

September 24, 2003

Kerry Avant  
Adams, Egloff, Avant Properties, Inc.  
4505 Country Club Road, Suite 200  
Winston-Salem, NC 27104

RE: ZONING TEXT AMENDMENT UDO-106

Dear Mr. Avant:

The attached report of the Planning Board to the Forsyth County Board of Commissioners and City of Winston-Salem City Council is sent to you at the request of the Commissioners and Council Members.

When the text amendment is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners and Renee Rice, City Secretary, of the date on which the Commissioners and City Council will hear this petition.

Sincerely,

A. Paul Norby, AICP  
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office  
Renee Rice, City Secretary

**FORSYTH COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** \_\_\_\_\_ **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

- A. Request for Public Hearing on Zoning Text Amendment of Kerry Avant to amend the building spacing requirements in Planned Residential Developments. (UDO-106).
  
- B. Ordinance amending the Forsyth County Zoning Code.

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-**

**SUMMARY OF INFORMATION:-**

See attached staff report.

After consideration, the Planning Board recommended approval of the zoning text amendment.

**ATTACHMENTS:-**     YES             NO

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ACTION REQUEST FORM**

**DATE:** September 24, 2003  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, AICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Text Amendment proposed by Kerry Avant

**SUMMARY OF INFORMATION:**

Zoning Text Amendment proposed by Kerry Avant to amend the building spacing requirements in Planned Residential Developments. (UDO-106).

**PLANNING BOARD ACTION:**

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

## STAFF REPORT

**DOCKET #:** UDO-106

**STAFF:** Gary Roberts

**PETITIONER:** Kerry Avant

### **REQUEST**

Text Amendment proposed by Kerry Avant to amend Section 2-5.58 (H) (8) of the *Unified Development Ordinances* (UDO). The amendment would reduce the minimum side facing side and rear facing side building spacing requirement within Planned Residential Developments (PRD's) from 14 feet to 10 feet.

### **BACKGROUND**

The petitioner would like to have more flexibility in regard to the side yard spacing between residential buildings within PRD's. The proposed minimum spacing requirement would apply to Single Family, Duplex and Twin Home residential building types within all zoning districts which allow Planned Residential Districts.

### **ANALYSIS**

Currently the UDO requires a minimum fourteen foot wide separation between Single Family, Twin Home, and Duplex residential structures within Planned Residential Developments regardless of the underlying zoning classification. At present the minimum side yard setback for single family structures within the RS-7, RSQ and RM-5 districts is five (5) feet provided a greater spacing of at least ten (10) feet is provided on the opposite side. Therefore under the current ordinance it is possible for two single family homes to be spaced as little as ten (10) feet apart within the above mentioned districts.

The proposed text amendment would extend this provision into all zoning districts which allow Single family, Duplex, and Twin Home uses within the PRD context. From a building code standpoint, no additional fire protection measures would be required. Only when the structures are within three (3) feet of each other would a one (1) hour fire wall be required.

Staff notes that planned residential developments, unlike conventional subdivisions are subject to certain additional site plan requirements to insure both internal and external compatibility in exchange for more flexible lot sizes. These include minimum peripheral bufferyard requirements and common community open space elements. Similarly the layout of structures within a PRD are designed in a comprehensive manner to provide a positive relationship between each other and other aspects of the site. While on the one hand closer spacing of dwelling units may promote more front loaded garages by limiting driveway access between buildings, it may also provide an incentive to install more rear alleys in accordance with TND guideline objectives.

Additionally staff notes that two recent UDO text amendments (UDO-97 and UDO-99) make allowances for bay windows extensions into required front, rear and side yards for three and four unit multifamily structures. Although not directed related to this request, the ordinance change did call attention to the fact that the UDO also permits the same three foot encroachment for single family, duplex and twin home structures. In this regard staff recommends that such bay window encroachments not be permitted where buildings are less than the currently allowed fourteen feet.

As Forsyth County urbanizes, and land values increase, it is logical to anticipate that its form development will change. The more compact type of development recommended in *Legacy* will become apparent in many different applications. Compact development does however carry with it a greater need for urban amenities in order to offset increases in density and personal proximity. In this context staff is of the opinion that the reduced spacing requirements will not inherently limit the livability of PRD's and may provide greater opportunities for affordable housing. In summary, staff views the request as a reasonable opportunity to make more efficient use of limited land resources and recommends approval.

## **RECOMMENDATION**

### **APPROVAL.**

Gary Roberts presented the text amendment.

### **PUBLIC HEARING**

FOR: None

AGAINST: None

### **WORK SESSION**

MOTION: Philip Doyle moved approval of the zoning text amendment.

SECOND: Jerry Clark

VOTE:

FOR: Bost, Clark, Doyle, Eickmeyer, Folan, King, Lambe, Norwood

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning

**UDO 106**  
**AN ORDINANCE AMENDING**  
**CHAPTER B, ZONING ORDINANCE,**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**REGARDING MINIMUM SETBACK REQUIREMENTS**  
**BETWEEN RESIDENTIAL BUILDINGS WITHIN**  
**PLANNED RESIDENTIAL DEVELOPMENTS**

Be it resolved, by the Board of Commissioners of Forsyth County, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

**Section 1.** Chapter B Zoning Ordinance: Article III – Section 2-5.58 (H) (8) is hereby amended as follows:

- (a) Side facing side. The minimum distance between side walls of structures shall not be less than ~~fourteen (14)~~ ten (10) feet provided that no bay window encroachments be allowed for buildings closer than fourteen (14) feet.
- (b) Rear facing side. The minimum distance between side walls of structures shall not be less than ~~fourteen (14)~~ ten (10) feet provided that no bay window encroachments be allowed for buildings closer than fourteen (14) feet.

**Section 2.** This ordinance shall be effective upon adoption.

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.

**UDO 106**  
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**PLANNED RESIDENTIAL DEVELOPMENTS**

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

**Section 1.** Chapter B Zoning Ordinance: Article III – Section 2-5.58 (H) (8) is hereby amended as follows:

- (a) Side facing side. The minimum distance between side walls of structures shall not be less than ~~fourteen (14)~~ ten (10) feet provided that no bay window encroachments be allowed for buildings closer than fourteen (14) feet.
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Be it resolved, by the Board of Aldermen of the Town of Kernersville, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

**Section 1.** Chapter B Zoning Ordinance: Article III – Section 2-5.58 (H) (8) is hereby amended as follows:

- (a) Side facing side. The minimum distance between side walls of structures shall not be less than ~~fourteen (14)~~ ten (10) feet provided that no bay window encroachments be allowed for buildings closer than fourteen (14) feet.
- (b) Rear facing side. The minimum distance between side walls of structures shall not be less than ~~fourteen (14)~~ ten (10) feet provided that no bay window encroachments be allowed for buildings closer than fourteen (14) feet.

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Be it resolved, by the Village Council of the Village of Clemmons, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

**Section 1.** Chapter B Zoning Ordinance: Article III – Section 2-5.58 (H) (8) is hereby amended as follows:

- (a) Side facing side. The minimum distance between side walls of structures shall not be less than ~~fourteen (14)~~ ten (10) feet provided that no bay window encroachments be allowed for buildings closer than fourteen (14) feet.
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**BETWEEN RESIDENTIAL BUILDINGS WITHIN**  
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Be it resolved, by the Town Council of the Town of Lewisville, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

**Section 1.** Chapter B Zoning Ordinance: Article III – Section 2-5.58 (H) (8) is hereby amended as follows:

- (a) Side facing side. The minimum distance between side walls of structures shall not be less than ~~fourteen (14)~~ ten (10) feet provided that no bay window encroachments be allowed for buildings closer than fourteen (14) feet.
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**Section 2.** This ordinance shall be effective upon adoption.

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**BETWEEN RESIDENTIAL BUILDINGS WITHIN**  
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Be it resolved, by the Town Council of the Town of Walkertown, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

**Section 1.** Chapter B Zoning Ordinance: Article III – Section 2-5.58 (H) (8) is hereby amended as follows:

- (a) Side facing side. The minimum distance between side walls of structures shall not be less than ~~fourteen (14)~~ ten (10) feet provided that no bay window encroachments be allowed for buildings closer than fourteen (14) feet.
- (b) Rear facing side. The minimum distance between side walls of structures shall not be less than ~~fourteen (14)~~ ten (10) feet provided that no bay window encroachments be allowed for buildings closer than fourteen (14) feet.

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