

FORSYTH COUNTY

BOARD OF COMMISSIONERS

DRAFTMEETING DATE: DECEMBER 5, 2019

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AGENDA ITEM NUMBER: _____

SUBJECT: A. PUBLIC HEARING ON ORDINANCE AMENDMENT PROPOSED BY PLANNING AND DEVELOPMENT SERVICES STAFF TO REORGANIZE THE UNIFIED DEVELOPMENT ORDINANCES AS A RESULT OF THE UDO CODE ASSESSMENT PROCESS CURRENTLY UNDERWAY

B. ORDINANCE AMENDMENT TO REORGANIZE THE UNIFIED DEVELOPMENT ORDINANCES AS A RESULT OF THE UDO CODE ASSESSMENT PROCESS CURRENTLY UNDERWAY

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:

See attached staff report.

After consideration, the Planning Board recommended adoption of UDO-291 the revision in formatting of the entire Unified Development Ordinances to make it clearer and easier to use. City Council will be considering the amendment on November 18, 2019.

ATTACHMENTS:

YES

NO

SIGNATURE: _____

COUNTY MANAGER

DATE: _____

UDO-291
ORDINANCE AMENDMENT TO RE-ORGANIZE THE UNIFIED DEVELOPMENT
ORDINANCES AS A RESULT OF THE UDO CODE ASSESSMENT
PROCESS CURRENTLY UNDERWAY

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

Section 1. The current Unified Development Ordinances shall be replaced in its entirety by the attached revised Unified Development Ordinances, dated April 18, 2019, which can be accessed at www.UDOClearCode.com.

Section 2. Any additional amendments to the Unified Development Ordinances adopted by this body prior to January 1, 2020, shall be administratively incorporated into the revised Unified Development Ordinances by Planning and Development Services staff prior to the effective date of the revised Unified Development Ordinances.

Section 3. This ordinance shall be effective January 1, 2020.

TO: Forsyth County Board of Commissioners
FROM: Aaron King, Director of Planning and Development Services
DATE: November 7, 2019
SUBJECT: UDO-291 (UDO ClearCode)

Bryce A. Stuart Municipal Building
100 E. First Street
P.O. Box 2511
Winston-Salem, NC 27102
CityLink 311 (336.727.8000)
Fax 336.748.3163

Planning staff is prepared to brief the Board of Commissioners on UDO-291 (UDO ClearCode). In 2017, Planning and Development Services staff initiated a code assessment of the Unified Development Ordinances (UDO) to find ways to make the ordinance clearer and easier to use for citizens and developers. The UDO was originally adopted in 1994 and has been amended nearly 300 times since then. The code assessment was prepared by CodeWright Planners, a consulting firm that specializes in drafting and assessing development ordinances. Multiple opportunities for stakeholder involvement were incorporated in the assessment process, and the Planning Board accepted the final assessment report in November 2018. CodeWright staff also gave a presentation to the Commissioners on the code assessment recommendations this spring, which was favorably received.

Staff began implementing the code assessment's recommendation for taking the UDO and reorganizing it into a more user-friendly structure last December. This task was completed in August 2019 and resulted in UDO-291, a text amendment which would replace the existing UDO with the reorganized UDO, also known as the UDO ClearCode. However, no changes to any actual ordinance regulations are proposed as part of this reorganization. The Planning Board held a public hearing on this proposal in October 2019 and recommended approval.

Staff has proposed an effective date of January 1, 2020 for the new UDO ClearCode, to allow time for adoption by the County Commissioners and the Winston-Salem City Council.

Please let me know if you have any questions on this item.

STAFF REPORT

DOCKET # UDO-291
STAFF: Kirk Ericson

REQUEST

This text amendment is proposed by Planning and Development Services staff to re-organize the Unified Development Ordinances (UDO) as a result of the UDO code assessment process currently underway.

BACKGROUND

In fall 2017, efforts began on preparing a code assessment for the Winston-Salem/Forsyth County UDO. The purpose of this code assessment was to find ways to make the UDO more user-friendly and visually appealing. The UDO was originally adopted in 1994, and has been amended nearly 300 times in the past 25 years. Over the years, additions to the UDO have been by written by staff using different voices. At the same time, other ordinance provisions have become outdated or no longer relevant.

Staff contracted with CodeWright Planners, a firm that specializes in preparing and evaluating development ordinances, to complete the code assessment. Several public input opportunities were included in the code assessment process, and the final assessment contains many recommendations for making the UDO a more cohesive document which reflects current best planning practices. The Planning Board ultimately accepted CodeWright's report in November 2018, and the City Council and Forsyth County Commissioners were briefed on the report recommendations in early 2019.

The first recommendation of the code assessment was to re-organize the existing UDO to make it more user-friendly. Planning staff and CodeWright started working on this recommendation in December 2018.

ANALYSIS

The current UDO structure consists of four chapters, ten articles, and numerous subsections. As previously stated, the ordinance has also been subject to many text amendments in the 25 years since its adoption. To make the ordinance easier to navigate, CodeWright proposed a 10 chapter document structure (see **Exhibit A**) which places the most-used ordinance provisions near the front of the document, and the least-used provisions towards the end. Staff worked with CodeWright on re-organizing the UDO text into this new format. However, no changes to the actual ordinance regulations were made as part of this re-organization process. The code assessment document does recommend changing certain confusing or outdated UDO provisions, but such changes will be proposed at a later time. _

In addition to re-organizing the ordinance text, the updated UDO (known as UDO ClearCode) also incorporates aesthetic changes intended to make the document more visually appealing. These include using multiple colors and font styles to accentuate the hierarchy of regulations on the page, and making more efficient use of text on the page to reduce the overall length of the ordinance.

Beyond the aforementioned updates, the digital UDO file also includes several changes designed to make the code easier to use. The UDO now has its own dedicated website, www.UDOClearCode.com, which will also be linked from the Planning department's web page once the revised code is adopted. The PDF file of the code on the UDOClearCode website includes a series of bookmarks that let users navigate to a particular section of the code. Alternatively, users can conduct a word search of the entire document to find the provision they are looking for. The document now includes over 1000 hyperlinked cross-references as well – these links allow users to instantly navigate to a section of the code being referenced in the provision they are currently reading. A topical index also exists at the end of the document to allow users to look up key words and go directly to the UDO section relating to those words.

Staff sent out the revised UDO to stakeholders for comments in August 2019. Staff also presented the ordinance to the Planning Board at its August work session, and to the Chamber of Commerce Construction Industry Council and Forsyth County Quarterly Development Forum in September. Several stakeholders and meeting attendees commented to staff that the UDO ClearCode document is a significant improvement over the current UDO, and staff believes the revised code will provide an excellent foundation for the future text amendments proposed in the code assessment. Staff will start working on the first of these amendments in 2020.

Staff recommends adopting UDO-291 with an effective date of January 1, 2020.

RECOMMENDATION:

APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UD0-291
OCTOBER 10, 2019**

Kirk Ericson highlighted some of the major updates to the UDO (ClearCode) which has been presented previously to the Planning Board, to the Chamber of Commerce Construction Industry Council, and the Forsyth County Development Forum. He has received many positive comments from folks who might be affected by this. Communication was also received from Eric Bushnell of the Winston-Salem Neighborhood Alliance, which also supports this project. Jack Steelman stated that the Forsyth County Commercial Realtors Association also supports the project.

PUBLIC HEARING

FOR: None

AGAINST: None

MOTION: Clarence Lambe recommended adoption of the reorganization of the UDO (ClearCode).

SECOND: George Bryan

VOTE:

FOR: George Bryan; Melynda Dunigan; Jason Grubbs; Tommy Hicks; Clarence Lambe; Chris Leak; Brenda Smith; Jack Steelman

AGAINST: None

EXCUSED: None

Aaron King
Director of Planning and Development Services

UDO-291 EXHIBIT A. REVISED UDO CHAPTER STRUCTURE

Current UDO Chapter Structure

Chapter A – Definitions Ordinance
Article I. General
Article II. Definitions
Chapter B – Zoning Ordinance
Article I. Purpose and Authority
Article II. Zoning Districts, Official Zoning Maps & Uses
Article III. Other Development Standards
Article IV. Historic/Historic Overlay Districts
Article V. Nonconforming Situations
Article VI. Administration and Amendments
Article VII. Site Plan Requirements
Article VIII. Fees
Article IX. Enforcement
Article X. Appointed Boards
Chapter C - Environmental Ordinance
Chapter D - Subdivision Regulations

Proposed Updated UDO Chapters

Chapter 1. General Provisions
Chapter 2. Procedures
Chapter 3. Zoning Districts
Chapter 4. Use Regulations
Chapter 5. Development Standards
Chapter 6. Subdivision Requirements
Chapter 7. Environmental Provisions
Chapter 8. Nonconformities
Chapter 9. Authorities & Enforcement
Chapter 10. Definitions & Measurement

The Winston-Salem Neighborhood Alliance supports the adoption of the reorganized Unified Development Ordinance (UDO) known as “Clear Code”. We appreciate the time and effort the Planning Department staff have put into this effort to make the UDO easier to understand and apply. We also appreciate the invitation to provide input early in the process. WSNA members look forward to the addition of improved graphics and diagrams in coming months.