

NEIGHBORHOOD CONSERVATION OVERLAY (NCO) DISTRICT QUESTIONS AND ANSWERS

What is a Neighborhood Conservation Overlay (NCO) District?

The Neighborhood Conservation Overlay (NCO) District is a zoning tool available to identify and conserve the character of natural and built features in established older neighborhoods. The NCO designation is primarily intended for sensitive neighborhoods dealing with the issues of incompatible infill and structural alterations that drastically change the appearance of housing units and/or the streetscape.

NCO Districts focus on protecting the residential components of neighborhoods. A NCO District does not replace the underlying zoning of the area, but it may impose supplemental requirements and controls on development in the approved District. Each individual neighborhood creates neighborhood-specific NCO District standards in consultation with planning staff. These standards outline policies for additions and changes to existing structures and the parameters for new construction within the District.

Neighborhood Conservation Standards can be broad in scope; they may address design features such as building setbacks, orientation, width, height, or porch enclosures. Alternatively, they might address only an individual issue or two, such as lot size or building setbacks.

When is the use of an NCO District appropriate?

If a neighborhood has issues that can be resolved through remedies such as rezoning to another Residential Single-family Zoning District or pursuing designation as a local historic (H) or historic overlay (HO) district, those strategies should be explored first before pursuing a NCO District. Neighborhoods having compatibility problems not easily solved through a zoning change may want to consider a NCO designation. The recent UDO amendment creating basic standards for residential infill in GMA 2 may solve some problems affecting older neighborhoods.

This ordinance amendment protects the character of existing neighborhoods in older, urban areas of the city through minimum standards for new development in these areas. New residential development must have a front setback similar to the front setbacks of existing adjacent structures in these older urban neighborhoods, and standards also exist for garage orientation and location, multifamily development, and subdivision of land.

Why is the NCO District included in the Zoning Ordinances?

Legacy, the Winston-Salem and Forsyth County Comprehensive Plan, recognizes the importance of preserving the existing character of older neighborhoods while encouraging compatible infill development in these areas. Many of these neighborhoods may not qualify or want to apply for a local Historic District or Historic Overlay District. The Unified Development Ordinances allows neighborhoods to use the NCO District to

help conserve their character by reducing potential conflicts between new and existing development in established neighborhoods.

What are the benefits of the Neighborhood Conservation Overlay District?

The NCO designation can help protect and strengthen the desirable, unique physical features, characteristics, and identity of a neighborhood. It offers a level of “protection” for property owners, helping to prevent incompatible development or redevelopment within the NCO boundary.

Does the NCO District affect the use of my property?

The Neighborhood Conservation Overlay District is an “overlay” zoning designation and, as such, does not affect permitted land uses of the property. The underlying zoning district specifying permitted land uses remains intact. Instead, the NCO District regulates the property when plans are made to build a new building, add to an existing building, or otherwise alter an existing building.

What do the conservation standards regulate and where do they apply?

Conservation standards can regulate items that are reviewed when applying for a building permit, rezoning request, or subdivision request. Items to be regulated may include: Building setbacks, width, height or lot coverage; garage size and placement on lot; minimum or maximum lot widths; roof shape; the presence, absence and design of exterior staircases; enclosure of porches; etc. Items that may not be regulated by conservation standards include landscaping, street trees, construction materials, architectural features, lighting, walkways, paint color, and similar features. Voluntary standards for the above items not regulated through conservation standards can be incorporated by the neighborhood, but no assistance from City-County staff for enforcement will be provided.

Who decides what conservation standards are important for my neighborhood?

The property owners located within the proposed NCO District determine the “character-defining” elements that are important to neighborhood character, and then develop standards based on those characteristics.

Do the NCO District standards apply to new construction or additions to existing structures?

Conservation standards apply to new construction as well as additions, and in some cases, alterations to existing buildings. The Inspections Department will review all building permits and rezoning materials for compliance with conservation standards when such requests are made.

For full requirements and descriptions of the NCO District, please refer to Chapter B, Article II, Section 2-1.6 (A) of the UDO (available online at <http://www.municode.com/Resources/gateway.asp?pid=84486&sid=33>).

NEIGHBORHOOD CONSERVATION OVERLAY (NCO) DISTRICT PROCESS

I. PRE-APPLICATION

Property owners can initiate the creation of an NCO District for the conservation of older individual neighborhoods possessing distinctive features, identity, or character worthy of retention. The City-County Planning Board, City Council or Board of County Commissioners will not initiate the establishment of an NCO District.

The first step of the process of establishing an NCO District is the determination of eligibility of the area for such designation. To initiate the process, a neighborhood needs to comply with some basic designation criteria:

- The area must contain a minimum of fifteen (15) contiguous acres or be an expansion of an existing NCO District
- The area must have been platted or developed at least forty (40) years ago

The establishment of a District must be initiated by a group of 55% of the property owners within the proposed boundaries demonstrating interest in the District and have the support of an official Neighborhood Association (25% in Neighborhood Revitalization Strategy Areas).

A. Eligibility Request (first staff review)

A conference with planning staff to discuss the process and neighborhood's expectations shall be held prior to the initiation of work for the NCO. The neighborhood needs to have a rough boundary for the NCO District and a statement of reasons for seeking NCO status. The planning staff member assigned to work with the neighborhood will then forward the neighborhood's intent to the entire staff for an informal discussion, since a rezoning of the entire neighborhood will ultimately take place if an NCO is pursued. All zoning cases coming before staff are recommended for an informal staff discussion before proceeding with an application.

Planning staff will give its opinion on whether the issues confronting the neighborhood can be addressed best with the creation of an NCO District or if another strategy is preferable. In the event that staff's opinion does

not support the creation of an NCO District, the neighborhood may still continue the process of seeking such designation, but should expect staff to recommend denial on eligibility as well as the proposed rezoning to the Planning Board.

Planning staff will provide two copies of the zoning map showing the defined neighborhood and will assist in defining the boundaries of the NCO District.

B. Establishing the NCO Boundaries

In establishing the boundaries for the proposed NCO District, the neighborhood should consider the following items:

- The proposed NCO District should contain one neighborhood
- The NCO boundary should not split lots in the same ownership (including controlling and non-controlling lots)
- Original approved subdivision plats should be used to draw boundaries if available
- The area should be defined by an identifiable street and lot pattern (it is recognized that older neighborhoods are not homogeneous and may have a variety of lot sizes)
- The area should be definable by an attribute that makes it unique

Once the proposed NCO boundaries have been determined, it is recommended that the petitioner obtain a Certificate of Ownership and a tax map from the Real Estate Department of the Forsyth County Tax Administration, 201 N Chestnut Street, Winston-Salem, NC, 27101. Although this is a requirement for the filing of the application for rezoning at the end of the NCO process, the ownership information and tax map will simplify the contact and notification of property owners. The Certificate of Ownership is a printout listing the names of owner(s) and addresses of each lot within the NCO boundaries to be used to notify owners of the intention of applying for NCO designation. The tax map should show all lots in the proposed NCO District with Block and Lot numbers. A new Certificate of Ownership and a tax map will be needed with the rezoning application to ensure this information is up-to-date. If the neighborhood does not want to duplicate this step, property owner's names and addresses can be obtain from Forsyth County's web page, www.forsyth.cc under Quick Links to Geo-Data Explorer. This information may not be as up-to-date as the Certificate of Ownership list, however.

C. Neighborhood Meeting

A neighborhood meeting to present the boundaries for the proposed NCO District and to discuss general goals and related information pertaining to the application is encouraged. This meeting could be used to gather support from property owners and to obtain their signatures for the eligibility request. A sample letter is included in this package for inviting neighbors to an informational meeting regarding the NCO (see Appendix A). Also, a sample form for collecting the signatures of property owners agreeing with the potential establishment of an NCO District is included (see Appendix B). It is important that property owners understand that even if they sign the initial petition of support, they will still have a chance to see the final District Standards and sign a statement of approval or disapproval at the time.

D. Planning Staff Review of Eligibility (second staff review)

Planning staff will review all materials concerning the Eligibility Request. The neighborhood should submit the following:

- Description of the issues facing the neighborhood, what the neighborhood hopes to achieve with an NCO designation, and property owner contact information with dates of meetings.
- Brief history of the area with a development timeframe, summary of basic building types, and description of special features of the neighborhood.
- Boundary description of the proposed district for determination of size and age of development. The boundary map should include Block and Lot numbers for each property within the NCO boundary. Also, a statement describing the rationale for selecting the proposed boundaries and reasons for including/excluding properties should be included.
- Written endorsement of an official Neighborhood Association Committee and a current copy of its by-laws. This is necessary to ensure an organization will be in place to maintain the District.
- The original petition with the signatures of at least fifty-five percent (55%) of the property owners in the defined District. (Appendix B).
- Map showing the properties where owners signed the petition for NCO support (this can be shown on the boundary map). Tax lots where the property owner agrees with the establishment of an NCO District should be highlighted in a single color.

The above materials need to be at the City-County Planning Board office, 100 East First Street, Stuart Municipal Building, 2nd floor before 5:00 P.M. at least twenty-one (21) calendar days before the Historic Resource Commission's next regular monthly meeting. The submittal deadline is the same as for a Certificate of Appropriateness Application to the Historic Resource Commission. Go to www.cityofws.org/planning;

Boards and Commissions; Forsyth County Historic Resource Commission; monthly calendar for submittal dates.

E. Historic Resource Commission (HRC)

The Historic Resources Commission meets the first Wednesday of each month at 4:00 P.M. in the Public Meeting Room, Fifth Floor, Stuart Municipal Building, 100 East First Street, Winston-Salem. The HRC will review the pre-application request and will make a recommendation to the City-County Planning Board. Although this is not a public hearing, a representative from the neighborhood needs to attend this meeting to answer questions. The representative must be familiar enough with the process to explain the need for a NCO designation and the boundary selection process. The HRC will determine if the neighborhood is better suited for local historic district status than NCO status.

F. City-County Planning Board (CCPB)

The City-County Planning Board will review the Historic Resource Commission recommendation at their next regular monthly meeting. The City-County Planning Board will make a final determination on neighborhood eligibility. The recommendations of the HRC and planning staff will be considered by the Board. This is not a public hearing, but a representative from the neighborhood needs to attend to answer questions that may arise. The representative must be knowledgeable about the process and must be able to explain the need for an NCO designation, the boundary selection process, and the level of neighborhood support. If approved, the petitioner shall continue with the next step in the process, the inventory of the neighborhood.

For meeting dates, please go to www.cityofws.org/planning; Zoning & Subdivision; select the link for “Forms/handouts/checklists/fees” and select the item “2009 calendar of significant dates” on this page.

II INVENTORY

After pre-application approval, the next step in the NCO establishment process is conducting an inventory of the neighborhood. In order to formulate conservation standards that reflect the prevailing lot patterns, dimensions, building sizes, and similar features, it is necessary to map the existing conditions through an inventory of the neighborhood. Staff will assist the petitioner in getting started, but the petitioner must do the inventory work.

It is important for the petitioner to know in advance what features of the neighborhood they are interesting in preserving. With the end result in mind, the inventory becomes the tool by which all necessary information will be collected

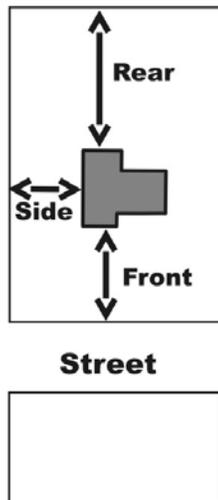
to formulate proposed conservation standards. For a list of items that may be regulated by conservation standards, see page 10.

The following is a list of items that may be included in the inventory of the neighborhood. These items can be measured directly on the maps provided by the City-County Planning Board or obtained from the Forsyth County's Web Page, www.forsyth.cc under Quick Links to Geo-Data Explorer. Other items such as building orientation, garage and accessory building size/placement on lot, location of exterior staircases, roof shape, building height, deck size/location, or porch enclosure status will require a visual inventory and photographic record of existing structures in the neighborhood that have not been substantially altered. The neighborhood can select from the list below of items that are applicable to their particular situation.

A. Inventory Items for Dimensional Requirements:

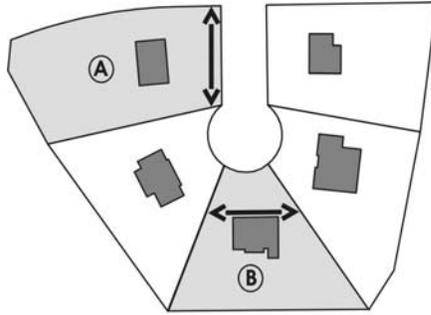
1. Setbacks and Lot Widths:

This category includes documenting existing dimensions for building setbacks (front, sides, and rear) and lot widths. The petitioner will be provided with a map at a scale of 1"=100' with the proposed NCO boundaries, lot lines, building addresses, and building footprints from which to measure with an engineer's scale.



Building Setbacks:

Measure directly on the map front, rear, and side setbacks



Lot Width:

- A. Measure at the street frontage
- B. Cul-de-sac lots, measure at the building frontage

2. Lot Areas and Building Footprint:

This information can be obtained from the Forsyth County’s web page, www.forsyth.cc under Quick Links to Geo-Data Explorer. Enter the property address in the space provided and scroll down to find the lot acreage. For building footprint, find the Record Card under the View options and scroll down to Sketched Area to find the base area (BAS).

Acreage	0.44
Sq Ft Living Area (Res)	1378
Gross Sq Ft (Com)	
Year Built (Res)	1971
Year Built (Com)	
Census Tract	10.00

Lot Area:

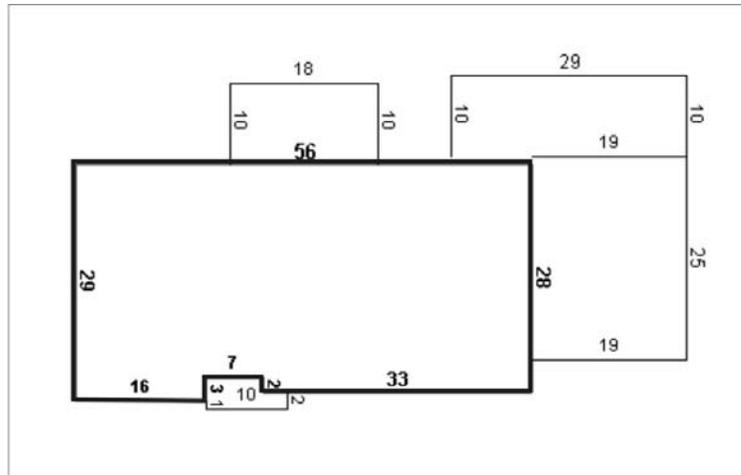
Scroll down to find acreage. To convert to square feet multiply by 43,560

$.44 \text{ acres} \times 43,560 = 19,166 \text{ Sq Ft.}$

Block Lot	
View	Zoom To Parcel Record Card Sales History Tax Billing Information

Building Footprint:

Find the base area (BAS) under Record Card



<i>Sketched Area</i>	<i>SF</i>
BAS	1570
FDG	180
LDA	34
GFR	475
OFF	290

3. Building-to-land-ratio or Percentage of Building Coverage:

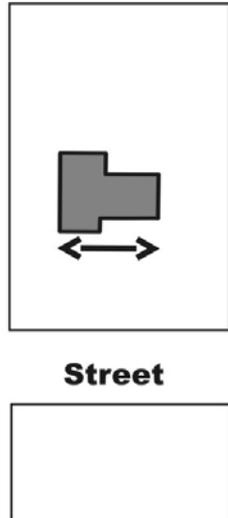
To find the percentage of building coverage on a particular lot, multiply the base area or building footprint by 100 and divide the result by the square footage of the lot. (one acre equals 43,560 square feet). See *Lot Areas and Building Footprints* above to get lot areas and building footprints. For example:

Lot area: 19,166 square feet
 Building footprint: 1,570 square feet

$$\frac{1,570 \text{ SF} \times 100}{19,166} = 8.19\%$$

4. Building Width

For building width, refer to the 1"=100' map provided and measure with an engineer's scale at the front of the building.



Building Width:

Total distance from side wall to side wall

B. Data Presentation

Once all the information for the inventory is collected, the next step is to compile a spreadsheet which records the findings and averages of the different dimensional categories. Block and Lot numbers arranged in numerical order, as found in the Tax Office Records, will be in the first two columns, followed by the Property’s Address and Taxable Owner’s name. Next will be all the data collected on lot size, lot width, etc., ending with the Owner’s Address for mailing purposes. In situations where more than one sub-district is proposed, the data should be arranged by sub-districts. (See page 10 for discussion of “sub-districts”).

			NEIGHBORHOOD					
SUB-DISTRICT 1								
BLOCK NUMBER	LOT NUMBER	PROPERTY'S ADDRESS	TAX OWNER'S NAME	LOT SIZE	LOT WIDTH	FRONT SETBACK	ETC..	OWNER'S ADDRESS
SUB-DISTRICT 2								
AVERAGES								

Sample spreadsheet

C. Staff Review (third staff review)

Staff will review the inventory and will do spot checks to make sure dimensions have been properly recorded.

III. CONSERVATION STANDARDS

Adopted conservation standards for NCO Districts are triggered by building permits, rezoning requests, and subdivision requests, and apply to new buildings, building additions, and in some cases, structural alterations to buildings.

All existing and new structures within the District are subject to the standards and requirements set forth in the conservation standards.

The applicant may choose to form “sub-districts” within the neighborhood with different standards due to the different lotting patterns. Older neighborhoods tend to have a variety of lotting patterns, reflecting the diversity that was valued within communities during the first half of the 20th Century.

A. Items That May Be Regulated by Conservation Standards

Single-and Multifamily

Minimum/Maximum Building Setbacks
Building Orientation (location of the primary entrance to the structure)
Minimum/Maximum Building-to-Land Ratio
Garage Size/Placement on Lot
Accessory Building Size/Placement on Lot (includes gazebos, sheds, and other outbuildings requiring a permit from the Inspections Division)
Minimum/Maximum Lot Widths
Minimum/Maximum Lot Areas
Building Width
Building Height
Location of Exterior Staircases
Roof Shape
Deck Size/Location
Enclosure of a Porch
Fences over 6 (six) feet in Height
Signage

Multifamily Only

Location of Parking
Bufferyard
Vehicular Access
Impervious Surface Coverage
Lighting and Location of Air Conditioning and Heating Units

B. Items That May Not Be Regulated by Conservation Standards

Landscaping/Buffering
Land Use
Street Trees
Construction Materials
Window/Door Materials
Roof Materials

Architectural Features
Lighting
Walls
Walkways
Parking and Driveways (for single-family development)
Paving Materials
Satellite Dish Location
Paint Color
Demolition of Structure (requires documentation only)

C. Voluntary Standards

The neighborhood can propose Voluntary Standards as part of an NCO Application. However, enforcement of these standards is solely the responsibility of the neighborhood (there will be no assistance from the City-County Inspections Division for enforcement). Voluntary standards can be selected from the list of “Items that may not be regulated by conservation standards” shown above.

D. Staff Review (fourth staff review)

Staff will review mandatory conservation standards and any voluntary standards to ensure they relate to the character of the district as described in the inventory and meet NCO District requirements.

E. Neighborhood Meeting/Collecting Signatures

This neighborhood meeting serves to inform property owners about the conservation standards and to collect their signatures for approval of both the conservation standards and the rezoning of the area to an NCO District. One of the requirements for the NCO district is that at least 55% of the property owners in the neighborhood agree with the designation and the rezoning. If the NCO is within the boundaries of the Neighborhood Revitalization Strategy Area (NRSA) the percentage of property owner approval needed is reduced to 25%. This lower percentage reflects the number of investor-owners within NRSA neighborhoods who may not want additional standards on their rental properties, which makes the passage of a NCO District more difficult here than in other neighborhoods.

Individual property owners need to sign the following two forms; (see Appendix C and D for sample forms).

- Proposed Neighborhood Conservation Overlay District Standards and Approval of an NCO District
- Attachment to Application for General Use District Zoning Map Amendment

It is in the best interest of the neighborhood to collect as many signatures as possible supporting the NCO designation at a neighborhood meeting. Property owners not attending the neighborhood meeting will need to be contacted individually or by mail, a process that may take some time to be completed.

IV. NCO SUBMISSION

The final submission must include:

- Two (2) copies of the completed inventory
- Two (2) copies of the Conservation Standards
- Any Voluntary Standards
- Proof of neighborhood support including the signatures of at least 65% of the property owners as defined in the NCO District, 25% for NRSA neighborhoods.
- Signed Memorandum of Understanding by the petitioner concerning their responsibilities for continued property owner notification and monitoring of District (see Appendix E).

The above materials need to be at the City-County Planning Board office, 100 East First Street, Stuart Municipal Building, 2nd floor, two weeks before filing for rezoning of the area. Staff will review the submission to verify compliance with all the above requirements to determine if an application for rezoning can be accepted.

V. REZONING PROCESS

A. Rezoning Application

An Application for a General Use District Zoning Map Amendment needs to be filed with the City-County Planning Board for the rezoning of the entire neighborhood to a Neighborhood Conservation Overlay District (see Appendix F). The Application can be filed at the City-County Planning Board office, 100 East First Street, Stuart Municipal Building, 2nd floor before 5:00 P.M. on a deadline day. Go to www.cityofws.org/planning; Zoning & Subdivision; select the link for “Forms/handouts/checklists/fees” and select the item “2009 calendar of significant dates” on this page. The petitioner is encouraged to make an appointment for submittal of an application.

Additional information to be submitted with the petition includes:

- **Certificate of Ownership:** this is an update of the same certificate that was obtained when working on the boundaries for the NCO (see

page 4, Establishing the NCO Boundaries). The rezoning process requires that this information not to be older than one month to ensure current owners are properly notified.

- **Tax Map:** same as above.
- **Property Description:** includes all land requested for rezoning, typed on a separate attached page. For multiple lots, a description of the perimeter of all property, as found in the property Deed, is required. For subdivisions, a copy of the Recorded Plat must be attached. Copies of Deeds and Recorded Plats may be obtained from the Forsyth County Register of Deeds Office at 102 W. Third Street (Southeast corner of Liberty & Third Streets).

Planning staff reviews all zoning petitions submitted by the deadline and makes a recommendation to the Planning Board for their next monthly meeting. If the original staff opinion for eligibility was not supportive of the NCO District, the staff may recommend denial of the petition to the Planning Board. The Planning Board will hold a public hearing on the petition and then make a recommendation to the Elected Body, who has final approval of an NCO District. The Planning Board may or may not agree with staff's recommendation.

B. Notice to nonpetitioning owners

The petition to amend the Zoning Map (zoning change) needs to be signed by all of the petitioning owners of land who wish to have their property rezoned. Both husband and wife need to sign the application if the property is shown as jointly owned in the Tax Records. The *Zoning Ordinance* allows two forms of notification to property owners, as follows:

(1) Written notification

The petitioner can notify in writing nonpetitioning owners who have not signed the petition and inform them that the petition is being submitted for rezoning. The written notification can be conveyed by letter (see attachment G) and needs to specify the present and proposed zoning classification. The letter has to be sent by certified mail to the last known address of nonpetitioning owners. A copy of this notice, Receipt for Certified Mail (white slip) and Return Receipt for Certified Mail (green slip) needs to be submitted when the rezoning petition is filed with the planning staff. Collecting signatures and getting Certified Mail Receipts back will take a few weeks, and therefore the petitioner is advised to start this stage of the process as soon as possible.

(2) List of owners not notified

If for any reason the letter is not delivered, the petitioner needs to attach a list containing the names, street or mailing addresses, and Tax Lot and Block numbers of the properties to which written notice was not delivered.

VI. NONCONFORMING SITUATIONS

Older neighborhoods may have a variety of lotting patterns and building setbacks. While the Conservation Standards for each District will reflect the prevailing patterns of the neighborhood, there may be existing lots or buildings that do not comply with the new NCO Conservation Standards for lot size and setback requirements. These are considered nonconforming lots or structures. In fact, many homes and lots in older neighborhoods are already classified as nonconforming for their existing zoning district.

NOTE: When a neighborhood creates NCO Conservation Standards, they may choose to place additional restrictions on some, but not necessarily all, setbacks with the proposed NCO Conservation Standards. For instance, they may choose to create a new standard for only the front yard setback. That would mean the underlying zoning district standards are still applied to the side and rear yard setbacks.

When a building permit is applied for in any zoning district, the Inspections Division determines if the design plans for new construction or alterations/additions are in conformance with existing zoning standards and setbacks. In an NCO District, Inspections will look at both the adopted Conservation Standards for the applicable NCO District, as well as any other zoning requirements that may apply (see note in box).

Even if Inspections determines an existing structure or lot is nonconforming, the expansion of a structure or construction of a new home may still be permitted, depending on where the expansion or new construction is proposed to take place on the property.

For example, a structure which is already considered nonconforming due to being located within a required front yard setback may be able to expand into the side or rear yards if the NCO and/or underlying requirements for side and rear setbacks are met. However, when a property owner desires to expand into a required setback, a building permit will not be issued. If the property owner wants to pursue the expansion into a required setback, a variance from the Zoning Board of Adjustment must be sought.

For a nonconforming vacant lot in a NCO District, a property owner may still build on the property if they meet the required setbacks of the applicable NCO District, as well as any other zoning requirements that may apply. If a property

owner is unable to place a structure on the lot and meet the required setbacks, they must seek a variance from the Zoning Board of Adjustment.

VII. VARIANCES – ZONING BOARD OF ADJUSTMENT

The Zoning Board of Adjustment has the authority to waive certain requirements of the *Zoning Ordinance* related to lot dimensions, lot area, and building setbacks by granting a variance. The Board may approve a variance if it finds that a practical difficulty or unnecessary hardship in meeting the dimensional requirements exists. Such hardships or practical difficulties must arise from the recorded platting or deeding of land prior to the adoption of this Ordinance or from any act of a public agency, or from natural conditions beyond the control of the property owner.

APENDIX A

SAMPLE LETTER FOR NEIGHBORHOOD SUPPORT

Date

Dear (neighborhood name) homeowner:

The (Homeowners Association name/group of concerned citizens) is measuring the level of support for a rezoning of our neighborhood to a Neighborhood Conservation Overlay (NCO) District. Such designation will help in preserving and enhancing the special character of our neighborhood by recognizing existing built and natural characteristics as a significant part of our neighborhood's image and identity. The NCO District will allow the neighborhood to do the following:

- Establish a customized set of mandatory conservation standards for the physical characteristics of the neighborhood
- Establish voluntary conservation standards for "other" features to be applied in the neighborhood

A meeting has been scheduled for (date, location and time) to discuss the following (select as it applies to your neighborhood):

- The establishment of a Neighborhood Association by electing officers (if one does not exist)
- The proposed geographic boundaries for the Neighborhood Association
- The intent to apply for rezoning the neighborhood to a Neighborhood Conservation Overlay District (NCO)

We hope to see you at the meeting. If you are unable to attend, please indicate your support of the above actions by signing this letter and drop it at (specify location).

List contact person(s)

Print Name

Signature

Address

Phone Number/email address

APPENDIX B

SAMPLE FORM FOR NCO PETITION

We, the undersigned, are property owners in (name of neighborhood), and we agree to support the initial work toward the establishment of a Neighborhood Conservation Overlay (NCO) District for our neighborhood.

It is our understanding that we will have the opportunity to review the final NCO District Standards and sign a statement for approval or disapproval of the NCO District.

Name (print)

Signature

Address

**APPENDIX C
PROPOSED NEIGHBORHOOD CONSERVATION OVERLAY
DISTRICT STANDARDS AND APPROVAL OF NCO DISTRICT
FOR (NEIGHBORHOOD NAME)**

(List standards for the entire neighborhood, if any)

Example:

- A. All dwellings will be oriented on lots so that the front entrance of the dwelling faces the street on which the lot fronts.

(List any standards that apply to sub-districts of the neighborhood, as applicable)

- 1. Lot Size
- 2. Frontage
- 3. Front Setbacks

Name (print)

Mailing Address

Date

Please sign where appropriate.

I/WE DO SUPPORT THE ABOVE CONSERVATION STANDARDS AND THE NCO DISTRICT DESIGNATION FOR (NEIGHBORHOOD'S NAME)

I/WE DO NOT SUPPORT THE ABOVE CONSERVATION STANDARDS AND THE NCO DISTRICT DESIGNATION FOR (NEIGHBORHOOD'S NAME)

APPENDIX D

**ATTACHMENT TO APPLICATION FOR GENERAL USE
DISTRICT ZONING MAP AMENDMENT**

We, the undersigned property owners of affected real property, hereby join in the attached Application for a General Use District Zoning Map Amendment filed by (Neighborhood Association Name) for the establishment of a Neighborhood Conservation Overlay District, and hereby petition for a General Use NCO District by reclassification from (Current Zoning Classification) to (proposed NCO Zoning Classification).

Owner's Signature(s) Mailing Address Telephone Block/Lot Number

(1)

(2)

APPENDIX E

MEMORANDUM OF UNDERSTANDING BY THE NEIGHBORHOOD ASSOCIATION

I. PARTIES

This document constitutes an agreement between the (Neighborhood association's name) and the City of Winston-Salem (the "City").

II. PURPOSE

The purpose of this Memorandum of Understanding is to confirm the respective responsibilities of the Parties with regard to the proposed Neighborhood Conservation Overlay ("NCO") District for (Neighborhood's Name).

III. RESPONSIBILITIES OF PARTIES

A. The Association shall be responsible for:

1. Continued participation in the operation and enforcement of the NCO District;
2. Continued property owner notification of the existence of the NCO District and the Conservation Standards;
3. Monitoring of property owner compliance with the NCO Conservation Standards;
4. Notification of the City with respect to potential violations of the Conservation Standards;
5. Notification of the City with respect to the current contact information for the Association;
6. Petitioning to rezone those properties subject to the NCO District standards by repealing the NCO, if fifty-five (55) percent or more of the property owners in the (Neighborhood's Name) neighborhood indicate that the neighborhood no longer desires the NCO District.

B. The City shall be responsible for:

1. Enforcement activities as currently stated in the *Unified Zoning Ordinances* or City Code.

IV. DURATION OF AGREEMENT

This Memorandum of Understanding shall become effective upon the approval of the NCO District by the Winston-Salem City Council and shall remain in full force and effect and shall be binding on the Association and the City for as long as the NCO District remains in effect on the official zoning map of the City of Winston-Salem, and shall be binding on any and all assignees or successors. This Memorandum of Understanding may be amended at any time by mutual agreement of the Parties.

IN WITNESS WHEREOF, the Parties have executed this document as of the last written date below.

(NEIGHBORHOOD ASSOCIATION NAME)

By:
Title:

Date

APPENDIX F

APPLICATION FOR GENERAL USE DISTRICT ZONING MAP AMENDEMENT



Application For General Use District

P. O. Box 2511, Winston-Salem, NC 27102
(City Hall South, 100 East First Street, Suite 225)

Zoning Map Amendment
Phone: 336-727-2548 Fax: 336-748-5163
Web Site: www.cityofws.org/planning

1. I (We) _____ <input type="checkbox"/> Owner _____ _____ (mailing address) (City) (State) (Zip Code) (Phone) _____ (Fax) _____ (E-mail) _____ do hereby petition for a General Use District for <input type="checkbox"/> Winston-Salem <input type="checkbox"/> Forsyth County <input type="checkbox"/> Clemmons <input type="checkbox"/> Lewisville <input type="checkbox"/> Walkertown		Docket # _____ Tax Map # _____
2. By reclassifying from the Zoning District _____ to the Zoning District _____		
3. The property located _____ and having frontage(s) along bordering streets as follows: _____		
4. Containing _____ acre(s)	5. Tax Block (s) _____ _____	Tax Lot (s) _____ _____
6. I (WE) UNDERSTAND THIS IS A PETITION FOR GENERAL USE DISTRICT ZONING, AND I (WE) MAY NOT REFER EITHER IN THIS PETITION OR AT ANY HEARING RELATED TO SAID PETITION TO ANY USE INTENDED FOR THE CASE SITE NOR TO ANY SPECIFIC DETAILS CONCERNING THE DEVELOPMENT OF SAID SITE.		
7. Owner (s) Signature (s): We acknowledge the provisions in the Zoning ordinances for general use and special use district zoning and hereby proceed with a general use district zoning petition. _____ _____ NOTE: The owner (s) of properties included in the petition who have not signed the petition must be NOTIFIED. Notification must be pursuant to Section 6-2.1(F) of the <i>Unified Development Ordinances</i> . Notice forms may be obtained in the office of the City-County Planning Board.	ADDITIONAL INFORMATION TO BE SUBMITTED WITH PETITION 1. CERTIFICATE OF OWNERSHIP showing the name of owner(s) of each lot and a list of the names and addresses of all adjacent property owners (may be obtained from the Forsyth County Tax Assessor's Offices in the Forsyth County Government Center). 2. TAX MAP (S) showing each lot to be rezoned and all adjacent properties (may be obtained from the Forsyth County Tax Assessor's Offices in the Forsyth County Government Center). 3. PROPERTY DESCRIPTION of land requested for rezoning, typed on a separate attached page. If property being rezoned consists of two or more lots each having a separate description, then those descriptions must be combined into one description of the perimeter of all the property. This is normally found in the property (s) Deed (s) as a metes and bounds description or is referred to in the Deed (s) as a Recorded Plat. If the Deed refers to a Recorded Plat, a copy of that Recorded Plat must be attached. [Copies of Deeds and Recorded Plats may be obtained from the Forsyth County Register of Deeds Office at 102 W. Third Street (southeast corner of Liberty & Third Streets)]. 4. CHECK (payable to the City of Winston-Salem) or CASH to cover the filing fee for rezoning.	
8. If the application is executed by a property owner, but an attorney/agent will handle public speaking, etc., please indicate: Name: _____ Mailing Address: _____ _____ Phone: _____ Fax: _____		9. A Sign Posting Notice will be issued by the Planning Staff when the rezoning application is filed. Rezoning signs are made and posted by City staff. The required legal advertising is also handled for you by the Planning staff.

PLEASE MAKE AN APPOINTMENT FOR SUBMITTAL OF APPLICATION.

This form is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Planning Department are encouraged to contact the Department at least 72 hours in advance so that proper accommodations can be arranged. For information, call 336-727-2087 (727-8319 TTY).

FOR OFFICE USE ONLY

Use Type	Zoning	Approval Date	Grid Map Number	Aerial Photo Number	Census Tract
Relevant Cases		Township	Geodetic Center	Relevant Subdivisions	
Square Footage	Construction Costs	# Housing Units	Received	Payment Received	
Condominium Date	Planning Jurisdiction	City	Date: _____	Amount: _____	
Plat Book	Page Number	Staff Person	Time: _____	Cash: _____	
				Check #: _____	

APPENDIX G

ZONING NON-PETITIONER OWNER NOTICE

ZONING NON-PETITIONING OWNER NOTICE

A petition to amend the zoning map of _____ Winston-Salem; or _____ Forsyth County
has been filed by _____

for property owned by _____
(Name)

(Address, State, and Zip Code)

to change the zoning classification of the property from _____
(Present Zoning Classification)
to the new zoning classification of _____
(Proposed Zoning Classification)

The property is located _____
_____;

and consists of Tax Lot(s): _____ Tax Block(s): _____

The principal activities allowed in the proposed new zoning classification are: _____

The City-County Planning Board will hold a public hearing on this petition either on _____, 200__ ; or on _____, 200__ . A public notice in the form of a rezoning sign will be posted on the premises at least fifteen (15) days before the Public Hearing by the City-County Planning Board. A legal advertisement will appear in the Winston-Salem Journal at least fifteen (15) days and again at least eight (8) days prior to the same Public Hearing.

If you have any questions concerning this petition, please contact the City-County Planning Board, P.O. Box 2511, Winston-Salem, NC 27102, Telephone (910) 727-2548 or 727-2087.

NOTE: This notice must be sent **CERTIFIED MAIL** to all non-petitioning property owners. A copy of this notice, Receipt for Certified Mail (white slip) and Return Receipt for Certified Mail (green slip) shall be submitted when the rezoning petition is filed with the Planning Staff.