~ ~~A nonresidential use, including any supporting parking area, shall be set back a minimum of three hundred (300) feet from residentially zoned property or the public right of way of roads other than a major thoroughfare, and a minimum of one hundred fifty (150) feet from the public right of way of a major thoroughfare.~~
- (7) **Lot Dimensional Requirements and Spacing of Structures.** The lot and setback dimensional requirements of the zoning district for individual lots within the ~~planned residential development~~ PRD are waived except for a minimum ten (10) ~~twenty (20)~~ foot building setback from public rights-of-way and private access easements ~~a minimum thirty (30) foot building setback from the centerline of private streets.~~ Minimum distances between townhouse and multifamily structures shall be those set forth in Section 3-1.2(K). Minimum distances between single family, duplex, and twin home structures shall be as follows:
- (a) Front or rear facing front. The minimum distance between the front wall of one structure and the rear wall of another structure, or the front walls of structures oriented so as to face each other, shall be not less than thirty (30) feet from one another, ~~provided neither shall be closer than ten (10) feet from the nearest right of way line of a public street or private access easement.~~
- (b) Rear facing rear. Dwellings oriented back to back shall be subject to the following provisions:

- (i) The minimum distance between rear walls of the dwellings shall be no less than thirty (30) feet.
 - (ii) Accessory structures shall only be permitted in the intervening space between principal dwellings oriented back to back or to the rear yard of the principal dwelling provided the accessory structures meet the provisions of Section B.3-1.2(F) and (G)(1). Any accessory structure meeting the requirements of Section B.3-1.2(H) shall be located a minimum of seven (7) feet off the side property line and twenty (20) feet off the rear property line.
- (c) Front facing side. The minimum distance between the front wall of the structure and the side wall of another structure shall not be less than fourteen (14) feet.
- (d) Side or rear facing side. The minimum distance between the rear of a structure and side of another structure, or the minimum distance between the side walls of structures, shall not be less than ten (10) feet provided that no bay window encroachments be allowed for buildings closer than fourteen (14) feet.
- (e) ~~Reserved Rear facing side. (F)~~ The minimum distance between the rear of a structure and the side or rear of another structure shall not be less than ten (10) feet provided that no bay window encroachments be allowed for buildings closer than fourteen (14) feet.
- ~~Rear facing side. (W)~~ The minimum distance between the rear of a structure and the side of another structure shall not be less than ten (10) feet provided that no bay window encroachments be allowed for buildings closer than fourteen (14) feet.
- (f) Any ~~planned residential development~~ PRD with structures separated by less than fourteen (14) feet as allowed above must be provided with a public water system and fire hydrants with a minimum available water flow of 1,500 gallons per minute. Fire hydrants shall have a spacing of one per 500 feet, and hydrant locations must be approved by the County Fire Marshal. (F)
- (g) Plans submitted for Planning Board approval where the applicant wishes to have structures with spacing of less than fourteen (14) feet shall be so indicated at the time of application. The entire subdivision must be provided with the 1,500 gallons per minute fire flow, even if only some structures have spacing of less than fourteen (14) feet. (F)
- (h) ~~Reserved Rear facing front.~~ The minimum distance between the front wall of one structure and the rear wall of another structure shall be not less than thirty (30) feet, provided neither shall be closer than ten (10) feet from the nearest right of way line of a public street or private access easement.

- (i) Front Loaded Garages. All front loaded garages shall be set back no less than twenty (20) feet from public rights-of-way or private access easements.
- (j) Minimum Perimeter Lot Size. Perimeter lots within PRDs which are adjacent to existing single family zoning shall meet the minimum lot area and dimensional requirements of the underlying zoning district. Where perimeter lots in PRDs do not meet the minimum lot area and dimensional requirements of the underlying zoning district, a minimum 30 foot type II Bufferyard is required between these lots and the adjacent single family zoning. Fifty (50) percent of the bufferyard plantings required in Table B.3.15 shall consist of evergreen plants, with the remaining fifty (50) percent consisting of deciduous trees. Additionally, the bufferyard plant spacing requirements of Section B.3-5.3(B)(2) shall not apply here. This bufferyard must be located on commonly owned land and shall be considered Passive Open Space as described in section B.2-5.60(H)(9)(b)(ii). Where any individual lot in the PRD does not meet the dimensional and area requirements of the underlying zoning district and abuts existing single family zoning, the aforementioned bufferyard shall be required along the entire length of the PRD that abuts the existing development. The provisions of this Section shall not apply to perimeter lots within PRDs which are adjacent to existing PRDs.
- (8) **Reserved Common Recreation Areas.** ~~Common recreation areas shall be required in accordance with Section B.3-6 for a planned residential development containing forty (40) units or greater. Life Care Developments and other housing occupied by persons who are at least fifty five (55) years of age or disabled are exempt from this requirement.~~
- (9) **Common Open Space:**
- (a) Area. Common open space shall not be less than the following percentages of the total land area of the ~~planned residential development PRD,~~ excluding dedicated public rights of way or private access easements.

Table B.2.7a

<u>UNDERLYING ZONING DISTRICT</u>	<u>REQUIRED OPEN SPACE</u>	<u>ALLOWED DENSITY MULTIPLIER (DU/AC)</u>
		<u>60%+ Open Space</u>
<u>YR</u>	<u>50%</u>	<u>1.2</u>
<u>AG</u>	<u>45%</u>	<u>1.2</u>
<u>RS-40</u>	<u>45%</u>	<u>1.2</u>
<u>RS-30</u>	<u>45%</u>	<u>1.2</u>
<u>RS-20</u>	<u>20%</u>	==
<u>RS-15</u>	<u>15%</u>	==
<u>RS-12</u>	<u>15%</u>	==
<u>RS-9</u>	<u>15%</u>	==
<u>RS-7</u>	<u>15%</u>	==
<u>RSQ</u>	<u>15%</u>	==
<u>RM</u>	<u>15%</u>	==

Remove Existing Table

<u>UNDERLYING ZONING DISTRICT</u>	<u>OPEN SPACE (F,W)</u>
<u>YR</u>	<u>50%</u>
<u>AG</u>	<u>40%</u>
RS-40	30%
RS-30	30%
RS-20	20%
RS-15	15%
RS-12	15%
RS-9	15%
RS-7	15%
RSQ	15%
RM	15%
	<u>15%</u>

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.
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UNDERLYING ZONING DISTRICT	OPEN SPACE (F,W)
IP	
MU-S	25%

** Planned Residential Developments in Growth Management Area (GMA) 3 may receive a twenty-five percent (25%) reduction in the amount of minimum required open space where forty percent (40%) of this open space is active open space as defined in Section B.2-5.60(H)(9)(b)(i)

* ~~Planned Residential Developments of less than eight (8) acres in size, and in Growth Management Areas (GMA) 1 and 2 may receive a 33% reduction in the common open space requirements provided all the following conditions are met:~~

~~— Public streets with detached sidewalks on both sides of the street shall be constructed and interconnected to all adjoining public streets. If an alley is utilized, then one detached sidewalk may be installed for that street. Public stub streets are to be installed to adjoining land as per Planning staff's recommendations;~~

~~— The common open space shall be well designed, centrally located and easily accessible to all residents. Topography shall be considered in order to ensure residents of a useable and accessible open space amenity;~~

~~— Meets the requirements in Sections B.2-5.60(H)(9)(b) and (c).~~

~~(b) Minimum Average Open Space Quotient. The minimum average open space quotient shall be determined by dividing the square footage of open space used to satisfy the requirement in Section B.2-5.60(H)(10)(a) above, by one quarter (0.25) of the lineal footage of its periphery. The minimum average quotient throughout the development shall not be less than one hundred (100) feet.~~

~~(c) Location. The open space area required in Section B.2-5.60(H)(9)(H)(8)(a) above and which is held by a non-profit homeowners association shall adjoin the planned residential development for at least fifty (50) percent of the periphery of such required open space.~~

~~(b) Character. Common Open Space (as defined in Chapter A, Article II of the UDO) shall include both Passive and Active Open Space. Additionally, if developments are contiguous to minor and major thoroughfares as defined by NCDOT or WSDOT, Thoroughfare Open Space shall be required adjacent to such transportation corridors.~~

~~(i) Active Open Space. Active Open Space shall consist of natural and (primarily) man-made features each of which is easily accessible to pedestrians and is so configured, planned, located, constructed, and maintained so as to be capable of being easily used for its intended purpose. Without limiting the generality of the foregoing, examples of such features include community recreation areas, walking trails, golf courses, pocket parks, and neighborhood greens. Generally, pocket parks and neighborhood greens should be no larger than one quarter of one~~

(1/4) acre in size. Active Open Space shall be purposeful and shall not be simply the interstitial spaces between buildings. Pedestrian access to this space is required, either by sidewalk or all weather surface. Active Open Space shall comprise a minimum of fifteen (15) percent of the total required open space of a PRD in the RM, RSQ, RS-7, RS-9, RS-12, RS-15, and RS-20 zoning districts. Active Open Space shall comprise a minimum of five (5) percent of the total required open space in the RS-30, RS-40, AG, and YR zoning districts.

(ii) Passive Open Space. Passive Open Space shall consist of natural features such as meadows, woods, agricultural land, riparian buffers and steep slopes.

(iii) Thoroughfare Open Space. If PRDs are located in GMA 3, 4, or 5, and are contiguous to major or minor thoroughfares, Thoroughfare Open Space shall be required. The intent of this Thoroughfare Open Space is to preserve or enhance existing viewsheds along major transportation corridors.

[A] GMA 3. A thoroughfare buffer at least fifty (50) feet deep and a Type III Bufferyard planting shall be provided in GMA 3.

[B] GMA 4 and 5. A thoroughfare buffer at least one hundred (100) feet deep and a Type III Bufferyard planting shall be provided in GMA 4 and 5.

[C] Preservation of Existing Landscapes. If thoroughfare buffers contain significant existing natural or historic elements, as identified at the preapplication conference (Section B.2-5.60(C)), these elements shall be preserved. Where present, these natural elements may take the place of the Type III Bufferyard planting required above.

[D] Alternative Compliance. Alternative compliance measures may be proposed which vary from the strict application of the above requirements in order to accommodate the unique character of the site or to utilize innovative design. Alternative compliance may be granted by the Planning Board or Elected Body upon a finding that the proposed alternative fulfills the intent of the ordinance as well as or better than would strict compliance with the requirements of this ordinance.

(c) Open Space Connectivity Requirements. Where practicable, areas of open space within a PRD shall be connected. Separate areas of active open space on site shall be connected by a sidewalk or pedestrian path consisting of an all weather surface. Open space in PRDs shall adjoin open space in neighboring parcels where practicable. If public parks or greenways are present on adjacent sites, a pedestrian connection to these resources shall be made from the PRD in accordance with the Street

Standards Governing Vehicle and Pedestrian Circulation (Section B.3-13).

(d) Adjacency. Where PRDs are comprised of two or more tracts which are divided by an existing street or are otherwise physically separated, each tract shall meet a proportional share of the total open space requirements for the PRD.

(e) Types of Open Space. The total area and percentage of each type of open space within the PRD must be shown on the site plan approved by the Planning Board. PRDs must be developed according to this approved plan, and any changes or deviations must be approved in accordance with Section B.6-1.3.

- (I) OWNERSHIP AND RESPONSIBILITY FOR COMMON OPEN SPACE AND AMENITIES.** Common Open Space may be either owned by the homeowners association or dedicated to a public entity or other non-profit organization. Land not to be held in private or public ownership shall be owned by a nonprofit corporation in which all owners of property within the development have automatic membership rights and assessment obligations for the maintenance of these areas. These automatic membership rights and assessment obligations shall be covered by covenants running with the land and other contractual provisions as to insure the proper maintenance of all commonly owned areas, and shall include provision for liens against the individual properties and legally enforceable personal obligations on the part of the individual property owners in the development. Such covenants shall be recorded in the office of the Register of Deeds and such contractual rights and obligations shall be established prior to the issuance of a building permit.
- (J) PLATTING REQUIREMENTS.** All planned residential developments shall meet the requirements of the *Subdivision Regulations, Chapter D*. In addition, prior to a permit being issued for the construction of any building, there shall have been recorded in the office of the Register of Deeds, a plat of the property or section thereof, showing: easement and right-of-way widths, street widths, the actual or approximate location of single family lots, commonly owned tracts, and lots and buildings to be occupied by other uses.

Section 2. This ordinance shall be effective February 1, 2008 and any plans that are submitted prior to that date shall be processed under the existing regulations.