

STAFF REPORT

DOCKET #: UDO-99

STAFF: Gary Roberts

REQUEST

Text Amendment proposed by John Pence and Jill Pence to amend Section 3-1.2 (B) (3) of the *Unified Development Ordinances* (UDO). The amendment would allow for a bay window to extend up to three feet into the required side street setback within any residential district.

BACKGROUND

The petitioners are constructing a single family residence in the RS-12 district and would like the ability to extend a bay window into the required 20 foot side street setback. For uniformity purposes, staff proposes that this request be evaluated in respect to all residential districts and not limited to the RS-12 district. Consequently, the proposed amendment would be applicable to all residential building types and not just single family residences. The side street setback in the YR and AG districts is 30 feet, 10 feet within the RM-U district and 20 feet within all the remaining residential districts.

ANALYSIS

In March, 2003 the Planning Board recommended approval of UDO-97 which permitted three and four unit buildings to extend bay windows up to three feet into the side yard. This amendment has subsequently been adopted by the Winston-Salem City Council and is scheduled for the May 12, 2003 Forsyth County Board of Commissioners meeting. The subject request however, although also pertaining to bay windows, is not materially connected to UDO 97, which was tailored specifically for side yards on three and four buildings which have a 20 foot spacing requirement between buildings.

Bay windows, analogous to roof overhangs, etc. do not extend to the ground. The proposed amendment would allow bay windows to extend up to three feet from the building. Because the request is in regard to the side street rather than the side yard setback, the minimum required spacing between individual buildings will not be affected.

Staff sees the subject request as a reasonable means to allow increased flexibility and land usage in the arena of residential development.

RECOMMENDATION

Text Amendment: **APPROVAL**.

UDO-99

**AN ORDINANCE AMENDING CHAPTER B
OF THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING BAY WINDOWS EXTENDING
INTO REQUIRED SIDE STREET YARDS**

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

Section 1. Chapter B Zoning Ordinance: Article III – Section 3-1.2 (B) (3) Bay Window is hereby amended as follows:

- (3) **Bay Window.** A Bay Window may project into any required front, ~~or~~ rear or side street yard not more than three (3) feet. A Bay Window may project into a required side yard for three (3) and four (4) unit Residential Building: Multifamily; Townhouse; and Urban no more than three (3) feet.

Section 3. This ordinance shall be effective upon adoption.

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

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

Section 1. Chapter B Zoning Ordinance: Article III – Section 3-1.2 (B) (3) Bay Window is hereby amended as follows:

- (3) **Bay Window.** A Bay Window may project into any required front or rear yard not more than three (3) feet. A Bay Window may project into a required side yard for three (3) and four (4) unit Residential Building; Multifamily; Townhouse; and Urban no more than three (3) feet.

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

Section 1. Chapter B Zoning Ordinance: Article III – Section 3-1.2 (B) (3) Bay Window is hereby amended as follows:

- (3) **Bay Window.** A Bay Window may project into any required front or rear yard not more than three (3) feet. A Bay Window may project into a required side yard for three (3) and four (4) unit Residential Building; Multifamily; Townhouse; and Urban no more than three (3) feet.

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

Section 1. Chapter B Zoning Ordinance: Article III – Section 3-1.2 (B) (3) Bay Window is hereby amended as follows:

- (3) **Bay Window.** A Bay Window may project into any required front or rear yard not more than three (3) feet. A Bay Window may project into a required side yard for three (3) and four (4) unit Residential Building; Multifamily; Townhouse; and Urban no more than three (3) feet.

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

Section 1. Chapter B Zoning Ordinance: Article III – Section 3-1.2 (B) (3) Bay Window is hereby amended as follows:

- (3) **Bay Window.** A Bay Window may project into any required front or rear yard not more than three (3) feet. A Bay Window may project into a required side yard for three (3) and four (4) unit Residential Building; Multifamily; Townhouse; and Urban no more than three (3) feet.

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

Section 1. Chapter B Zoning Ordinance: Article III – Section 3-1.2 (B) (3) Bay Window is hereby amended as follows:

- (3) **Bay Window.** A Bay Window may project into any required front or rear yard not more than three (3) feet. A Bay Window may project into a required side yard for three (3) and four (4) unit Residential Building; Multifamily; Townhouse; and Urban no more than three (3) feet.

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