

City Council – Action Request Form

Date: November 12, 2019

To: Mayor, Mayor Pro Tempore, and Members of the City Council

From: Damon Dequenne, Assistant City Manager
Aaron King, Director of Planning and Development Services

Council Action Requested:

UDO-291 (UDO ClearCode)

Strategic Focus Area: Livable Neighborhoods

Strategic Objective: Reorganize the existing UDO into a more user friendly format.

Strategic Plan Action Item: No

Key Work Item: N/A



Summary of Information:

In 2017, Planning and Development Services staff initiated a code assessment of the Unified Development Ordinances (UDO) to find ways to make the ordinance clearer and easier to use for citizens and developers. The UDO was originally adopted in 1994 and has been amended nearly 300 times since then. The code assessment was prepared by CodeWright Planners, a consulting firm that specializes in drafting and assessing development ordinances. Multiple opportunities for stakeholder involvement were incorporated in the assessment process, and the Planning Board accepted the final assessment report in November 2018. CodeWright staff also gave a presentation on the code assessment recommendations at the March 2019 CD/H/GG Committee meeting, which was favorably received by Council members.

Staff began implementing the code assessment’s recommendation for taking the UDO and re-organizing it into a more user-friendly structure last December. This task was completed in August 2019 and resulted in UDO-291, a text amendment which would replace the existing UDO with the reorganized UDO, also known as the UDO ClearCode.

Committee Action:

Committee	<hr/>	Action	<hr/>
For	<hr/>	Against	<hr/>
Remarks:	<hr/>		

However, no changes to the actual ordinance regulations are proposed as part of this reorganization. The Planning Board held a public hearing on this proposal in October 2019 and recommended approval.

Staff will give a presentation on UDO-291 at the November 12th Community Development/Housing/General Government Committee, and this item is scheduled for a Council public hearing on November 18th.

Staff has proposed an effective date of January 1, 2020 for the new UDO ClearCode, to allow time for adoption by Council and the Forsyth County Commissioners.

STAFF REPORT

DOCKET # UDO-291
STAFF: Kirk Ericson

REQUEST

This text amendment is proposed by Planning and Development Services staff to re-organize the Unified Development Ordinances (UDO) as a result of the UDO code assessment process currently underway.

BACKGROUND

In fall 2017, efforts began on preparing a code assessment for the Winston-Salem/Forsyth County UDO. The purpose of this code assessment was to find ways to make the UDO more user-friendly and visually appealing. The UDO was originally adopted in 1994, and has been amended nearly 300 times in the past 25 years. Over the years, additions to the UDO have been by written by staff using different voices. At the same time, other ordinance provisions have become outdated or no longer relevant.

Staff contracted with CodeWright Planners, a firm that specializes in preparing and evaluating development ordinances, to complete the code assessment. Several public input opportunities were included in the code assessment process, and the final assessment contains many recommendations for making the UDO a more cohesive document which reflects current best planning practices. The Planning Board ultimately accepted CodeWright's report in November 2018, and the City Council and Forsyth County Commissioners were briefed on the report recommendations in early 2019.

The first recommendation of the code assessment was to re-organize the existing UDO to make it more user-friendly. Planning staff and CodeWright started working on this recommendation in December 2018.

ANALYSIS

The current UDO structure consists of four chapters, ten articles, and numerous subsections. As previously stated, the ordinance has also been subject to many text amendments in the 25 years since its adoption. To make the ordinance easier to navigate, CodeWright proposed a 10 chapter document structure (see **Exhibit A**) which places the most-used ordinance provisions near the front of the document, and the least-used provisions towards the end. Staff worked with CodeWright on re-organizing the UDO text into this new format. However, no changes to the actual ordinance regulations were made as part of this re-organization process. The code assessment document does recommend changing certain confusing or outdated UDO provisions, but such changes will be proposed at a later time.

In addition to re-organizing the ordinance text, the updated [UDO](#) (known as UDO ClearCode) also incorporates aesthetic changes intended to make the document more visually appealing. These include using multiple colors and font styles to accentuate the hierarchy of regulations on the page, and making more efficient use of text on the page to reduce the overall length of the ordinance.

Beyond the aforementioned updates, the digital UDO file also includes several changes designed to make the code easier to use. The UDO now has its own dedicated website, www.UDOClearCode.com, which will also be linked from the Planning department's web page once the revised code is adopted. The PDF file of the code on the UDOClearCode website includes a series of bookmarks that let users navigate to a particular section of the code. Alternatively, users can conduct a word search of the entire document to find the provision they are looking for. The document now includes over 1000 hyperlinked cross-references as well – these links allow users to instantly navigate to a section of the code being referenced in the provision they are currently reading. A topical index also exists at the end of the document to allow users to look up key words and go directly to the UDO section relating to those words.

Staff sent out the revised UDO to stakeholders for comments in August 2019. Staff also presented the ordinance to the Planning Board at its August work session, and to the Chamber of Commerce Construction Industry Council and Forsyth County Quarterly Development Forum in September. Several stakeholders and meeting attendees commented to staff that the UDO ClearCode document is a significant improvement over the current UDO, and staff believes the revised code will provide an excellent foundation for the future text amendments proposed in the code assessment. Staff will start working on the first of these amendments in 2020.

Staff recommends adopting UDO-291 with an effective date of January 1, 2020.

RECOMMENDATION:

APPROVAL

UDO-291 EXHIBIT A. REVISED UDO CHAPTER STRUCTURE

Current UDO Chapter Structure

Chapter A – Definitions Ordinance
Article I. General
Article II. Definitions
Chapter B – Zoning Ordinance
Article I. Purpose and Authority
Article II. Zoning Districts, Official Zoning Maps & Uses
Article III. Other Development Standards
Article IV. Historic/Historic Overlay Districts
Article V. Nonconforming Situations
Article VI. Administration and Amendments
Article VII. Site Plan Requirements
Article VIII. Fees
Article IX. Enforcement
Article X. Appointed Boards
Chapter C - Environmental Ordinance
Chapter D - Subdivision Regulations

Proposed Updated UDO Chapters

Chapter 1. General Provisions
Chapter 2. Procedures
Chapter 3. Zoning Districts
Chapter 4. Use Regulations
Chapter 5. Development Standards
Chapter 6. Subdivision Requirements
Chapter 7. Environmental Provisions
Chapter 8. Nonconformities
Chapter 9. Authorities & Enforcement
Chapter 10. Definitions & Measurement

UDO-291

A TEXT AMENDMENT PROPOSED BY PLANNING AND DEVELOPMENT SERVICES STAFF TO RE-ORGANIZE THE UNIFIED DEVELOPMENT ORDINANCES AS A RESULT OF THE UDO CODE ASSESSMENT PROCESS CURRENTLY UNDERWAY

Be it ordained by the _____, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. The current *Unified Development Ordinances* shall be replaced in its entirety by the attached document titled “*UDO ClearCode*”, dated 4.18.19 and prepared by CodeWright Planners.

Section 2. Any additional amendments to the *Unified Development Ordinances* adopted by this body prior to January 1, 2020 shall be administratively incorporated into the *UDO ClearCode* document by Planning and Development Services staff prior to the effective date of the *UDO ClearCode*.

Section 3. This ordinance shall be effective January 1, 2020.

The Winston-Salem Neighborhood Alliance supports the adoption of the reorganized Unified Development Ordinance (UDO) known as “Clear Code”. We appreciate the time and effort the Planning Department staff have put into this effort to make the UDO easier to understand and apply. We also appreciate the invitation to provide input early in the process. WSNA members look forward to the addition of improved graphics and diagrams in coming months.