City Council – Action Request Form

Date: March 16, 2021

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:
Request for public hearing UDO-CC8

Strategic Focus Area: Livable Neighborhoods
Strategic Objective: Improve Character and Conditions of Neighborhoods
Strategic Plan Action Item: No
Key Work Item: No

Summary of Information:

The Planning Board recommended approval of an amendment to the Unified Development Ordinances (UDO) revising standards for the Mixed Use – Special Use (MU-S) district and adding provisions for Cottage Court development at its February 11, 2021 meeting. The Planning Board directed staff to prepare this amendment (UDO-CC8) as a means of promoting additional diversity of housing types in the community.

Specifically, UDO-CC8 modifies existing MU-S district standards to allow more flexibility and innovation in design for such developments. This district will function as our local Planned Unit Development (PUD) district. UDO-CC8 also proposes adding Cottage Courts as a residential development type. Staff believes that Cottage Courts are an effective way to increase housing choice and variety while maintaining residential character and scale. Cottage Courts help to fulfill the goal of housing diversity promoted by the Legacy Comprehensive Plan and help alleviate the need for 15,000 new housing units identified in the 2018 Winston-Salem/Forsyth County Housing Study and Needs Assessment.

Staff will be available to present UDO-CC8 at the March 2021 Community Development/Housing/General Government Committee meeting.

Committee Action:

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<tr>
<th>Committee</th>
<th>Action</th>
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<tr>
<td>For</td>
<td>Against</td>
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</table>

Remarks:
AN ORDINANCE AMENDING CHAPTER 4, CHAPTER 5, 6, AND 11 OF THE UNIFIED DEVELOPMENT ORDINANCES (UDO) TO REVISE MIXED USE – SPECIAL USE (MU-S) PROVISIONS AND TO ADD PROVISIONS FOR COTTAGE COURTS

Be it ordained by the ____________________________, that the Unified Development Ordinances are amended as follows:

Section 1. Section 4.8.3 of the UDO is amended as follows:

4.8.3 MIXED USE – SPECIAL USE DISTRICT

A. PURPOSE

1. The MU-S District is intended to accommodate a Planned Unit Development (PUD) containing residential uses and at least one nonresidential use with the mix of uses achieved through incorporating multiple uses within a single building or by single-use buildings located throughout the site.

2. This district has applications in a broad range of urban to suburban locations.

3. The size and intensity of MU-S developments may vary based on their physical context and location. Appropriate setbacks, streetyards, bufferyards, and building heights among other site and design elements will be considered to ensure compatibility of the development on a site-specific basis.

4. The MU-S District provides greater development flexibility in exchange for certain planning and design considerations, and provides an opportunity to propose development which would otherwise not be accommodated by the UDO. Any Planned Unit Development proposed via the MU-S district shall be evaluated on its own merits.

5. The MU-S district promotes quality design and respects surrounding land use and character with particular consideration given to the architectural details and facades of mixed-use and nonresidential buildings and the design of the streetscape. Elements such as building fenestration and massing, placement of windows, incorporation of awnings and other architectural elements as well as landscaping, street trees, and presence of plazas, pocket parks, public squares and other common public open space will be utilized to ensure a well-designed development.

The MU-S district shall include pedestrian-oriented design elements that promote walkability such as a system of sidewalks or other all-weather paths linking different parts of the development. Accommodation of multimodal transportation options is also encouraged.

B. GENERAL INFORMATION

1. DISTRICT REVIEW
   a. The MU-S district is fundamentally different from other zoning districts in the UDO. MU-S zoning can only be established through the special use district zoning process in
accordance with Section 3.2.19D, Special Use Districts. No General Use zoning provisions are available.

b. Compatibility and design integration of the proposed district shall be ensured by specifying appropriate setbacks, streetyards, bufferyards, building heights, lots sizes, and other development standards through the site plan review process.

c. Petitions for MU-S zoning may be subject to additional review requirements to ensure compatibility with surrounding land uses and compliance with the principal objectives of the MU-S district. Such requirements may include submittal of proposed building elevations, street and building cross sections, and other representative graphics demonstrating the internal and external compatibility of the proposed development.

2. DISTRICT OBJECTIVES
   a. The MU-S district is intended to address new development concepts, innovative design, and other unique situations and proposals which cannot be as easily accommodated through conventional zoning districts.
   b. The MU-S district generally permits a broad range of land uses including single family residential, multifamily residential, retail/commercial, office, institutional/public, and Manufacturing A and B.
   c. Each MU-S district should incorporate residential uses and at least one nonresidential use in a cohesive, comprehensively planned development which is compatible and well integrated with its surrounding context.

C. GENERAL DIMENSIONAL REQUIREMENTS
   1. There are no general dimensional requirements for the MU-S District; these requirements shall be specified on a site specific basis through the required site plan review process.
   2. These requirements include but are not limited to: bufferyards, setbacks, streetyards, building height, and lot dimensions and area.
   3. In all situations, Fire Code and other regulations pertaining to general health, safety, and welfare apply.

D. SUPPLEMENTARY DISTRICT REQUIREMENTS
   Other supplemental district requirements for MU-S developments include:
   1. SKETCH PLAN REVIEW MEETING
      a. Prior to the formal submission of a proposed MU-S district, the developer or their representative shall attend a Sketch Plan Review Meeting with Planning and Development Services staff concerning the proposed plan of development.
      b. At this Sketch Plan Review Meeting, the developer shall submit a sketch plan for the proposed MU-S district and general information concerning traffic circulation and utilities for review, comments, and recommendations by Planning and Development Services staff.
   2. RESERVED
   3. RESERVED
   4. RESERVED
5. RESERVED

6. MAINTENANCE RESPONSIBILITY
   A homeowners association or similar entity shall be established to manage and maintain
   private streets, open space, and other common areas and facilities, which exist within the
   proposed MU-S district.

7. RESERVED

8. PARKING
   a. NUMBER OF SPACES
      i. Off-street parking for any use in the MU-S District shall receive an automatic thirty
         percent (30%) reduction of the parking requirements of Table 6.1.2A., Motor
         Vehicle and Bicycle Parking Space Requirements.
      ii. A comprehensive off-street parking and loading study which includes shared
          parking may be approved by the Assistant City Manager for Public Works or
          designee in lieu of the standard parking and loading requirements as specified in
          Section 6.1, Off-Street Parking and Loading.
   b. ON-STREET PARKING
      i. On-street parking in appropriate locations is encouraged in accordance with the
         MU-S purpose statement.
      ii. Some on-street parking may be permitted to satisfy off-street parking requirements
          in accordance with Section 6.1.5M, On-Street Parking Supplements for
          Pedestrian Oriented Developments.

9. GENERAL REQUIREMENTS
   All MU-S developments shall meet the following requirements:
   a. DISTINCT LAND USES
      i. All MU-S districts shall contain residential units and at least one nonresidential use
         as listed in Section 4.8.3B.2, District Objectives.
      ii. RESERVED
      iii. Mixing of uses can occur by having two or more uses located in the same building
           (i.e. ground floor retail with residences above) or by having two or more uses
           located in different buildings within the overall district.
   b. FACADES
      In mixed use and nonresidential buildings, ground level street facades shall incorporate
      pedestrian oriented elements such as, but not limited to, storefront display windows,
      covered arcades, awnings, and pedestrian level building fenestration.
   c. STREETSCAPE DESIGN
      MU-S districts shall exhibit characteristics of pedestrian friendly streetscape design
      such as, but not limited to, buildings pulled up to the street, sidewalks and street trees,
      public/private outdoor spaces, and traffic calming devices, including on-street angled
      and parallel parking.
   d. OPEN SPACE
A minimum of five percent (5%) of the total land area of the proposed MU-S district shall consist of common open space. Common open space may include, but shall not be limited to, the following: plazas, public squares, recreational amenities such as tennis courts or swimming pools, pocket parks, and community gardens.

e. PERIMETER BUFFERYARDS
i. In order to ensure compatibility between uses inside the MU-S District and those outside, bufferyard standards as outlined in Section 6.3.2, Determination of Bufferyard shall serve as guidelines to establish bufferyards through the required site plan review process.

ii. Actual bufferyard requirements may be reduced or increased depending on the level of integration with adjacent uses.

Section 2. Table 5.1.1: Principal Use Table of the UDO is amended as follows:

<table>
<thead>
<tr>
<th>USE TYPE</th>
<th>RESIDENTIAL DISTRICTS</th>
<th>COMMERCIAL DISTRICTS</th>
<th>IND. DIST.</th>
<th>I &amp; MU DIST.</th>
<th>CONDITIONS</th>
</tr>
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<tbody>
<tr>
<td>Cottage Court</td>
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<td></td>
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<td>(Low)</td>
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Section 3. Section 5.2.26.1 of the UDO is amended as follows:

5.2.26.1 COTTAGE COURT

A. PURPOSE
1. Cottage Court developments are comprised of several small attached or detached housing units around a central courtyard with no intervening street.
2. The purpose of the Cottage Court provision is to encourage the development of diverse housing types and quality residential infill.
3. The smaller size of cottage homes allows for more options for populations diverse in age, income, and household size.
4. In return for development flexibility, additional site plan information may be required of the developer to assist in evaluating the suitability of proposed Cottage Courts.

B. SKETCH PLAN REVIEW
1. Prior to the formal submission of a proposed Cottage Court, the petitioner or representative shall attend a Sketch Plan Review coordinated by Planning Staff concerning the proposed development of the site.

2. The petitioner shall be required to produce a scaled sketch site plan showing the existing and proposed features of the site for review by Planning and other interdepartmental review staff.

3. The official plan of development shall be submitted to the Planning Board only after the completion of the Sketch Plan Review.

C. PERMITTED PRINCIPAL USES
Cottage Courts may include the uses Residential Building, Single-Family; Residential Building, Duplex; and Residential Building, Twin Home. Said permitted uses shall only be allowed in districts where the underlying zoning allows these uses.

D. RELATIONSHIP TO OTHER APPLICABLE REGULATIONS
Cottage Court developments shall be subject to all applicable standards, procedures, and regulations of these Ordinances and the zoning district in which they are located unless otherwise set forth in this section.

E. DEVELOPMENT STANDARDS
Cottage Courts shall be allowed in GMAs 1, 2, and 3, and meet the following standards:

1. PERMITTED NUMBER OF UNITS
   a. Any Cottage Court shall have a minimum of four (4) and a maximum of fourteen (14) units.

2. ORIENTATION OF DWELLING UNITS
   a. Each dwelling unit that abuts the Courtyard Open Space shall have a primary entrance oriented toward the Courtyard Open Space.
      i. If a dwelling unit also abuts a public right-of-way, that unit may have a secondary entrance oriented toward the Courtyard Open Space provided the primary entrance is oriented toward the right-of-way.
   b. Each dwelling unit that abuts a public right-of-way shall have a primary or secondary entrance oriented toward the public right-of-way.

3. MINIMUM SIZE
   a. For nonresidential zoning districts, a Cottage Court development shall be located on a site containing at least twenty thousand square feet (20,000 sf).

4. HEIGHT
   a. Building height of all structures may not exceed 30 feet.

5. MAXIMUM DENSITY
   a. Maximum residential density of Cottage Courts shall be 25% more than the density of the underlying zoning district in which the Cottage Court lies. However, Cottage Courts shall not include more than fourteen (14) units, except as allowed by the alternative compliance provisions of subsection F below.
   b. Additional density may be allowed by utilizing Section 4.1.6, Density Bonus for Affordable Housing.

6. REQUIRED PARKING
   a. OFF-STREET PARKING
i. Off-street parking shall be provided in compliance with Section 6.1, Off-Street Parking and Loading, except that the parking requirements may be met through group parking located on commonly owned land.

ii. In no instances shall off-street parking spaces extend into public rights-of-way or private access easements.

iii. Should lighting be included in the parking area, it shall adhere to the lighting standards outlined in Section 6.6 Exterior Lighting.

b. ON-STREET PARKING
Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with Section 6.1.5M, On-Street Parking Supplements for Pedestrian Oriented Developments.

c. SPECIAL VEHICLE ACCOMMODATIONS
i. Special accommodations for recreational vehicles, including boats, may be provided in group parking areas.

ii. Such special parking areas shall be designated and screened from adjacent residential uses per the Bufferyard Standards in 5.2.26.1.8a.

7. LOT DIMENSIONAL REQUIREMENTS AND SPACING OF STRUCTURES
a. The lot and setback dimensional requirements of the zoning district for individual lots within a Cottage Court are waived except for a minimum ten (10) foot building setback from adjacent property lines, public rights-of-way and private access easements.

b. Minimum distances between Cottage Court structures shall adhere to minimum building code and minimum fire code.

c. In Cottage Court developments in GMA 2, no building shall be located closer to the street than the average setback of the street-facing façades of structures on lots to either side of the development. If no structures exist on the adjacent lots, the setbacks outlined in Section 5.2.26.1.E.7.a shall be used.

8. BUFFERYARD AND SCREENING STANDARDS
a. Rear and side parking areas shall be buffered by a type II bufferyard, as defined in Section 6.3, Bufferyard Standards, if adjacent to residentially zoned property.

b. The use of dumpsters shall be prohibited in association with Cottage Court development.

9. COURTYARD OPEN SPACE
a. AREA
Courtyard Open Space for Cottage Courts shall meet the following standards:

i. A minimum of fifteen (15) percent of the total lot area is required to be Courtyard Open Space.

ii. Courtyard Open Space shall consist of a central space or a series of interconnected spaces.

iii. Parking areas and driveways do not count toward Courtyard Open Space calculations.

iv. Wetlands, steep slopes, and bufferyards do not count toward Courtyard Open Space calculations.

b. CHARACTER
i. Courtyard Open Space shall include walkways consisting of an all-weather surface to each individual building within the Cottage Court and to the common parking area.

ii. If sidewalks along the street are available or required, walkway connections to these sidewalks are required as part of the Courtyard Open Space.

iii. Courtyard Open Space areas shall be attractively landscaped utilizing trees complimented by shrubs or groundcover.

iv. Courtyard Open Space may include common amenities such as gazebos or benches.

v. Enclosures for trash and recycling carts are prohibited in the Courtyard Open Space.

**Figure 5.2.26.1.E: Cottage Court Development Standards**

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**F. ALTERNATIVE COMPLIANCE**

1. A Cottage Court development which does not meet the requirements of **Section 5.2.26.1.E, Development Standards**, shall be proposed through a special use district rezoning.

2. 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.

**G. OWNERSHIP AND RESPONSIBILITY FOR COURTYARD OPEN SPACE AND COMMON PARKING**

1. Courtyard open space and common parking areas must be owned and maintained by the homeowners association of the development.

2. 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.

3. For Cottage Courts where all dwelling units and common areas are under single ownership, a homeowners association may not be required.
H. PLATTING REQUIREMENTS
1. All Cottage Court developments shall meet the requirements of the subdivision regulations.
2. 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.
3. Residential lots shown on plats or subdivision plans for Cottage Court developments may be as small as the footprint of the residential structure itself and shall not be subject to the minimum lot size requirement of the underlying zoning district.

I. MULTIPLE DWELLING UNITS PER ZONING LOT
1. Multiple single family dwelling units on a zoning lot are permitted for Cottage Courts.
2. Multiple single family dwelling units on a zoning lot shall be clearly indicated on the preliminary subdivision plan presented to the Planning Board for approval and clearly indicated on the face of any plat recorded for the Cottage Court.
3. If at any point in the future the owner intends to transfer individual lots into separate ownership, a plat meeting all requirements of the UDO shall be submitted to Planning staff for review and approval.

Section 4. Table 6.1.2: Motor Vehicle and Bicycle Parking Space Requirements of the UDO is amended as follows:

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<tbody>
<tr>
<td>Residential Uses</td>
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</tr>
<tr>
<td>Cottage Court</td>
<td>1 space per dwelling unit. (See Section 5.2.26.1.E.6, Required Parking, for possible additional requirements.)</td>
<td>Exempt</td>
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</tbody>
</table>

Section 5. Table 11.2.2: Definitions of the UDO is amended as follows:
<table>
<thead>
<tr>
<th>TABLE 11.2.2: DEFINITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COTTAGE COURT</strong></td>
</tr>
<tr>
<td><strong>PLANNED UNIT DEVELOPMENT (PUD)</strong></td>
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Section 6. This Ordinance shall be effective upon adoption.
AN ORDINANCE AMENDING CHAPTER 4, CHAPTER 5, 6, AND 11 OF THE UNIFIED DEVELOPMENT ORDINANCES (UDO) TO REVISE MIXED USE – SPECIAL USE (MU-S) PROVISIONS AND TO ADD PROVISIONS FOR COTTAGE COURTS

Section 1. Section 4.8.3 of the UDO is amended as follows:

4.8.3 MIXED USE – SPECIAL USE DISTRICT

A. PURPOSE

1. The MU-S District is intended to accommodate a comprehensively planned, pedestrian oriented mix of three (3) or more distinct land uses containing residential uses and at least one nonresidential use with the mix of uses achieved through incorporating multiple uses within a single building or by single-use buildings located throughout the site.

2. This district has applications in a broad range of urban to suburban locations.

3. The size and intensity of MU-S developments may vary based on their physical context and location. Appropriate setbacks, streetyards, bufferyards, and building heights among other site and design elements will be considered to ensure compatibility of the development on a site-specific basis.

4. The MU-S District provides greater development flexibility in exchange for certain planning and design considerations, and provides an opportunity to propose development which would otherwise not be accommodated by the UDO. Any Planned Unit Development proposed via the MU-S district shall be evaluated on its own merits.

5. The MU-S district promotes quality design and respects surrounding land use and character with particular consideration given to the architectural details and facades of mixed-use and nonresidential buildings and the design of the streetscape. Elements such as building fenestration and massing, placement of windows, incorporation of awnings and other architectural elements as well as landscaping, street trees, and presence of plazas, pocket parks, public squares and other common public open space will be utilized to ensure a well-designed development.

6. The MU-S district shall include pedestrian-oriented design elements that promote walkability such as a system of sidewalks or other all-weather paths linking different parts of the development. Accommodation of multimodal transportation options is also encouraged.
B. GENERAL INFORMATION

1. FLEXIBILITY DISTRICT REVIEW
   a. The MU-S district is fundamentally different from other zoning districts in the UDO. MU-S zoning can only be established through a special use district zoning process in accordance with Section 3.2.19D, Special Use Districts, site plan review process. No General Use zoning provisions are available.
   b. Since MU-S zoning requires all aspects of internal and external compatibility be clearly shown on the required site plan, absolute requirements which might unnecessarily limit development flexibility are kept to a minimum. Compatibility and design integration of the proposed district shall be ensured by specifying appropriate setbacks, streetyards, bufferyards, building heights, lots sizes, and other development standards through the site plan review process.
   c. Because of enhanced provisions for development flexibility, however, petitions for MU-S zoning are subject to additional site plan review requirements to ensure compatibility with surrounding land uses and compliance with the principal objectives of the MU-S district. Such requirements may include submittal of proposed building elevations, street and building cross sections, and other representative graphics demonstrating the internal and external compatibility of the proposed development.
   d. The district is intended to be equally suited for new developments or adaptive reuse of existing structures.

2. DISTRICT OBJECTIVES
   a. The MU-S district is intended to address new development concepts, innovative design, and other unique situations and proposals which cannot be as easily accommodated through conventional zoning districts.
   b. The MU-S district generally permits a broad range of land uses including single family residential, multifamily residential, retail/commercial, office, institutional/public, and Manufacturing A and B.
   c. Each MU-S development should incorporate three or more of the previously mentioned categories of land uses and at least one nonresidential use in a cohesive, comprehensively planned development which is compatible and well integrated with its physical, natural, and historical surrounding context.
   d. MU-S developments should demonstrate the following architectural and site design elements:
      i. BUILDING MASS AND SCALE
         Building mass and scale should be consistent with the mass and scale of surroundings buildings and their relationship to the street. Additionally, buildings should provide a purposeful transition from the existing architectural context of one site edge to another.
      ii. RHYTHM
         Building elements such as facade and roofline articulation, entrances, and fenestration should reflect, harmonize with, and provide a logical transition to the surrounding patterns of proposed or existing development.

NOTE: Items to be removed are indicated with a strikethrough; items to be added are shown as highlighted. Items with a single underscore are applicable to Forsyth County only, and italicized items are applicable to Winston-Salem only.
iii. _VEHICULAR CONNECTIVITY_  
Streets in MU-S developments should demonstrate a high level of internal and external connectivity.

iv. _ACTIVE, PEDESTRIAN FRIENDLY STREETS_  
Developments should demonstrate elements such as buildings pulled up to the street, on-street parking, street trees, covered arcades, awnings, storefront display windows, public/private outdoor spaces, wide sidewalks, building entrances facing the street, and pedestrian level building fenestration.

v. _PUBLIC ART AND ENVIRONMENTALLY RESPONSIVE DESIGNS_  
Public art and environmentally responsible designs should be used to create a more exciting, unique environment.

3. _SCOPE OF APPLICATION_  
Appropriate scale and character of MU-S developments may vary depending upon the context and location of the development within Growth Management Areas (GMAs). The MU-S district is comprised of three (3) distinct tiers along the urban to suburban continuum in accordance with Legacy Growth Management Plan objectives. The MU-S District is the primary zoning tool for implementing Transit Oriented Development (TOD) and Traditional Neighborhood Development (TND) in accordance with Legacy and small area planning recommendations.

a. _TIER 1_  
i. Tier 1 includes GMA 1, Activity Center cores, the 1/8 mile wide corridor surrounding streetcar lines, and the core of regional rail TODs.

ii. This tier requires a vertically oriented mix of distinct land uses in dense urban areas.

b. _TIER 2_  
i. Tier 2 includes GMA 2, Activity Center support areas, and the support area of TODs.

ii. This tier supports less dense urban mixed use development, and acts as a link between urban and suburban growth areas. Vertical mixing of uses is encouraged in this tier.

c. _TIER 3_  
i. Tier 3 includes GMA 3 and 4 and locations suited for TND.

ii. This tier is designed to promote a mix of uses oriented either horizontally or vertically on site.

4. _REVIEW PROCESS_  
a. While the MU-S District provides greater development flexibility, additional responsibility is required of the developer in exchange.

b. A preapplication conference between the Director of Planning and the developer is required.

c. MU-S zoning allows the developer to work outside the standardized requirements of conventional zoning and focus on the purpose and intent of the district, and as such has minimal fixed requirements.

NOTE: Items to be removed are indicated with a _strike through_; items to be added are shown as _highlighted_. Items with a _single underscore_ are applicable to Forsyth County only, and _italicized_ items are applicable to Winston-Salem only.
d. Compatibility and design integration will be ensured by requiring appropriate setbacks, streetyards, bufferyards, building heights, lots sizes, and other requirements through the site plan review process.

e. Additional site plan review items may be needed to assist planning staff in evaluating the suitability of proposed MU-S developments.

f. Such items may include building elevations, street and building cross sections, and other representative graphics depicting the character, and demonstrating the internal and external compatibility, of the proposed development.

C. GENERAL DIMENSIONAL REQUIREMENTS

1. There are no general dimensional requirements for the MU-S District; these requirements shall be specified on a site specific basis through the required site plan review process.

2. These requirements include but are not limited to: bufferyards, setbacks, streetyards, building height, and lot dimensions and area.

3. In all situations, Fire Code and other regulations pertaining to general health, safety, and welfare apply.

D. SUPPLEMENTARY DISTRICT REQUIREMENTS

Minimum lot sizes for single family residences, duplexes, twin homes, and multifamily developments must meet the requirements of Section 4.8.5, Additional Dimensional Requirements by Use Type in the Nonresidential Districts. Other supplemental district requirements for MU-S developments are include:

1. SKETCH PLAN REVIEW MEETING PREAPPLICATION CONFERENCE

   a. Prior to the formal submission of a proposed MU-S District, the developer or their representative shall attend a preapplication conference Sketch Plan Review Meeting with the Director of Planning and Development Services staff concerning the proposed plan of development.

   b. At this preapplication conference Sketch Plan Review Meeting, the developer shall submit a sketch plan for the proposed MU-S District and general information concerning traffic circulation and utilities for tentative review, comments, and recommendations by the Director of Planning and Development Services staff.

   c. The Director of Planning shall comment on the information submitted in writing within thirty (30) days.

   d. No rezoning petition for a MU-S District may be accepted until this process has been completed.

2. RESERVED MU-S DISTRICT APPLICATION

   a. No rezoning petition for a MU-S District may be accepted unless it is filed within one hundred eighty (180) days from the date of the Director of Planning's written comment relating thereto.

3. RESERVED EFFECTS OF APPROVAL

   NOTE: Items to be removed are indicated with a strikethrough; items to be added are shown as highlighted. Items with a single underscore are applicable to Forsyth County only, and italicized items are applicable to Winston-Salem only.
The approval of a development plan and the accompanying preliminary plat shall have the following effects:

a. The area of an approved MU-S District shall be noted on the Official Zoning Maps.

b. Approval of a One-Phase or Two-Phase MU-S District shall be in accordance with Section 3.2.19D, Special Use Districts.

c. Approval of the application shall also constitute the required approval for the preliminary plat included in the application. The applicant may then request approval of a final plat in accordance with the subdivision regulations.

4. RESERVED SEQUENCING OF DEVELOPMENT

a. Conditions for sequencing of development where appropriate will be determined through the special use district's site plan review process in accordance with Section 3.2.19D, Special Use Districts, in order to ensure a balanced mix of uses throughout the entire sequencing process.

b. Proposed sequencing of development shall be discussed at the preapplication conference.

5. RESERVED PLATTING REQUIREMENTS

Final plats shall be recorded in the Office of the Register of Deeds prior to the issuance of building permits in accordance with the following provisions:

a. SUBDIVISIONS

As a minimum, all subdivision sections of the MU-S site plan must conform to the street standards in Section 7.4, Streets Standards Governing Vehicle and Pedestrian Circulation, and final plats recorded in accordance with Section 3.2.5, Final Plat.

b. MULTIPLE BUILDING SITES

i. All sections of the MU-S site plan that have multiple building sites on one zoning lot must conform to the street standards in Section 7.4, Streets Standards Governing Vehicle and Pedestrian Circulation, and must be recorded on final plats in accordance with Section 3.2.5, Final Plat.

ii. These final plats shall show all tentative building locations, access, and utility easements on the zoning lot.

6. MAINTENANCE RESPONSIBILITY

An application for approval of an MU-S District shall be accompanied by copies of documents related to the proposed A homeowners association or other similar entity proposed shall be established to manage and maintain private streets, open space, and other common areas and facilities, if any which exist within the proposed MU-S district. Such documents shall:

a. Set forth the nature of the permanent organization under which common ownership is to be established, including its purposes;

b. How it shall be governed and administered;

c. The provisions made for permanent care and maintenance of the common property, including necessary bonds when required by the City;

d. The method of assessing the individual property for its share of the cost of administering and maintaining such common property; and

NOTE: Items to be removed are indicated with a strikethrough; items to be added are shown as highlighted. Items with a single underscore are applicable to Forsyth County only, and italicized items are applicable to Winston-Salem only.
e. Set forth the extent of common interest held by the owner of each individual parcel in the tract held in common with others.

7. **RESERVED SUPPLEMENTARY GRAPHICS**

   In addition to site plans meeting the requirements of Section 3.2.11D, Specific Submittal Requirements, proposed MU-S districts may be required to demonstrate district objectives through graphics such as, but not limited to, representative building elevations, representative building envelopes, and building and/or street cross sections as necessary for Planning Board and Elected Body review.

8. **PARKING**

   Except for single family residential uses and situations where the provisions of Section 4.8.3D.8.b, On-Street Parking, below are applied, all parking shall be located to the rear or side of the principal building. Where required spaces cannot be provided in the rear or side due to lot size, shape, or topographic features, a limited number of parking spaces may be allowed in the front of the building in accordance with the MU-S purpose statement with Planning Board or Elected Body approval.

   a. **NUMBER OF SPACES**

      i. Off-street parking for any use in the MU-S District shall receive an automatic thirty percent (30%) reduction of the parking requirements of Table 6.1.2A., Motor Vehicle and Bicycle Parking Space Requirements.

      ii. A comprehensive off-street parking and loading study which includes shared parking may be approved by the Director of Assistant City Manager for Public Works or designee in lieu of the standard parking and loading requirements as specified in Section 6.1, Off-Street Parking and Loading.

   b. **ON-STREET PARKING**

      i. On-street parking in appropriate locations is encouraged in accordance with the MU-S purpose statement.

      ii. Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with Section 6.1.5M, On-Street Parking Supplements for Pedestrian Oriented Developments.

9. **GENERAL REQUIREMENTS**

   All MU-S developments shall meet the following requirements:

   a. **DISTINCT LAND USES**

      i. All MU-S developments districts shall contain three or more distinct land uses residential units and at least one nonresidential use as listed in Section 4.8.3B.2, District Objectives.

      ii. **RESERVED** In situations where new MU-S development is proposed adjacent to existing MU-S development, this requirement may be waived if the proposed MU-S development is compatible with the existing MU-S development.

      iii. Mixing of uses can occur by having two or more uses located in the same building (i.e. ground floor retail with residences above) or by having two or more uses located in different buildings within the overall district.

   b. **FACADES**

   NOTE: Items to be removed are indicated with a strikethrough; items to be added are shown as highlighted. Items with a single underscore are applicable to Forsyth County only, and italicized items are applicable to Winston-Salem only.
In mixed use and commercial nonresidential buildings, ground level street facades shall incorporate pedestrian oriented elements such as, but not limited to, storefront display windows, covered arcades, awnings, and pedestrian level building fenestration.

c. **STREETScape DESIGN**

MU-S developments districts shall exhibit characteristics of pedestrian friendly streetscape design such as, but not limited to, buildings pulled up to the street, sidewalks and street trees, public/private outdoor spaces, and traffic calming devices, including on-street angled and parallel parking.

d. **OPEN SPACE**

A minimum of five percent (5%) of the total land area of the proposed MU-S district shall consist of common open space. Common open space may include, but shall not be limited to, the following: plazas, public squares, recreational amenities such as tennis courts or swimming pools, pocket parks, and community gardens

i. Public/private open space shall be required for all new buildings with a gross floor area greater than or equal to fifty thousand (50,000) square feet.

ii. Buildings with a gross floor area ranging from fifty thousand (50,000) to one hundred thousand (100,000) square feet must provide useable public/private open space on the developed property at the rate of one square foot of open space per one hundred (100) square feet of gross floor area.

iii. Buildings with a gross floor area of greater than one hundred thousand (100,000) square feet must provide useable open space at the rate of two (2) square feet of open space per one hundred (100) square feet of gross floor area.

iv. Open space may be located on the roofs of buildings or on the ground.

v. All open space shall be easily accessible by users of the building or the general public.

vi. The above open space requirements may be waived or reduced for buildings with a gross floor area of greater than one hundred thousand (100,000) square feet by satisfying one of the following conditions:

1. The above open space requirements shall be waived for developments which contain public art conforming to the requirements of Section 6.4.3E, Facade Treatments.

2. The above open space requirements shall be reduced for developments which use open space with public art components to meet the public art requirements of Section 6.4.3E, Facade Treatments. The requirements of this section shall be met with the following exceptions: Open space shall be developed at the rate of one square foot of open space per one hundred (100) square feet of building space, and shall be developed at cost of one half percent (0.5%) of the construction cost as determined by the value of the building permit for the subject building. All other applicable public art requirements of Section 6.4.3E, Facade Treatments shall apply.

3. The above open space requirements shall be waived for developments which demonstrate environmentally responsive, sustainable design as defined by the

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USGBC—(United States Green Building Council)—and possess a LEED (Leadership in Energy & Environmental Design) certification of Silver or higher for all buildings within the development.

e. **PERIMETER BUFFERYARDS**
   
   i. In order to ensure compatibility between uses inside the MU-S District and those outside, bufferyard standards as outlined in **Section 6.3.2, Determination of Bufferyard** shall serve as guidelines to establish bufferyards through the required site plan review process.

   ii. Actual bufferyard requirements may be reduced or increased depending on the level of integration with adjacent uses.

10. **MU-S TIER 1**
    
    This tier includes GMA 1, Activity Center cores, the nominal 1/8 mile area surrounding streetcar lines, and the core of regional rail TODs. Developments in Tier 1 shall meet the following additional requirements:

   a. At least one entrance per building must face the primary street.

   b. Vertical mixing of uses is required of all developments.

   c. In vertically mixed use buildings, fifty percent (50%) or more of the first floor area must consist of retail, office, or institutional uses.

   d. Buildings shall have a maximum front setback of fifteen (15) feet unless alternative provisions for public/private open space in accordance with the MU-S purpose statement.

   e. Mechanically stabilized slopes in accordance with **Section 8.4.6B.3, Alternative Compliance for PB, CB, CI, and MU-S Districts in GMA 1 (W).**

11. **MU-S TIER 2**
    
    This tier includes GMA 2, Activity Center support areas, and the support area of TODs. Developments in Tier 2 shall meet the following additional requirements:

   a. At least one entrance per building must face the primary street.

   b. With the exception of single family residential, all buildings shall have a maximum front setback of fifteen (15) feet unless alternative provisions for public/private open space in accordance with the purpose statement of this Ordinance are used.

12. **MU-S TIER 3**
    
    This tier includes GMA 3 and 4 and locations suited for TND. Developments in Tier 3 shall meet the following additional requirements:

   a. Minimum gross tract size for initial zoning shall be ten (10) acres unless the petitioner can demonstrate to the Elected Body that circumstances exist which make a smaller area suitable due to factors such as, but not limited to, location, topography, or compatibility with adjacent uses.

   b. Additions may be made in increments of any size.

**Section 2.** Table 5.1.1: Principal Use Table of the UDO is amended as follows:

NOTE: Items to be removed are indicated with a **strike-through**; items to be added are shown as **highlighted**. Items with a **single underscore** are applicable to Forsyth County only, and **italicized** items are applicable to Winston-Salem only.
Section 3. Section 5.2.26.1 of the UDO is amended as follows:

5.2.26.1 COTTAGE COURT

A. PURPOSE

1. Cottage Court developments are comprised of several small attached or detached housing units around a central courtyard with no intervening street.

2. The purpose of the Cottage Court provision is to encourage the development of diverse housing types and quality residential infill.

3. The smaller size of cottage homes allows for more options for populations diverse in age, income, and household size.

4. In return for development flexibility, additional site plan information may be required of the developer to assist in evaluating the suitability of proposed Cottage Courts.

B. SKETCH PLAN REVIEW

1. Prior to the formal submission of a proposed Cottage Court, the petitioner or representative shall attend a Sketch Plan Review coordinated by Planning Staff concerning the proposed development of the site.

2. The petitioner shall be required to produce a scaled sketch site plan showing the existing and proposed features of the site for review by Planning and other interdepartmental review staff.

3. The official plan of development shall be submitted to the Planning Board only after the completion of the Sketch Plan Review.

C. PERMITTED PRINCIPAL USES

Cottage Courts may include the uses Residential Building, Single-Family; Residential Building, Duplex; and Residential Building, Twin Home. Said permitted uses shall only be allowed in districts where the underlying zoning allows these uses.

NOTE: Items to be removed are indicated with a strikethrough; items to be added are shown as highlighted. Items with a single underscore are applicable to Forsyth County only, and italicized items are applicable to Winston-Salem only.
D. RELATIONSHIP TO OTHER APPLICABLE REGULATIONS
Cottage Court developments shall be subject to all applicable standards, procedures, and regulations of these Ordinances and the zoning district in which they are located unless otherwise set forth in this section.

E. DEVELOPMENT STANDARDS
Cottage Courts shall be allowed in GMAs 1, 2, and 3, and meet the following standards:

1. PERMITTED NUMBER OF UNITS
   a. Any Cottage Court shall have a minimum of four (4) and a maximum of fourteen (14) units.

2. ORIENTATION OF DWELLING UNITS
   a. Each dwelling unit that abuts the Courtyard Open Space shall have a primary entrance oriented toward the Courtyard Open Space.
      i. If a dwelling unit also abuts a public right-of-way, that unit may have a secondary entrance oriented toward the Courtyard Open Space provided the primary entrance is oriented toward the right-of-way.
   b. Each dwelling unit that abuts a public right-of-way shall have a primary or secondary entrance oriented toward the public right-of-way.

3. MINIMUM SIZE
   a. For nonresidential zoning districts, a Cottage Court development shall be located on a site containing at least twenty thousand square feet (20,000 sf).

4. HEIGHT
   a. Building height of all structures may not exceed 30 feet.

5. MAXIMUM DENSITY
   a. Maximum residential density of Cottage Courts shall be 25% more than the density of the underlying zoning district in which the Cottage Court lies. However, Cottage Courts shall not include more than fourteen (14) units, except as allowed by the alternative compliance provisions of subsection F below.
   b. Additional density may be allowed by utilizing Section 4.1.6, Density Bonus for Affordable Housing.

6. REQUIRED PARKING
   a. OFF-STREET PARKING
      i. Off-street parking shall be provided in compliance with Section 6.1, Off-Street Parking and Loading, except that the parking requirements may be met through group parking located on commonly owned land.
      ii. In no instances shall off-street parking spaces extend into public rights-of-way or private access easements.
      iii. Should lighting be included in the parking area, it shall adhere to the lighting standards outlined in Section 6.6 Exterior Lighting.
   b. ON-STREET PARKING
      Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with Section 6.1.5M, On-Street Parking Supplements for Pedestrian Oriented Developments.

NOTE: Items to be removed are indicated with a strikethrough; items to be added are shown as highlighted. Items with a single underscore are applicable to Forsyth County only, and italicized items are applicable to Winston-Salem only.
c. **SPECIAL VEHICLE ACCOMMODATIONS**
   i. Special accommodations for recreational vehicles, including boats, may be provided in group parking areas.
   ii. Such special parking areas shall be designated and screened from adjacent residential uses per the **Bufferyard Standards in Section 5.2.26.1.8a**.

7. **LOT DIMENSIONAL REQUIREMENTS AND SPACING OF STRUCTURES**
   a. The lot and setback dimensional requirements of the zoning district for individual lots within a Cottage Court are waived except for a minimum ten (10) foot building setback from adjacent property lines, public rights-of-way and private access easements.
   b. Minimum distances between Cottage Court structures shall adhere to minimum building code and minimum fire code.
   c. In Cottage Court developments in GMA 2, no building shall be located closer to the street than the average setback of the street-facing façades of structures on lots to either side of the development. If no structures exist on the adjacent lots, the setbacks outlined in **Section 5.2.26.1.E.7.a** shall be used.

8. **BUFFERYARD AND SCREENING STANDARDS**
   a. Rear and side parking areas shall be buffered by a type II bufferyard, as defined in **Section 6.3, Bufferyard Standards**, if adjacent to residentially zoned property.
   b. The use of dumpsters shall be prohibited in association with Cottage Court development.

9. **COURTYARD OPEN SPACE**
   a. **AREA**
      Courtyard Open Space for Cottage Courts shall meet the following standards:
      i. A minimum of fifteen (15) percent of the total lot area is required to be Courtyard Open Space.
      ii. Courtyard Open Space shall consist of a central space or a series of interconnected spaces.
      iii. Parking areas and driveways do not count toward Courtyard Open Space calculations.
      iv. Wetlands, steep slopes, and bufferyards do not count toward Courtyard Open Space calculations.
   b. **CHARACTER**
      i. Courtyard Open Space shall include walkways consisting of an all-weather surface to each individual building within the Cottage Court and to the common parking area.
      ii. If sidewalks along the street are available or required, walkway connections to these sidewalks are required as part of the Courtyard Open Space.
      iii. Courtyard Open Space areas shall be attractively landscaped utilizing trees complimented by shrubs or groundcover.
      iv. Courtyard Open Space may include common amenities such as gazebos or benches.
      v. Enclosures for trash and recycling carts are prohibited in the Courtyard Open Space.

NOTE: Items to be removed are indicated with a *struckthrough*; items to be added are shown as **highlighted**. Items with a *single underscore* are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.
F. ALTERNATIVE COMPLIANCE
1. A Cottage Court development which does not meet the requirements of Section 5.2.26.1.E, Development Standards, shall be proposed through a special use district rezoning.

2. 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.

G. OWNERSHIP AND RESPONSIBILITY FOR COURTYARD OPEN SPACE AND COMMON PARKING
1. Courtyard open space and common parking areas must be owned and maintained by the homeowners association of the development.

2. 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.

3. For Cottage Courts where all dwelling units and common areas are under single ownership, a homeowners association may not be required.

H. PLATTING REQUIREMENTS
1. All Cottage Court developments shall meet the requirements of the subdivision regulations.

2. 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.

3. Residential lots shown on plats or subdivision plans for Cottage Court developments may

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be as small as the footprint of the residential structure itself and shall not be subject to the minimum lot size requirement of the underlying zoning district.

I. MULTIPLE DWELLING UNITS PER ZONING LOT
1. Multiple single family dwelling units on a zoning lot are permitted for Cottage Courts.
2. Multiple single family dwelling units on a zoning lot shall be clearly indicated on the preliminary subdivision plan presented to the Planning Board for approval and clearly indicated on the face of any plat recorded for the Cottage Court.
3. If at any point in the future the owner intends to transfer individual lots into separate ownership, a plat meeting all requirements of the UDO shall be submitted to Planning staff for review and approval.

Section 4. Table 6.1.2: Motor Vehicle and Bicycle Parking Space Requirements of the UDO is amended as follows:

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Cottage Court</td>
<td>1 space per dwelling unit. (See Section 5.2.26.1.E.6, Required Parking, for possible additional requirements.)</td>
<td>Exempt</td>
</tr>
</tbody>
</table>

Section 5. Table 11.2.2: Definitions of the UDO is amended as follows:

<table>
<thead>
<tr>
<th>TABLE 11.2.2: DEFINITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>COTTAGE COURT</td>
</tr>
<tr>
<td>A group of small attached or detached residences arranged around a central open space or courtyard.</td>
</tr>
</tbody>
</table>
Section 6. This Ordinance shall be effective upon adoption.
REQUEST

This text amendment is proposed by Planning and Development Services staff to revise Sections 4, 5, 6 and 11 of the Unified Development Ordinances to revise standards for the Mixed Use--Special Use (MU-S) district and add a provision for Cottage Courts.

BACKGROUND

The Legacy Comprehensive Plan makes multiple references to increasing housing variety and residential choice. Specifically, it calls for encouraging “a mixture of residential densities and housing types through land use recommendations.” Legacy also proposes efficient use of land and resources within future developments. When considering future residential needs for the county, Legacy endorses both increased diversity in housing type and more efficient development patterns.

Similarly, the 2018 Winston-Salem/Forsyth County Housing Study and Needs Assessment (HSNA) identified many underlying drivers of future residential need. These include a mismatch of existing housing stock with household size, a lack of “missing middle” style, smaller-sized units, and a need for almost 15,000 new housing units by 2027 to meet demand. The report promoted a strategy to “fill housing stock with ‘missing middle housing structures’ and smaller-size units to meet current and future housing needs.”

As part of its 2020-2021 work program, the City-County Planning Board requested that staff move forward with recommendations presented in the Innovative and Land-Efficient Residential Development Regulations report (February 2020, attached). Specifically, staff was asked to evaluate Cottage Court and Planned Unit Development (PUD) provisions for possible inclusion in the Unified Development Ordinances (UDO). Support for PUD provisions was also expressed in the 2018 UDO code assessment report prepared by CodeWright Planners, which specifically recommended such a provision be added to our UDO to provide an opportunity for unique, comprehensively planned development.

Planned Unit Development

A Planned Unit Development (PUD) is characterized by a mix of residential and nonresidential uses and flexible development standards within a comprehensively planned project. The purpose of a PUD is to allow for innovative design and flexibility in the layout of a proposed development. Between 1973 and 1994, Winston-Salem had a PUD provision, but it was replaced in the UDO by Planned Residential Development (PRD) standards for residential development,
and the MU-S district for mixed-use developments. Neither of these provisions has successfully been able to promote true PUD development, however.

Cottage Courts

Cottage Courts consist of a group of small, attached or detached residences arranged around a central open space or courtyard. This neighborhood-oriented residential style was popular in the early 20th century, especially on the west coast, and has seen a resurgence recently as demand for smaller, walkable housing choices has increased over the past several years. The National Association of Homebuilders (NAHB) in its report *Diversifying Housing Options with Smaller Lots and Smaller Homes*, prepared by Opticos Design, Inc., states that “Over 100 years have passed since the invention of the cottage court, but the need is still the same or even broader” (p.52).

**ANALYSIS**

After researching PUD standards in other communities, staff felt that the best path for incorporating these provisions in the UDO would be revising the existing MU-S district to function as a more traditional PUD. As mentioned previously, the MU-S district has existed in the UDO since 1994. It was intended to work as a mixed-use district with development standards attached, and was, in effect, the local version of a PUD. In 2006, revisions were made to the district provisions to provide more specific regulation, including tiered standards based on Growth Management Area (GMA), and an open space requirement, among others. The revision also tied the MU-S district to Traditional Neighborhood Development (TND) and Transit Oriented Design (TOD) standards.

After researching PUD standards in other communities, staff determined that simplifying the MU-S standards would put our provision more in line with the traditional PUDs in peer cities. To that end, recommended changes to the MU-S district standards include removal of the tiered standards, removal of the TND and TOD references, and removing portions of the ordinance represented elsewhere in the UDO. In addition, the mix of uses required was reduced from three (3) to two (2) to allow for more flexibility and to be more in line with other PUD provisions around the country.

By modifying the existing MU-S ordinance, staff believes that the provision will allow more flexibility, be more user-friendly, and more accurately reflect the essential purpose of a PUD.

As noted, Cottage Courts are an effective way to increase housing choice and variety while maintaining residential character and scale. While Cottage Court ordinances vary by community, there are some commonalities which most ordinances reviewed by staff share. These include:

- A pedestrian-oriented, neighborhood character.
- Minimum and maximum number of residential units.
- Maximum building height or size.
- Building orientation.
- Minimum size or square footage area of courtyard space.
• Location and amount of parking.
• Limits on what zoning districts allow this development type.
• An increase in density over what underlying zoning allows.

Even with these commonalities, Cottage Court provisions are often tailored to fit community preferences. Staff researched multiple Cottage Court ordinances across the country to look for best practices utilizing this housing type. Considering the factors above, staff compiled Cottage Court standards that would be reasonable for Winston-Salem. Key standards include:

- Cottage Courts only being allowed in GMAs 1, 2, and 3.
- Cottage Courts only being allowed in RS7, RS9, RS12, RSQ, RM5, RM8, RM12, RM18, RMU, NB, PB, E, and MU-S zoning districts.
- A minimum of four (4) units and a maximum of fourteen (14) units per Cottage Court development.
- A maximum building height of 30 feet (to promote small-scale residential character).
- A minimum parking requirement of one (1) space per dwelling unit (less than the requirement for standard residential development).
- A density bonus of 25 percent above the underlying density of the zoning district.

Including a Cottage Court provision in the UDO will allow for new residential development that maintains a neighborhood character while increasing housing choice. The smaller size and potential for infill in walkable, pedestrian-oriented neighborhoods also makes Cottage Courts a good option for those wishing for missing-middle housing options in our community. Smaller, neighborhood-oriented residences, such as those in Cottage Courts, can help fill a need for the smaller households of those just entering the market, or those who want to downsize and age in place.

Staff believes revisions to the MU-S standards and the addition of Cottage Court provisions will expand housing choice in Winston-Salem and Forsyth County and allow for quality development and infill. These provisions will further the recommendations of Legacy, expand the availability of housing in the County, and ensure that future residential development reflects community desires.

**RECOMMENDATION: APPROVAL**
CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-CC8
FEBRUARY 11, 2020

Tiffany White presented the staff report.

Chris Leak gave some introductory comments before a quick overview of UDO-CC8 by Tiffany White.

- This case was originally heard at the January public hearing, where staff gave a detailed presentation.
- As a result of that meeting, it became clear that several Board members had questions. They presented their questions to staff, who addressed each one via email.
- The Planning Board Chair believes that staff has given the Board enough information to make an informed decision.

Melynda Dunigan stated that she appreciated the changes that were made for both MU-S and Cottage Courts based on questions and concerns from Board members. Based on the language of the ordinance, Melynda asked if it was possible to build two Cottage Courts next to each other as part of a larger development. She added that the language imposes a maximum of 14 dwellings, but two separate Cottage Courts could allow 28 dwellings. Aaron King responded that, in these situations, a PRD would be more appropriate because it accommodates larger subdivisions better than a Cottage Court would. Melynda asked if that meant the earlier scenario would go in as a PRD. Aaron stated that, rather than go through the process to get two separate approvals for two Cottage Courts that are adjacent to one another, one would most likely propose a PRD with all 28 units.

George Bryan asked whether, for example, a developer who went through the PRD approval process would get the 25 percent density bonus. Aaron answered that the PRD process does not have that option. George also stated that neighborhoods were confused by the inclusion of the proposed changes to MU-S because they thought it was all Special Use. He then asked if there was a maximum number of parking spaces that will be allowed in Cottage Courts. Melynda recollected asking the same question at the work session and being told that staff didn't see the need to have maximum parking rules. Aaron stated that there was not a maximum for this use and that the UDO typically does not regulate maximum parking. There are additional standards with respect to landscaping when 175 percent of required parking is proposed, but that is the only
standard that speaks to limiting parking. Kirk Ericson added that it is in a project's best interest to allocate more land toward components that will generate revenue, given the cost of adding parking to these developments.

George commented that one would have a fairly large parking lot if a developer wanted to put in 28 spaces, and that there is nothing that addresses grouping of parking spaces within the Cottage Courts ordinance. Aaron stated that staff wanted to leave some flexibility for certain circumstances, where groups of parking spaces in larger numbers may make sense and would not be intrusive. Aaron added that, in theory, someone could construct a parking lot; in practice, developers will try to use that land for units and other things that make the development functional. George commented that when he was researching other sites around the country, he found there were other places that accommodated two spaces per unit because of the scale of development. He added that the word "cottage" is misleading because there is no requirement for size.

To Aaron's point, Jason Grubbs stated that the more parking is built, the more issues there will be with ingress and egress points. They also cost money. He added that it would further complicate what the developer is trying to do and that, practically, a developer is not going to build parking lots just to build parking lots. George asked if accessory dwellings or accessory structures are allowed within this format, and Aaron responded that they are not expressly prohibited. Special Use zoning would still be required for accessory dwelling units under the current rules. Accessory structures, like a garage or a toolshed, can be built provided standards for setbacks are met.

In looking at other standards across the country, George stated that these setups have provided for common open space and private open space. He asked if this is defined in the ordinance being presented. Aaron stated that private open space has not been accounted for, and that would not be part of what is proposed here. Kirk added that this ordinance does not require any private or cornered-off open space for the dwellings. Communal centered courtyard open space that serves a whole development is the idea behind the standard. There is no requirement that each individual unit also have private open space. Jason stated that they could be thought of as akin to detached townhomes. Mo McRae added that if one is buying into a development like this, they're buying into the idea of communal living. If someone doesn't want to regulate their front stoop as private, it would not be a planner's job to regulate that use. George asked whether private open space would be included in the calculation of the court, or the common open space, as presented. Kirk answered that it would not. The minimum in the ordinance would have to be located in the highly centralized area of the development. A developer could allocate some other open space, but that wouldn't give them any additional credit towards meeting the minimum requirement.

Melynda commented that being able to communicate with the public is always difficult, especially during a pandemic, and that she really felt that staff and the Board would benefit from having a larger stakeholder process where the community is engaged and there is dialogue on the subject. She added that she is not opposed to Cottage Courts and would like to see staff and the Board come up with a good fit for the community, but she felt a need for more community buy-in and not just community surprise after the fact. She pointed to what was done for the PRD ordinance,
where there was a stakeholder process that involved developers and people from the community, and there was a lot of back and forth discussion. In the end there was a consensus.

The Board Chair noted Melynda's comments, but felt that the Board had received enough information to make an informed decision. The Board will also respectfully take into consideration what the Neighborhood Alliance conveyed in their email. Clarence Lambe stated that he felt prepared to form an opinion and that this was one more tool for development and one more hopeful opportunity to increase the supply of housing. He added that the more supply there is, the more affordable the product will be, which is something everyone is trying to achieve. Mo added that our town is a town of few tools for building affordable housing and that there is a crisis of construction costs and other insurmountable costs. If tools are eliminated, that will also eliminate creativity and hope. She felt that there would be many other opportunities for the public to voice their opinions about development, along with this tool being ready to use.

George indicated that he still felt uncomfortable with the way this has been presented to the community and with recommending approval of the ordinance without clear understanding from the public. He was also concerned with the way the proposed ordinance is written, considering that a Cottage Court can be a gated community, which works against Legacy and the cohesiveness of neighborhoods. He added that he could only see this in terms of Cottage Courts being a Special Use approval.

MOTION: Clarence Lambe recommended approval of the UDO amendment.
SECOND: Mo McRae
VOTE:
   FOR: Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman
   AGAINST: George Bryan, Melynda Dunigan
   EXCUSED: None.

____________________________
Aaron King
Director of Planning and Development Services
CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-CC8
JANUARY 14, 2020

Tiffany White presented the staff report.

Melynda Dunigan asked whether UDO-CC8 would hold the existing MU-S developments to three uses or allow them to drop to two. Aaron King responded that they would have the flexibility to drop to two uses. Melynda also asked if staff could give the Board some understanding as to how many parcels are zoned MU-S. Tiffany stated that there are currently 11 areas zoned MU-S, with a good bit of those areas made up of multiple parcels. Kirk Ericson added that MU-S is a Special Use district that currently requires three uses. Even if the ordinance allows for two uses going forward, because there is an approved Special Use site plan of record for each district, that plan would basically prevail. Unless developers came in for a Site Plan Amendment or a rezoning to change it.

In response to a question from Clarence Lambe regarding reducing uses, Tiffany stated that when she was looking at what other communities had as far as PUD standards, the majority of them only required two uses. In some of the existing MU-S zonings, the three uses were not as diversified as staff had hoped, so staff was looking to be more in line with other communities.

George Bryan recalled that there had been previous discussion on Cottage Courts in an earlier meeting, but noted that this information seemed also to be looking at modifying the MU-S district. Tiffany stated that both topics had been discussed in the earlier meeting, and that this text amendment has been about both provisions from the very beginning. George added that it looked like Planning staff was moving to get rid of single-family zoning in Forsyth County and that Tiffany, on a number of occasions, used the term "by right." He asked her if that was the direction in which staff was headed. Tiffany responded that his statement was not at all accurate, that staff is promoting expansion of housing choice, and that the majority of land in Forsyth County is zoned RS9, single-family residential zoning. George expressed that he felt the language that the Board received from staff indicated major changes to the ordinance, and he was finding himself playing catchup on a major change that had taken other communities in North Carolina years to manage.

Tiffany reminded the Board that it saw the recommendations from the Innovative and Land-Efficient Development Report in February of 2020, and the Board voted for staff to move forward
on those recommendations. George stated that he was not referring to the report but to the proposed changes before them, which the Board received on Friday.

Aaron explained that when the Board directed staff to move forward on the aforementioned recommendations, staff took two of the items first: PUDs and the consideration of Cottage Courts. There is nothing in the proposed PUD or Cottage Court ordinances that would do away with single-family zoning. Staff brought this to the Board at the October work session and discussed it at length, then met with the Neighborhood Alliance subcommittee before the end of the year for more discussions. It went to the public Friday before the meeting.

George felt that he did not have enough time to get a good understanding of the many references provided in the document. There are many references mentioned in the report that he would like to discuss and get more explanation about from Tiffany, or else be provided those references at the same time as he is looking at the document. Aaron stated that staff would be glad to provide more research or information on certain things.

Melynda agreed that she needed more time to digest all of the information and had several other questions that could be discussed during a work session. Chris Leak asked the other Board members what they felt about delaying this topic for another time. All Board members agreed that it could be tabled to a later date to learn as much as they can. Mo McRae stated that she was fine with a continuation, but she wanted the Board to give the proposed amendment the credit it is allowed. The discussions surrounding Cottage Courts and MU-S have been ongoing for some time, and she felt that pointed questions could be discussed at this meeting. She added that she did not want to ignore the comments about single-family zoning but felt that that was not the intent of what staff was trying to do here. Staff is presenting options, which are wonderful in codes, as well as in communities, and she cautioned the Board to be very careful about being too restrictive on this matter. She reiterated that she was happy to continue, with everyone promising to be open and have a clear directive to Planning staff on what their questions are.

Kirk addressed a few points with the Board, one being some challenges accessing the Clearcode website. The domain name for Clearcode switched from UDOClearcode.com to UDOClearcode.org due to some hosting challenges. In consideration of a point raised by George, Kirk wanted to make sure that all Board members were aware that anything in the proposed ordinance text that is gray is something that is currently in the Clearcode. One can click on that link and be taken to those sections being referenced. Anything in yellow would be new sections added by the proposed text amendment.

It was Clarence proposal that the Board address their questions to staff at this meeting and discuss them. George stated that he had many questions and thought it was more appropriate to ask questions at a work session, rather than at a public meeting, so that the language would be more refined by the time of the next public meeting.
PUBLIC HEARING

FOR:

Drew Gerstmyer, 87 North Trade Street, Winston-Salem, NC 27101
- I just wanted to speak in support of the ongoing conversation for increasing flexibility in UDO options concerning infill housing. Cottage Court-type development, along with additional work toward remnant lot infill, can add many non-typical creative housing opportunities throughout the city, and it sounds like that is happening. It is exciting to hear things being worked out. Thank you.

Brant Godfrey, 1598 Westbrook Plaza Drive, Suite 200, Winston-Salem, NC 27103
- Members of the Board and Mr. Director, my remarks are very general but they are specifically addressed to the Cottage Court aspect of your presentation. From the development and building side of the community, we're really excited about having this option as a possibility. It is not a drastic change from what exists now from the perspective of density. I'm aware of other areas in the country where there are much higher densities that are being allowed under this sort of development. On a one-acre tract in an RS9 zoning district in Winston-Salem, you're allowed 4.8 units per acre; this would allow 6.
- I think, aesthetically, it is a very attractive option. I love the idea of a central courtyard. It's landscaped, and it would be maintained by the homeowners' association. As opposed to homes facing the street, you would have homes facing an aesthetically attractive courtyard that you could be assured would be maintained for the life of the neighborhood. I think it's a great concept.

Brice Shearburn, 2650 Monticello Drive, Winston-Salem, NC 27106
- Thank you all. I am happy to participate in this. There is a tremendous amount of momentum that we can bring to bear on this.
- George, to your point about modifying single-family zoning and density, I agree with all staff comments and everyone else that looks at this in terms of densities and what we are talking about. This is really just empowering our close-in neighborhoods - GMA 1 and 2 neighborhoods - to apply a lot more platforms for different kinds of housing options. I have been in this space for a long time – so has Drew – and what we see here is a real opportunity for this planning board and city to support a paradigm shift in how we look at housing options in these close-in neighborhoods.
- I have submitted a narrative report which I would like to be entered into the record. I appreciate all of the efforts of Aaron and Tiffany and Planning staff and what other stakeholders have expressed here. This is really the way we need to go as a community to meet this extraordinary unmet housing need. And to try to hang ourselves up on one single thing about density is really almost paranoia. I really think this is not the intention of the UDO and it should be our community effort to try to support these initiatives.
I think residential development in Winston-Salem is changing. We are running out of large tracts of land to develop, and that is not necessarily a bad thing. There is a desire to bring more housing closer to the city center to promote growth of Downtown, and we need to be creative when we do this. Infill pieces need to be evaluated for more options than just single-family homes on quarter-acre lots. Flexibility with density and product type can also have an effect on costs and allow for more affordable housing.

Cottage Courts, in general, promote more engagement between residents in medium-density urban areas. With the right design you can achieve the same 14 dwelling units per acre as you might see in a two-story, generic apartment that would be more easily accepted by local neighborhoods.

Cottage Courts are a great tool for resolving awkward-shaped parcels with limited street frontage. I feel strongly that this type of forward-thinking flexibility and creativity will spur the type of development that will help Winston-Salem take the next step, and a responsible one in innovative growth. I appreciate your consideration of this option and your time this afternoon.

I am a commercial broker and commercial realty advisor who represents a number of landowners that own some of these small parcels that we are talking about. I am also an AICP certified planner. I only bring that up because my ethics at AICP supersede my realtor title, or hat, at this point. I have had the opportunity to review this code and then provide comments. While it wasn’t as much flexibility as I had wanted, I am in 100 percent support of what staff has come back with in terms of trying to take these infill parcels, the patchwork we've created from development over time, and really rethinking these into what is a better opportunity, a more socially equitable way for developing property in our town.

With that, I'll close and make all attempts to be at future meetings, as well as give you all an opportunity to review this language.

I am a big historic person so I have done a lot of urban infill projects over the years. I am a big proponent that what they were doing in the 1920s is what we should be doing now because that created the ability to go for housing across different income brackets. I think the current single-family rules that are out there and the cost related to stormwater is basically making that level of housing only affordable to the top 10 percent of our population, which is not serving the other 90 percent of our population.

We did a Cottage Court neighborhood in Rocky Mount, so we have a good amount of experience related to these Cottage Court neighborhoods. I think one of the big things that you need to have involved in it is flexibility. Any time you do urban infill, it's not like you're going out by the Walmart and building on a brand new piece of land, you're actually trying to do infill, which is the best tool related to it. I think it's a very smart thing to do
when you're going after people who are making 80 percent of AMI and they can afford $250,000 to $350,000. You can't build a new house in Brookberry for that.

- This type of product also goes after the additional units that we have. We have 14,000, which is the demand. If you assume a third of those are renters, and then you figure what's left, that would be approximately 2,500 acres we would need just to fill those if they were single-family houses under the traditional model. We do not have 2,500 acres out there. At the same time, multifamily would take up 700 acres of that just at the normal rate. This is a huge number to deal with. We need to be creative. It's great to be able to use what we had in the past related to it.

- One of the comments I have, because it is urban infill, is there is one comment in the report that it is half-acre lots. Traditionally, historic lots that we're talking about were not divided in quarter-acres and half-acres, so I would really make the suggestion 25,000 square feet, which is smaller than half an acre, but it fits better with the actual 100 deep or 200-foot wide lots that we have here in Winston-Salem. You are not going to be able to do many half-acre lots because there aren't many half-acre lots that are pre-World War II type of lots. You have the millennials and the younger folks who are basically deciding whether they want to be downtown or whether they want to be out in a subdivision. And we have more and more people wanting to be downtown.

- We started working on Slate Avenue, which is over on Patterson, and we worked on townhouse units with units above garages and we've gotten a huge amount of interest in that. Because that fits that gap of housing that is at $250,000 to $350,000 close to Downtown and walkable to neighborhoods and everything else. Also, the ancillary units would be the very thing for Winston-Salem.

- I appreciate you addressing this. Any time you need reference to actual things built in other places in North Carolina or the region, I would love to get involved in those discussions. Thank you very much.

Chris Leak suggested the Board present questions they may have for staff now or through email so they have an opportunity to research the questions.

George thanked all of the developers for participating in discussions to help Cottage Courts be successful. He also asked the developers to look at this very carefully to be sure that they are successful here because he did not feel that they had been successful in terms of filling in and meeting housing needs in other places.

Regarding the proposed changes to the MU-S district, Melynda asked what would be left once standards are removed like references to traditional neighborhood development and transit-oriented development. Her concern is how the Planning Board and City Council can evaluate projects when they come forward under this pared-down language. She also said that it seemed that when the MU-S district and PUDs were originally proposed many years ago, it was to implement certain goal like walkability, sprawl reduction, concentration of development in activity centers and growth corridors, having an attractive mix of uses, and protecting environmental features. She believes specific language is needed in the purpose statement, or in the objective,
that really steers developers toward high-quality development so that when the Board looks at proposals, they will be able to say it fits with the goals. She hopes staff will consider that and consider whether they think something could be added to steer toward more high-quality development.

Tiffany explained that when TOD and TND standards were put in the original MU-S ordinance, it was reflective of the practice of working with those kinds of districts then. Current practice for TOD and TND, which are usually overlay districts, is slightly different. Most places that have TOD and TND use overlay districts. Another recommendation from the Innovative Land Use Report is to look at what kind of overlay districts might be beneficial to Winston-Salem. She indicated that she didn’t want it to seem like staff was disregarding TOD and TND, she just thinks there is a better, more up-to-date tool in planning practice for those specific things.

In response to Melynda's concerns about changes to the MU-S district, Aaron explained that there have been no proposed MU-S developments since the rules were changed in 2006. There have been mixed-use developments using GB-S or GB-L, or PB-S or PB-L. When no one uses a tool that is available to them, that is a red flag that something is wrong with the tool. When Tiffany's report mentioned looking at PUDs, and our code consultant mentioned the need to go back and examine PUDs, one of the things staff wanted to do was look at the ability to have someone create their own district. In exchange for that maximum flexibility, they would need to bring in a site plan and spell out the uses, go through the rezoning process, and meet with the neighborhood. Staff wanted to make it flexible enough to allow the ability to have these things live or die on their own merit. To Melynda's point, Aaron suggested that staff could add some additional language that describes what the intent of these districts is while achieving the same flexibility that staff is trying to create with this tool.

Jack Steelman stated that he will gladly email his written questions upon the adjournment of the meeting. Jason Grubbs noted that in all his years on the Board, he could not recall too many times where there have been a half-dozen people attending a meeting to speak on either side of a UDO text amendment. Nor could he recall too many times where six completely unrelated members of the development community, who really aren't necessarily impacted by the decision the Board makes, show up for the good of what the Board is trying to do and offer their insight regardless of whether you agree with it or not. He felt they were to be commended and stated that sometimes, the market really will take care of issues if we let it work the way it is intended to work.

Clarence asked staff to look at changing the minimum lot size to 20,000 square feet instead of half an acre. Tiffany stated that the half-acre recommendation only applied to non-residential zoning districts, but staff will look at it again.

Chris Leak asked all board members to have questions to staff by Tuesday, January 19.
AGAINST: None

**WORK SESSION**

MOTION: Jack Steelman moved that UDO-CC8 be continued to the February 11 meeting.
SECOND: Clarence Lambe

VOTE:
- **FOR:** George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman
- **AGAINST:** None

EXCUSED: None

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Aaron King
Director of Planning and Development Services
TO: City-County Planning Board Members  
FROM: Tiffany White, Project Planner  
DATE: February 27, 2020  
SUBJECT: Innovative and Land-Efficient Residential Development Regulations

As part of its 2019-2020 work program, the Planning Board requested that staff prepare a report on trends and opportunities for innovative and land-efficient residential development. Residential neighborhoods make up the majority of developed land in Forsyth County. As our local population continues to grow, available land for new homes is becoming increasingly scarce even as the demand continues to expand. Forsyth County is the 4th most populous county in North Carolina yet is geographically one of the smallest - future development forecasts in Legacy 2030 show that at current low-density patterns, full build-out of serviceable areas in Forsyth County could occur by 2037. While these forecasts were based on population increases provided by the State Demographer’s Office that have been slower to happen than originally anticipated, we have still seen an influx of new residents to North Carolina and the Triad. The Winston-Salem/Forsyth County Housing Study and Needs Assessment (HSNA) prepared by Enterprise Community Partners for the City’s Community Development Department reiterates these trends. Winston-Salem is struggling with a shortage in overall housing supply which, according to the Housing Study and Needs Assessment, has resulted in a projected need for almost 15,000 new housing units by 2027 (HSNA, pg. 15). In addition, the demand for these new housing units will be in the area of smaller attached and detached units, which are scarce in our local area.

This report will examine ways in which Winston-Salem and Forsyth County can provide opportunities for new development types which make efficient use of our county’s limited land resources while exploring local housing choices.

Legacy 2030

The Legacy 2030 comprehensive plan recognizes the need for accommodating innovative and land-efficient development. The plan makes numerous references to the goals of increasing diversity in housing choices. Below are just a few examples from the plan:

- **Varied Residential Choices** – Encourage a mixture of residential densities and housing types through land use recommendations (p. 57).
- **Housing Variety** – Use the area plan process to promote a variety of housing types, including those that cater to seniors within the same neighborhood (p. 125).
- **Mixed-Income Housing** – Promote the development of mixed-income housing that may include a mix of housing types (p. 173).
• **Diverse Housing Types** – Ensure diversity of housing types by identifying sites for higher density residential uses in area plans (p. 181).

• **Variety of Housing Types** – Provide a variety of housing types and assure affordable housing opportunities (p. 191).

These and other references related to expanding housing choices show the importance of residential development options for the continued growth of our community. Taking the necessary steps to allow or incentivize expanded residential choices fulfills one of the main objectives of the *Legacy 2030* plan.

*Legacy 2030* also references land scarcity and demand, and how community build-out projections are impacted by the scale and intensity of development. “Build-out” is defined in the plan as the development of all land within the serviceable land area, the area in Forsyth County that can be easily and efficiently served by sewer (*Legacy*, p. 18-19). According to the plan, if land use patterns continue to prioritize low-density development, Forsyth County could reach full build-out relatively quickly, reducing the opportunity for additional economic development. Considering our increasing population and current shortage of available housing, more efficient land use scenarios will need to be employed to help slow the pace of full build-out and ensure that the County can accommodate new residents. *Legacy 2030* addresses land-efficiency through the following Policy and Action Agenda items:

• **Growth Needs** – Consider growth needs based on expected populations and the limited amount of land available for growth (p. 31).

• **Vertical Development** – Encourage more vertical development in appropriate locations as a means of land conservation (p. 102).

• **Existing Infrastructure** – Encourage development in areas with existing infrastructure before extending infrastructure farther (p. 180).

• **Development Regulations** – Investigate changes to development regulations to more easily enable the creation of more land-efficient subdivisions and development accommodating a variety of housing types and land uses (p. 181).

• **Rural Preservation** – Protect rural areas by encouraging cluster development patterns and rural preservation (p. 192).

• **Undeveloped Land Conversion** – Minimize the conversion of undeveloped land into residential development in Forsyth County (p. 201).

**Residential Land Use in Winston-Salem and Forsyth County**

Currently, residential developments in Winston-Salem and Forsyth County primarily exist in one of 13 zoning districts (seven for single family housing and six for multifamily units). Minimum residential lot size requirements range from 5,000sf to 40,000sf currently, depending on district, and lot widths start at a minimum of 50 feet. While these standards put Winston-Salem/Forsyth County mostly in line with our peer cities across the state, they prohibit some types of more land-efficient development. Many of our local regulations have been in place for decades, and do not reflect current and future trends towards
providing housing variety. The County’s large suburban single-family housing supply reflects the larger household size of the past, and multifamily choices are represented mostly by mid-size apartment buildings rather than an array of building types at various scales. Some current local provisions do allow for more land-efficient residential development, however. These include the Planned Residential Development use which allows for a decrease in residential lot size in return for increased open space requirements. In fact, PRDs have no minimum lot size requirement as long as the density of the units meets the maximum density of the underlying zoning district.

Trends in North Carolina

In recent years, some of our peer communities in North Carolina have gone even further in their attempts to accommodate innovative and land efficient residential development. The City of Durham recently voted for a broad range of new housing standards as part of its “Expanding Housing Choices” ordinance amendment. Among other changes, Durham now allows duplexes by right in all residential areas in their Urban Tier (roughly the two-mile area surrounding the downtown core, similar to our Growth Management Area [GMA] 2) and in limited areas in the Suburban Tier (an area similar to our GMA 3). While Durham had previously allowed ADUs by right on residential lots, the new ordinance expanded these provisions to also allow ADUs on duplex lots, on nonconforming lots by right, and for certain civic uses, allowing up to three ADUs per lot. Durham also added a small lot option which reduces lot size to 2,000 sf, while also allowing for ADUs on such property. Additional provisions as part of the UDO amendment dealt with infill development and cluster subdivisions.

Asheville utilizes special zoning districts to accommodate land-efficient design. The Urban Village District incorporates both residential and non-residential uses through a master plan process with no maximum density or minimum lot width. Their Urban Residential District is for residential development only, but allows for density standards to be increased when affordable units are included. Additionally, Asheville also allows ADUs by right on lots with single family units.

In Charlotte, a Transit Oriented Development (TOD) district allows for higher densities within district boundaries. ADUs are allowed by right as an accessory to any detached single family dwelling, provided that all applicable requirements are met. Charlotte also has a cluster development provision that
reduces minimum lot width and area as long as maximum density requirements within the district are not exceeded, similar to our local PRD provision.

Raleigh has recently established a provision to allow Cottage Courts. A Cottage Court is a group of small, usually single-story houses that face an internal, common open courtyard. They are typically built on one lot with common parking at the rear of the parcel. However, the provision does not currently allow for additional density, reduction in parking, or setback variances. As such, there has been limited adoption of the new provision. ADUs are allowed in Raleigh, but only in overlay districts that must be established through the zoning processes. Raleigh also established a Planned Development (PD) district that allows for modification of residential district standards as long as established density maximums are not exceeded, similar to our local PRD.

National Trends

Nationally, some cities are making even greater strides toward more innovative and land efficient residential design. In Portland, Oregon, some areas of the city allow minimum residential lot widths of only 25 feet. Minneapolis, Minnesota just passed an ordinance allowing duplexes, triplexes and quadruplexes by right in all single family residential neighborhoods. Many of the largest cities in the country have robust ADU provisions, which more easily facilitate the development of these types of dwellings than our provisions do. All of these advances are in response to the national housing shortage, which is driving up cost and demand for all housing types.

The National Association of Home Builders, in their 2019 report *Diversifying Housing Options with Smaller Lots and Smaller Homes*, evaluated 118 ordinances and codes from around the country to put together case studies on ways in which municipalities are implementing strategies for incorporating a wider variety of land efficient housing choices. Some of the report’s key findings include:

- Previous long-held resistance to smaller lot sizes is being reconsidered.
- Being within walking distance of amenities (retail, services, food uses, transit) is more important than unit size.
- Increasingly, codes are being revised to encourage smaller home building as one solution for addressing a national housing crisis. --NAHB, p. 7

Winston-Salem and Forsyth County are not immune to the increasing pressures of housing demand. As mentioned earlier, the *Winston-Salem/Forsyth County Housing Study and Needs Assessment* (HSNA) identified the need for additional residential units in the area. The report identified not just the overall housing need, but the specific needs for the future of our community. The report found that “many of Winston-Salem’s units are occupied by one-person or two-person households, creating a mismatch between actual household size to actual unit size” (HSNA, p. 9). The report also found that “Winston-Salem lacks “missing middle housing structures; small size units.” (HSNA, p. 9) Because of these findings, one of the objectives identified by the report was to “Create a better balance between housing units
produce and size of households – particularly for the growing elderly, young adult populations and disabled.” (HSNA, p. 21). The recommended strategies for accomplishing this goal are:

**Recommended Strategy #1:** Fill housing stock with “missing middle housing structures” and smaller-size units to meet current and future housing needs.

**Actions:**
- Allow more by-right housing that could accommodate the housing demands of older adults and address the limitations to accessory dwelling unit utilization.
- Expand housing choices in high-opportunity areas targeting young adult populations for the 25—44 age group.

--excerpt from HSNA, p. 21

**Missing Middle Housing**

The HNSA makes multiple references to the need to increase the supply of “missing middle” housing units in the local area. Missing middle housing is defined as those types that:

...provide diverse housing options, such as duplexes, fourplexes, and bungalow courts, that fit seamlessly into low-rise walkable neighborhoods and support walkability, locally-serving retail, and public transportation options. They provide solutions along a spectrum of affordability to address the mismatch between the available U.S. housing stock and shifting demographics combined with the growing demand for walkability.

Excerpt from missingmiddlehousing.com by Opticos Design

![Figure 2: Missing Middle Housing choices. Credit: Opticos Design, Inc](image)

Missing Middle Housing has recently entered the public conversation in Winston-Salem, and a presentation on Missing Middle Housing was given here in May 2019 by Opticos Design, Inc. The presentation stressed the importance of developing these housing options in our local community –
statistics about shrinking household size and a shift in location demand of housing illustrated the gap that exists in many communities between the type of housing people want, and what is currently available to them.

Missing middle housing is an effective way to increase the efficiency of residential land. This type of housing can be utilized as an effective infill option, increase the housing supply, and can add to the stock of affordable housing. Missing middle housing can also increase the density in new and existing neighborhoods while still conforming to the overall character of single family residences. Larger missing middle style units, typically townhomes, multiplexes and live/work units, are appropriate in more urban settings, or areas where density is increased for growth corridors, activity centers, or transit nodes.

**Recommendations**

As the preceding research indicates, Forsyth County can take additional steps in promoting and accommodating innovative, land-efficient development types. This report proposes considering the following recommendations for inclusion in future Planning Board work programs:

1. **Consider allowing attached dwelling units and other missing middle housing choices in certain Single Family Residential neighborhoods**—Older duplexes, triplexes and twinhomes can be found in certain single-family neighborhoods in Winston-Salem and Forsyth County. Historically, these types of attached dwelling units blended seamlessly into a neighborhood by taking on similar residential design attributes. *Legacy 2030* recognizes the potential for this type of housing in its Action Agenda item 3.2.7-Attached Dwelling Unit Feasibility. Allowing small footprint multifamily uses was also recommended in the *Barriers to Infill* report from 2018. Allowing missing middle housing choices in certain neighborhoods could be accomplished through an overlay process, by right in select GMAs (as in the example from Durham above), or by petition of local neighborhoods.

2. **Consider allowing Cottage Courts in GMAs 1 & 2**—Cottage Courts provide small, community oriented dwellings in a land efficient manner (see Figure 3). In other parts of the country, the continued popularity of bungalow courts of the early 20th Century prove that this housing type has a long and enduring history of providing efficient design. These types of dwellings also cater to individuals who may want to age in place in a neighborhood setting, while maintaining a more manageable single family dwelling. Lessons from Raleigh’s existing provision show that review of density, parking and setbacks should be examined to make this option more viable.

![Figure 3: Example of Cottage Court site layout](image-url)
3. **Review current UDO ClearCode policies to clarify use and remove barriers to smaller housing types** – Review the residential land use types within the UDO ClearCode to clarify choices and uses, and remove any identified barriers to smaller housing types. Initial review could include:
   - Investigating how to make RM districts more attractive to developers, potentially with parking requirement reductions.
   - Reviewing the development standards for RSQ to make them more user-friendly and less confusing.
   - Evaluating other potential changes to the ordinance needed to accommodate new housing trends.
   - Consider a return to allowing multifamily development by right within the boundaries of Planned Residential Developments (PRDs), a provision of the original 1994 Unified Development Ordinances (UDO).

4. **Consider the addition of a Planned Unit Development (PUD) ordinance** – Between 1973 and 1994, Winston-Salem had a Planned Unit Development (PUD) ordinance, which was eventually replaced by the current Planned Residential Development (PRD) ordinance. A PUD provides greater flexibility than a PRD by allowing modification of existing UDO standards in exchange for innovative and efficient design, and often allows a range of uses (beyond residential development) or building types as part of an overall master plan. Typically, PUDs have smaller lots, higher density, and more uses than standard subdivisions. Historically, additional requirements have been added to PUDs to restrict allowed locations for more intense uses, establish minimum or maximum acreage for the PUD, or incorporate design standards, among others. The addition of a PUD provision was also recommended in the recent UDO code assessment completed by CodeWright Planners.

5. **Consider zoning overlay districts in certain locations** – *Legacy 2030* recommends studying the feasibility of zoning overlay districts at certain locations (*Legacy 2030* Action Agenda items 3.2.1 and 11.8.7). Zoning overlay districts could establish unique standards for certain areas which could allow more compact, higher density residential development. Some locations that could benefit from this increased land-efficiency are Growth Corridors, Activity Centers, and sites around transit stops.
Planning Board Questions on UDO-CC8

MU-S changes

Q: Can language be added to encourage quality developments that implement LEGACY goals, such as walkability, reduction of sprawl, protection of environmental features, providing a convenient mix of uses, creativity in development, etc.?

Q: The language in the purpose statement stresses the goal of flexibility and refers only to “certain planning and design considerations” as given in exchange for such.

Q: The Objectives statement comes closest to providing a basis for evaluating development proposals, referring to developments that are “compatible and well integrated with its surrounding context”. Can we go farther in providing more parameters that spell out more specifically the kinds of development that we are looking for?

Q: I found this language helpful, from the Washington, D.C. PUD ordinance. It may go farther than we want to go here, but it gives some idea of what I am suggesting: “The purpose of a PUD is to provide for higher quality development through flexibility in building controls, including height and density, providing that the resulting development is superior to what would result from a matter-of-right development, offer a commendable number or quality of meaningful public benefits, and protect and advance the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan. The Applicant has the burden of proof to justify the granting of a PUD application. The Zoning Commission will ‘judge, balance, and reconcile’ the relative value of the public benefits and amenities, the degree of development incentives requested, and any potential adverse effects for each specific case.”

A: The following highlighted language will be added to the draft UDO Purpose Statement: 5.2.26.1.A:

1. The MU-S District is intended to accommodate a Planned Unit Development (PUD) containing residential uses and at least one nonresidential use with the mix of uses achieved through incorporating multiple uses within a single building or by single-use buildings located throughout the site.

2. This district has applications in a broad range of urban to suburban locations.

3. The size and intensity of MU-S developments may vary based on their physical context and location. Appropriate setbacks, streetyards, bufferyards, and building heights among other site and design elements will be considered to ensure compatibility of the development on a site-specific basis.

4. The MU-S District provides greater development flexibility in exchange for certain planning and design considerations and provides an opportunity to propose development
which would otherwise not be accommodated by the UDO. Any Planned Unit Development proposed via the MU-S district shall be evaluated on its own merits.

5. The MU-S district promotes quality design and respects surrounding land use and character with particular consideration given to the architectural details and facades of mixed-use and nonresidential buildings and the design of the streetscape. Elements such as building fenestration and massing, placement of windows, incorporation of awnings and other architectural elements as well as landscaping, street trees, and presence of plazas, pocket parks, public squares and other common public open space will be utilized to ensure a well-designed development.

6. The MU-S district shall include pedestrian-oriented design elements that promote walkability such as a system of sidewalks or other all-weather paths linking different parts of the development. Accommodation of multimodal transportation options is also encouraged.

Q: Send me references to more on TND and TOD. [Traditional Neighborhood Development and Transit Oriented Development]

A: Staff presented a report on TOD in Winston-Salem at the May 15, 2018 Public Works Committee and is attached. Some additional resources are below:

Charlotte’s Transit Supportive Overlay District:  
https://library.municode.com/nc/charlotte/codes/code_of_ordinances?nodeId=PTIICOOR_APXAZO_CH10OVDI_PT9TRSUOVDI&showChanges=true

Durham’s Major Transportation Corridor Overlay District:  
https://durham.municipal.codes/UDO/4.9

Locust, NC’s Traditional Neighborhood Overlay District:  
https://codelibrary.amlegal.com/codes/locust/latest/locustldo_nc/0-0-0-6109

Information on TND from National League of Cities (NLC):  
https://www.nlc.org/resource/traditional-neighborhood-development/

Q: How have zoning overlay districts in other areas helped this type of development?

A: Zoning overlay districts include special standards for an area which go above and beyond underlying zoning requirements. They can be developed to promote a particular character such as our local Downtown Overlay (WO) or a development type such as Charlotte’s Transit Supportive Overlay, linked above. Evaluating possible overlay districts was Recommendation #5 in the Innovative and Land-Efficient Residential Development Regulations report, and more research on overlay districts will be conducted when this item is included in a future Work Program.

Cottage Courts
Q: Members are also pleased that dumpsters would not be allowed, but wonder whether HVAC (heat pump) placement should also be addressed.

Q: Rear setbacks: I have a concern that a ten foot rear setback may not be appropriate in all cases (for example, if there will be a potentially noisy HVAC system extended into this area). Is there a way to allow up to ten feet as the minimum rear setback, subject to review on a case-by-case basis?

A: The UDO does not currently regulate the location of utilities for any type of residential development.

Q: Members expressed some concerns about the setback from adjacent single family lots, and whether the bufferyard requirement will be adequate.

A: The minimum side setback for residential lots is generally 7 feet. Many peer cities require a setback of 10 feet for cottage courts which staff believes to be appropriate and is proposed in this ordinance. The Type II bufferyard standards proposed adjacent to communal parking areas are the same as for parking areas in the NB district. A Type II bufferyard includes 2 deciduous trees, 12 primary evergreen plants, and 15 supplemental evergreen shrubs per one hundred (100) linear feet. Staff believes that these standards will lessen the impact of these parking areas.

Q: Why do cottage court residential units have to be buffered from other residential units? ‘Not very clear on first reading, but the graphics helped out.

A: Cottage Court residential units are not required to be buffered from other residential uses in the current amendment. Only parking areas need to be buffered from adjacent development with a Type II Bufferyard. These standards are the same as for parking areas in the NB district and lessen the impact of the parking area on adjacent sites. A Type II bufferyard includes 2 deciduous trees, 12 primary evergreen plants, and 15 supplemental evergreen shrubs per one hundred (100) linear feet.

Q: Why the minimum of 4 units? Could 2 or 3 units fulfill the goal of Cottage Court development?

A: Minor Subdivision regulations already allow development up to 3 units. In addition, 4 units promote the character and neighborhood feel of a Cottage Court surrounding an internal courtyard.

Q: Along that line, WSNA members expressed concern about the density bonus if there are differences in density as currently built compared to the zoning district allowance. If current residences are spaced at the maximum or expected density of the zoning district (e.g. RS-7 or RS-9), then a 25% increase in density seems incremental. However, if current houses are spaced farther than the district allows, placing four or more houses on one lot could increase the perceived as-built density by much more than 25%. Can the density bonus be made relative to what is currently built rather than what the underlying zoning district allows?
A: All density in Forsyth County is based on the standards of the underlying zoning district, not on as-built development. Attempting to determine actual density provides multiple challenges for applicants and staff, including determining boundaries for calculations, accounting for variation in building types, and geographic location of the potential project. In addition, no other Cottage Court ordinance researched by staff calculated density bonuses in this manner. Staff believes the relatively small density bonus being proposed serves as an incentive to utilize the Cottage Court provision for infill redevelopment. The Cottage Court provision allows for a planned, comprehensive approach to infill development rather than relying on the minor subdivision process which contains minimal standards.

Q: Applicability to GMAs 1, 2, and 3: Given that the developers that spoke at the public hearing on Jan. 14th all stressed the desire to use this type of development in close-in neighborhoods (which comports with the sprawl-reduction goal of concentrating residential development here first), and given that there are currently no additional infill standards that apply to GMA 3 (as exist for GMA 2), would it make sense to narrow the scope of the ordinance to GMAs 1 and 2, at least for the time being?

A: In addition to GMAs 1 and 2, staff does believe that Cottage Court development within GMA 3 is appropriate. While infill standards do not currently apply in GMA 3, staff feels that the standards included in the Cottage Court provisions strike a balance between design flexibility and ensuring compatibility with adjacent residential areas.

Q: If we don’t narrow the scope to GMAs 1-2, can we extend the front setback compatibility standard in Section 7.c. to cottage court developments in GMA 3?

A: Staff has concerns about placing such a setback limitation on sites within GMA 3 as it may serve to substantially limit the applicability of the Cottage Court provision. If adopted, staff would advocate for monitoring this issue to determine if additional setback rules should be added, similar to how staff has monitored PRDs over time.

Q: Square footage of units: Given that Cottage courts are defined as small dwellings in the definition we are using, do you see a need to specify a square footage cap on dwelling size? Is there a size at which these dwellings become inappropriate and incompatible with the surrounding development?

A: The draft provision currently includes height requirements to promote small-scale residential character. Staff would like to promote use of this ordinance for a variety of product types, and does not feel that it is necessary to regulate square footage at this time.

Q: Lot coverage: Are there any lot coverage and impervious surface requirements that will apply to Cottage Courts? Are these the same as for the underlying zoning? Do you see any issue with these developments meeting current requirements?
A: There are four zoning districts that have impervious surface limits – RM-8, RM-12, RM-18, and RMU. The limits range from 70% to 85%. These would apply to any Cottage Court proposed in those districts.

Q: Stormwater: Do you see any stormwater implications resulting from Cottage Court infill development?

A: Cottage Court developments would be subject to existing stormwater regulations in Chapter 75 of the City Code, the same as for other residential development types. Staff would not anticipate negative stormwater impacts from Cottage Courts because they will be held to the same standards that apply to all development in Winston-Salem, regardless of land use.

Q: Lighting of parking areas: Can we add standards to ensure that shared parking area lighting is not too obtrusive to neighboring properties?

A: The following highlighted language will be added to the draft UDO text to clarify this point: 5.2.26.1.6.a.iii Should lighting be included in the parking area, it shall adhere to the lighting standards outlined in Section 6.6 Exterior Lighting.

Q: Site size: What would be the minimum-sized site that could accommodate 14 dwellings in a Cottage Court development? Is there a maximum site size that would be appropriate for infill development in existing neighborhoods?

A: Minimum site size for 14 units depends on zoning district. In RS9, the minimum lot size for 14 units would be 2 acres.

Q: Orientation: Can we see an example of a Cottage Court development with a secondary entrance fronting a public right-of-way?
A: The image included in the ordinance itself shows an entrance facing the right of way with a secondary entrance into the courtyard.

Q: Permitted uses: What are the implications of allowing twin homes and duplexes in Cottage Courts without further review? How strong would the argument be, once these uses are allowed in Cottage Courts, which themselves would be allowed in single family zoning, to extend the allowance by right in single family zoning generally?

A: Attached units are only allowed in the zoning districts that allow attached units. The following highlighted language will be added to the draft UDO text to clarify this point: 5.2.26.1.C Permitted Principal Uses: Cottage Courts may include the uses Residential Building, Single-Family; Residential Building, Duplex; and Residential Building, Twin Home. Said permitted uses shall only be allowed in districts where the underlying zoning allows these uses.

Q: Is the total amount of Open Space required for all open spaces therefore 20% (Courtyard 15% plus Open Space 5%), or does the Open Space 5% contribute to the Courtyard requirement? What’s the difference in a Public Square and a Courtyard?

A: If an MU-S development contained a Cottage Court, the cottage court would need to meet the 15% open space requirement. If, depending upon the acreage in the MU-S, this area was 5 percent of the MU-S development, then that requirement would be met also. If this Cottage Court open space did not equal 5 percent of total development, a developer would need to find additional land elsewhere in the project to meet the 5% total for MU-S.
Q: Wetlands, steep slopes, and bufferyards do not count toward Courtyard Open Space calculations. Can “steep slope” be defined in terms of % slope?

A: "Steep slopes” are not defined by percentage in other areas of the UDO. In the future, an overall definition could be the subject of a text amendment that would address this as a percentage uniformly throughout the UDO if desired by the board.

Q: Who is required to maintain common areas in lieu of an HOA, and for how long?

A: For Cottage Courts that include for sale units, an HOA will be required to maintain common areas. This is also the same for PRDs. For Cottage Courts where all units, land, and common elements are owned by one entity, that entity would be responsible for maintenance.

Q: Can internal walkways be something other than concrete sidewalks?

A: The following highlighted language will be added to the draft UDO text to clarify this point: 5.2.26.1.9.b.i Courtyard Open Space shall include walkways consisting of an all-weather surface to each individual building within the Cottage Court and to the common parking area.

Q: Does Primary Entrance mean vehicular entrance, pedestrian entrance, or each building’s front door?

A: Primary entrance means primary (front) door.

Q: Do you know of built out examples of Opticus that show where their middle housing has been successful?

A: Opticos Design, Inc., is a nationally recognized leader in Missing Middle Housing research and design. Representatives from the firm came to speak in Winston-Salem in May 2019 at the request of City Council. In the report Opticos compiled for the NAHB, they reference development in Raleigh, NC and Ashland, OR. Raleigh recently made changes to its Cottage Court ordinance (July, 2020) and according to planning staff there, they have seen an increase in interest with several projects under review. The Ashland OR Cottage Court ordinance has been in place since December, 2017. According to Ashland planning staff, there have been five (5) approved projects since that time, two built and occupied, one that is almost complete, and two that have been approved and are waiting on permitting. In addition, several new phased subdivisions are reserving lots for inclusion of Cottage Courts in the overall development.

In their Missing Middle Housing book, published in 2020, Opticos references a project in Greenwich, RI. All units were sold, and 25% of the units were affordable by RI standards.
Q: A developer - Angino- mentioned an example he was involved with in Rocky Mt. Do you have a link to this example?

A: Overview of project from Richard Angino is attached.

Q: I would like to see some more examples of where staff feel these courts could occur in current neighborhoods - Town and Country? Fox hall? Along Country Club like has been occurring? Others?

A. Staff feels that Cottage Courts would be a good option in locations across Winston-Salem with varied lot sizes within specified zoning districts in GMAs 1, 2 and 3.

Q: What are the price points you have been seeing?

A: Most Cottage Court developments have market rate housing, dependent on location. There are examples of public/private partnerships that utilize Cottage Courts for affordable housing.

Q: How much at the HOA fees in established examples?

A: HOA fees vary widely depending on location and services/amenities provided, similar to other residential developments. Such fees currently range from under $100 per year to several hundred dollars a month in our community. Staff does not regulate HOA fees for any residential development within the County.

Q: If cottage courts are pedestrian oriented are there requirements they need to be near to services that they can walk to?

A: The only location requirements currently proposed are that Cottage Courts be located in specified zoning districts in GMAs 1, 2, and 3. While cottage courts are inherently pedestrian oriented, we don’t recommend a UDO requirement limiting their location to only places where sidewalks or services exist. In some cases, development of Cottage courts may catalyze such improvements.

Q: In analyzing the housing issue we know projections of increase in population have fallen short. We also know we aren’t Portland, Oregon or Vancouver Canada. Let me know your analysis of the price point of housing Forsyth Co is missing.

A: The Winston-Salem/Forsyth County Housing Study and Needs Assessment (HSNA) makes several references to the need for housing across all price points (beginning p. 15), while also making a case for affordable units. The HSNA also makes numerous references indicating that the growth in household demand is made up primarily of one-and two-person households (beginning p. 8). In addition, the report makes a recommendation to “fill housing stock with ‘missing middle housing structures’ and smaller size units to meet current and future housing needs” (beginning p. 21). More information from this report can be found at:
Q: Can we convince developers in all these subdivisions growing around the beltway that these densities and style of living are sellable? This seems like the ideal time to be sure that developments have a higher density as those buying will be doing so with their eyes open and we in Planning will not be changing their buying objectives.

A. Developers typically do their own market studies and analysis. Local developers that spoke at the Planning Board Public Meeting on January 14th expressed their support for these types of units, and believe demand exists for them in the local market.

Q: You have focused on three items that made you think that Raleigh’s CC ordinance hasn’t succeeded. Have you seen other comparable areas where these items were addressed and CC were successful? Examples? To me a key of the NAHB conclusions is that house size doesn’t matter as much where there are walkable services. This isn’t currently the objective of this UDO.

A: Raleigh recently made changes to its Cottage Court ordinance (July, 2020) and according to planning staff there, these modifications have generally increased interest, with several projects currently under review.
Responses to Additional Planning Board Questions received after January 19, 2021

UDO References

Q1: Send link to Section 6.1.5M. On-street parking

A: https://21d85a0d-1b9a-44a5-831b-3eff1c2cd09b.filesusr.com/ugd/eea745_7888d5a11b8a4206abe878d186b4f88f.pdf

Q2: Send link to Section 6.3.2 determination of buffer yard

A: https://21d85a0d-1b9a-44a5-831b-3eff1c2cd09b.filesusr.com/ugd/eea745_7888d5a11b8a4206abe878d186b4f88f.pdf

Q3: Send link to 4.1.6 Density bonus

A: https://21d85a0d-1b9a-44a5-831b-3eff1c2cd09b.filesusr.com/ugd/eea745_7888d5a11b8a4206abe878d186b4f88f.pdf

Q4: Send link to 6.1 off-street unless including in link requested above.

A: https://21d85a0d-1b9a-44a5-831b-3eff1c2cd09b.filesusr.com/ugd/eea745_7888d5a11b8a4206abe878d186b4f88f.pdf

The full text of the UDO can be found here: https://www.udoclearcode.org/
By clicking on the section numbers in the Table of Contents, you will be taken to those specific sections directly.

MU-S District

Q1: The purpose states loose parameters: “physical context and location”, design to be evaluated “on its own merits”. - who is to judge this? How will the applicant know the standards?

A: Planning Staff, the Planning Board, and the Elected Bodies will evaluate MU-S projects proposed by developers based on ordinance standards. The following highlighted language will be added to the draft UDO Purpose Statement to clarify these parameters: 5.2.26.1.A:

1. The MU-S District is intended to accommodate a Planned Unit Development (PUD) containing residential uses and at least one nonresidential use with the mix of uses achieved through incorporating multiple uses within a single building or by single-use buildings located throughout the site.

2. This district has applications in a broad range of urban to suburban locations.
3. The size and intensity of MU-S developments may vary based on their physical context and location. Appropriate setbacks, streetyards, bufferyards, and building heights among other site and design elements will be considered to ensure compatibility of the development on a site-specific basis.

4. The MU-S District provides greater development flexibility in exchange for certain planning and design considerations and provides an opportunity to propose development which would otherwise not be accommodated by the UDO. Any Planned Unit Development proposed via the MU-S district shall be evaluated on its own merits.

5. The MU-S district promotes quality design and respects surrounding land use and character with particular consideration given to the architectural details and facades of mixed-use and nonresidential buildings and the design of the streetscape. Elements such as building fenestration and massing, placement of windows, incorporation of awnings and other architectural elements as well as landscaping, street trees, and presence of plazas, pocket parks, public squares and other common public open space will be utilized to ensure a well-designed development.

6. The MU-S district shall include pedestrian-oriented design elements that promote walkability such as a system of sidewalks or other all-weather paths linking different parts of the development. Accommodation of multimodal transportation options is also encouraged.

Q2: Should the PB be expecting other UDO changes that will specify types of PUD in addition to CC?

A: PUDs and Cottage Courts are two separate development concepts. A Cottage Court is not a type of PUD, although a Cottage Court could be included as part of a PUD. Should additional UDO changes be requested, the Planning Board would vote on the inclusion of that work in a future Work Program.

Q3: Trying to understand 4.8.3 B.1.b - where are the setbacks, street yards etc being “specified”?

A: A developer must include these specifics on the proposed MU-S development site plan.

Q4: Limiting MUS to 2 types does that mean a residential development could be paired with Manufacturing B?

A: A proposed MU-S development could include any two uses allowed in the district standards as long as it was comprised of at least one (1) residential use and one (1) nonresidential use that is a permitted use for the MU-S district.

Q5: Why is there an automatic reduction in parking required? This would apply even as retail or manufacturing sites are requested with potential high use or regular employees?
A: The comprehensively planned nature of the MU-S district allows for an integration of uses that may reduce the amount of parking needed. The inclusion of residential uses provides the opportunity for walking to nonresidential uses, and encouraging multimodal transportation can further reduce the need for parking. In addition, there is the opportunity for shared parking among the nonresidential uses. Other zoning districts, like NB or PB, also allow for a reduction in parking due to these reasons.

Q6: Share what the parameters are for the “comprehensive off-street parking” plan and how this works with shared? Can we on PB object to an agreement like this even though approved by Public Works?

A: When a parking plan is submitted as part of an MU-S project, the following information is considered:

- Documentation provided by the applicant regarding actual parking demand for proposed uses, which may include parking studies conducted by third parties;
- Technical information regarding trip generation or other information related to best practices for managing parking;
- Comparisons with similarly situated jurisdictions; and
- Comparisons with minimum standards in national published data sources (e.g., Institute of Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association (NPA), American Planning Association (APA), etc.)

A plan may be submitted that incorporates shared parking based on any combination of the above. Otherwise, minimum parking standards will be calculated for each individual use. The Planning Board could object to the parking proposal, but any objection would need to be based on substantive arguments countering the information provided in the parking plan.

Q7: Explain when and process of going to BOA rather than PB.

A: MU-S projects are evaluated by Planning Staff and the Planning Board, and receive final approval from the Elected Bodies. The BOA does not review MU-S development.

_Cottage Court section 5.2.26.1_

Q1: Table 5.1.1. Has no key for “S” what is this?

A: The “S” is designated for Special Use Zoning. In the transition to UDO ClearCode, an "S" was supposed to be included in the list of abbreviations, but due to an oversight by our consultant, this did not occur. Staff will add this change in a future cleanup.

Q2: Purpose: why does it say “smaller site of cottage homes” is there a place this is required and smaller than what?
A: Historically, Cottage Court buildings have smaller footprints than other residential development. The draft provision currently includes height requirements to promote small-scale residential character.

Q3: What might you be seeing in this type of development being “diverse housing types”- give examples. Do you mean like this?:

A: Cottage Courts provide smaller, clustered residential units around a central communal space that is not currently allowed in the UDO. The diversity in type comes from their central courtyard, their inherent community-oriented nature, and their inclusion as one of the missing middle housing types. In districts were the underlying zoning allows for attached units, those may also comprise some of the Cottage Court units allowing for diversity within the development itself.

The development shown in the submitted image does not represent a Cottage Court due to the lack of an entrance from the right-of-way to combined parking area, no pedestrian connection from the development, and no central courtyard space. This development looks to be either a PRD or conventional subdivision.
Q4: How do the infill developments that have occurred along Country Club differ in CC if you exclude courtyard?

A: There have been a variety of development types built along Country Club Road recently, including townhomes, minor subdivisions, and Planned Residential Developments (PRDs). The primary difference between these developments and the proposed Cottage Court ordinance is the requirement for community-oriented design elements including the courtyard open space.

Q5: Will walls/fences be allowed around these like Cliffmore? Can they be gated?

A: As with all other residential development types, walls and fences may be used in Cottage Courts. As with other residential types, any communities using gates would be required to have private streets (streets built and maintained by the developer and subsequent homeowners in perpetuity).

Q6: Show examples of 4 homes on the recently suggested 20,000 sq feet.

A: Design concept attached. Please note that the 20,000 sf lot minimum lot size is for nonresidential districts only.

Q7: As this is close living (like I do in West End)- where are lights, HVAC outside locations allowed?

A: The UDO does not currently regulate the location of utilities for any type of residential development. The following highlighted language will be added to the draft UDO text to clarify the location of exterior lighting: 5.2.26.1.6.a.iii Should lighting be included in the parking area, it shall adhere to the lighting standards outlined in Section 6.6 Exterior Lighting.

Q8: Give me examples of CC developments proposing a “special use district rezoning”

A: Any proposed development that requests variation in any of the standards outlined in 5.2.26.1.E Development Standards would have to go through Special Use Zoning. Examples of situations that would require Special Use Zoning may include, but are not limited to, requests for more than 14 total units, or proposing a Cottage Court which has less than the 15% required Courtyard Open Space.
Memorandum

TO: Chris Leak, Chair - City-County Planning Board
   Members, City-County Planning Board
FROM: Lisa Sari, Chair
AFFORDABLE HOUSING COALITION
DATE: February 4, 2021
SUBJECT: Proposed Cottage Court Provisions
CC: Damon Dequenne, Assistant City Manager
     Tasha Logan Ford, Assistant City Manager
     Aaron King, Planning and Development Services Director
     Marla Y. Newman, Community Development Director

The Winston-Salem Housing Coalition requests that the Planning Board consider adding “cottage court” provisions to the housing options for the City of Winston-Salem. This development concept would allow small groups of independent housing units to be centralized around a common courtyard, creating a sense of community.

Cottage Court developments also provide a viable option for oddly shaped parcels with minimal street frontage. Furthermore, the coalition is in agreement that this type of housing might be an affordable option for developing parcels that the City of Winston-Salem owns, furthering the creation of affordable housing in the community.
General overall comments from Richard Angino with Third Wave Housing and Folks For Good Housing – Winston Salem.

Cottage Courtyard where present in the 1920’s in Winston Salem but were outlawed as part of the racial segregation rules so that folks could keep out working folks and people of color. Adding back Cottage Courtyards to the options for new housing in Winston Salem would be a smart decision for the community. Please keep in mind that to limit the rules which would allow them to be relatively affordable in today’s market.

With this in mind, building to the base building codes would create safe, decent housing, but in no way will be cheap given current buildings and approval costs to build new housing. Making cottage courtyards so special that only the higher earning households can afford them would not help Winston Salem with its housing shortfall issues. Please keep in mind that these could work in the well-to-do neighborhoods, as well as, some of the challenged neighborhoods.

One good example is that many of the mill villages were affordable housing many years, but recently they are now becoming new cool compact places for higher income folks to own which is displacing affordable folks from this type of housing across the state. When you come up with the rules, please keep in your sights what is need in both the well-to-do and the working folks neighborhoods.

Having built pocket neighborhood product before, the challenge is so much of the zoning codes are for brand new suburban green field product. These are larger than normal cottage courtyard units, but they were built for an affordable housing need in the city of Rocky Mount. We have learned a lot with this first try and the main thing is you need to allow for flexibility when doing infill.
A. PURPOSE

1. Cottage Court developments are comprised of several small attached or detached housing units around a central courtyard with no intervening street.

2. The purpose of the Cottage Court provision is to encourage the development of diverse housing types and quality residential infill.

3. The smaller size of cottage homes allows for more options for populations diverse in age, income, and household size.

4. In return for development flexibility, additional site plan information may be required of the developer to assist in evaluating the suitability of proposed Cottage Courts.

B. SKETCH PLAN REVIEW

1. Prior to the formal submission of a proposed Cottage Court, the petitioner or representative shall attend a Sketch Plan Review coordinated by Planning Staff concerning the proposed development of the site.

2. The petitioner shall be required to produce a scaled sketch site plan showing the existing and proposed features of the site for review by Planning and other interdepartmental review staff.

3. The official plan of development shall be submitted to the Planning Board only after the completion of the Sketch Plan Review.

C. PERMITTED PRINCIPAL USES TABLE 5.1.1: PRINCIPAL USE TABLE Z = Permit from Zoning Officer; P = Planning Board Review; A = Special Use Permit from BOA; E = Elected Body Special Use Permit (Lo) =
Following a use indicates the use is a low-intensity use (Hi) = Following the use is a high-intensity use.

D. RELATIONSHIP TO OTHER APPLICABLE REGULATIONS

Cottage Court developments shall be subject to all applicable standards, procedures, and regulations of these Ordinances and the zoning district in which they are located unless otherwise set forth in this section.

E. DEVELOPMENT STANDARDS

Cottage Courts shall be allowed in GMAs 1, 2, and 3, and meet the following standards:

1. PERMITTED NUMBER OF UNITS
   a. Any Cottage Court shall have a minimum of four (4) and a maximum of fourteen (14) units. There is no reason to cap the size. This just leads to less affordability since getting two 14 unit CC approved is way more expensive than one 28 CC.

2. ORIENTATION OF DWELLING UNITS
   a. Each dwelling unit that abuts the Courtyard Open Space shall have a primary entrance oriented toward the Courtyard Open Space. i. If a dwelling unit also abuts a public right-of-way, that unit may have a secondary entrance oriented toward the Courtyard Open Space provided the primary entrance is oriented toward the right-of-way. Why make this a rule? Let the market decide since this isn't a life safety issue. We alternated our last CC with one unit facing the street and the next in the courtyard. This helps with ADA access.
   b. Each dwelling unit that abuts a public right-of-way shall have a primary or secondary entrance oriented toward the public right-of-way. Why make this a rule? This is different than traditional cc where there are only entrances facing the courtyard. Entrances require sidewalks which quickly eat up site space. Having sidewalks on both sides creates more impermeable surfaces which isn't good any the city or planet. This would require more sq ft in each cottage or entrances into bedrooms which also makes no sense. This would require larger cottages which in turn makes them less affordable. The idea with most cottage designs is to get rid of halls and wastes space so you walk into the front into the living room or kitchen. Two entrances doesn’t work in a 400 sq ft cottage.

3. MINIMUM SIZE
   a. For nonresidential zoning districts, a Cottage Court development shall be located on a site containing at least one-half (1/2) of an acre. Make this 20,000 sq ft minimum since most lots in core are multiples of 25 feet.

4. HEIGHT
   a. Building height of all structures may not exceed 30 feet. Why add additional to CC and not let it follow general zoning for area?

5. MAXIMUM DENSITY
   a. Maximum residential density of Cottage Courts shall be 25% more than the density of the underlying zoning district in which the Cottage Court lies. However, Cottage Courts shall not include more than fourteen (14) units, except as allowed by the alternative compliance provisions of subsection F below. Should not limit number overall, but you could limit number of units per acre if you have to have some
form of limit. Footprint is best since that would give the market the chance to decide more smaller cottages or less larger cottages.

b. Additional density may be allowed by utilizing Section 4.1.6, Density Bonus for Affordable Housing.

6. REQUIRED PARKING

a. OFF-STREET PARKING i. Off-street parking shall be provided in compliance with Section 6.1, Off-Street Parking and Loading, except that the parking requirements may be met through group parking located on commonly owned land. ii. In no instances shall off-street parking spaces extend into public rights-of-way or private access easements. “In no instances” is strong language which makes it sound like this never can happen even if someone has a reasonable option. “No off-street..” is better since there are some great traffic calming technics which place some parking in the right of ways. We did this in Rocky Mount and it worked great. The street is still 24 feet wide, but we put parking and tree islands in the right of way which slows down traffic.

b. ON-STREET PARKING Some on-street parking may be permitted to satisfy off-street parking requirements in accordance with Section 6.1.5M, On-Street Parking Supplements for Pedestrian Oriented Developments. UDO-CC8 Ordinance (Condensed) 6 January 2021

c. SPECIAL VEHICLE ACCOMMODATIONS i. Special accommodations for recreational vehicles, including boats, may be provided in group parking areas. ii. Such special parking areas shall be designated and screened from adjacent residential uses per the Bufferyard Standards in 5.2.26.1.8a. Why is this called out in CC rules? General zoning should just apply.

7. LOT DIMENSIONAL REQUIREMENTS AND SPACING OF STRUCTURES

a. The lot and setback dimensional requirements of the zoning district for individual lots within a Cottage Court are waived except for a minimum ten (10) foot building setback from adjacent property lines, public rights-of-way and private access easements.
b. Minimum distances between Cottage Court structures shall adhere to minimum building code and minimum fire code.

c. In Cottage Court developments in GMA 2, no building shall be located closer to the street than the average setback of the street-facing façades of structures on lots to either side of the development. If no structures exist on the adjacent lots, the setbacks outlined in Section 5.2.26.1.E.7.a shall be used. Not really sure what GMA 2 is, but this would not work in suburban options where single family houses are on large lots where they are setback way past the minimum setbacks. Historically these neighborhoods we designed to use large lots to support expensive homes as a way to keep out other options of housing like CC’s.

8. BUFFERYARD AND SCREENING STANDARDS

a. Rear and side parking areas shall be buffered by a type II bufferyard, as defined in Section 6.3, Bufferyard Standards, if adjacent to residentially zoned property.

b. The use of dumpsters shall be prohibited in association with Cottage Court development.

9. COURTYARD OPEN SPACE

a. AREA Courtyard Open Space for Cottage Courts shall meet the following standards:

i. A minimum of fifteen (15) percent of the total lot area is required to be Courtyard Open Space.

ii. Courtyard Open Space shall consist of a central space or a series of interconnected spaces Should add “which shall include amenity areas, sidewalks, landscaped areas, pavilions, mail kiosks and storage units.” We found today’s standard sidewalks take up a huge footprint on the sites.

iii. Parking areas and driveways do not count toward Courtyard Open Space calculations.

iv. Wetlands, steep slopes, and bufferyards do not count toward Courtyard Open Space calculations.

b. CHARACTER

i. Courtyard Open Space shall include walkways to each individual building within the Cottage Court and to the common parking area.

ii. If sidewalks along the street are available or required, walkway connections to these sidewalks are required as part of the Courtyard Open Space.

iii. Courtyard Open Space areas shall be attractively landscaped utilizing trees complimented by shrubs or groundcover. Why rule for CC? Let normal zoning rules for area apply.

iv. Courtyard Open Space may include common amenities such as gazebos or benches. See comment above.

v. Enclosures for trash and recycling carts are prohibited in the Courtyard Open Space. UDO-CC8 Ordinance (Condensed) 7 January 2021 Figure 5.2.26.1.E: Cottage Court Development Standards

F. ALTERNATIVE COMPLIANCE
1. A Cottage Court development which does not meet the requirements of Section 5.2.26.1.E, Development Standards, shall be proposed through a special use district rezoning.

2. 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.

**G. OWNERSHIP AND RESPONSIBILITY FOR COURTYARD OPEN SPACE AND COMMON PARKING**

*Why a city rule. Shouldn’t this just be an ownership decision?*

1. Courtyard open space and common parking areas must be owned and maintained by the homeowners association of the development. *Why does the city care? Seems like an extra rule for CC.*
   
The owner needs to take care of the site just like any other parcel in WS. Some options would be for one cottage to own the courtyard. This could be the sponsor owner. An example would be for me to want to build a cottage for myself where I own my cottage and the common space. I then build and sell other cottages which have use right for the common area. The positive as the sponsor owner, I can maintain and control the common space to make sure it stays at a certain quality. Homeowner associations are expensive and effect the affordability. Easements or use permits are more cost effective.

2. 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.

3. For Cottage Courts where all dwelling units and common areas are under single ownership, a homeowners association may not be required.

**H. PLATTING REQUIREMENTS**

1. All Cottage Court developments shall meet the requirements of the subdivision regulations.

2. 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.

3. Residential lots shown on plats or subdivision plans for Cottage Court developments may UDO-CC8 Ordinance (Condensed) 8 January 2021 be as small as the footprint of the residential structure itself and shall not be subject to the minimum lot size requirement of the underlying zoning district.

**I. MULTIPLE DWELLING UNITS PER ZONING LOT**

1. Multiple single family dwelling units on a zoning lot are permitted for Cottage Courts.

2. Multiple single family dwelling units on a zoning lot shall be clearly indicated on the preliminary subdivision plan presented to the Planning Board for approval and clearly indicated on the face of any plat recorded for the Cottage Court.

3. If at any point in the future the owner intends to transfer individual lots into separate ownership, a plat meeting all requirements of the UDO shall be submitted to Planning staff for review and approval.
The proposed UDO modifications to promote more innovative market driven housing choices in GMA 1/2/3 are timely and important for the community.

Housing Stock deficiencies and unmet housing needs for rent and for sale that meet reasonable "affordability" standards is a problem in WS.

Winston Salem seems poised for a paradigm shift in housing innovation -- led by the surge of Core Downton apartments -- responding to the population growth and job formation dynamics -- the continued transition from manufacturing based to knowledge driven economy.

It is apparent that housing demand and unit type preference -- across a range of price points -- is to some extent constrained by our UDO limitations -- development regulations that do not address market driven realities as to:

- **Walkable and Near Downtown Core neighborhoods** -- these are growth opportunities/ tax base enhancements/ smart growth areas
- **Mixed Income / Mixed Housing Style** -- the lack of homogenization in GMA 2 neighborhoods is a huge plus -- unlike the monolithic "blocks" of density, West Salem, Industry Hill, Happy Hill, Washington Park -- these neighborhoods offer smart growth options
- **RSQ/ RM 5 and PB zoning districts** offer great flexibility as to density, yet require parking burden that does not reflect use trends

The UDO proposes a more Form Based development that addresses / aides in promoting infill development -- maximizing the use of existing infrastructure -- transportation, utilities, institutional amenities, activity centers right sized for these new urban housing options

Market Dynamics -- the paradigm shift to Mixed Income -- existing neighborhoods offer housing stock varieties -- and Urban Millenia workers view neighborhood diversity with an lens of embracing and being energized by that diversity.

Market Dynamics -- close in -- the perceived value benefit of being within a walkable mile to downtown -- and all it offers

Market Dynamic -- perceived value of housing -- inbound workers find WS has range of value choices -- i.e. they see hip urban product priced at $250-300.00 per SF and see it is more better and less money than many urban markets

Market Dynamic Demand -- we have little inventory. We need tools to address the housing deficiencies for all income and housing types. UDO tweaks that promote infill development is a HUGE easy accessible tool for both developers but also owners

Peer Group Comparisons -- in our state cities have proposed similar form based districts -- allowing designers/developers to propose market solutions -- using existing street/neighborhood features, promoting appropriate density enhancements geared to targeted market segments -- affordable rental, urban chic new dwellings, thoughtful renovation and expansion -- new forms new solutions.
Terra Jolly

From: Beth A. Broom  
Sent: Thursday, January 14, 2021 3:46 PM  
To: Terra Jolly  
Subject: FW: [EXTERNAL] WSNA feedback about UDO-CC8

From: Eric Bushnell <eric.bushnell@ieee.org>  
Sent: Thursday, January 14, 2021 10:52 AM  
To: Tiffany N. White <TIFFANYW@cityofws.org>; Beth A. Broom <bethb@cityofws.org>  
Cc: Aaron King <aaronk@cityofws.org>  
Subject: [EXTERNAL] WSNA feedback about UDO-CC8

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tiffany and colleagues,

Winston-Salem Neighborhood Alliance members offer some feedback about UDO-CC8 and Cottage Courts. We would appreciate it if you would share this with Planning Board.

Best regards and many thanks.

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Planning Board members, and Planning staff,

The Winston-Salem Neighborhood Alliance respectfully requests that item UDO-CC8 be continued to the next meeting to allow time for further analysis of this proposal.

WSNA members have some questions or concerns about Cottage Courts, as well as some supportive comments:

Members are pleased that the proposal attempts to regulate vehicle parking and that courtyards should sidewalk-oriented and pedestrian friendly.

Members are also pleased that dumpsters would not be allowed, but wonder whether HVAC (heat pump) placement should also be addressed.

Members expressed some concerns about the setback from adjacent single family lots, and whether the bufferyard requirement will be adequate.

Why the minimum of 4 units? Could 2 or 3 units fulfill the goal of Cottage Court development?

Along that line, WSNA members expressed concern about the density bonus if there are differences in density as currently built compared to the zoning district allowance. If current residences are spaced at the maximum or
expected density of the zoning district (e.g. RS-7 or RS-9), then a 25% increase in density seems incremental. However, if current houses are spaced farther than the district allows, placing four or more houses one one lot could increase the perceived as-built density by much more than 25%. Can the density bonus be made relative to what is currently built rather than what the underlying zoning district allows?

WSNA members thank the Planning staff for the thought they have put into this proposal so far, and we thank Planning Board members for your time and attention.

--
Eric Bushnell
on behalf of the Winston-Salem Neighborhood Alliance
Dear Planning Board Members,

After reviewing the questions discussed at the Planning Board Work Session on adding Cottage Courts as a use, the Winston-Salem Neighborhood Alliance (WSNA) now has even more questions about adding Cottage Courts as a by-right addition to this UDO without considering all possible unintended consequences to neighborhoods impacted by future Cottage Court development.

First, WSNA does not understand why the Mixed-Use Special Use District that requires a Public Hearing is in the same text amendment with the Cottage Court development requiring only a Planning Board review. So, WSNA questions why the Cottage Court use addition is not separated out as a separate text amendment.

Why? Because WSNA believes that the Cottage Court text amendment addition needs to be more widely publicized and explained to the Winston-Salem/Forsyth County community-at-large to ensure that any unintended consequences and/or impacts could be discerned and ameliorated before this text amendment is voted on by the Planning Board.

As such, WSNA would like to meet with Planning Department staff along with all other stakeholders to discuss all possible ramifications of Cottage Court development BEFORE the Planning Board votes on this text amendment.

Therefore, WSNA would like to suggest that the Planning Board officially request that the Planning Department Staff hold a widely publicized Zoom MEETING inviting all possible stakeholders to discuss the impact of Cottage Court development on neighborhoods. The Planning Department Staff could give a short presentation on Cottage Courts and then open the meeting to questions from the participants.

WSNA believes to date that not enough community members have been brought into the public discussion regarding adding the Cottage Courts use in a text amendment.

If the Planning Board will agree to this Community Meeting via Zoom, then WSNA would like to ask for
another continuance for this UDO text amendment so that this widely publicized community meeting could be conducted either by the March and/or April Planning Board meeting.

Sincerely yours,

Carolyn A. Highsmith
On Behalf of the Winston-Salem Neighborhood Alliance (WSNA)

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