FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: ____________________  AGENDA ITEM NUMBER: ____________

SUBJECT:-

A. Public Hearing on Zoning Text Amendment proposed by the City-County Planning Board staff to amend Chapter B Article II Section 2-1.6 (A) of the Unified Development Ordinances regarding the NCO Neighborhood Conservation Overlay District (UDO-143).

B. Approval of Ordinance

COUNTY MANAGER’S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

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

ATTACHMENTS:-   X  YES       ____NO

SIGNATURE: ____________________________  DATE:
**ACTION REQUEST FORM**

<table>
<thead>
<tr>
<th>DATE:</th>
<th>September 21, 2005</th>
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<tbody>
<tr>
<td>TO:</td>
<td>The Honorable Mayor and City Council</td>
</tr>
<tr>
<td>FROM:</td>
<td>A. Paul Norby, AICP, Director of Planning</td>
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</table>

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Text Amendment proposed by the City-County Planning Board staff

**SUMMARY OF INFORMATION:**

Zoning Text Amendment proposed by the City-County Planning Board staff to amend Chapter B Article II Section 2-1.6 (A) of the *Unified Development Ordinances* regarding the NCO Neighborhood Conservation Overlay District (UDO-143).

**PLANNING BOARD ACTION:**

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

Zoning Text Amendment proposed by the City-County Planning Board staff to amend various sections of Chapter B, Article II Section 2-1.6 NCO, Neighborhood Conservation Overlay District, of the Unified Development Ordinances.

BACKGROUND

Although the Neighborhood Conservation Overlay (NCO) District has been in the UDO since 1995, it has never been utilized. Currently, there are no established procedures for how such a district would be established, nor has there been any assessment of how such a district could be administered. This text amendment was initiated because of a citizen’s request to use the Neighborhood Conservation Overlay (NCO) District for the Sunnyside and Waughtown areas and the consequent need to clarify the administrative processes. Interest in the NCO District has also been expressed by the Happy Hill neighborhood. In response to the request and inquiries, planning staff has drafted a text amendment revising the NCO District requirements and application process.

Both Planning and Inspections staff have worked together to develop this process to ensure that both departments will be able to administer the District with greater ease and efficiency.

ANALYSIS

The NCO District is intended to preserve and enhance the appearance and special character of certain established and older neighborhoods by; 1) encouraging the reuse of existing buildings and appropriate new infill development; 2) enhancing the visual quality of the existing and proposed buildings by identifying common characteristics; 3) stabilizing and improving property values; and 4) reducing conflicts between new construction and existing development.

Planning staff research has found that most cities use NCO districts in established neighborhoods that lack private Covenants and Restrictions and where residents want requirements that will help address issues such as building heights, yard maintenance, and neighborhood character. NCO districts are also used to address the quality of infill housing in neighborhoods. In a NCO district, nothing is regulated beyond standard UDO and Building Code requirements unless specifically stipulated in the adopted standards. Planning Staff has worked with the Interdepartmental Text Amendment Team as well as Inspections staff and the City Attorney to make sure the new process and standards are enforceable and legal.

The proposed process for the NCO District includes a five step “Neighborhood Design Study” process. Within this five step process, there are three checkpoints that applicants must submit to certain entities to ensure that they are on track before moving forward. The applicant (the
“neighborhood”) will take the lead for each of the following steps. (Please see page 7, of the proposed revised ordinance “(4) Establishment Procedure” for a brief description of each step.)

1) **Determination of eligibility (pre-application process)**
   Check point #1: When neighborhood support and eligibility is established, the pre-application request will go to the Historic Resources Commission for review and recommendation to the City County Planning Board (CCPB).

   Checkpoint #2: The CCPB will make a determination on eligibility. If approved, the petitioner may continue with the next step of the study.

2) **Inventory of distinctive natural and built features in neighborhood**
   Check point #3: Upon completion of inventory, Planning Staff shall review the inventory to determine if all information needed is correct and has been properly documented. If approved, the petitioner may continue with the next step of the study.

3) **Listing of conservation standards**

4) **Listing of voluntary conservation guidelines**

5) **Final submission, notification and adoption**
   Once all the procedural steps have been met, an application for rezoning the area to an NCO District shall be accepted.

Once adopted, Inspections staff will review all building permits within the NCO District for compliance with the adopted conservation standards. The NCO Review process is initiated when a permit is submitted by an applicant within the district. It is the responsibility of the Neighborhood Association to continue to notify property owners of the conservation and voluntary standards within the district and monitor the District according to the signed memorandum of understanding as stated in Section 2-1.6 (A)(4)(e)(vi) of the Zoning Ordinance. Voluntary Standards will be reviewed by planning staff during application process for initial comment.

Along with this text amendment, staff proposes that informational packets be available to applicants interested in rezoning a neighborhood to NCO as well as anyone in need of information for an area that is already zoned for NCO. Planning staff has agreed to create the following forms:

1. **Demolition Process form.** This form will give applicants proper instructions on how to document property before demolition occurs in a NCO District.

2. **Typical Guidelines Information.** This packet will give applicants examples of typical voluntary guidelines and ordinance standards used in NCO Districts.

3. **Information Packet given to applicants during permit process in Inspections Division.** The City’s Inspection’s Division will set up a “red flag” notation on their
computer records program to recognize anyone that requests a permit in a NCO district. Once they are recognized as being in a NCO District, Inspections staff will then give them the guideline packet for their particular NCO district.

Planning staff believes that the proposed changes to the NCO District will make it a more useable district that will help preserve and enhance the character of established neighborhoods.

RECOMMENDATION

APPROVAL.

Aldea Douglas presented the staff report.

PUBLIC HEARING

FOR:  None

AGAINST:  None

WORK SESSION

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

1. Voluntary statements will be the responsibility of the neighborhoods.

2. Michelle McCullough clarified the difference between conservation standards which are enforceable and voluntary standards which are voluntary. Voluntary standards give the neighborhood a chance to explain to new residents what makes the neighborhood special and how to preserve the character of the neighborhood.

MOTION:  Carol Eickmeyer moved approval of the zoning text amendment.
SECOND:  Jerry Clark
VOTE:
  FOR:  Clark, Eickmeyer, Glenn, King, Mullican, Smith
  AGAINST:  None
  EXCUSED:  None

__________________________
A. Paul Norby, AICP
Director of Planning
UDO-143
AS RECOMMENDED BY STAFF
AN ORDINANCE AMENDING CHAPTER B ZONING ORDINANCE OF
THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

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

Section 1. Chapter B Article II Section 2-1.6 (A) of the UDO is hereby amended as follows:

(A) NCO NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

(1) Purpose. The NCO District is intended:

(a) To preserve and enhance the appearance and special character of certain older neighborhoods by encouraging reuse of existing buildings and new infill development which respects the context of the existing built and natural characteristics;

(b) To recognize these characteristics as a major part of the community's identity and positive image, and thereby enhance the visual quality of the community;

(c) To stabilize and improve integrity of property and neighborhoods; and,

(d) To reduce conflicts between new construction and existing development.

(2) NCO District Requirements.

(a) Applicability

(i) New Development. The regulations of the NCO District shall apply to all new development within the boundaries of the NCO District except as specifically exempted by the provision of this section.

(ii) Existing Development. A structure existing at the time a NCO District is approved shall not be deemed a nonconformity because of the NCO District regulations.

(iii) Expansion of Existing Development. The regulations of the NCO District shall apply to all work as described in this section that would include expansion of existing structures.
including but not limited to work such as additions and porches.

(iii)-(iv) Work by Local Governments and Utility Companies. The regulations of the NCO District shall apply to changes in appearance made by local governments or utility companies to street paving, sidewalks, trees, utility installations, walls, lighting, fences, structures and buildings on public property, easements, or streets.

(b) Exemptions. The following types of activities are exempt from the provisions of this section where applicable:

(i) Replacement of existing structures with a like structure.

(ii) Interior alterations.

(iii) Remodeling or other alterations which do not create additional building floor area, and/or to which the conservation standards are not applicable.

(iv) Routine maintenance where no changes are made to the appearance of the structure or grounds, or repair of any structure or site feature.

(v) Routine maintenance or repair of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signals, and/or replacement of street light fixtures.

(vi) The construction, reconstruction, alteration, restoration, moving, or demolition of any structure or site feature which the Director of Housing and Neighborhood Services and/or the Director of Inspections (F,W,L)/Superintendent of Inspections (C) determines is required to protect the public safety because of an unsafe or dangerous condition.

(c) Development Review Process

(i) Site Plan Requirement. Except for projects as specifically exempted herein, no building, grading, or demolition permit shall be issued within the NCO District prior to the submittal and approval of plans by the Director of Planning or designee. The plans shall meet the requirements of Article VII.
(ii) **Compliance Required.** No site plan or subdivision plat shall be approved which does not demonstrate compliance with the provisions of this section and the conservation standards of the applicable design study.

(iii) **Appeals.** Any aggrieved party may take an appeal from the actions of the Director of Planning to the Board of Adjustment, whether the site plan was approved or disapproved.

(d) **Standards for Development Within the NCO District.**

(i) **Conservation Standards.** All development within the NCO District shall be subject to the conservation standards contained in the applicable Neighborhood Design Study. These conservation standards may be more stringent or less stringent than the regulations of the underlying zone; in the event of any conflict, the neighborhood conservation standard shall apply. However, the conservation standards shall be objective standards and may regulate only the following: Dimensional requirements, natural and constructed landscape and bufferyard features, parking requirements, signage, lighting, vehicular access, location of exterior entrances and stairways, roof shape, building orientation and scale, outdoor storage, location and screening of utilities.

(ii) **Demolition.** A demolition permit may not be denied within a NCO District; however, prior to receiving a demolition permit the structure to be removed must be properly documented and submitted to Historic Resources staff. A demolition permit may not be denied within a NCO District; however, the effective date of such certificate may be delayed not more than ninety (90) calendar days from the date of approval. During the period of delay, the Director of Inspections (F,W,L)/Superintendent of Inspections (C), in consultation with the Director of Planning, may conduct efforts to preserve the building. If the Director of Inspections (F,W,L)/Superintendent of Inspections (C), in consultation with the Director of Planning, finds that the building has no particular significant value toward maintaining the character of the district, he/she may waive all or part of such period and authorize earlier demolition or removal.
(3) **Zoning Applications**

Except for applications filed by the City or County, the Planning Board shall not accept applications for zoning property to a NCO District unless the application meets all of the following criteria:

(a) The area to be zoned shall contain at least fifteen (15) contiguous acres or shall be an expansion of an existing NCO District.

(b) The area to be zoned is an area whose development began at least twenty-five (25) years prior to the application for zoning to the NCO District.

(c) Each NCO district may only contain one neighborhood as defined: (1) by a National Register District (NRD) eligible area (2) by an identifiable street and lot patterns, and/or (3) by any other definable attribute that makes the neighborhood unique.

(d) A Neighborhood Design Study which outlines the conservation standards for the area has been adopted by the Elected Body.

(4) **Neighborhood Design Study Establishment Procedure**

The Neighborhood Design Study required for a NCO District is a five-step process. The petitioner (neighborhood) will take the lead for each of these steps. The following shall be the procedure for establishing NCO Districts:

(a) A determination of eligibility that the area meets the size and age of development criteria. Before proceeding with a Neighborhood Design Study, the petitioner will first need to go through the pre-application process to determine their eligibility.

The pre-application process will require:

(i) the support, in writing, of an official Neighborhood Association Committee with by-laws (For each neighborhood/application).

(ii) The signature of fifty-five percent (55%) of the property owners in the defined district.

(iii) When support and eligibility is established, the pre-application request will go to the Historic Resources Commission for review and recommendation to the City County Planning Board (CCPB).
(iv) The CCPB will make a determination on eligibility. If approved, the petitioner shall continue with the Establishment Procedure of the Study.

(ii)(b) An inventory and description of the distinctive natural and built features of the area /neighborhood. Conducting the inventory and compiling the information is the responsibility of the petitioner. Staff will supply the petitioner with two (2) base maps. Neighborhoods having NRD (National Register District) inventories shall use those as a part of the inventory submission.

The inventory shall include the following information:

(i) General description and history of the neighborhood.

(ii) Documentation of predominate architectural building types in neighborhood including roof forms and pitch. (Representative photos should be part of submission.)

(iii) Documentation of block-by-block front setbacks, side setbacks, building-to-land ratio, lot sizes and configurations, and building orientation (to be averaged and used for standards)

(iv) General description of natural features including streams, wooded areas, parks, and other open spaces.

(v) Documentation of standard vehicular access and parking location for existing multifamily residential buildings.

(vi) Upon completion of inventory, Planning Staff shall review the inventory to determine if all information needed is correct and has been properly documented.

(iii)(c) A listing of the conservation standards to be met within the area if NCO District zoning is adopted. The creation of the standards used in the NCO District is the responsibility of the petitioner. Standards developed as part of the Neighborhood Design Study must be tied to the characteristics defined in the inventory and demonstrate the retention of existing features.

(iv)(d) A listing of voluntary conservation guidelines for the area if desired by petitioners to be administered by the neighborhood.
(v)(e) Final submission, notification and adoption
The final submission shall include:

(i) The completed inventory (4 copies)

(ii) Conservation Standards: Staff will review standards to ensure they relate to the character of the district as described in the inventory and meet NCO district requirements (4 copies)

(iii) Voluntary Standards: Same as listed above in Section 2-1.6(A)(4)(c)(ii) of the Zoning Ordinance.

(iv) Proof of neighborhood support including the signatures of 55% of the property owners as defined in the NCO district

(v) List of property owners for notification in label format

(vi) Signed memorandum of understanding with the Neighborhood Association concerning their responsibility for continued property owner notification and monitoring of District. The memorandum of understanding term limit will extend through the duration of the district.

(f) Once all the previous procedural steps have been met, an application for rezoning the said general area to an NCO District shall be accepted. The County/City/Town/Village shall proceed in the same manner as would otherwise be required for a change in the Zoning Ordinance and the request shall be processed according to the procedures set forth in Chapter B, Section 6-2 of the Zoning Ordinance.

(b) The Neighborhood Design Study shall be submitted to the Planning Board for review and recommendation prior to submission to the Elected Body for adoption.

(e)(g) When a NCO District is approved, the conservation standards contained in the applicable Neighborhood Design Study are adopted by reference and become a part of the Zoning Ordinance, and are included as an appendix item to the Zoning Ordinance.

(5) Enforcement
(a) Inspections will review all building permits and rezoning materials, as required in application form, in the NCO District for compliance with conservation standards.

(b) It is the responsibility of the Neighborhood Association concerning continued property owner notification and monitoring of the District according to the signed memorandum of understanding as stated in Section 2-1.6 (A)(4)(e)(vi) of the Zoning Ordinance.

(6) Amendment of District

The following shall be required to amend, supplement, change, modify, or repeal any district boundaries of the NCO District.

(a) If fifty-five (55) percent or more of the neighborhood no longer desires a NCO District and thus agrees to rezone the NCO District off the official zoning map.

(b) If the memorandum of understanding signed by the Neighborhood Association is violated by lack of participation by the neighborhood.

(c) The County/City/Town/Village shall proceed in the same manner as would otherwise be required for a change in the Zoning Ordinance and the request shall be processed according to the procedures set forth in Chapter B, Section 6-2 of the Zoning Ordinance.

Section 2. This ordinance shall become effective upon adoption.
UDO-143
AS RECOMMENDED BY STAFF
AN ORDINANCE AMENDING CHAPTER B ZONING ORDINANCE OF THE Unified Development Ordinances REGARDING NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

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

Section 1. Chapter B Article II Section 2-1.6 (A) of the UDO is hereby amended as follows:

(A) NCO NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

(1) Purpose. The NCO District is intended:

(a) To preserve and enhance the appearance and special character of certain older neighborhoods by encouraging reuse of existing buildings and new infill development which respects the context of the existing built and natural characteristics;

(b) To recognize these characteristics as a major part of the community's identity and positive image, and thereby enhance the visual quality of the community;

(c) To stabilize and improve integrity of property and neighborhoods; and,

(d) To reduce conflicts between new construction and existing development.

(2) NCO District Requirements.

(a) Applicability

(i) New Development. The regulations of the NCO District shall apply to all new development within the boundaries of the NCO District except as specifically exempted by the provision of this section.

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including but not limited to work such as additions and porches.

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(v) Routine maintenance or repair of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signals, and/or replacement of street light fixtures.

(vi) The construction, reconstruction, alteration, restoration, moving, or demolition of any structure or site feature which the Director of Housing and Neighborhood Services and/or the Director of Inspections (F, W, L)/Superintendent of Inspections (C) determines is required to protect the public safety because of an unsafe or dangerous condition.

(c) Development Review Process

(i) Site Plan Requirement. Except for projects as specifically exempted herein, no building, grading, or demolition permit shall be issued within the NCO District prior to the submittal and approval of plans by the Director of Planning or designee. The plans shall meet the requirements of Article VII.
(ii) **Compliance Required.** No site plan or subdivision plat shall be approved which does not demonstrate compliance with the provisions of this section and the conservation standards of the applicable design study.

(iii) **Appeals.** Any aggrieved party may take an appeal from the actions of the Director of Planning to the Board of Adjustment, whether the site plan was approved or disapproved.

### Standards for Development Within the NCO District.

#### Conservation Standards

All development within the NCO District shall be subject to the conservation standards contained in the applicable Neighborhood Design Study. These conservation standards may be more stringent or less stringent than the regulations of the underlying zone; in the event of any conflict, the neighborhood conservation standard shall apply. However, the conservation standards shall be objective standards and may regulate only the following: Dimensional requirements, natural and constructed landscape and bufferyard features, parking requirements, signage, lighting, vehicular access, location of exterior entrances and stairways, roof shape, building orientation and scale, outdoor storage, location and screening of utilities.

#### Demolition

A demolition permit may not be denied within a NCO District; however, prior to receiving a demolition permit the structure to be removed must be properly documented and submitted to Historic Resources staff. A demolition permit may not be denied within a NCO District; however, the effective date of such certificate may be delayed not more than ninety (90) calendar days from the date of approval. During the period of delay, the Director of Inspections (F,W,L)/Superintendent of Inspections (C), in consultation with the Director of Planning, may conduct efforts to preserve the building. If the Director of Inspections (F,W,L)/Superintendent of Inspections (C), in consultation with the Director of Planning, finds that the building has no particular significant value toward maintaining the character of the district, he/she may waive all or part of such period and authorize earlier demolition or removal.
(3) **Zoning Applications**

Except for applications filed by the City or County, the Planning Board shall not accept applications for zoning property to a NCO District unless the application meets all of the following criteria:

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(b) The area to be zoned is an area whose development began at least twenty-five (25) years prior to the application for zoning to the NCO District.

(c) Each NCO district may only contain one neighborhood as defined: (1) by a National Register District (NRD) eligible area (2) by an identifiable street and lot patterns, and/or (3) by any other definable attribute that makes the neighborhood unique.

(d) A Neighborhood Design Study which outlines the conservation standards for the area has been adopted by the Elected Body.

(4) **Neighborhood Design Study Establishment Procedure**

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The pre-application process will require:

(i) the support, in writing, of an official Neighborhood Association Committee with by-laws (For each neighborhood/application).

(ii) The signature of fifty-five percent (55%) of the property owners in the defined district.

(v) When support and eligibility is established, the pre-application request will go to the Historic Resources Commission for review and recommendation to the City County Planning Board (CCPB).
(vi) The CCPB will make a determination on eligibility. If approved, the petitioner shall continue with the Establishment Procedure of the Study.

(ii)(b) An inventory and description of the distinctive natural and built features of the area /neighborhood. Conducting the inventory and compiling the information is the responsibility of the petitioner. Staff will supply the petitioner with two (2) base maps. Neighborhoods having NRD (National Register District) inventories shall use those as a part of the inventory submission.

The inventory shall include the following information:

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(ii) Documentation of predominante architectural building types in neighborhood including roof forms and pitch. (Representative photos should be part of submission.)

(iii) Documentation of block-by-block front setbacks, side setbacks, building-to-land ratio, lot sizes and configurations, and building orientation (to be averaged and used for standards)

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Final submission, notification and adoption

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(v) List of property owners for notification in label format

(vi) Signed memorandum of understanding with the Neighborhood Association concerning their responsibility for continued property owner notification and monitoring of District. The memorandum of understanding term limit will extend through the duration of the district.

Once all the previous procedural steps have been met, an application for rezoning the said general area to an NCO District shall be accepted. The County/City/Town/Village shall proceed in the same manner as would otherwise be required for a change in the Zoning Ordinance and the request shall be processed according to the procedures set forth in Chapter B, Section 6-2 of the Zoning Ordinance.

The Neighborhood Design Study shall be submitted to the Planning Board for review and recommendation prior to submission to the Elected Body for adoption.

When a NCO District is approved, the conservation standards contained in the applicable Neighborhood Design Study are adopted by reference and become a part of the Zoning Ordinance, and are included as an appendix item to the Zoning Ordinance.

Enforcement
(a) Inspections will review all building permits and rezoning materials, as required in application form, in the NCO District for compliance with conservation standards.

(b) It is the responsibility of the Neighborhood Association concerning continued property owner notification and monitoring of the District according to the signed memorandum of understanding as stated in Section 2-1.6 (A)(4)(e)(vi) of the Zoning Ordinance.

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(b) If the memorandum of understanding signed by the Neighborhood Association is violated by lack of participation by the neighborhood.

(c) The County/City/Town/Village shall proceed in the same manner as would otherwise be required for a change in the Zoning Ordinance and the request shall be processed according to the procedures set forth in Chapter B, Section 6-2 of the Zoning Ordinance.

Section 2. This ordinance shall become effective upon adoption.
UDO-143
AS RECOMMENDED BY STAFF
AN ORDINANCE AMENDING CHAPTER B ZONING ORDINANCE OF
THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

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

Section 1. Chapter B Article II Section 2-1.6 (A) of the UDO is hereby amended as follows:

(A) NCO NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

(1) Purpose. The NCO District is intended:

(a) To preserve and enhance the appearance and special character of certain older neighborhoods by encouraging reuse of existing buildings and new infill development which respects the context of the existing built and natural characteristics;

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(ii) **Compliance Required.** No site plan or subdivision plat shall be approved which does not demonstrate compliance with the provisions of this section and the conservation standards of the applicable design study.

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(d) **Standards for Development Within the NCO District.**

(i) **Conservation Standards.** All development within the NCO District shall be subject to the conservation standards contained in the applicable Neighborhood Design Study. These conservation standards may be more stringent or less stringent than the regulations of the underlying zone; in the event of any conflict, the neighborhood conservation standard shall apply. However, the conservation standards shall be objective standards and may regulate only the following: Dimensional requirements, *natural and constructed* landscape and buffer yard features, parking requirements, signage, lighting, vehicular access, location of exterior entrances and stairways, roof shape, building orientation and scale, outdoor storage, location and screening of utilities.

(ii) **Demolition.** A demolition permit may not be denied within a NCO District; however, prior to receiving a demolition permit the structure to be removed must be properly documented and submitted to Historic Resources staff. A demolition permit may not be denied within a NCO District; however, the effective date of such certificate may be delayed not more than ninety (90) calendar days from the date of approval. During the period of delay, the Director of Inspections (F.W.L)/Superintendent of Inspections (C), in consultation with the Director of Planning, may conduct efforts to preserve the building. If the Director of Inspections (F.W.L)/Superintendent of Inspections (C), in consultation with the Director of Planning, finds that the building has no particular significant value toward maintaining the character of the district, he/she may waive all or part of such period and authorize earlier demolition or removal.
(3) **Zoning Applications**

Except for applications filed by the City or County, the Planning Board shall not accept applications for zoning property to a NCO District unless the application meets all of the following criteria:

(a) The area to be zoned shall contain at least fifteen (15) contiguous acres or shall be an expansion of an existing NCO District.

(b) The area to be zoned is an area whose development began at least twenty-five (25) years prior to the application for zoning to the NCO District.

(c) Each NCO district may only contain one neighborhood as defined: (1) by a National Register District (NRD) eligible area (2) by an identifiable street and lot patterns, and/or (3) by any other definable attribute that makes the neighborhood unique.

(e)(d) A Neighborhood Design Study which outlines the conservation standards for the area has been adopted by the Elected Body.

(4) **Neighborhood Design Study Establishment Procedure**

The Neighborhood Design Study required for a NCO District is a five-step process. The petitioner (neighborhood) will take the lead for each of these steps. The following shall be the procedure for establishing NCO Districts:

(a) A determination of eligibility that the area meets the size and age of development criteria. Before proceeding with a Neighborhood Design Study, the petitioner will first need to go through the pre-application process to determine their eligibility.

The pre-application process will require:

(i) the support, in writing, of an official Neighborhood Association Committee with by-laws (For each neighborhood/application).

(ii) The signature of fifty-five percent (55%) of the property owners in the defined district.

(vii) When support and eligibility is established, the pre-application request will go to the Historic Resources Commission for review and recommendation to the City County Planning Board (CCPB).
The CCPB will make a determination on eligibility. If approved, the petitioner shall continue with the Establishment Procedure of the Study.

(ii)(b) An inventory and description of the distinctive natural and built features of the area /neighborhood. Conducting the inventory and compiling the information is the responsibility of the petitioner. Staff will supply the petitioner with two (2) base maps. Neighborhoods having NRD (National Register District) inventories shall use those as a part of the inventory submission.

The inventory shall include the following information:

(i) General description and history of the neighborhood.

(ii) Documentation of predominante architectural building types in neighborhood including roof forms and pitch. (Representative photos should be part of submission.)

(iii) Documentation of block-by-block front setbacks, side setbacks, building-to-land ratio, lot sizes and configurations, and building orientation (to be averaged and used for standards)

(iv) General description of natural features including streams, wooded areas, parks, and other open spaces.

(v) Documentation of standard vehicular access and parking location for existing multifamily residential buildings.

(vi) Upon completion of inventory, Planning Staff shall review the inventory to determine if all information needed is correct and has been properly documented.

(iii)(c) A listing of the conservation standards to be met within the area if NCO District zoning is adopted. The creation of the standards used in the NCO District is the responsibility of the petitioner. Standards developed as part of the Neighborhood Design Study must be tied to the characteristics defined in the inventory and demonstrate the retention of existing features.

(iv)(d) A listing of voluntary conservation guidelines for the area if desired by petitioners to be administered by the neighborhood.
Final submission, notification and adoption

The final submission shall include:

(i) The completed inventory (4 copies)

(ii) Conservation Standards: Staff will review standards to ensure they relate to the character of the district as described in the inventory and meet NCO district requirements (4 copies)

(iii) Voluntary Standards: Same as listed above in Section 2-1.6(A)(4)(e)(ii) of the Zoning Ordinance.

(iv) Proof of neighborhood support including the signatures of 55% of the property owners as defined in the NCO district

(v) List of property owners for notification in label format

(vi) Signed memorandum of understanding with the Neighborhood Association concerning their responsibility for continued property owner notification and monitoring of District. The memorandum of understanding term limit will extend through the duration of the district.

Once all the previous procedural steps have been met, an application for rezoning the said general area to an NCO District shall be accepted. The County/City/Town/Village shall proceed in the same manner as would otherwise be required for a change in the Zoning Ordinance and the request shall be processed according to the procedures set forth in Chapter B, Section 6-2 of the Zoning Ordinance.

The Neighborhood Design Study shall be submitted to the Planning Board for review and recommendation prior to submission to the Elected Body for adoption.

When a NCO District is approved, the conservation standards contained in the applicable Neighborhood Design Study are adopted by reference and become a part of the Zoning Ordinance, and are included as an appendix item to the Zoning Ordinance.

(5) Enforcement
(a) Inspections will review all building permits and rezoning materials, as required in application form, in the NCO District for compliance with conservation standards.

(b) It is the responsibility of the Neighborhood Association concerning continued property owner notification and monitoring of the District according to the signed memorandum of understanding as stated in Section 2-1.6 (A)(4)(e)(vi) of the Zoning Ordinance.

(6) Amendment of District

The following shall be required to amend, supplement, change, modify, or repeal any district boundaries of the NCO District.

(a) If fifty-five (55) percent or more of the neighborhood no longer desires a NCO District and thus agrees to rezone the NCO District off the official zoning map.

(b) If the memorandum of understanding signed by the Neighborhood Association is violated by lack of participation by the neighborhood.

(c) The County/City/Town/Village shall proceed in the same manner as would otherwise be required for a change in the Zoning Ordinance and the request shall be processed according to the procedures set forth in Chapter B, Section 6-2 of the Zoning Ordinance.

Section 2. This ordinance shall become effective upon adoption.
UDO-143
AS RECOMMENDED BY STAFF
AN ORDINANCE AMENDING CHAPTER B ZONING ORDINANCE OF THE UNIFIED DEVELOPMENT ORDINANCES REGARDING NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

Be it resolved, by the Board of Aldermen of the Town of Kernersville, North Carolina that the Unified Development Ordinances (UDO) is hereby amended as follows:

Section 1. Chapter B Article II Section 2-1.6 (A) of the UDO is hereby amended as follows:

(A) NCO NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

(1) Purpose. The NCO District is intended:

(a) To preserve and enhance the appearance and special character of certain older neighborhoods by encouraging reuse of existing buildings and new infill development which respects the context of the existing built and natural characteristics;

(b) To recognize these characteristics as a major part of the community's identity and positive image, and thereby enhance the visual quality of the community;

(c) To stabilize and improve integrity of property and neighborhoods; and,

(d) To reduce conflicts between new construction and existing development.

(2) NCO District Requirements.

(a) Applicability

(i) New Development. The regulations of the NCO District shall apply to all new development within the boundaries of the NCO District except as specifically exempted by the provision of this section.

(ii) Existing Development. A structure existing at the time a NCO District is approved shall not be deemed a nonconformity because of the NCO District regulations.

(iii) Expansion of Existing Development. The regulations of the NCO District shall apply to all work as described in this section that would include expansion of existing structures.
including but not limited to work such as additions and porches.

(iii) (iv) Work by Local Governments and Utility Companies. The regulations of the NCO District shall apply to changes in appearance made by local governments or utility companies to street paving, sidewalks, trees, utility installations, walls, lighting, fences, structures and buildings on public property, easements, or streets.

(b) Exemptions. The following types of activities are exempt from the provisions of this section where applicable:

(i) Replacement of existing structures with a like structure.

(ii) Interior alterations.

(iii) Remodeling or other alterations which do not create additional building floor area, and/or to which the conservation standards are not applicable.

(iv) Routine maintenance where no changes are made to the appearance of the structure or grounds, or repair of any structure or site feature.

(v) Routine maintenance or repair of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signals, and/or replacement of street light fixtures.

(vi) The construction, reconstruction, alteration, restoration, moving, or demolition of any structure or site feature which the Director of Housing and Neighborhood Services and/or the Director of Inspections (F, W, L)/Superintendent of Inspections (C) determines is required to protect the public safety because of an unsafe or dangerous condition.

(c) Development Review Process

(i) Site Plan Requirement. Except for projects as specifically exempted herein, no building, grading, or demolition permit shall be issued within the NCO District prior to the submittal and approval of plans by the Director of Planning or designee. The plans shall meet the requirements of Article VII.
(ii) **Compliance Required.** No site plan or subdivision plat shall be approved which does not demonstrate compliance with the provisions of this section and the conservation standards of the applicable design study.

(iii) **Appeals.** Any aggrieved party may take an appeal from the actions of the Director of Planning to the Board of Adjustment, whether the site plan was approved or disapproved.

(d) **Standards for Development Within the NCO District.**

(i) **Conservation Standards.** All development within the NCO District shall be subject to the conservation standards contained in the applicable Neighborhood Design Study. These conservation standards may be more stringent or less stringent than the regulations of the underlying zone; in the event of any conflict, the neighborhood conservation standard shall apply. However, the conservation standards shall be objective standards and may regulate only the following: Dimensional requirements, natural and constructed landscape and bufferyard features, parking requirements, signage, lighting, vehicular access, location of exterior entrances and stairways, roof shape, building orientation and scale, outdoor storage, location and screening of utilities.

(ii) **Demolition.** A demolition permit may not be denied within a NCO District; however, prior to receiving a demolition permit the structure to be removed must be properly documented and submitted to Historic Resources staff. A demolition permit may not be denied within a NCO District; however, the effective date of such certificate may be delayed not more than ninety (90) calendar days from the date of approval. During the period of delay, the Director of Inspections (F,W,L)/Superintendent of Inspections (C), in consultation with the Director of Planning, may conduct efforts to preserve the building. If the Director of Inspections (F,W,L)/Superintendent of Inspections (C), in consultation with the Director of Planning, finds that the building has no particular significant value toward maintaining the character of the district, he/she may waive all or part of such period and authorize earlier demolition or removal.
(3) **Zoning Applications**

Except for applications filed by the City or County, the Planning Board shall not accept applications for zoning property to a NCO District unless the application meets all of the following criteria:

(a) The area to be zoned shall contain at least fifteen (15) contiguous acres or shall be an expansion of an existing NCO District.

(b) The area to be zoned is an area whose development began at least twenty-five (25) years prior to the application for zoning to the NCO District.

(c) Each NCO district may only contain one neighborhood as defined:
   1. by a National Register District (NRD) eligible area
   2. by an identifiable street and lot patterns, and/or
   3. by any other definable attribute that makes the neighborhood unique.

(e)(d) A Neighborhood Design Study which outlines the conservation standards for the area has been adopted by the Elected Body.

(4) **Neighborhood Design Study Establishment Procedure**

The Neighborhood Design Study required for a NCO District is a five-step process. The petitioner (neighborhood) will take the lead for each of these steps. The following shall be the procedure for establishing NCO Districts:

(a) A determination of eligibility that the area meets the size and age of development criteria. Before proceeding with a Neighborhood Design Study, the petitioner will first need to go through the pre-application process to determine their eligibility.

The pre-application process will require:

(i) the support, in writing, of an official Neighborhood Association Committee with by-laws (For each neighborhood/application).

(ii) The signature of fifty-five percent (55%) of the property owners in the defined district.

(ix) When support and eligibility is established, the pre-application request will go to the Historic Resources Commission for review and recommendation to the City County Planning Board (CCPB).
(x) The CCPB will make a determination on eligibility. If approved, the petitioner shall continue with the Establishment Procedure of the Study.

(ii)(b) An inventory and description of the distinctive natural and built features of the area /neighborhood. Conducting the inventory and compiling the information is the responsibility of the petitioner. Staff will supply the petitioner with two (2) base maps. Neighborhoods having NRD (National Register District) inventories shall use those as a part of the inventory submission.

The inventory shall include the following information:

(i) General description and history of the neighborhood.

(ii) Documentation of predominate architectural building types in neighborhood including roof forms and pitch. (Representative photos should be part of submission.)

(iii) Documentation of block-by-block front setbacks, side setbacks, building-to-land ratio, lot sizes and configurations, and building orientation (to be averaged and used for standards)

(iv) General description of natural features including streams, wooded areas, parks, and other open spaces.

(v) Documentation of standard vehicular access and parking location for existing multifamily residential buildings.

(vi) Upon completion of inventory, Planning Staff shall review the inventory to determine if all information needed is correct and has been properly documented.

(iii)(c) A listing of the conservation standards to be met within the area if NCO District zoning is adopted. The creation of the standards used in the NCO District is the responsibility of the petitioner. Standards developed as part of the Neighborhood Design Study must be tied to the characteristics defined in the inventory and demonstrate the retention of existing features.

(iv)(d) A listing of voluntary conservation guidelines for the area if desired by petitioners to be administered by the neighborhood.
(v)(e) Final submission, notification and adoption

The final submission shall include:

(i) The completed inventory (4 copies)

(ii) Conservation Standards: Staff will review standards to ensure they relate to the character of the district as described in the inventory and meet NCO district requirements (4 copies)

(iii) Voluntary Standards: Same as listed above in Section 2-1.6(A)(4)(e)(ii) of the Zoning Ordinance.

(iv) Proof of neighborhood support including the signatures of 55% of the property owners as defined in the NCO district

(v) List of property owners for notification in label format

(vi) Signed memorandum of understanding with the Neighborhood Association concerning their responsibility for continued property owner notification and monitoring of District. The memorandum of understanding term limit will extend through the duration of the district.

(f) Once all the previous procedural steps have been met, an application for rezoning the said general area to an NCO District shall be accepted. The County/City/Town/Village shall proceed in the same manner as would otherwise be required for a change in the Zoning Ordinance and the request shall be processed according to the procedures set forth in Chapter B, Section 6-2 of the Zoning Ordinance.

(b) The Neighborhood Design Study shall be submitted to the Planning Board for review and recommendation prior to submission to the Elected Body for adoption.

(e)(g) When a NCO District is approved, the conservation standards contained in the applicable Neighborhood Design Study are adopted by reference and become a part of the **Zoning Ordinance**, and are included as an appendix item to the **Zoning Ordinance**.

(5) Enforcement
(a) Inspections will review all building permits and rezoning materials, as required in application form, in the NCO District for compliance with conservation standards.

(b) It is the responsibility of the Neighborhood Association concerning continued property owner notification and monitoring of the District according to the signed memorandum of understanding as stated in Section 2-1.6 (A)(4)(e)(vi) of the Zoning Ordinance.

(6) Amendment of District

The following shall be required to amend, supplement, change, modify, or repeal any district boundaries of the NCO District.

(a) If fifty-five (55) percent or more of the neighborhood no longer desires a NCO District and thus agrees to rezone the NCO District off the official zoning map.

(b) If the memorandum of understanding signed by the Neighborhood Association is violated by lack of participation by the neighborhood.

(c) The County/City/Town/Village shall proceed in the same manner as would otherwise be required for a change in the Zoning Ordinance and the request shall be processed according to the procedures set forth in Chapter B, Section 6-2 of the Zoning Ordinance.

Section 2. This ordinance shall become effective upon adoption.
UDO-143
AS RECOMMENDED BY STAFF
AN ORDINANCE AMENDING CHAPTER B ZONING ORDINANCE OF
THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

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

Section 1. Chapter B Article II Section 2-1.6 (A) of the UDO is hereby amended as follows:

(A) NCO NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

(1) Purpose. The NCO District is intended:

(a) To preserve and enhance the appearance and special character of certain older neighborhoods by encouraging reuse of existing buildings and new infill development which respects the context of the existing built and natural characteristics;

(b) To recognize these characteristics as a major part of the community's identity and positive image, and thereby enhance the visual quality of the community;

(c) To stabilize and improve integrity of property and neighborhoods; and,

(d) To reduce conflicts between new construction and existing development.

(2) NCO District Requirements.

(a) Applicability

(i) New Development. The regulations of the NCO District shall apply to all new development within the boundaries of the NCO District except as specifically exempted by the provision of this section.

(ii) Existing Development. A structure existing at the time a NCO District is approved shall not be deemed a nonconformity because of the NCO District regulations.

(iii) Expansion of Existing Development. The regulations of the NCO District shall apply to all work as described in this section that would include expansion of existing structures.
including but not limited to work such as additions and porches.

(iii)-(iv) Work by Local Governments and Utility Companies.

The regulations of the NCO District shall apply to changes in appearance made by local governments or utility companies to street paving, sidewalks, trees, utility installations, walls, lighting, fences, structures and buildings on public property, easements, or streets.

(b) Exemptions. The following types of activities are exempt from the provisions of this section where applicable:

(i) Replacement of existing structures with a like structure.

(ii) Interior alterations.

(iii) Remodeling or other alterations which do not create additional building floor area, and/or to which the conservation standards are not applicable.

(iv) Routine maintenance where no changes are made to the appearance of the structure or grounds, or repair of any structure or site feature.

(v) Routine maintenance or repair of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signals, and/or replacement of street light fixtures.

(vi) The construction, reconstruction, alteration, restoration, moving, or demolition of any structure or site feature which the Director of Housing and Neighborhood Services and/or the Director of Inspections (F,W,L)/Superintendent of Inspections (C) determines is required to protect the public safety because of an unsafe or dangerous condition.

(c) Development Review Process

(i) Site Plan Requirement. Except for projects as specifically exempted herein, no building, grading, or demolition permit shall be issued within the NCO District prior to the submittal and approval of plans by the Director of Planning or designee. The plans shall meet the requirements of Article VII.
(ii) **Compliance Required.** No site plan or subdivision plat shall be approved which does not demonstrate compliance with the provisions of this section and the conservation standards of the applicable design study.

(iii) **Appeals.** Any aggrieved party may take an appeal from the actions of the Director of Planning to the Board of Adjustment, whether the site plan was approved or disapproved.

(d) **Standards for Development Within the NCO District.**

(i) **Conservation Standards.** All development within the NCO District shall be subject to the conservation standards contained in the applicable Neighborhood Design Study. These conservation standards may be more stringent or less stringent than the regulations of the underlying zone; in the event of any conflict, the neighborhood conservation standard shall apply. However, the conservation standards shall be objective standards and may regulate only the following: Dimensional requirements, natural and constructed landscape and bufferyard features, parking requirements, signage, lighting, vehicular access, location of exterior entrances and stairways, roof shape, building orientation and scale, outdoor storage, location and screening of utilities.

(ii) **Demolition.** A demolition permit may not be denied within a NCO District; however, prior to receiving a demolition permit the structure to be removed must be properly documented and submitted to Historic Resources staff. A demolition permit may not be denied within a NCO District; however, the effective date of such certificate may be delayed not more than ninety (90) calendar days from the date of approval. During the period of delay, the Director of Inspections (F,W,L)/Superintendent of Inspections (C), in consultation with the Director of Planning, may conduct efforts to preserve the building. If the Director of Inspections (F,W,L)/Superintendent of Inspections (C), in consultation with the Director of Planning, finds that the building has no particular significant value toward maintaining the character of the district, he/she may waive all or part of such period and authorize earlier demolition or removal.
(3) Zoning Applications

Except for applications filed by the City or County, the Planning Board shall not accept applications for zoning property to a NCO District unless the application meets all of the following criteria:

(a) The area to be zoned shall contain at least fifteen (15) contiguous acres or shall be an expansion of an existing NCO District.

(b) The area to be zoned is an area whose development began at least twenty-five (25) years prior to the application for zoning to the NCO District.

(c) Each NCO district may only contain one neighborhood as defined: (1) by a National Register District (NRD) eligible area (2) by an identifiable street and lot patterns, and/or (3) by any other definable attribute that makes the neighborhood unique.

(d) A Neighborhood Design Study which outlines the conservation standards for the area has been adopted by the Elected Body.

(4) Neighborhood Design Study Establishment Procedure

The Neighborhood Design Study required for a NCO District is a five-step process. The petitioner (neighborhood) will take the lead for each of these steps. The following shall be the procedure for establishing NCO Districts:

(a) A determination of eligibility that the area meets the size and age of development criteria. Before proceeding with a Neighborhood Design Study, the petitioner will first need to go through the pre-application process to determine their eligibility.

The pre-application process will require:

(i) the support, in writing, of an official Neighborhood Association Committee with by-laws (For each neighborhood/application).

(ii) The signature of fifty-five percent (55%) of the property owners in the defined district.

(xi) When support and eligibility is established, the pre-application request will go to the Historic Resources Commission for review and recommendation to the City County Planning Board (CCPB).
The CCPB will make a determination on eligibility. If approved, the petitioner shall continue with the Establishment Procedure of the Study.

(ii)(b) An inventory and description of the distinctive natural and built features of the area/neighborhood. Conducting the inventory and compiling the information is the responsibility of the petitioner. Staff will supply the petitioner with two (2) base maps. Neighborhoods having NRD (National Register District) inventories shall use those as a part of the inventory submission.

The inventory shall include the following information:

(i) General description and history of the neighborhood.

(ii) Documentation of predominate architectural building types in neighborhood including roof forms and pitch. (Representative photos should be part of submission.)

(iii) Documentation of block-by-block front setbacks, side setbacks, building-to-land ratio, lot sizes and configurations, and building orientation (to be averaged and used for standards)

(iv) General description of natural features including streams, wooded areas, parks, and other open spaces.

(v) Documentation of standard vehicular access and parking location for existing multifamily residential buildings.

(vi) Upon completion of inventory, Planning Staff shall review the inventory to determine if all information needed is correct and has been properly documented.

(iii)(c) A listing of the conservation standards to be met within the area if NCO District zoning is adopted. The creation of the standards used in the NCO District is the responsibility of the petitioner. Standards developed as part of the Neighborhood Design Study must be tied to the characteristics defined in the inventory and demonstrate the retention of existing features.

(iv)(d) A listing of voluntary conservation guidelines for the area if desired by petitioners to be administered by the neighborhood.
(v)(e) Final submission, notification and adoption
The final submission shall include:

(i) The completed inventory (4 copies)

(ii) Conservation Standards: Staff will review standards to ensure they relate to the character of the district as described in the inventory and meet NCO district requirements (4 copies)

(iii) Voluntary Standards: Same as listed above in Section 2-1.6(A)(4)(e)(ii) of the Zoning Ordinance.

(iv) Proof of neighborhood support including the signatures of 55% of the property owners as defined in the NCO district

(v) List of property owners for notification in label format

(vi) Signed memorandum of understanding with the Neighborhood Association concerning their responsibility for continued property owner notification and monitoring of District. The memorandum of understanding term limit will extend through the duration of the district.

(f) Once all the previous procedural steps have been met, an application for rezoning the said general area to an NCO District shall be accepted. The County/City/Town/Village shall proceed in the same manner as would otherwise be required for a change in the Zoning Ordinance and the request shall be processed according to the procedures set forth in Chapter B, Section 6-2 of the Zoning Ordinance.

(b) The Neighborhood Design Study shall be submitted to the Planning Board for review and recommendation prior to submission to the Elected Body for adoption.

(e)(g) When a NCO District is approved, the conservation standards contained in the applicable Neighborhood Design Study are adopted by reference and become a part of the Zoning Ordinance, and are included as an appendix item to the Zoning Ordinance.

(5) Enforcement
(a) Inspections will review all building permits and rezoning materials, as required in application form, in the NCO District for compliance with conservation standards.

(b) It is the responsibility of the Neighborhood Association concerning continued property owner notification and monitoring of the District according to the signed memorandum of understanding as stated in Section 2-1.6 (A)(4)(e)(vi) of the Zoning Ordinance.

(6) Amendment of District

The following shall be required to amend, supplement, change, modify, or repeal any district boundaries of the NCO District.

(a) If fifty-five (55) percent or more of the neighborhood no longer desires a NCO District and thus agrees to rezone the NCO District off the official zoning map.

(b) If the memorandum of understanding signed by the Neighborhood Association is violated by lack of participation by the neighborhood.

(c) The County/City/Town/Village shall proceed in the same manner as would otherwise be required for a change in the Zoning Ordinance and the request shall be processed according to the procedures set forth in Chapter B, Section 6-2 of the Zoning Ordinance.

Section 2. This ordinance shall become effective upon adoption.
UDO-143
AS RECOMMENDED BY STAFF
AN ORDINANCE AMENDING CHAPTER B ZONING ORDINANCE OF
THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

Be it resolved, by the Board of Aldermen of the Town of Walkertown, North Carolina that the
Unified Development Ordinances (UDO) is hereby amended as follows:

Section 1. Chapter B Article II Section 2-1.6 (A) of the UDO is hereby amended as follows:

(A) NCO NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

(1) Purpose. The NCO District is intended:

(a) To preserve and enhance the appearance and special character of certain older neighborhoods by encouraging reuse of existing buildings and new infill development which respects the context of the existing built and natural characteristics;

(b) To recognize these characteristics as a major part of the community's identity and positive image, and thereby enhance the visual quality of the community;

(c) To stabilize and improve integrity of property and neighborhoods; and,

(d) To reduce conflicts between new construction and existing development.

(2) NCO District Requirements.

(a) Applicability

(i) New Development. The regulations of the NCO District shall apply to all new development within the boundaries of the NCO District except as specifically exempted by the provision of this section.

(ii) Existing Development. A structure existing at the time a NCO District is approved shall not be deemed a nonconformity because of the NCO District regulations.

(iii) Expansion of Existing Development. The regulations of the NCO District shall apply to all work as described in this section that would include expansion of existing structures.

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.
including but not limited to work such as additions and porches.

(iii) (iv) Work by Local Governments and Utility Companies. The regulations of the NCO District shall apply to changes in appearance made by local governments or utility companies to street paving, sidewalks, trees, utility installations, walls, lighting, fences, structures and buildings on public property, easements, or streets.

(b) Exemptions. The following types of activities are exempt from the provisions of this section where applicable:

(i) Replacement of existing structures with a like structure.

(ii) Interior alterations.

(iii) Remodeling or other alterations which do not create additional building floor area, and/or to which the conservation standards are not applicable.

(iv) Routine maintenance where no changes are made to the appearance of the structure or grounds, or repair of any structure or site feature.

(v) Routine maintenance or repair of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signals, and/or replacement of street light fixtures.

(vi) The construction, reconstruction, alteration, restoration, moving, or demolition of any structure or site feature which the Director of Housing and Neighborhood Services and/or the Director of Inspections (F,W,L)/Superintendent of Inspections (C) determines is required to protect the public safety because of an unsafe or dangerous condition.

(c) Development Review Process

(i) Site Plan Requirement. Except for projects as specifically exempted herein, no building, grading, or demolition permit shall be issued within the NCO District prior to the submittal and approval of plans by the Director of Planning or designee. The plans shall meet the requirements of Article VII.

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.
(ii) **Compliance Required.** No site plan or subdivision plat shall be approved which does not demonstrate compliance with the provisions of this section and the conservation standards of the applicable design study.

(iii) **Appeals.** Any aggrieved party may take an appeal from the actions of the Director of Planning to the Board of Adjustment, whether the site plan was approved or disapproved.

(d) **Standards for Development Within the NCO District.**

(i) **Conservation Standards.** All development within the NCO District shall be subject to the conservation standards contained in the applicable Neighborhood Design Study. These conservation standards may be more stringent or less stringent than the regulations of the underlying zone; in the event of any conflict, the neighborhood conservation standard shall apply. However, the conservation standards shall be objective standards and may regulate only the following: Dimensional requirements, natural and constructed landscape and bufferyard features, parking requirements, signage, lighting, vehicular access, location of exterior entrances and stairways, roof shape, building orientation and scale, outdoor storage, location and screening of utilities.

(ii) **Demolition.** A demolition permit may not be denied within a NCO District; however, prior to receiving a demolition permit the structure to be removed must be properly documented and submitted to Historic Resources staff. A demolition permit may not be denied within a NCO District; however, the effective date of such certificate may be delayed not more than ninety (90) calendar days from the date of approval. During the period of delay, the Director of Inspections (F,W,L)/Superintendent of Inspections (C), in consultation with the Director of Planning, may conduct efforts to preserve the building. If the Director of Inspections (F,W,L)/Superintendent of Inspections (C), in consultation with the Director of Planning, finds that the building has no particular significant value toward maintaining the character of the district, he/she may waive all or part of such period and authorize earlier demolition or removal.
(3) **Zoning Applications**

Except for applications filed by the City or County, the Planning Board shall not accept applications for zoning property to a NCO District unless the application meets all of the following criteria:

(a) The area to be zoned shall contain at least fifteen (15) contiguous acres or shall be an expansion of an existing NCO District.

(b) The area to be zoned is an area whose development began at least twenty-five (25) years prior to the application for zoning to the NCO District.

(c) Each NCO district may only contain one neighborhood as defined: (1) by a National Register District (NRD) eligible area (2) by an identifiable street and lot patterns, and/or (3) by any other definable attribute that makes the neighborhood unique.

(d) A Neighborhood Design Study which outlines the conservation standards for the area has been adopted by the Elected Body.

(4) **Neighborhood Design Study Establishment Procedure**

The Neighborhood Design Study required for a NCO District is a five-step process. The petitioner (neighborhood) will take the lead for each of these steps. The following shall be the procedure for establishing NCO Districts:

(a) A determination of eligibility that the area meets the size and age of development criteria. Before proceeding with a Neighborhood Design Study, the petitioner will first need to go through the pre-application process to determine their eligibility.

The pre-application process will require:

(i) the support, in writing, of an official Neighborhood Association Committee with by-laws (For each neighborhood/application).

(ii) The signature of fifty-five percent (55%) of the property owners in the defined district.

(xiii) When support and eligibility is established, the pre-application request will go to the Historic Resources Commission for review and recommendation to the City County Planning Board (CCPB).
(xiv) The CCPB will make a determination on eligibility. If approved, the petitioner shall continue with the Establishment Procedure of the Study.

(ii)(b) An inventory and description of the distinctive natural and built features of the area /neighborhood. Conducting the inventory and compiling the information is the responsibility of the petitioner. Staff will supply the petitioner with two (2) base maps. Neighborhoods having NRD (National Register District) inventories shall use those as a part of the inventory submission.

The inventory shall include the following information:

(i) General description and history of the neighborhood.

(ii) Documentation of predominant architectural building types in neighborhood including roof forms and pitch. (Representative photos should be part of submission.)

(iii) Documentation of block-by-block front setbacks, side setbacks, building-to-land ratio, lot sizes and configurations, and building orientation (to be averaged and used for standards)

(iv) General description of natural features including streams, wooded areas, parks, and other open spaces.

(v) Documentation of standard vehicular access and parking location for existing multifamily residential buildings.

(vi) Upon completion of inventory, Planning Staff shall review the inventory to determine if all information needed is correct and has been properly documented.

(iii)(c) A listing of the conservation standards to be met within the area if NCO District zoning is adopted. The creation of the standards used in the NCO District is the responsibility of the petitioner. Standards developed as part of the Neighborhood Design Study must be tied to the characteristics defined in the inventory and demonstrate the retention of existing features.

(ivr)(d) A listing of voluntary conservation guidelines for the area if desired by petitioners to be administered by the neighborhood.
(v)(e) Final submission, notification and adoption
The final submission shall include:

(i) The completed inventory (4 copies)

(ii) Conservation Standards: Staff will review standards to ensure they relate to the character of the district as described in the inventory and meet NCO district requirements (4 copies)

(iii) Voluntary Standards: Same as listed above in Section 2-1.6(A)(4)(e)(ii) of the Zoning Ordinance.

(iv) Proof of neighborhood support including the signatures of 55% of the property owners as defined in the NCO district

(v) List of property owners for notification in label format

(vi) Signed memorandum of understanding with the Neighborhood Association concerning their responsibility for continued property owner notification and monitoring of District. The memorandum of understanding term limit will extend through the duration of the district.

(f) Once all the previous procedural steps have been met, an application for rezoning the said general area to an NCO District shall be accepted. The County/City/Town/Village shall proceed in the same manner as would otherwise be required for a change in the Zoning Ordinance and the request shall be processed according to the procedures set forth in Chapter B, Section 6-2 of the Zoning Ordinance.

(b) The Neighborhood Design Study shall be submitted to the Planning Board for review and recommendation prior to submission to the Elected Body for adoption.

(e)(g) When a NCO District is approved, the conservation standards contained in the applicable Neighborhood Design Study are adopted by reference and become a part of the Zoning Ordinance, and are included as an appendix item to the Zoning Ordinance.

(5) Enforcement

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.
(a) Inspections will review all building permits and rezoning materials, as required in application form, in the NCO District for compliance with conservation standards.

(b) It is the responsibility of the Neighborhood Association concerning continued property owner notification and monitoring of the District according to the signed memorandum of understanding as stated in Section 2-1.6 (A)(4)(e)(vi) of the Zoning Ordinance.

(6) Amendment of District

The following shall be required to amend, supplement, change, modify, or repeal any district boundaries of the NCO District.

(a) If fifty-five (55) percent or more of the neighborhood no longer desires a NCO District and thus agrees to rezone the NCO District off the official zoning map.

(b) If the memorandum of understanding signed by the Neighborhood Association is violated by lack of participation by the neighborhood.

(c) The County/City/Town/Village shall proceed in the same manner as would otherwise be required for a change in the Zoning Ordinance and the request shall be processed according to the procedures set forth in Chapter B, Section 6-2 of the Zoning Ordinance.

Section 2. This ordinance shall become effective upon adoption.