

STAFF REPORT

DOCKET # UDO-196

STAFF: [David Reed](#)

REQUEST

This UDO text amendment is proposed by the Community Development/ Housing/ General Government Committee to amend various sections of the Unified Development Ordinances to establish definitions for Flag Lots and Irregular Lots and to amend the regulations for these lots.

BACKGROUND

After a home was built on what appeared to be a particularly small lot in a RS9 neighborhood, neighbors began calling the City to see if the lot met minimum requirements. After reviewing the case, staff was able to explain that the lot met all minimum dimensional requirements despite the fact that it was, for all practical purposes, much smaller than the other lots in the neighborhood. After concerns were expressed to the City Council member of the Ward, the Council's Community Development / Housing / General Government Committee requested Planning staff to begin working with Inspections staff to clarify the ordinance language relating to irregularly shaped lots. The term "Flag Lot" is one type of irregularly shaped lot and staff reviewed the regulations for all types of irregularly shaped lots as well as the related definitions. The proposed solution addresses infill lots that, while meeting minimum ordinance requirements, might not meet the intent of the underlying zoning district in terms of lot area and width.

When drafting an amendment to the Unified Development Ordinances, staff always takes steps to avoid unintended consequences. In this case, regulations that would prevent poor development choices were crafted to still allow creative good development in appropriate locations.

Two other text amendments to the Unified Development Ordinances have been adopted that specifically relate to the challenges of lot dimensions.

UDO-108, adopted in November 2003, dealt with cul-de-sac lots. Because of the triangular shape of cul-de-sac lots, the required lot width is often located far beyond the setback line of other lots and houses in the neighborhood. This led to a development pattern in which homes located on cul-de-sacs are not consistent with the setback of other homes in a subdivision. Additionally, it was often difficult for a developer to attain the required width without adding significant square footage to the cul-de-sac lot. Before the adoption of the text amendment, numerous requests for variances were brought before the Zoning Board of Adjustment to address the issue. UDO 108 provided relief by allowing the homes to be placed at a setback consistent with other homes in the neighborhood.

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

UDO-188, adopted by the City Council in July 2008, dealt with infill standards which can provide a mechanism for promoting new residential development which does not negatively affect the established character of older neighborhoods. The infill standards were proposed specifically for Growth Management Area (GMA) 2 which is comprised mainly of a well preserved ring of established, urban neighborhoods surrounding the downtown core. Attempts to expand the infill standards to the more suburban GMAs 3, 4 and 5 proved too problematic due to the large variety of lot sizes and development patterns in those parts of our community.

Like the infill standards, a text amendment to address inappropriate flag lots and irregular shaped lots must attempt to balance the need for preserving neighborhood character with the need for design flexibility and individuality. While no ordinance can completely prohibit inappropriate development from happening, changes can be made to eliminate the worst effects of incompatible infill development with the least amount of regulation.

ANALYSIS

The term “Flag Lot” comes from the shape of the lot. The main portion of the lot is connected to the public right-of-way by a narrow strip of land. On paper, the lot, with its narrow appendage, resembles a flag on a flagpole. Flag lots are created when there is buildable area behind other developed lots which has little road frontage of its own.

Other irregular shaped lots take on many different forms and may meet the minimum lot area but potentially do not meet the intent of the minimum lot area in so far as the area is not massed around the structure. At present, the lot area is made up of the entire contiguous area even if much of that area is not massed around the structure. This allows, in extreme circumstances, a lot that appears much smaller than other lots in the neighborhood and, for practical purposes, is smaller.

The proposed language restricts the amount of land in these appendages that can be counted towards lot area and would have prevented the creation of the lot that brought this issue to light. Other additional changes were considered; however, staff is of the opinion that the proposed changes will address the issue while maintaining as much opportunity for appropriate creative infill as possible.

RECOMMENDATION

APPROVAL

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UDO-196
AN ORDINANCE AMENDING
CHAPTERS A AND B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ESTABLISH A DEFINITION FOR FLAG LOTS AND IRREGULAR LOTS
AND TO AMEND THE REGULATIONS FOR FLAG LOTS

Be it ordained by the Winston-Salem/Forsyth County Planning Board, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter A, Article II - Definitions is hereby amended as follows:

Chapter A - Definitions Ordinance

Article II – Definitions

LOT, FLAG. An irregularly shaped lot which has an appendage or extension providing access to a street which does not meet the lot width requirements of the district. Such appendage or extension shall be referred to as the pole.

LOT, IRREGULAR. An irregularly shaped lot which has one or more appendages or extensions which do not independently meet the dimensional requirements of the district.

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

Chapter B - Zoning Ordinance

Article III - Other Development Standards

3-1 DIMENSIONAL REQUIREMENTS

(Q) Flag Lots

- (1) Frontage and Width.** Flag lots must have at least twenty-five (25) feet of frontage on a street or private access easement. The “pole” of the flag lot from the frontage of the lot to the buildable area of the lot must be a minimum of twenty-five (25) feet in width along its entire length ~~and may not be used in the calculation of lot area of the flag lot;~~
- (2) Lot Area and Yard Calculation.** The pole may not be used for ~~either~~ the front setback , lot area or yard calculation of the flag lot or any other lot;
- (3) Multiple Flag Lots (F).** If more than one flag lot is proposed to the rear of another lot or stacked off the street, a special use permit from the Board of Adjustment is required; and,

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- (4) Setback, Front. The front setback for a flag lot shall be measured from the line closest to the buildable area and running most parallel with the street. The area of the pole may not be used to measure the front setback.

(W) Irregular Lots

- (1) Lot Area and Yard Calculation. The appendages or extensions which do not independently meet the dimensional requirements of the district may be used for no more than 20 percent of the lot area or yard calculation of the lot.

Section 3. Chapter D, Article III – Minor Subdivisions is hereby amended as follows:

- (B)(4)** Flag lots may be created in compliance with Section 3-1 (Q) ~~with the following stipulations:~~
- (a) ~~Twenty five (25) feet of the width of the "pole" or driveway access to the flag lot may not be used in the calculation of the lot area of the flag lot;~~
 - (b) ~~The pole may not be used for either lot area or yard calculation of any other lot; and,~~
 - (c) ~~If more than one flag lot is proposed to the rear of another lot or "stacked" off the street, a special use permit from the Board of Adjustment is required.~~

Section 4. Chapter D, Article III – Major Subdivisions is hereby amended as follows:

- (B)(2)(e)** Flag lots may be created in compliance with Section 3-1 (Q) ~~with the following stipulations:~~
- (i) ~~Twenty five (25) feet of the width of the "pole" or driveway access to the flag lot may not be used in the calculation of the lot area of the flag lot;~~
 - (ii) ~~The pole may not be used for either lot area or yard calculation of any other lot; and,~~
 - (iii) ~~If more than one flag lot is proposed to the rear of another lot or "stacked" off the street, a special use permit from the Board of Adjustment is required.~~

Section 5. This ordinance shall be effective upon adoption.

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