

UDO ASSESSMENT

Public Version

December 2024

CLARION

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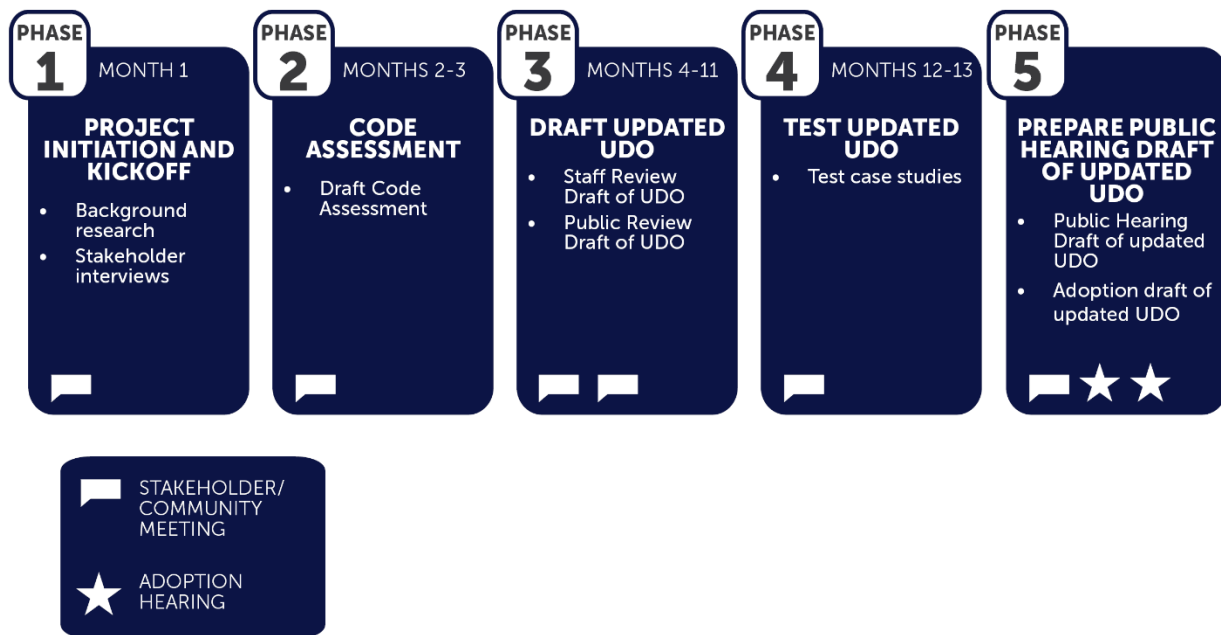
I. Introduction

Introduction and Purpose

The Village of Clemmons’s Unified Development Ordinance (UDO) is the set of regulations that govern how land is developed in the Village. These regulations have helped the community grow from its incorporation in 1986 into a community of more than 21,000 people. Much of the Village is now developed. Therefore, most future growth and development will occur through redevelopment of existing properties and through infill development on underutilized or vacant parcels of land.

Derived decades ago from the City of Winston-Salem/Forsyth County’s UDO, Clemmons’s existing UDO was not carefully tailored for Clemmons’s specific development context. It contains zoning districts and other regulations that do not apply to development in the Village. Moreover, the UDO has been updated multiple times to address specific planning and development issues on an ad hoc basis, without a comprehensive update. These changes have resulted in a set of development regulations that today are difficult to understand and navigate, are not user-friendly, and contain numerous inconsistencies, ambiguities, errors, and unused provisions.

The Village is now embarking on an effort to comprehensively update its UDO. The project is led by the Village’s Planning Department, with assistance from a consultant team led by Clarion Associates. It is expected that the project will be completed by November 2025. It will be accomplished in five tasks, which are set out in the graphic below, along with the schedule.



The first phase of the project, Task 1: Project Initiation and Kickoff, took place this September. The goal of Task 1 was to hear from people living and working in the Village about what works well in the current UDO, what does not work well, and what should be the key goals for the project.

This UDO Assessment is the key work product to be completed in Task 2. Based on the community and staff input received in Task 1, and the policy direction provided by the *Clemmons Community*

I. Introduction

Compass and other relevant plans, it identifies the key goals for the project, evaluates whether and the extent to which the current UDO addresses those goals, and then provides recommendations for how the updated UDO should be changed to address these key goals. This UDO Assessment has been made available for public review in December 2024.

Following its release, public meetings will be conducted on the Assessment. At these public meetings, the project team will summarize the Assessment and its recommendations, answer questions, and receive community input on the proposed recommendations. The recommendations in the Assessment will be revised, as appropriate, based on input received from the community and following discussions with staff. Once this is done, the actual drafting of the updated UDO will start. The Assessment will be used as a road map for the drafting.

Organization of UDO Assessment

This Assessment is organized into three major parts. Part I is this Introduction. Part II is the Diagnosis, which identifies the key goals that should be addressed in the update and suggests how these goals can be achieved in the updated UDO. Part III is an Annotated Outline that shows how the updated UDO would be restructured and organized if the goals identified in the Diagnosis are implemented as recommended.

The Diagnosis includes three main themes:

- ★ Theme 1: Create a More Streamlined, More User-Friendly, and Better Organized Set of Development Regulations.
- ★ Theme 2: Update, Consolidate, Streamline, and Modernize the Zoning Districts and Use Regulations.
- ★ Theme 3: Update Development Standards to Improve the Quality of Development in the Village.

Residents, business and property owners, those who work in the Village, elected and appointed officials, and others are encouraged to read this Assessment and identify the parts with which they agree—as well as the parts they believe should be changed—to help promote a vigorous and open exchange of ideas. We also ask that you read the Assessment with an open mind about different ways of collaborating in order to accomplish the Village’s desired goals for future growth and development.

More information is available on the project website at clemmonsudo.org.

II. Diagnosis

Theme 1: Create a More Streamlined, More User-Friendly, and Better Organized Set of Development Regulations

Clemmons’s Unified Development Ordinance (UDO) began as the code used for all of the City of Winston-Salem and unincorporated Forsyth County. As the Village grew, it adopted a version of the Winston-Salem/Forsyth County UDO as its own in 1994, and the UDO has been amended by the Village in a piecemeal fashion since then. The accumulated changes have grown the UDO into a confusing, unwieldy, and difficult-to-navigate document with numerous provisions that do not apply to present-day Clemmons. The UDO lacks features commonly included in modern codes, including:

- ★ A logical, straightforward, and consistent hierarchy and structure within each major chapter;
- ★ A visually engaging and easy-to-navigate document layout;
- ★ Clear and precise language that reduces ambiguity or confusion;
- ★ General standards that are established in one place and cross-referenced elsewhere, in lieu of repetitive language;
- ★ Graphics, illustrations, and photographs that demonstrate key zoning principles; and
- ★ Straightforward and well-designed tables.

Residents, Village staff, developers, and elected officials expressed a desire for a code that is easier to understand and use. We suggest this can be achieved in seven ways.

1.1. Remove UDO Provisions that Are Not Relevant to the Village

There are numerous provisions in Clemmons’s current UDO that are relics of the code’s origin as the Winston-Salem/Forsyth County UDO. The continued presence of these unnecessary regulations makes the Village’s UDO lengthier, more cluttered, and harder to understand.

For example, there are many more zoning districts in the UDO than have been applied to land in the Village. Several do not make sense given Clemmons’s desired development context. It is suggested that these unused districts be removed (see discussion in Section 2.2, Simplify and Reorganize Zoning Districts to Better Support Desired Types of Development in the Village).

Large portions of the current UDO are unused. For example, the historic district provisions in Chapter B, Article IV, Historic/Historic Overlay Districts, and associated provisions in Section B-9-1.4, Forsyth County Historic Resources Commission, do not apply to Clemmons. Based on conversations with staff, these districts are unlikely to be used in the future. We recommend removing provisions which, like these, are not relevant to land use in the community.

The current UDO also references *Legacy*, the comprehensive plan for Winston-Salem and Forsyth County. This regional plan should not be used to provide direction for the Village’s land use regulations. Any direction should come from the *Clemmons Community Compass*. Similarly, we recommend that references in the zoning district regulations to the Growth Management Areas

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(GMAs) designated in *Legacy* be removed and replaced as needed with other Clemmons-specific references.

Finally, the UDO sometimes uses general language instead of more specific language. For example, while the code mentions the Village Council several times, it more commonly refers to the “Elected Body.”¹ In the UDO update, we will update all relevant references to the Village Council and other Clemmons-specific bodies.

1.2. Make the Structure More Logical and Intuitive

Clemmons’s UDO currently exists as four separate ordinances: the Definitions Ordinance, the Zoning Ordinance, the Environmental Ordinance, and the Subdivision Regulations. While the first three ordinances are numbered in a similar manner, the Subdivision Regulations use an entirely different numbering system.

To make the code more streamlined and user-friendly, we recommend combining these four ordinances into a single, unified ordinance that is organized in a logical manner using a straightforward hierarchy. It is also proposed that the updated regulations be integrated within the structure of the community’s [existing Municipal Code](#).² Figure II-1: Proposed Organization of Updated UDO, shows a proposed organization of the updated UDO. This is the organization we recommend for the UDO update.

Under the reorganized structure, the new UDO would be placed in Title XV: Land Usage, of the municipal ordinance. Title XV starts with Chapter 150 and currently includes only one section, which references the separate UDO. In the new UDO, general provisions such as the name of the updated Zoning Ordinance, transitional provisions, and provisions regarding vested rights are located in Chapter 150: General Provisions. All zoning districts (Chapter 151: Zoning Districts) and use regulations (Chapter 152: Use Regulations) are consolidated into two integrated chapters. All site development standards such as off-street parking and loading, landscaping, and exterior lighting standards are consolidated and their applicability to the various zoning districts and different types of development set out in Chapter 153: Development Standards.

The environmental regulations (Chapter C) and subdivision regulations (Chapter D) would be integrated into the UDO. The bulk of these regulations would be moved to Chapter 154: Environmental Standards, and Chapter 155: Subdivision standards, respectively. Some of the administrative procedures would be consolidated

Figure II-1: Proposed Organization of Updated UDO

Ch. 150	General Provisions
Ch. 151	Zoning Districts
Ch. 152	Use Regulations
Ch. 153	Development Standards
Ch. 154	Environmental Standards
Ch. 155	Subdivision Standards
Ch. 156	Administration
Ch. 157	Nonconformities
Ch. 158	Enforcement
Ch. 159	Definitions and Rules for Construction and Interpretation

¹ The term “Elected body” is used 244 times in the UDO (sometimes as “Village of Clemmons Elected Body”). The term “Village Council” is only used 32 times.

² The Municipal Code is available at https://codelibrary.amlegal.com/codes/clemmons/latest/clemmons_nc/0-0-0-3.

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with the administrative procedures from the Zoning Ordinance (Chapter B) in Chapter 156: Administration.

Most of the development review procedures are consolidated into one chapter (Chapter 156: Administration). Nonconformity provisions are consolidated (Chapter 157: Nonconformities). Enforcement provisions are consolidated into Chapter 158: Enforcement. Finally, all definitions are consolidated (Chapter 159: Definitions and Rules for Construction and Interpretation) at the end of the document since they typically serve as a supplementary reference tool rather than as a primary source of regulatory information.

This proposed organization is discussed in detail in Part III: Annotated Outline of Updated UDO.

1.3. Use Graphics, Illustrations, Photographs, and Tables that Clarify Zoning Concepts and Rules

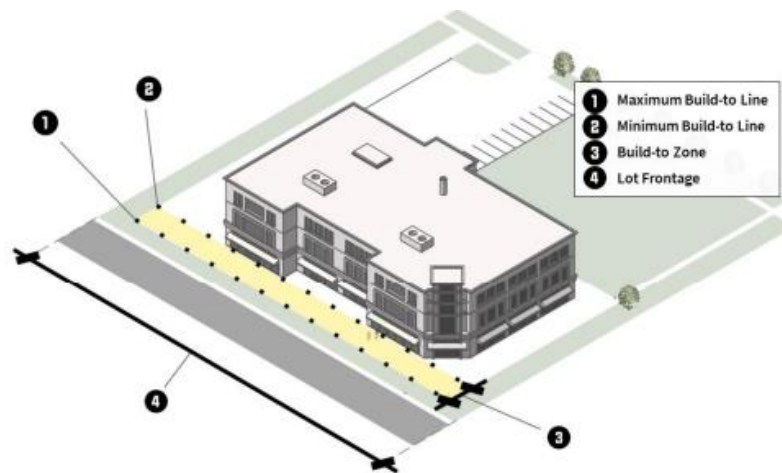
Graphics, illustrations, photographs, and tables help communicate zoning concepts and rules and improve the readability of the regulations. They convey information concisely and, in many instances, more clearly than text alone, eliminating the need for lengthy, repetitive text. The current regulations do not take advantage of current graphic design concepts and tools that produce clear and useful figures and tables that help explain or establish zoning requirements.

1.3.1. Graphics, Illustrations, and Photographs

The current UDO lacks many graphics, illustrations, or photographs. Instead, it relies on text to convey most regulatory concepts. The few existing graphics vary greatly in style and have no cohesive graphic design theme.

The reliance on text misses an opportunity to visually communicate the desired intention behind various regulations. Increasing the number and type of graphics throughout the UDO to help illustrate procedures, development form, and other zoning concepts (such as parking space dimensions, landscaping and screening requirements, and acceptable lighting), and updating current graphics would make

Figure II-2: Sample Graphic from Another Code



the regulations more user-friendly. Figure II-2: Sample Graphic from Another Code, graphically illustrates the build-to zone; we recommend using similar graphics in Clemmons's updated UDO. Using more photographs to demonstrate both preferred and discouraged development forms and patterns would also improve the clarity of the regulations.

1.3.2. Flowcharts and Summary Tables

Flowcharts and summary tables can present information succinctly and eliminate repetition or inconsistent terminology. For example, flowcharts can be used along with text in the procedures

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section of the regulations to graphically portray the process required for review of a specific type of development application from the time of application submission to the final decision on the application. See Figure II-3: Sample Process Flowchart, for an example flowchart used in another community’s code.

The current regulations do use some tables (e.g., tables showing dimensional standards for each district and Table B-2.6 Permitted Uses) that are helpful. A

Figure II-3: Sample Process Flowchart

Figure 2-1: Zoning Map Amendment Procedure



few tables in the current UDO could be condensed or shown in a non-tabular form, such as the tables showing district acronyms (Tables B.2.1–B.2.5). Other standards could benefit from summary tables.

We suggest the updated UDO use well-designed and well-formatted tables that make appropriate use of color. Tables should be consistently formatted for readability, with a clear difference between headings and content. All tables should be labeled according to the subsection in which they are located, so they can be more easily referenced from elsewhere in the document. Table notes should be used sparingly only to clarify a table’s content or provide specific, limited exceptions. Finally, new tables should be added where appropriate. For an example of a well-designed table, see the proposed updated set of development review and approval procedures in Table II-2: Proposed Development Review Procedures, in Section 1.7.2, Recommendations for Streamlining.

1.4. Improve Document Formatting and Referencing

The Village’s current development regulations are accessed through Municode. When viewed online or printed, there are no section “breadcrumbs” in the page headers or footers, making it hard for readers to understand where they are located in the document, especially in the context of longer, multiple-page provisions. The cross-references in the current UDO are not hyperlinked, so code users must navigate to related code provisions on their own.

To improve readability, modern codes use distinctive heading styles to distinguish various sections, subsections, paragraphs, and subparagraphs more clearly. We have included an example page layout from another community’s code in Figure II-4: Sample Code Page. When combined with better alignment, white space, tables, and graphics, the text becomes easier to read and interpret. Other features of modern codes include:

- ★ A detailed table of contents;
- ★ Detailed headers and footers that highlight the section number and topic on each page, allowing a reader to navigate to desired locations;
- ★ An easy-to-understand referencing system;
- ★ Numerous cross-references that stay “live” when exported to PDF or other text formats;
- ★ Tables that are clearly separate from the code text and that are well-designed and easy to understand;

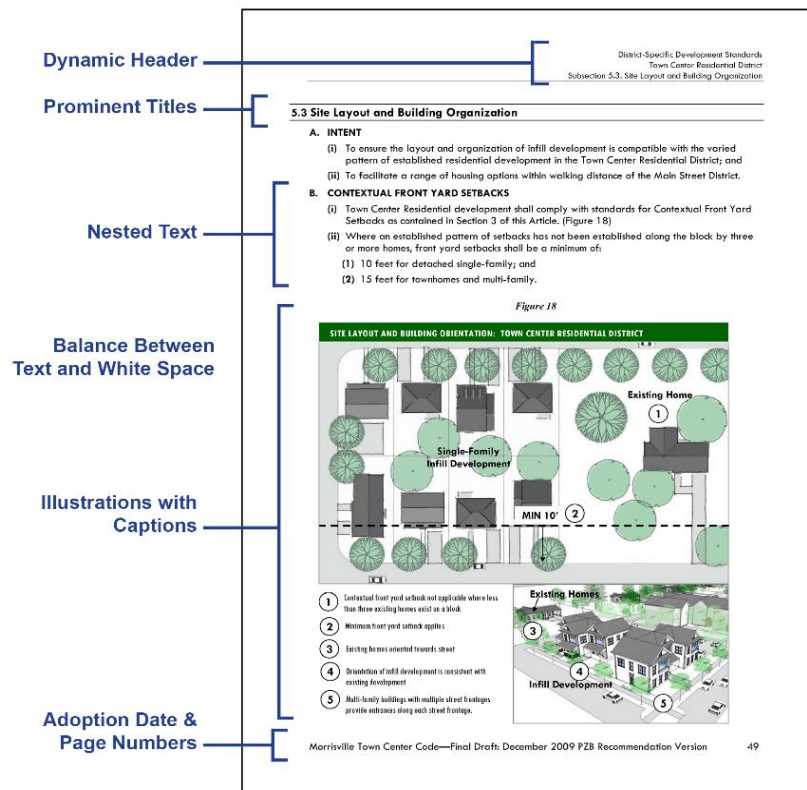
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- ★ Color and bold text in appropriate locations; and
- ★ Consistent use of numbering, font styles, and indentation to show hierarchy within the document.

We suggest that these techniques be used to enhance the user-friendliness of the updated UDO.³

In addition, we recommend that the UDO establish a consistent hierarchy of chapters and sections with a logical numbering system—one that anchors regulations within clearly defined chapters and sections. The top level of the new hierarchy would begin with the chapters (e.g., Chapter 153: Development Standards); the second level would be sections (e.g., Sections 153.03, Landscaping, Buffering, and Screening Standards), and the regulations that relate to each section would be organized in a consistent hierarchy underneath (e.g., Section 153.03(A), 153.03(B), and so forth). The same hierarchy would be used throughout each chapter of the updated regulations. A suggested hierarchy is used within the Annotated Outline in in Part III of the Assessment.

Figure II-4: Sample Code Page



1.5. Make the Language Clearer and More Precise

A common complaint from staff, stakeholders, and the general public is that the current UDO is difficult to understand and does not always provide clear standards for development. In many cases, this is because the language in the current UDO is imprecise. In some instances, different

³ The updated UDO is proposed to be prepared in Microsoft Word. These updated regulations can be prepared using dynamic references so that the new regulations can be easily amended in the future, and so that staff will be able to generate revised versions of the document with active cross-references and a consistent numbering hierarchy.

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code provisions contradict one another. This lack of clarity invites different interpretations and creates uncertainty for development applicants as well as review boards, the public, and staff.

One way to make regulations more user-friendly is to use clear and precise regulations. Although some regulations do not lend themselves to exact numbers, the use of numerical ranges and elimination of general or aspirational language can generate greater consensus about the effect of different provisions. Using clear and objective standards helps to ensure that the regulations are consistently applied to each project that comes forward for review.

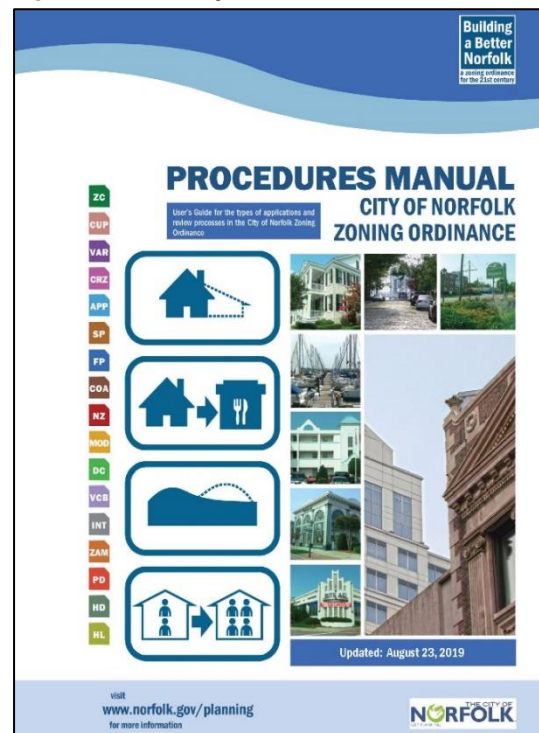
In the UDO update, all procedures, standards, and other regulatory language will be reviewed and, where appropriate, modified with clear, precise, and measurable standards consistent with the Village’s planning and development goals. All existing definitions will be reviewed and updated, as needed, and new definitions will be added. As much as possible, the current UDO will include regulatory language once and include appropriate cross-references, to improve consistency and reduce unneeded duplication. Special effort will be made to draft provisions that are clear for laypeople as well as development experts. In addition, a formal system for addressing code interpretations will be developed (see Section 1.7.2(j), Add a Separate Procedure for Formal Interpretations of the UDO).

1.6. Consider Using a Procedures Manual

Application submittal processes and requirements are typically subject to frequent minor modifications and corrections as practices evolve and new technology becomes available. If such requirements are included in the updated UDO, the Village would be required to amend the regulations each time the requirements change. Moreover, long lists of application requirements clutter the regulations, making them harder to use.

To allow for minor adjustments without amending the UDO, we recommend removing submittal requirements from the regulations and placing them in a “Procedures Manual” that is authorized to be prepared by the Planning Director with consultation from other responsible departments in the Village, other government agencies, or outside consultants used by the Village to assist in development review. An example Procedures Manual from another community is shown in Figure II-5: Sample Procedures Manual. Clemmons’s Planning Department currently has numerous processes, applications, checklists, schedules, and other submittal information located on its website

Figure II-5: Sample Procedures



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separate from the UDO; a procedures manual would consolidate and formalize these already-existing guidelines.⁴

The Procedures Manual could include application content requirements, information about application fees, schedules for application processing, and details about nuts-and-bolts staff review processes. The manual might also include explanatory information on how to use the regulations or more effectively participate in application review processes, as well as checklists to ensure applicants address required issues up-front.

Many modern codes use a Procedures Manual to assist in the efficient administration of regulations. We recommend the Village consider such a practice for the updated UDO. If this is not done, we suggest the application requirements be placed in an Appendix to the regulations and referenced as appropriate.

1.7. Update Administrative Procedures to Clarify Processes, Refine Review Criteria, and Comply with State Law

1.7.1. Overview of Current Review Procedures

The current development review procedures in the development regulations are summarized in Table II-1. There are several primary sources of procedures. Most are referenced in Chapter B, Article VI, Administrative Procedures and Article VII, Site Plan Requirements, with some related regulations included in Chapter B, Article IX, Authorities and Enforcement. Others are included in Chapter D, Subdivision Regulations. Several other procedures are included in Chapter C, Environmental Ordinance.

Table II-1: Current Development Review Procedures

^ = Pre-application conference required # = Neighborhood meeting required <> = Public hearing required
R = Review REC = Recommendation D = Decision A = Appeal

Procedure Name	Planning Director	Zoning Officer	Board of Adjustment	Planning Board	Village Council ⁵
Discretionary Review					
UDO Text Amendment [^]	REC			REC	<D>
Zoning Map Amendment—General Use District ^{^#}	REC			REC	<D>
Zoning Map Amendment—Special Use District ^{^#}	R [2]			REC	<D>
Special Use Permit [^]			D [1]		D [1]
Site Plan and Subdivision					
Site plan review [^]	R [2]			D	
Major subdivision					
Preliminary subdivision	REC [3]			REC	D

⁴ Alternately, the Village could continue to maintain these documents separately.

⁵ In Chapter B, Article VI: Administrative Processes, the Village Council is identified as the “Elected Body.”

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Table II-1: Current Development Review Procedures

^ = Pre-application conference required # = Neighborhood meeting required <> = Public hearing required
 R = Review REC = Recommendation D = Decision A = Appeal

Procedure Name	Planning Director	Zoning Officer	Board of Adjustment	Planning Board	Village Council ⁵
Final plat	[4]				
Minor subdivision	D				D [5]
Exempt subdivision	D				
Permits					
Sign permit	D		A		
Zoning permit		D	A		
Building permit ⁶		D	A		
Temporary use permit		D	A		
Certificate of occupancy		D	A		
Certificate of appropriateness [6]					
Floodplain development permit	[7]				
Stormwater management permit	[8]		A		
Stormwater management occupancy permit	[8]		A		
Land disturbing permit	[9]		A		
Relief					
Variance [^]	R [2]		<D>		
Floodplain variance			<D>		
Appeal of administrative decisions and interpretations			<D>		

⁶ This is included because the current UDO states that the Zoning Officer is responsible for issuing building permits. See Section B-9-1.6. However, it does not establish a procedure for building permits.

II. Diagnosis

Table II-1: Current Development Review Procedures

^ = Pre-application conference required # = Neighborhood meeting required <> = Public hearing required
 R = Review REC = Recommendation D = Decision A = Appeal

Procedure Name	Planning Director	Zoning Officer	Board of Adjustment	Planning Board	Village Council ⁵
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NOTES:

- [1] The Board of Adjustment makes the decision on an application for a use permitted in a zoning district with an “A” in the use table in the current UDO (Table B-5.2.6). The Village Council makes the decision on an application for a use permitted in a zoning district with an “E” in the use table.
- [2] The procedure calls for staff “review” of the application.
- [3] Recommendation is made by Planning Staff site plan committee and/or the interdepartmental site plan committee. The Planning Board may also establish a site plan subcommittee to provide recommendations. Section D-4(C)(2).
- [4] Final plat is approved by the “Town Clerk.”
- [5] The Village Council approves minor subdivision with requests for exceptions. Section D-3(E).
- [6] Application submitted to Historic Preservation Commission staff and reviewed and decided upon by the Historic Preservation Commission at a public hearing. Certain minor works can be delegated for approval by Historic Preservation Commission staff. Section B-6.2.9.
- [7] Decision made by the Floodplain Administrator. See Section C-2-2.5.
- [8] Decision made by Watershed Administrator. See Section C-3-3 and Section C-3-5.⁷ Appeal to the Board of Zoning Adjustment serving as the Watershed Review Board. See Section C-3-6.2 and Section C-3-6.3.
- [9] Decision made by the Director of Inspections. Section C-4-16.1.

Table II-1, our independent review of the procedures, and feedback received during the project kickoff indicate several general concerns with the current development review process:

- ★ There is no table that summarizes procedures.
- ★ Procedures are scattered throughout the different ordinances.
- ★ The applicable steps in each procedure are not clear and are, in some cases, difficult to understand.
- ★ Some procedures that are being used do not strictly follow the process set forth in the code.
- ★ Some procedures could be made more efficient.

1.7.2. Recommendations for Streamlining

To address these issues, we suggest the following changes to the current development review procedures for the Village’s consideration:

- ★ Consolidate almost all development review procedures into one chapter, Chapter 156: Administration, as shown in Part III: Annotated Outline of Updated UDO.

⁷ Section C-7-4 states that the Stormwater Administrator is responsible for reviewing the adequacy of the issuance of a development and that, if it is adequate, a stormwater management permit and stormwater management occupancy permit “shall” be issued for the property. This may be inconsistent with Sections C-3-3 and C-3-5 and will be resolved during drafting.

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- ★ Remove procedures and terminology that are not relevant to the Village.
- ★ Update the set of standard procedures for clarity and to comply with state law.
- ★ Streamline and clarify the application-specific review procedures, including the role and responsibilities of different review and decision-making bodies.
- ★ Integrate the subdivision procedures with the other administrative procedures.
- ★ Replace the zoning map amendment-special use district procedure with a new conditional zoning map amendment procedure.
- ★ Add a procedure for reasonable accommodations for housing for disabled persons.
- ★ Add a new administrative adjustment procedure.
- ★ Simplify the use regulations, and assign decisions on special use permits to the Board of Adjustment.
- ★ Update several other procedures.

The streamlining recommendations are shown in Table II-2: Proposed Development Review Procedures, and discussed in more detail after the table.

Table II-2: Proposed Development Review Procedures				
^ = Pre-application conference required # = Neighborhood meeting required <> = Public hearing required R = Review REC = Recommendation D = Decision A = Appeal				
Procedure Name	Planning Director	Board of Adjustment	Planning Board	Village Council
Discretionary Review				
UDO Text Amendment [^]	REC		REC	<D>
Zoning Map Amendment [^] #	REC		REC	<D>
Conditional Zoning Map Amendment [^] #	REC		REC	<D>
Site Plan and Subdivision				
Major subdivision				
<i>Preliminary subdivision</i>	REC		REC	D
<i>Final plat</i>	D			
Minor subdivision				
Exempt subdivision determination	D	A		
Site plan	D			
Permits				
Special use permit	R	<D>		
Sign permit	D	A		
Zoning permit	D	A		
Temporary use permit	D	A		
Floodplain development permit	[1]			
Stormwater management permit	[2]	A		

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Table II-2: Proposed Development Review Procedures

^ = Pre-application conference required # = Neighborhood meeting required <> = Public hearing required
 R = Review REC = Recommendation D = Decision A = Appeal

Procedure Name	Planning Director	Board of Adjustment	Planning Board	Village Council
Stormwater management occupancy permit	[3]	A		
Land disturbing permit	D	A		
Relief				
Reasonable accommodation	R			D
Variance [^]	R	<D>		
Floodplain variance		<D> [3]		
Administrative adjustment	D	A		
Interpretation	D	A		
Appeals		<D>		

NOTES:

- [1] Decision made by the Floodplain Administrator. See Section C-2-2.5. The text of this procedure will be included with the floodplain regulations in Section 154.01, Flood Damage Prevention, of the updated UDO.
- [2] Decision made by Watershed Administrator. Appeal to the Board of Zoning Adjustment serving as the Watershed Review Board.
- [3] The text of this procedure will be included with the floodplain regulations in Section 154.01, Flood Damage Prevention, of the updated UDO.

1.7.2(a). Add a Summary Table

It would improve the clarity of the updated UDO to add a summary table of development procedures, similar to Table II-2: Proposed Development Review Procedures. This table would list each development review procedure in the updated UDO and identify each body with responsibility for review and decision-making, as well as whether a pre-application conference, neighborhood meeting, or public hearing is required.

1.7.2(b). Consolidate Procedures into One Chapter

As discussed in Section 1.2, Make the Structure More Logical and Intuitive, we suggest locating all procedures for development review in one chapter, Chapter 156: Administration. The chapter would include standard procedures common to all development applications, as well as review standards and any special rules needed for particular development applications. While most procedures are currently in Article VI, many are not, such as sign permits (Section B-3-2.1(B)(1)) and stormwater management permits (Section C-3-3.3).⁸

As part of the restructuring, the subdivision procedures will be consolidated with the zoning procedures. The current UDO places all substantive and procedural subdivision regulations in a separate chapter, Chapter D, which is not well integrated into the remainder of the development regulations. In the updated Ordinance, the major subdivision procedure in

⁸ The only exception would be the floodplain management permit and floodplain variance procedures. This is because the floodplain management ordinance is reviewed and approved by the state Department of Environmental Quality.

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Section D-4 (including the preliminary subdivision procedure in Section D-4(C)-(G) and the final plat procedure in Section D-4(H)), the minor subdivision procedure in Section D-3, and the exempt subdivision procedure in Section D-2 will be integrated with the remaining procedures in Chapter 156. The substantive design and development standards for major subdivisions in Section D-4(B) will be integrated with the development standards in Chapter 153: Development Standards and subdivision standards in Chapter 155: Subdivision Standards, as applicable. Updates will be made to the subdivision regulations to ensure consistency with state law.

1.7.2(c). Clarify and Standardize Language for Standard Application Procedures

The current UDO includes a set of standard application procedures governing pre-application meetings, neighborhood meetings, application submission and completeness determinations, public notice, procedures for both legislative and evidentiary (quasi-judicial) public hearings and decision-making, appeal, and post-review actions. That is a best practice that the Village should carry forward in the updated UDO, with updates as needed to improve clarity and ensure compliance with state law.

1.7.2(d). Assign Administrative Decision-Making to Planning Director

In the current UDO, certain staff-level decisions are made by the Planning Director while others are assigned to the Zoning Officer. To provide flexibility for staff and ensure that decisions are legally defensible, it is suggested that all administrative authority be assigned to the Planning Director. In turn, the Planning Director can delegate any of their authority to professional-level staff or outside entities who are performing key planning services (such as inspections). This provides the Planning Director with maximum flexibility to adjust the Planning Department's internal organization and assign authority to appropriate staff without needing to update the UDO or running the risk of making decisions inconsistent with the UDO's requirements.

1.7.2(e). Establish New Conditional Zoning Procedure to Replace Special Use District Procedure

In 1999, the North Carolina legislature authorized Clemmons to allow "special use zoning districts" in its UDO. A special use zoning district is a base zoning district with additional conditions that limit how the land can be developed. The conditions can include a limitation on allowed uses, a cap on the number of dwelling units, the design and configuration of site features such as parking lots and transitional landscaping buffers, and restrictions related to project phasing (such as only allowing residential uses to be constructed after a certain amount of nonresidential development has been finished). The UDO allows an applicant to use any base district as the basis for an application to amend the Official Zoning Map to a special use district (Section B-2-1.1(C)) and establishes a procedure for special use district zoning map amendments (Section B-6-2.6).

In 2019, the North Carolina legislature comprehensively updated the state statutes that authorize local governments to enact zoning and subdivision regulations.⁹ The updated statutes allow all local governments to use a new procedure called "conditional zoning." [N.C.G.S. § 160D-703\(b\)](#). A conditional district is similar to a special use district. It authorizes

⁹ [N.C.G.S. Ch. 160D](#).

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a landowner to apply for and the local government to approve a rezoning to a base district that includes additional conditions. All conditions in a conditional district must be in writing and consented to by the applicant.

For consistency with state law, it is recommended that the special use district procedure be replaced with a conditional zoning procedure. The process will be substantially similar. As discussed in Section 2.3, Replace Special Use Districts with Conditional Districts, in the updated UDO any base zoning district could be rezoned to a conditional zoning district. In addition, there will be one zoning district, MU: Mixed Use, that can only be applied as a conditional district. See Section 2.2.2, Business and Mixed-Use Districts. As with the special use district regulations (Section B-6-2.6(D)(1), Alterations to Approval, of the current UDO), staff will be authorized to approve certain minor modifications to conditional zoning districts if the proposed modifications do not change allowed uses or the overall density of permitted development, in accordance with state law.¹⁰

In addition, the current special use district process requires that a site plan be submitted with the application and approved as part of the special use district. The site plan incorporates conditions that are part of the approved special use district. It is recommended in the updated UDO that the applicant for a conditional zoning district have the option of including only text conditions and not a separate site plan. This provides applicants and the Village Council with maximum flexibility to develop district-specific conditions that best achieve the applicants' development goals and the community's land use goals.¹¹

1.7.2(f). Simplify the Way Uses are Permitted in the Village

The permitted use table in the current UDO, Table B.2.6, establishes which uses are permitted within the Village and in which districts, and which uses are prohibited. There are four different categories of uses permitted in the Village:

- ★ Some uses are permitted in certain districts following administrative approval of a zoning permit, and are indicated with a “Z” in Table B.2.6.
- ★ Some uses are permitted in certain districts following Planning Board review and approval of a site plan, subject to any conditions imposed by the Planning Board, and are indicated with a “P” in Table B.2.6.
- ★ Some special uses are permitted in certain districts through approval of a special use permit by the Board of Adjustment, following an evidentiary (quasi-judicial) hearing and subject to any reasonable and appropriate conditions added by the board. These are indicated with a “A” in Table B.2.6.
- ★ Other special uses are permitted in certain districts through approval of a special use permit by the Village Council, following an evidentiary (quasi-judicial) hearing and subject to any reasonable and appropriate conditions added by the board. These are indicated with a “E” in Table B.2.6.

¹⁰ [N.C.G.S. § 160D-703\(b\)](#).

¹¹ The current special use district procedure references one- and two-phase petitions. The language in the current UDO is unclear about the process. This will be cleaned up in the updated UDO.

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Special uses are uses that, because of the potential impact on neighboring lands, require special consideration before they are allowed in a particular location. Review of a special use permit is quasi-judicial, which means that an evidentiary hearing is required and the decision must be made based on competent, material, and substantial evidence in the record. The only persons allowed to testify are the applicant and any person who would suffer “special damages” if the permit were approved.¹² Other persons are not allowed to provide evidence.

Most development ordinances, including those for jurisdictions much larger than Clemmons, do not include four different use approval processes. Furthermore, many communities have limited their use of the special use permit process because the quasi-judicial process restricts who can comment on an application and limits the decision-making body’s discretion. The process can frustrate other community members who are not allowed to provide input.

This limitation is especially challenging when the decision is made by a legislative body like the Village Council. The elected officials are required to decide special use permit applications based solely on the evidence in front of them, which is a very different task from their normal legislative duties.

In addition, there is overlap between the special use permit process, which allows the Board of Adjustment or Village Council to establish additional conditions, and the site plan review process, which allows the Planning Board to establish additional conditions.

As part of the update, it is recommended that the Village consider the following suggestions to streamline and simplify the process for permitting uses:

First, review the use-specific standards for special uses and make updates to address the impacts they may have in certain locations. This could allow some uses that now require special use permit approval to be permitted by right.

Second, as with special uses, review and add to the use-specific standards for uses that are permitted following site plan review by the Planning Board (“P” in Table B.2.6) and make updates to address their potential impacts. These uses would then be permitted by right, with the issuance of a zoning permit by the Planning Director. Alternatively, it would be reviewed by staff for conformance with the Ordinance and applicable use-specific standards.

Third, assign the Board of Adjustment to review and decide on applications for special uses, instead of the Village Council.

Fourth, and finally, for uses for which the community believes the Village Council should continue to make the final decision, make these uses permitted only within a conditional zoning district. An applicant who seeks to commence such a use would be required to apply for a conditional zoning map amendment. The Village Council would review the application and make a decision on the conditional zoning map application following a legislative

¹² Also eligible is an organization that includes individuals who would suffer special damages.

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hearing, at which all members of the community could provide comment, and would have greater discretion whether to approve the use. (See Section 1.7.2(e), Establish New Conditional Zoning Procedure to Replace Special Use District Procedure.)

1.7.2(g). Update Site Plan Review, Clarify Zoning Permit, and Remove Certificate of Occupancy Permit

The current UDO includes several procedures that are unclear and do not reflect the current practice of land development in the Village.

First, the UDO includes a procedure for certificate of occupancy, which involves application to the Zoning Officer. Section B-6-2.1. However, according to staff, applications for certificate of occupancy are reviewed and issued not by Village staff but by the Inspections Division of the City of Winston Salem and Forsyth County Planning and Development Services Department (“Inspections Division”).

Second, the UDO includes a procedure for a zoning permit, which applies to the construction of any new building, any change of use, or the change in classification of uses from a prior zoning ordinance. Section B-6-2.2(B). The UDO notes that a building permit issued in accordance with the state’s building code also serves as a zoning permit. Section B-6-2.2(D). However, like certificates of occupancy, building permits are issued by the Inspections Division. Although Village staff does receive requests from the Inspections Division to review applications for compliance with UDO standards, they do not have a formal role in the building permit approval process.

Finally, the UDO assigns general review authority for site plans to the Planning Board, but those site plans are reviewed only for certain uses that are identified as requiring site plan review. Section B-6-2.4. (See Section 1.7.2(f), Simplify the Way Uses are Permitted in the Village.)

To streamline and clarify the procedure for staff review of development, the following changes are suggested in the updated UDO:

- ★ Establish a new **site plan review** procedure as a step in the development process for most development. This review procedure would take place before an application is submitted to the Inspections Division for a building permit. Staff would review the site plan for proposed development to ensure it conforms with the regulations in the UDO and any other Village ordinances. The Planning Director would make the decision on the application. This would replace the current site plan review procedure decided by the Planning Board.

Many communities allow for a streamlined procedure or exempt from site plan review such minor development as construction of a single-family home on a single lot. During drafting of the updated UDO, we will work with staff to determine appropriate thresholds for requiring site plan review.

- ★ The **zoning permit** procedure should be updated to apply only to circumstances where the use of an existing site is being converted to a different use or where some element of the site is being changed (such as, for example, site circulation), without

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any physical change to the site that would require site plan review. References to **building permits** should be removed.

- ★ The **certificate of occupancy permit** procedure should be deleted because certificates of occupancy are issued by the Inspections Division.

1.7.2(h). Add an Administrative Adjustment Procedure

Many communities offer a mechanism for staff to authorize minor modifications to some of the dimensional and development standards in the development regulations in specific, limited circumstances. This tool, called an administrative adjustment, allows minor adjustments (e.g., by five or ten percent) from dimensional standards (like setbacks, lot area, or height) or development standards (like the amount of required parking) if the adjustment does not detrimentally affect the character of the area or surrounding lands, does not have an adverse impact on surrounding lands, and results in development that conforms with the general intent of the district where the adjustment is proposed.

Administrative adjustments are typically used to adjust setbacks by a minor amount as a means of protecting resources, to adjust height limits for greater compatibility, or to preserve local development contexts like building façade rhythms. In addition to clear standards of approval, the procedure includes specific expiration and amendment standards and limitations to help ensure the provision is not abused. These adjustments are more limited than those available through the standard variance process, and as such, do not require the applicant to demonstrate “hardship.”

We suggest that the Village consider adding an administrative adjustment procedure to allow for minor departures from specific measurable standards in the code (like numerical dimensional requirements, parking requirements, etc.), which are reviewed and decided administratively by the Planning

Director, based upon an established set of clear and measurable standards. See the sample table provided in Figure II-6: Sample Administrative Adjustment Table.

Figure II-6: Sample Administrative Adjustment Table

TABLE 2.5.5.B.2: ALLOWABLE ADMINISTRATIVE ADJUSTMENTS	
STANDARD	MAXIMUM ADJUSTMENT (%)
Lot Width and/or Depth (Minimum)	15
Front Yard Setback (Minimum)	15
Side Yard Setback (Minimum)	15
Rear Yard Setback (Minimum)	15
Lot Coverage Maximum	15
Height (Maximum)	10
Setback Area Encroachment (Maximum)	15
Off-Street Parking, Loading, or Stacking Space Number (Minimum)	10

1.7.2(i). Add a Federal Fair Housing Act Reasonable Accommodation Procedure

The Federal Fair Housing Act (the “Act”) prohibits discrimination in housing against people on the basis of several protected classes, such as race, color, national origin, religion, or sex. Under the Act, local governments are not permitted to establish unreasonable barriers to housing for people with physical or mental disabilities. For example, local governments are required to permit group homes or supportive housing for those with physical and mental disabilities in appropriate zoning districts.¹³ As part of the drafting of the updated UDO, the regulations will be written to be compliant with the Act as much as possible.

¹³ State law includes similar requirements. See [N.C.G.S. § 160D-907](#).

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However, there are occasionally times when adjustments to the regulations are necessary because of the unique circumstances of particular applicants, and are required under the Act or state law. In such cases, it can be helpful to have a formal procedure to authorize reasonable accommodations to general rules. It is recommended that the updated UDO include such a procedure that will involve a quasi-judicial decision by the Village Council.

1.7.2(j). Add a Separate Procedure for Formal Interpretations of the UDO

Many modern zoning codes include provisions that authorize the Planning Director to issue formal written interpretations of provisions of the UDO. These interpretations are typically issued in response to questions posed by citizens regarding textual interpretations, interpretations of the zoning district boundaries, and interpretations of whether an unspecified use falls within a use classification.

The current UDO allows for appeals from interpretations made by the Zoning Administrator (Section B-6-2.11(C)) but does not establish an explicit process for obtaining these interpretations. We recommend that one be included in the updated UDO.

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Theme 2: Update, Consolidate, Streamline, and Modernize the Zoning Districts and Use Regulations

Zoning districts and allowable uses are core elements of an UDO. Based on the direction in *Clemmons Community Compass*, feedback from the kickoff meetings, and our independent review of the current regulations, a modernization and restructuring of the current zoning districts is suggested as part of this UDO update. This restructuring will better align the districts with plan policy direction and other identified community goals, incorporate best practice tools, and simplify and make the district structure more user-friendly.

The result of this analysis includes the following recommended changes to the organization and structure of the zoning districts.

First, it is suggested that the current set of base zoning districts be streamlined and modernized through:

- ★ The removal of unused districts (many of which are not appropriate for the Village’s land use context);
- ★ Consolidation of several sets of zoning districts that serve similar purposes (generally, districts that allow the same uses and have the same or similar dimensional and development standards);
- ★ Refinement of existing districts to better support desired forms of development; and
- ★ Replacement of special use districts with conditional districts.

Second, the Village should consider modernizing the general format and structure of the districts and making them more graphically rich.

This analysis is summarized below. Section 2.1, Overview of Current Zoning Districts, provides an overview of the current district lineup. The proposed structure for the zoning districts in the updated UDO is provided in Section 2.2, Simplify and Reorganize Zoning Districts to Better Support Desired Types of Development in the Village. The replacement of special use districts with conditional districts is discussed in Section 2.3, Replace Special Use Districts with Conditional Districts. Section 2.4, Establish More Graphically Rich and Consistent Zoning District Organization, provides recommendations for updating the layout and presentation of the zoning district regulations. Finally, Section 2.5, Clarify Uses in a More Logical and Functional Framework, includes suggestions on modernizing and simplifying the system for classifying uses and use-specific regulations and recommends updates to the set of permitted principal, accessory, and temporary uses.

2.1. Overview of Current Zoning Districts

The current UDO includes 35 base districts (not including special use district variations of the base districts) and a Planned Unit Development (PUD) district. Eleven (11) of the base districts are not applied to any land in the Village. The UDO contains:

- ★ Two agricultural/conservation districts (one not applied)
- ★ Fourteen (14) Residential districts, including:
 - ★ Seven single-family residential districts (one not applied);

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- ★ One district that allows single-family residential uses, twin homes, and duplexes by right, and townhouses and multifamily homes by approval of the Planning Board (not applied);
- ★ Five multifamily residential districts at varying densities (two not applied); and
- ★ One manufactured housing district;
- ★ Twelve (12) commercial districts, including:
 - ★ Four office districts (one not applied), and
 - ★ Eight commercial/retail districts (two not applied);
- ★ Four industrial districts (two not applied, one of which may be used only as a special use district); and
- ★ Three institutional and mixed-use districts, only one of which is applied.

There are also six overlay districts established in Section B-2-1.6.

- ★ There is a Neighborhood Conservation Overlay district which sets out a process for establishing conservation overlay for specific neighborhoods, but there appear to be no such districts in the Village.
- ★ The Thoroughfare Overlay applies to land within 100 feet of I-40 and its access ramps.
- ★ An Airport Overlay is listed in Table B.2.5 but is not otherwise defined. There is no airport in or close to the Village.
- ★ Historic and Historic Overlay districts are established, but not applied.
- ★ The Lewisville Clemmons Road overlay district is applied to land on either side of Lewisville Clemmons Road to varying depths, between Interstate 40 on the north and Clemmons Road/US-158 to the south. The overlay district establishes a list of permitted uses that apply within the overlay districts, and includes standards for pedestrian walkways connecting buildings and through parking lots, cross-access between adjacent sites, and enhanced landscaping.

The lineup of existing zoning districts is set out in two tables below. Table II-3: Current Base Zoning Districts, summarizes the purposes and key dimensional standards of the zoning districts in the current UDO that are applied to land in the Village, as well as how much land is applied to each district as a base district or as a special use district. Table II-4: Unused Zoning Districts in the Current UDO, summarizes the districts that are included in the current UDO but that are not applied to land in the Village.

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Table II-3: Current Base Zoning Districts		
Zoning District	Description	Key Standards
Residential Districts		
YR: Yadkin River Conservation	Protect the community's main water supply, preserve the historic features of this area, and preserve the natural beauty of a continuous conservation corridor along the Yadkin River. Low density residential development is the primary use allowed.	Base: 111.2 acres (1.6%) Special: 0
RS40: Residential Single Family District	Single-family detached residences on large lots in areas without access to public water and sewer services. The district is established to promote residences where environmental features, public service capacities, or soil characteristics necessitate very limited development.	Base: 109.4 acres (1.6%) Special: 0 Lot area (min): 40,000 sf Lot width (min): 100 ft Front setback (min): 35 ft Rear setback (min): 40 ft Side setback: <i>Combined: 25 ft</i> <i>One: 10 ft</i> <i>Street-side: 20 ft</i> Height (max): 40 ft
RS30: Residential Single Family District	Single-family detached dwellings on approximately three-quarter (0.75) acre lots in areas without access to public water and sewer services.	Base: 10.9 acres (0.2%) Special: 0 Lot area (min): 30,000 sf Lot width (min): 100 ft Front setback (min): 35 ft Rear setback (min): 35 ft Side setback: <i>Combined: 20 ft</i> <i>One: 7 ft</i> <i>Street-side: 20 ft</i> Height (max): 40 ft
RS20: Residential Single Family District	Single-family detached dwellings in suburban areas and may also be applicable to older, large lot development constructed prior to the effective date of this Ordinance. The district is established to promote orderly development in areas where public water is available.	Base: 495.2 acres (7.3%) Special: 0 Lot area (min): 20,000 sf Lot width (min): 95 ft Front setback (min): 30 ft Rear setback (min): 35 ft Side setback: <i>Combined: 20 ft</i> <i>One: 7 ft</i> <i>Street-side: 20 ft</i> Height (max): 40 ft
RS15: Residential Single Family District	Low to moderate density single-family detached dwellings in suburban and urban areas.	Base: 2,310.4 acres (34%) Special: 70.1 acres (1%) Lot area (min): 15,000 sf Lot width (min): 85 ft Front setback (min): 25 ft Rear setback (min): 25 ft Side setback: <i>Combined: 20 ft</i> <i>One: 7 ft</i> <i>Street-side: 20 ft</i> Height (max): 40 ft

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Table II-3: Current Base Zoning Districts		
Zoning District	Description	Key Standards
RS9: Residential Single Family District	Relatively high density single-family detached dwellings in urban areas.	<p>Base: 2,042 acres (30.1%) Special: 15.2 acres (0.2%)</p> <p>Lot area (min): 9,000 sf Lot width (min): 65 ft Front setback (min): 20 ft Rear setback (min): 25 ft Side setback: <i>Combined: 20 ft</i> <i>One: 7 ft</i> <i>Street-side: 20 ft</i> Height (max): 40 ft</p>
RS7: Residential Single Family District	High density single-family detached dwellings in urban areas.	<p>Base: 1.1 acres (0%) Special: 0</p> <p>Lot area (min): 7,000 sf Lot width (min): 50 ft Front setback (min): 15 ft Rear setback (min): 20 ft Side setback: <i>Combined: 15 ft</i> <i>One: 5 ft</i> <i>Street-side: 20 ft</i> Height (max): 40 ft</p>
RM5: Residential Multifamily District	Low density, pedestrian-oriented sites and communities containing duplexes, twin homes, multifamily and townhouse residential buildings with three or four units, and similar residential uses at a maximum overall density of five (5) units per acre.	<p>Base: 0 Special: 49.1 acres (0.7%)</p> <p>Lot area (min): <i>SF: 5,000 sf</i> <i>Duplex: 7,000 sf</i> <i>Triplex: 9,000 sf</i> <i>Quadraplex: 11,000 sf</i> Lot width (min): <i>SF: 40 ft</i> <i>Duplex: 50 ft</i> <i>Tri/Quad: 60 ft</i> Front setback: 15 ft Rear setback: 15 ft Side setback: <i>Combined 15 ft (SF/duplex), 20 ft (tri/quad)</i> <i>One: 7 ft (SF/duplex), 10 ft (tri/quad)</i> Street: 15 ft Height (max): 40 ft</p> <p>Townhouses, 3-4 unit: 15 ft off front and side, buildings spaced 20 ft side to side, 20 ft side to rear, 40 ft rear to rear, lot itself does not require setbacks</p> <p>Other uses: 11,000 sf min lot area, 60 ft min lot width, 15 ft front and rear setbacks, side: 10 ft one, 20 combined; 15 ft side setback</p>

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Table II-3: Current Base Zoning Districts		
Zoning District	Description	Key Standards
RM8: Residential Multifamily District	Duplexes, twin homes, townhouses, multifamily, and other low intensity multifamily uses at a maximum overall density of eight (8) units per acre.	<p>Base: 60.9 acres (0.9%) Special: 73.9 acres (1.1%)</p> <p>Lot area (min): 8,000 sf Lot width (min): 70 ft Front setback (min): 25 ft Rear setback (min): 25 ft Side setback: <i>Combined: 20 ft</i> <i>One: 7 ft</i> <i>Street-side: 20 ft</i> Height (max): 40 ft Impervious surface cover (max): 70%</p>
RM12: Residential Multifamily District	Multifamily uses at a maximum overall density of twelve (12) units per acre.	<p>Base: 126.7 acres (1.9%) Special: 22.9 acres (0.3%)</p> <p>Lot area (min): 7,000 sf Lot width (min): 70 ft Front setback (min): 25 ft Rear setback (min): 25 ft Side setback: <i>Combined: 30 ft</i> <i>One: 15 ft</i> <i>Street-side: 20 ft</i> Height (max): 45 ft Impervious surface cover (max): 75%</p>
RM18: Residential Multifamily District	Multifamily uses at a maximum overall density of eighteen (18) units per acre.	<p>Base: 0 Special: 60.3 acres (0.9%)</p> <p>Lot area (min): 5,000 sf Lot width (min): 70 ft Front setback (min): 25 ft Rear setback (min): 25 ft Side setback: <i>Combined: 30 ft</i> <i>One: 15 ft</i> <i>Street-side: 20 ft</i> Height (max): 60 ft Impervious surface cover (max): 80%</p>
MH: Manufactured Housing Development District	Manufactured housing developments with a maximum overall density of five (5) units per acre.	<p>Base: 0.5 acres (0%) Special: 89.6 acres (1.3%)</p>
Office Districts		
NO: Neighborhood Office District	Very low intensity office uses within converted single-family detached units. The district is intended to be located on the periphery of established residential areas, along major and minor thoroughfares. The district is established to provide convenient locations for offices, the size and operating characteristics of which require limited parking and generate little traffic. Standards are designed so that this district may serve as a transitional land use between residential districts and commercial districts.	<p>Base: 0 Special: 3.7 acres (0.1%)</p> <p>Lot area (min): 6,000 sf Lot width (min): 100 ft Front setback (min): n/a Rear setback (min): 20 ft Side setback: <i>Interior: 7 ft</i> <i>Street-side: 20 ft</i> Height (max): 40 ft Impervious surface cover (max): 40%</p>

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Table II-3: Current Base Zoning Districts		
Zoning District	Description	Key Standards
LO: Limited Office District	Moderately intense medical, professional, administrative, and government office uses on small to mid-sized sites, in a suburban setting. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences. Standards are designed so this district may serve as a transition between residential districts and commercial districts.	<p>Base: 0 Special: 32.7 acres (0.5%)</p> <p>Lot area (min): 10,000 sf Lot width (min): 100 ft Front setback (min): n/a Rear setback (min): 20 ft Side setback: <i>Interior: 20 ft</i> <i>Street-side: 20 ft</i> Height (max): 40 ft Impervious surface cover (max): 75%</p>
GO: General Office District	To accommodate high intensity office uses and supporting services.	<p>Base: 0 Special: 8.9 acres (0.1%)</p> <p>Lot area (min): 10,000 sf Lot width (min): 75 ft Front setback (min): n/a Rear setback (min): 20 ft Side setback: <i>Interior: n/a</i> <i>Street-side: 20 ft</i> Height (max): n/a (60 ft if adjacent to RS, RM, YR, AG, or H, with additional height with greater setbacks) Impervious surface cover (max): 80%</p>
Commercial Districts		
NB: Neighborhood Business District	<p>Very low intensity office, retail, and personal service uses close to or within residential areas. The district is established to provide convenient locations for businesses which serve the everyday household needs of nearby residents without disrupting the character of the neighborhood.</p> <p>Includes floor area limitation for certain uses: maximum 2,500 sf for banks, convenience stores, etc. No drive-through permitted, reduced parking requirement, and special buffering, trash screening, and exterior lighting standards.</p>	<p>Base: 0 Special: 0.9 acres (0%)</p> <p>Lot area (min): 6,000 sf Lot width (min): 65 ft Front setback (min): 10 ft Rear setback (min): 25 ft Side setback: <i>Interior: 7 ft</i> <i>Street-side: 20 ft</i> Height (max): 40 ft Impervious surface cover (max): 60%</p>
PB: Pedestrian Business District	<p>Office, retail, service, institutional and high-density residential uses which customarily serve community and convenience business needs of smaller communities and urban nodes in the “city and county.” The district is intended to encourage the development of attractive, identifiable small towns. The district should demonstrate pedestrian oriented design.</p> <p>Limited additional development standards; all PB-S have been developed through the conditional district process.</p>	<p>Base: 0 Special: 249.9 acres (3.7%)</p> <p>Lot area (min): n/a Lot width (min): n/a Front setback (min): n/a Rear setback (min): n/a Side setback: n/a Height (max): n/a (60 ft if adjacent to RS, RM, YR, AG, or H, with additional height with greater setbacks) Impervious surface cover (max): n/a</p>

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Table II-3: Current Base Zoning Districts		
Zoning District	Description	Key Standards
LB: Limited Business District	Moderately intense neighborhood shopping and service centers close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods, including smaller business locations up to ten (10) acres in size in rural areas. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences. Standards are designed so that this district, in some instances, may serve as a transition between residential districts and other commercial districts.	<p>Base: 9.6 acres (0.1%) Special: 16 acres (0.2%)</p> <p>Lot area (min): 10,000 sf Lot width (min): 100 ft Front setback (min): 20 ft Rear setback (min): 5 ft Side setback: <i>Interior: Not required; any side setback must be at least 12 ft in depth</i> <i>Street side: 20 ft</i></p> <p>Height (max): 40 ft Impervious surface cover (max): 75%</p>
NSB: Neighborhood Shopping Center Business District	<p>Integrated, self-contained shopping and service centers designed to meet the daily retail and service needs of residents in the surrounding area. The district is designed to be compatible with adjacent residential areas by limiting uses and access drives, and by providing substantial setbacks and landscape buffers.</p> <p>Requires submission of site plan; individual developments have access internal to the site; additional access requirements</p>	<p>Base: 0 Special: 15.4 acres (0.2%)</p> <p>Lot area (min): n/a Lot width (min): 250 ft Front setback (min): 40 ft Rear setback (min): 40 ft Side setback: <i>Interior: 40 ft</i> <i>Street-side: 20 ft</i></p> <p>Height (max): 40 ft Impervious surface cover (max): 75%</p>
HB: Highway Business District	Retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development.	<p>Base: 150.3 acres (2.2%) Special: 104.4 acres (1.5%)</p> <p>Lot area (min): 20,000 sf Lot width (min): 100 ft Front setback (min): 40 ft Rear setback (min): 20 ft Side setback: <i>Interior: Not required; any side setback must be at least 12 ft in depth</i> <i>Street-side: 20 ft</i></p> <p>Height (max): 60 ft Impervious surface cover (max): 85%</p>
GB: General Business District	A wide range of retail, service, and office uses located along thoroughfares in areas which have developed with minimal front setbacks. The district is not intended to encourage or accommodate strip commercial development. The district would accommodate destination retail and service uses, characterized by either a larger single business use or the consolidation of numerous uses in a building or planned development, with consolidated access.	<p>Base: 7.9 acres (0.1%) Special: 38.5 acres (0.6%)</p> <p>Lot area (min): 10,000 sf Lot width (min): 75 ft Front setback (min): 20 ft Rear setback (min): n/a Side setback: <i>Interior: n/a</i> <i>Street-side: 20 ft</i></p> <p>Height (max): n/a (60 ft if adjacent to RS, RM, YR, AG, or H, with additional height with greater setbacks) Impervious surface cover (max): n/a</p>

II. Diagnosis

Table II-3: Current Base Zoning Districts		
Zoning District	Description	Key Standards
Industrial Districts		
LI: Limited Industrial District	Limited manufacturing, wholesaling, warehousing, research and development, and related commercial and service activities which, in their normal operations, have little or no adverse effect upon adjoining properties.	<p>Base: 25.3 acres (0.4%) Special: 46.9 acres (0.7%)</p> <p>Lot area (min): 10,000 sf Lot width (min): 100 ft Front setback (min): 20 ft Rear setback (min): 20 ft Side setback: <i>Interior: Not required; any side setback must be at least 12 ft in depth</i> <i>Street-side: 20 ft</i></p> <p>Height (max): 40 ft Impervious surface cover (max): 75%</p>
GI: General Industrial District	A wide range of assembling, fabricating, and manufacturing activities. The district is established for the purpose of designating appropriate locations and establishing development regulations for uses which may have significant environmental impacts or which require special measures to ensure compatibility with adjoining properties.	<p>Base: 161.3 acres (2.3%) Special: 1.9 acres (0%)</p> <p>Lot area (min): 43,560 sf Lot width (min): 150 ft Front setback (min): 40 ft Rear setback (min): 20 ft Side setback: <i>Interior: Not required; any side setback must be at least 12 ft in depth</i> <i>Street-side: 20 ft</i></p> <p>Height (max): n/a (70 ft if adjacent to RS, RM, YR, AG, or H, with additional height with greater setbacks) Impervious surface cover (max): 75%</p>
Institutional District		
IP: Institutional and Public District	Public and institutional uses which have a limited land use impact or traffic generation potential upon surrounding uses. The district is intended to accommodate smaller, less intensive public and institutional uses which have concentrated service areas and are located in or near residential areas, or larger, less intensive recreational or institutional facilities in rural areas.	<p>Base: 156.5 acres (2.3%) Special: 108.3 acres (1.6%)</p> <p>Lot area (min): 10,000 sf Lot width (min): 65 ft Front setback (min): 25 ft Rear setback (min): 10 ft Side setback: <i>Interior: 5 ft</i> <i>Street-side: 20 ft</i></p> <p>Height (max): 60 ft Impervious surface cover (max): 60%</p>

Table II-4: Unused Zoning Districts in the Current UDO

Zoning District	Description
AG: Agricultural District	Accommodate uses of an agricultural nature. The district is also intended to accommodate scattered non-farm residences on large tracts of land, but is not intended for residential subdivisions with small lots.

II. Diagnosis

Table II-4: Unused Zoning Districts in the Current UDO	
Zoning District	Description
RS12: Residential Single Family	Accommodate moderate density single-family detached dwellings in suburban and urban areas. This district is suitable where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.
RSQ: Residential Single Family Quadraplex District	Accommodate predominantly single-family areas containing a mixture of single-family detached dwellings, duplexes, triplexes, and quadraplexes in urban neighborhoods and in areas with adequate infrastructure to support more intense development.
RMU: Residential Multifamily District	Accommodate multifamily uses at unrestricted densities.
CPO: Corporate Park Office District	Office and research and development uses in a planned, campus-like setting compatible with adjacent residential uses. Auxiliary assembly and warehousing activities may be permitted as part of a total project. The district may contain limited commercial uses within employment centers. The district is intended for large sites with direct access to thoroughfares.
CB: Central Business District	High intensity, compact urban development. The district is intended to accommodate a wide range of uses, including office, retail, service, and institutional developments in a pedestrian-oriented setting. The district also accommodates high density residential development.
MRB-S: Major Retail and Business District	Characterized by large sized destination shopping in a single structure, or as part of a large shopping center.
CPI: Corporate Park Industrial District	Accommodate a wide range of assembling, fabricating, and light manufacturing activities, and such ancillary industrial activities as warehousing and distribution. Commercial uses are also permitted as accessory to industrial development. The district is established to provide locations for industrial development which have little or no impact on adjoining properties.
CI: Central Industrial District	Intended to encourage and permit the continuation of a significant non-office employment base in the central area of these the City of Winston Salem and Town of Kernersville, and to enable the development of new industrial uses compatible with the goals of the Clemmons Community Compass for these areas.
C: Campus District	Medium to large-sized public, semi-public, and institutional uses which have a major land use impact or traffic generation potential upon surrounding uses. The district is intended to accommodate larger, more intensive public and institutional uses which have extensive service areas and are centrally located.
MX: Mixed Use District	To provide innovative opportunities for integrating diverse but compatible uses into a single development that is unified by distinguishable design features. The Mixed Use District is intended to provide an alternative to the predominant development pattern in Clemmons characterized by unconnected, uncoordinated commercial development along thoroughfares and limited access residential developments isolated from places to work and shop.

II. Diagnosis

2.2. Simplify and Reorganize Zoning Districts to Better Support Desired Types of Development in the Village

Based on the evaluation of the current zoning district structure, a review of *Clemmons Community Compass*, feedback received during the project kickoff meetings, discussions with Village staff, and a project goal of modernizing and improving the effectiveness, efficiency, and user-friendliness of the updated UDO, the following changes are recommended:

First, the unused zoning districts should be removed from the updated UDO. The current zoning district lineup includes 35 base districts, which is a large number for a community of Clemmons’s size. There are so many districts because the UDO is based on the Winston-Salem/Forsyth County development regulations and continues to accommodate development contexts that do not exist in the Village. One example is the CB: Central Business district, the purpose of which is to “encourage high intensity, compact urban development” and which includes no limitations on height or building setbacks. That is not an appropriate development district for the Village.¹⁴

Second, it is recommended that the current set of zoning districts be updated to better meet the Village’s development goals. The zoning district structure proposed for the updated UDO is provided in Table II-5: Proposed Zoning Districts.

Third, it is recommended that the updated UDO remove references to Growth Management Areas (GMAs). In the current UDO, the purpose statement for most districts lists the appropriate GMAs in which the district is intended or is suitable. The GMAs are mapped throughout the county. However, the GMAs are a part of Forsyth County’s Comprehensive Plan (see Section B-2-1.1(F)) and are no longer appropriate to use to regulate development within the Village’s jurisdiction.

Given the large number of districts proposed to be removed from the UDO, and because the UDO was not originally designed specifically for the Village, it is suggested that a new naming scheme be used for all districts, even districts that are proposed to be carried forward with no significant changes. The new names are included in Table II-5.

Table II-5 is organized as follows: The first column identifies the district in the current UDO. The second column identifies the district in the updated UDO and summarizes its key characteristics. The table is followed by additional discussion of some of the key changes proposed to the zoning districts in the updated UDO.

Table II-5: Proposed Zoning Districts

Current District	Proposed District and Description
Conservation District	
YR: <i>Yadkin River Conservation</i>	C: Conservation District carried forward. No substantive changes to existing dimensional standards or allowed uses.

¹⁴ Another example: The CI: Central Industrial district. The purpose statement for the CI district states: “The central areas of the City of Winston-Salem and Town of Kernersville contain a variety of industrial land uses... The CI District is intended to encourage and permit the continuation of a significant non-office employment base in the central area of these two (2) communities.”

II. Diagnosis

Table II-5: Proposed Zoning Districts

Current District	Proposed District and Description
Residential Districts	
<p><i>RS40: Residential Single Family</i> <i>RS30: Residential Single Family</i></p>	<p>RSF-1: Residential Single Family 1 Districts consolidated.</p> <p>Dimensional standards for the two districts are similar except for minimum lot area (RS40: 40,000 sf; RS30: 30,000 sf); rear setback (RS40: 40 ft; RS30: 35 ft); and side setback (RS40: combined 25 ft, minimum 10 ft per side; RS30: Combined 20 ft, minimum 7 ft per side). As fewer than 11 acres of land are assigned to RS30, the consultant team will work with staff to designate dimensional standards that do not cause nonconformities with existing development.</p>
<p><i>RS20: Residential Single Family</i> <i>RS15: Residential Single Family</i></p>	<p>RSF-2: Residential Single Family 2 Districts consolidated.</p> <p>Continue to support single-family detached residential uses, agricultural uses as an accessory use, civic/institutional uses such as home day care, libraries, public safety facilities, and schools, and recreation uses such as golf courses and public parks. The dimensional standards will be consolidated to minimize nonconformities in existing development, and side setback standards will be simplified by establishing standards for each side setback instead of the current one side/combined standards.</p>
<p><i>RS9: Residential Single Family</i></p>	<p>RSF-3: Residential Single Family 3 District carried forward.</p> <p>Continue to support single-family detached residential uses, agricultural uses as an accessory use, civic/institutional uses such as home day care, libraries, public safety facilities, and schools, and recreation uses such as golf courses and public parks. No substantive changes to existing dimensional standards, except to simplify the side setback standards by establishing standards for each side setback instead of the current one side/combined standards.</p>
<p><i>RS7: Residential Single Family</i> <i>RM5: Residential Multifamily</i> <i>RM8: Residential Multifamily</i></p>	<p>R-M: Residential Mixed Consolidate districts.</p> <p>Continue to allow residential uses with a maximum density of 8 units per acre (in accordance with current standards in RM8). Eliminate minimum area requirements. Use density standards and setbacks to address compatibility of development with adjoining properties, and use dimensional standards that reduce nonconformity, and simplify the side setback standards by establishing standards for each side setback instead of the current one side/combined standards. Carry forward impervious surface maximum requirement from RM8. Consider allowing moderate-size multifamily (5-10 units) by right with design standards. Generally carry forward uses permitted in the RM8 district, including civic/institutional uses such as home childcare and child day care centers, libraries, public safety facilities, and schools, and recreation uses such as golf courses and public parks.</p>
<p><i>RM12: Residential Multifamily</i></p>	<p>RMF-Medium: Residential Multifamily Medium District carried forward.</p> <p>Eliminate minimum lot size standards. Otherwise, no substantive changes to existing allowed uses or dimensional standards, except to simplify the side setback standards by establishing standards for each side setback instead of the current one side/combined standards.</p>

II. Diagnosis

Table II-5: Proposed Zoning Districts

Current District	Proposed District and Description
<i>RM18: Residential Multifamily</i>	<p>RMF-High: Residential Multifamily High District carried forward.</p> <p>Eliminate minimum lot size standards. Otherwise, no substantive changes to existing allowed uses or dimensional standards, except to simplify the side setback standards by establishing standards for each side setback instead of the current one side/combined standards.</p>
<i>MH: Manufactured Housing Development</i>	<p>R-MH: Residential Manufactured Housing District carried forward.</p> <p>No substantive changes to existing dimensional standards or allowed uses. Refine standards for manufactured home parks use.</p>
Business Districts	
<i>NO: Neighborhood Office District</i> <i>NB: Neighborhood Business District</i>	<p>CN: Commercial Neighborhood Districts consolidated.</p> <p>Existing uses allowed in both districts will continue to be permitted. Standards for parking, landscaping, and lighting will be carried forward from the NB district and enhanced as applicable to improve compatibility with adjacent residential development. Both districts are applied to limited amounts of land, and standards will be designed to minimize nonconformities.</p>
<i>LB: Limited Business District</i>	<p>CL: Commercial Limited District carried forward.</p> <p>Existing list of permitted uses will be refined to ensure they are compatible with nearby residential districts.</p>
<i>GB: General Business District</i>	<p>CG: Commercial General District carried forward.</p> <p>No substantive changes to existing dimensional standards or allowed uses.</p>
<i>HB: Highway Business District</i>	<p>CH: Commercial Highway District carried forward.</p> <p>No substantive changes to existing dimensional standards or allowed uses.</p>
<i>GO: General Office District</i>	<p>LEGACY GO: General Office Recommend carrying forward as a legacy district.</p> <p>The modern trend is to permit office uses in general commercial districts. It is recommended that the two sites in the Village zoned GO-S be retained in the GO-S district, so that they can continue to be used and developed in accordance with the adopted special use district zoning, but that the district not be applied to other lands in the Village. The district will be placed in an Appendix to the updated UDO to ensure that it is not applied.</p>

II. Diagnosis

Table II-5: Proposed Zoning Districts

Current District	Proposed District and Description
Mixed-Use Districts	
<p><i>PB: Pedestrian Business District</i> <i>NSB: Neighborhood Shopping Center Business District</i></p>	<p>MU: Mixed-Use District carried forward as a new mixed-use district that is only available through the conditional zoning process. The purpose of the district will be to accommodate a moderate-intensity walkable urbanism including a mix of residential, civic/institutional, and commercial uses. Development standards (that can be modified through the conditional zoning process) will support development of pedestrian-oriented development, with requirements for sidewalks, building orientation towards street, parking located to the side or rear of buildings, and basic form and design standards such as ground-floor transparency requirements. Dimensional standards for individual uses will not be included to provide maximum flexibility in site design.</p> <p>It is recommended that the NSB district be consolidated with this district, as the new MU district will accommodate supportive development at multiple scales. Since the NSB district requires submission of a site plan, it is expected that the approved site plan will continue to control development on the existing sites in the NSB district.</p>
Industrial Districts	
<p><i>LI: Limited Industrial</i></p>	<p>IL: Industrial Light District carried forward.</p> <p>No substantive changes to existing dimensional standards or allowed uses.</p>
<p><i>GI: General Industrial</i></p>	<p>IH: Industrial Heavy District carried forward.</p> <p>No substantive changes to existing dimensional standards or allowed uses. Certain uses will only be permitted in IH as a conditional district.</p>
Overlay Districts	
<p><i>Lewisville Clemmons Road Overlay District</i></p>	<p>LCR-O: Lewisville-Clemmons Road Overlay District carried forward as an overlay district that is intended to transition the commercial strip malls along the portion of the Lewisville-Clemmons Road Strategic Area south of I-40 into mixed-use development that supports walkability, building on the current standards that apply in the overlay district. See discussion below.</p>
<p><i>Thoroughfare Overlay</i></p>	<p>T-O: Thoroughfare Overlay District carried forward with refinements to conform with state law and refine development standards.</p>
<p><i>New</i></p>	<p>VP-O: Village Point Overlay New district that will apply to the Village Point area and incorporate standards from the Village Point Design Guidelines.</p>

2.2.1. Conservation and Residential Districts

To simplify the district lineup, several of the residential zoning districts with similar standards are proposed to be consolidated. It is recommended that the RS40 and RS30 single-family residential districts be consolidated to the new **R-1: Residential Single Family 1** district. The two districts have similar dimensional standards, and the consultant team will work with staff to develop standards that minimize nonconformities for landowners in those districts. Likewise, it is proposed that the RS20 and RS15 single-family residential districts be consolidated to the new **R-2: Residential Single Family 2** district.

II. Diagnosis

It is further proposed that three existing districts—the RS7: Residential Single Family, RM5: Residential Multifamily, and RM8: Residential Multifamily districts, be consolidated into the **R-M: Residential Mixed** district.¹⁵ The new R-M district will support a broad range of housing types, from single-family up through small-scale multifamily at a maximum density of eight units per acre. It is proposed that the minimum lot size standards be removed; development form and design will be controlled by setback and height requirements. The Village might consider permitting moderate density multifamily development by right (with between 5 and 10 units in each building) if form and design standards are met.

The remaining residential zoning districts support a range of housing consistent with the community’s goals and will be carried forward with no substantive changes to the dimensional standards or allowed uses. In response to concerns about undevelopable land being used to increase density permitted on developable land, the Village might consider adjusting allowable density to not give credit for portions of a site which cannot be developed.

2.2.2. Business and Mixed-Use Districts

The NO: Neighborhood Office district and NB: Neighborhood Business district will be consolidated as the **CN: Commercial Neighborhood** district. This will be a district that accommodates office, retail, and personal service uses of a type and scale that are compatible with residential neighborhoods. It will have additional site design standards to ensure compatibility with nearby residential development, such as limitations on building floorplates and maximum parking standards.

Finally, it is proposed that two districts that are currently only used as special use districts be consolidated into the new **MU: Mixed-Use** district. The MU district will only be assigned as a conditional district. (Conditional districts will replace special use districts—see discussion in Section 2.3, Replace Special Use Districts with Conditional Districts.) The district will support walkable, mixed-use development through standards such as the following:

- ★ Requiring or incentivizing development to be brought up to the street and made pedestrian friendly.
- ★ Requiring parking in new developments to be located to the side or rear of the principal buildings, and incentivizing redevelopment to do the same.
- ★ Establishing strong public realm standards with requirements for sidewalks and street trees, and design standards to ensure a strong aesthetic that is consistent with the community’s desired character.
- ★ Allowing a broad range of uses, including business (office, retail, and lodging), residential, civic, institutional, and some light industrial.
- ★ Ensuring an appropriate transition at the edge of the district to surrounding residential development (through transitional/compatibility standards that are applied in edge areas), to ensure development adjacent to residential neighborhoods is compatible with their residential character.

¹⁵ Only 1.1 acres of land in the Village are assigned to RS7, and so the broader range of uses proposed to be permitted in the R-M district compared to the RS7 district are not expected to have a significant impact on existing land uses.

II. Diagnosis

Unlike the existing MX district (which is not used in the Village and not proposed to be carried forward), the MU district will not include minimum use mix requirements due to the difficulty in calibrating those standards to reflect current market conditions. However, through the conditional zoning procedure, the Village Council will have the ability to regulate development mix on a project-by-project basis.

The **GO: General Office** district is proposed to remain but to be classified as a “legacy” district. As a legacy district, the GO district will be placed in an appendix to the UDO so that land assigned to the GO district can continue to be developed in accordance with the standards that apply today, but the district will not be assigned to new lands. In modern development codes, office uses are permitted in most nonresidential districts. It is recommended that the range of office uses permitted in GO be permitted in the appropriate business and mixed-use districts.

2.2.3. Industrial Districts

The two industrial districts are generally carried forward, with new names. LI: Limited Industrial is renamed **IL: Industrial Light**, while GI: General Industrial is renamed **IH: Industrial Heavy**. In addition, it is proposed that some of the more intense uses allowed in the IH district only be allowed within a conditional district. In other words, the uses would not be permitted unless a landowner applies to rezone land to IH as a conditional district, even if the land is currently within the IH district. (See Section 1.7.2(e), Establish New Conditional Zoning Procedure to Replace Special Use District Procedure.) This change would give the Village Council additional authority to review heavier industrial uses before they commence to ensure they will not have negative impacts on nearby residential or commercial uses.

2.2.4. Overlay Districts

Two overlay districts are proposed to be carried forward and one is proposed to be added.¹⁶ The Lewisville Clemmons Road overlay district will be renamed **LCR-O: Lewisville Clemmons Road Overlay**, for consistency with the new district naming scheme. The LCR-O will continue to support the redevelopment of the strip-style commercial development into more pedestrian-friendly forms, recognizing the area’s existing context along a major throughfare and adjacent to I-40. Standards will be updated in an effort to improve development quality and address some of the ambiguities in the current regulations. These updated standards may include:

- ★ Requiring new development or redevelopment to provide parking lots with enhanced landscaping and paved and landscaped walkways through the parking lots to main destinations;
- ★ Encouraging new development to be placed near Lewisville-Clemmons Road;
- ★ Requiring vehicular and pedestrian connections between adjacent sites;
- ★ Establishing enhanced screening standards for site utilities and refuse containers;
- ★ Establishing basic form and design standards for buildings, such as requiring wall offsets and other articulation features (recessed entrance, covered porch, pillars and columns, bay windows, eaves, integrated planters) along long building façades, and requiring the use of parapets to conceal flat roofs;

¹⁶ The Village is preparing an overlay district for the US-158 corridor. That district will be incorporated into the updated UDO.

II. Diagnosis

- ★ Requiring new development or redevelopment to provide open space such as natural areas or constructed gathering spaces like plazas or outdoor dining areas; and
- ★ Limiting access to sites from Lewisville Clemmons Road by requiring consolidation of entrances as redevelopment occurs, in coordination with the NCDOT project on Lewisville Clemmons Road.

The Thoroughfare Overlay district will be carried forward as **T-O: Thoroughfare Overlay**, and the standards updated as appropriate.

The new **VP-O: Village Point Overlay** district will be assigned to land in the Village Point area. The purpose of the new overlay district is to incorporate standards from the Village Point Design Guidelines as enforceable regulations in the updated UDO.

2.3. Replace Special Use Districts with Conditional Districts

As discussed in Section 1.7.2(e), Establish New Conditional Zoning Procedure to Replace Special Use District Procedure, it is recommended that the special use district procedure be replaced with the conditional zoning procedure. As with the current UDO, all base districts can be applied for as conditional districts. In addition, the new MU: Mixed Use district will only be permitted as a conditional district. Existing special use districts will continue to be in effect as conditional districts, in accordance with state law.¹⁷ These carried-forward special use/conditional districts can be modified in accordance with the procedures for conditional districts in the updated UDO.

2.4. Establish More Graphically Rich and Consistent Zoning District Organization

Along with restructuring the zoning districts as described above, we also recommend changes to improve the user friendliness of the zoning district regulations. Currently, the zoning districts are established in Chapter B, Article II. Each district includes a purpose statement, a basic table with dimensional standards, and any additional standards that apply in the district. There are no illustrations or photographs that highlight district standards.

Modern approaches to the layout of zoning district regulations include an attractive layout, consistent structure, and effective use of tables and graphics. We recommend each district in the updated UDO be consolidated or referenced in one location. For each district, the UDO will include a purpose statement, a reference to the use table and use-specific standards, applicable intensity and dimensional standards, and form and design standards, where appropriate. In addition, graphics and photos should depict the desired character of development within the district, typical lot patterns, and the application of dimensional standards. An example of this suggested zoning district layout from another community's code is shown in Figure II-7: Sample Zoning District Layout. A full-size version is included in the Appendix.

¹⁷ Section 2.9(b) of [S.L. 2019-111](#).

II. Diagnosis

Figure II-7: Sample Zoning District Layout

Article 3 Zoning Districts
Division 3. Residential Districts



Sec. 24-3306. R-1A One-Family Residence District

A. Purpose

The purpose of the R-1A One-Family Residence District is to provide and protect residential areas wherein the predominant pattern of residential development is the one-family dwelling. Allowed uses include:

- One-family dwellings on lots of 21,500 sq. ft.; and
- Supporting institutional, recreational, and public facilities and uses.

B. Concept

C. Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

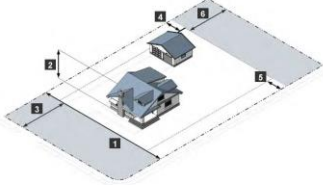
Article 3 Zoning Districts
Division 3. Residential Districts

D. R-1A District Dimensional Standards

Standard	Dwellings	All other uses
1 Lot area, minimum	21,500 sf	1 ac
2 Lot width, minimum (feet)	125	150
3 Structure height, maximum (feet)	40	45
4 Front yard, minimum (feet)	45 ^[1]	50
5 Interior side yard, minimum (feet)	15	40
6 Street side yard, minimum (feet)	25 ^[1]	40
7 Rear yard, minimum (feet)	45 ^[1]	50

NOTES:

[1] Additional minimum yard requirements apply if a yard is adjacent to a road identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



E. Reference to Other Standards

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions

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Board of Supervisors Final Draft - June 22, 2021 3-21

2.5. Clarify Uses in a More Logical and Functional Framework

All uses are currently included in a single use table, Table B.2.6, and all uses are defined. These are best practices. Uses are grouped into seven broad categories—residential uses, agricultural uses, retail and wholesale uses, business and personal services, recreational uses, institutional and public uses, and manufacturing and mining uses. Many uses are grouped together into broad categories, such as Manufacturing A, Manufacturing B, and Manufacturing C, and others are grouped together based on the Standard Industrial Classification.

We recommend that the list of uses in the current regulations be updated, modernized, and reorganized in accordance with the following principles:

First, we recommend that principal uses be organized using a three-tiered use classification system that adds text descriptions to clarify use groups at three different levels. This system makes it easier for the Planning Director to determine whether an unlisted use should be permitted by evaluating the characteristics of the use in the context of the classification system.¹⁸ The three-tiered system proposes:

- ★ **Use Classifications** (broad general classifications such as Residential, Commercial, and Public/Civic/Institutional);

¹⁸ As part of the update, we also recommend that the list of uses not reference the Standard Industrial Classification codes, which were last updated in 1987.

II. Diagnosis

- ★ **Use Categories** (major subgroups within Use Classifications that are based on common characteristics, such as Group Living and Household Living under the Residential classification); and
- ★ **Uses** (specific uses within the Use Categories, such as single-family detached dwelling, duplex, townhouse, triplex, and multifamily dwelling under the Household Living category and the Residential classification).

It should be noted that many communities in their updated codes use a similar classification system due to its robust structure and flexibility. A portion of a use table from another community’s code is included in Figure II-8: Sample Use Table. In Figure II-8, the use classification is listed in white text on the dark blue background (“Commercial and Industrial Uses”) and the use category is shown in black text on the light blue background (“Agriculture and Animal-Related Uses”).

Figure II-8: Sample Use Table

Zone District → Land Use ↓		P = Permitted C = Conditional use R = Allowed pursuant to regulating plan											A = Accessory to primary use T = Temporary use			Use-Specific Standards											
		Residential									Mixed-Use						Indus.			Spec P.			NNA-O				
		A	R-E	R-19	R-16	R-2	R-4	R-5	R-Flex Low	R-Flex Med.	R-Flex High	MX-N	MX-T	MX-M	MX-L	MX-I	EBZ	BP	LI	GI	APD	PF	PK	South	Central	North	
Library, Museum, or Cultural Facility												C	P	P	P	P	R		C	C	P	P	P	P	P	P	
Park		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	R				P			P	P	P	
Public Safety Services			C	C	C	C	C	C	C	C	C	C	P	P	P	P	R	P	P	P	P	P		P	P	P	
Religious Institution		P	C	C	C	C	P	P	P	P	P	P	P	P	P	R	P	C	C	C	P			P	P	P	7.3.302B
School, Elementary or Secondary		P	C	C	C	C	C	C	C	C	P	C	P	P	P	P	R	C	C	C				P	P	P	7.3.302B
School, Higher Education		P										C	P	P	P	P	R	P	C	C	C			P	P	P	
COMMERCIAL AND INDUSTRIAL USES																											
Agriculture and Animal-Related Uses																											
Agricultural Production		P															R										
Agricultural Sales and Service		C											P	P		R		C	C								
Animal Care Facility		P														R		C	C								7.3.303A.1
Commercial Feedlot		C														R											

In addition, it is suggested the use regulations define use categories broadly and list specific uses only if they sufficiently differ from similar broad use categories to justify allowing them in different zoning districts. This allows the Planning Director more flexibility in determining whether a proposed use is allowed and reduces the number of developments that must go through a lengthy and uncertain rezoning or text amendment process just because the proposed use is not expressly listed.

Second, it is recommended that tables be created for both accessory uses and structures and temporary uses and structures. Accessory uses and structures are uses or structures that are

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subordinate to the principal use on a site. The current regulations identify some uses that are permitted as accessory, and list additional accessory uses. The accessory use and structure table should provide more specificity than the current provisions and list specific accessory uses and structures that are allowed in each zoning district. It should also include any use-specific standards that might apply. The list of accessory uses and structures in the table will attempt to cast the net broadly and include the universe of accessory uses and structures. Each accessory use and structure included in the table will be defined.

Temporary uses and structures are uses or structures that are proposed to be located in a zoning district only for a limited duration. They include special or temporary events, which typically last for a short duration and are intended to attract large numbers of people at one time (e.g., concerts, fairs, large receptions or parties, and community festivals). Temporary uses generally do not include private parties attracting less than a certain number of people, nor events normally associated with a permitted principal or accessory use (such as a wedding reception at a reception hall or a funeral at a funeral home). The current UDO includes a set of temporary uses, and it is proposed that the list be updated and placed in a table in the updated UDO.

As part of the update, the list of uses, and the districts in which they are allowed, will be reviewed and updated, and use-specific standards will be revised to address particular concerns that have been raised by staff and members of the community. These updates include:

- ★ Limiting districts where self-storage facilities are permitted and adding use-specific standards;
- ★ Adding new uses such as tobacco and vape shops, microbreweries, and indoor shooting ranges;
- ★ Updating and consolidating the four types of manufactured housing, as appropriate;
- ★ Adding use-specific standards for potentially intense uses such as fuel stations;
- ★ Removing uses that are not relevant to Clemmons;
- ★ Listing uses that are not desired in Clemmons and not permitting them in any districts;
- ★ Allowing accessory dwelling units by right, subject to specific conditions (such as limits on size and requiring that the ADU remain in the same ownership as principal dwelling), in certain zoning districts, and prohibiting the use of manufactured homes as accessory dwelling units;
- ★ Adding standards for backyard chickens, livestock, and other similar accessory uses of land;
- ★ Adding standards for home occupations, to make it easier for people to operate home-based businesses that do not detract from the character of the residential zoning districts;
- ★ Permitting rooftop or ground-based solar energy systems as accessory uses;
- ★ Adding standards for food trucks; and
- ★ Adding standards for temporary uses such as Christmas tree lots.

Theme 3: Update Development Standards to Improve the Quality of Development in the Village

3.1. Update Off-Street Parking and Loading Standards

3.1.1. Current Off-Street Parking and Loading Standards

The current off-street parking and loading standards are consolidated in Section B-3-3 of the UDO. The required number of off-street parking requirements are included in Table B.3.8 in Section B-3-3.2, by use. The table also includes additional parking standards for specific uses, and parking maximums for shopping center uses. The Zoning Officer is authorized to establish minimum parking requirements for an unlisted use, based on specific criteria. Section B-3-3.2(C).

Parking is generally required to be placed on the same lot as the use it supports. Section 3-3.2(E)(1). However, in many cases, some of the parking may be provided off-site. Section B-3-3.4. In addition, the Zoning Officer can authorize a reduction in the amount of parking required to be provided through the use of shared parking facilities, park-and-ride shuttle lots, on-street parking (in certain districts), motorcycle and bicycle parking, proximity to transit, preservation of existing trees, and for sites that are adjacent to existing or planned public greenways or sidewalks. Section B-3-3.5. Standards for off-street loading spaces are included in Section B-3-3.6.

Only one-third of required parking is permitted to be located in front of the principal building on the site, although planning staff is authorized to provide an exception to the requirement due to topography, lot configuration, or other site plan issues, provided sufficient screening is provided. Section B-3-3.2(E)(4). The section also includes basic design standards, including dimensional requirements, surfacing standards, markings, vehicle stacking standards for drive-throughs and for parking lots with more than 100 spaces. Section 3-3.3.

3.1.2. Proposed Modernization of Off-Street Parking and Loading Standards

The current standards regulating off-street parking in the Village generally comply with best practices, including providing a comprehensive set of dimensional, marking, and surfacing standards, incorporating an off-street minimum parking table that includes all permitted uses, and offering opportunities to reduce the number of required parking spaces through off-site parking and other alternatives.

Aside from the general improvements that will be incorporated throughout the updated UDO, such as more illustrations and the use of more clear and precise language, the Village should consider the following additional suggestions for modifications to the off-street parking and loading standards:

Update Minimum Off-Street Parking and Loading Requirements to Reflect Best Practices

The Clarion team will perform a detailed review of the off-street parking requirements and the loading requirements (in Table B.3.10 and Table B.3.11) based on standards in peer communities and feedback from Village staff. Where appropriate, minimum off-street parking requirements will be reduced or increased. In addition, the Village should consider introducing modest requirements to support electric vehicle (EV) charging, requiring some parking spaces to include EV charging stations and have conduits installed at additional “EV-ready” parking spaces to make it easier to install EV charging stations in the future. The Village might also consider adding regulations for “pick-up” spaces that are used by people who place orders for pick up before they arrive at the site.

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Establish Minimum Bicycle Parking Standards

The current regulations allow bicycle parking to offset a certain percentage of vehicular parking spaces, up to five percent. Section B-3-3.5(G). Many communities establish minimum bicycle parking requirements for all or some uses, either generally or in certain districts. The Village should consider building on the other bicycle parking standards, with additional standards for location (e.g., within 100 feet of an entrance to the use it is serving) and design.

Enhance Design Requirements

The Village should consider requiring enhanced design elements for larger parking lots. These could include separated walkways in larger parking lots (similar to the standards for large retail establishments in Section B-3-12.1) and additional landscaping.

Update the Vehicle Stacking Standards

It is suggested that the Village consider updating the vehicle stacking standards. Additional stacking should be required for larger parking lots, to mitigate the risk of vehicles backing up onto public streets. Likewise, the drive-through stacking standards should be updated to reflect the different stacking needs of different uses, such as the number of stacking spaces needed for a bank or pharmacy drive-through versus a popular fast-food establishment. It is further recommended that the drive-through stacking spaces not be permitted to offset the minimum number of vehicular parking spaces provided (in Section B-3-3.3(F)(6)).

3.2. Reorganize and Update Mobility, Circulation, and Connectivity Standards

Many communities are modifying their transportation and development policies to emphasize the creation of complete streets—streets, street networks, and rights-of-way planned, designed, operated, and maintained to enable safe, convenient, and comfortable travel and access for users of all ages and abilities.¹⁹ Complete streets provide high-quality support for all modes of transportation, including walking, bicycling, driving, or riding public transportation. This approach also addresses streets as destinations (e.g., for sidewalk dining and social gatherings) and not just links, recognizing that streets support surrounding development, uses, and communities.

The *Clemmons Community Compass* establishes goals that support such a complete street approach. Objective 33: Create a Multi-modal Transportation System, promotes development of a system that incorporates a variety of transportation modes, including driving, transit, bicycling, and walking. Objective 35 promotes a complete streets policy that includes:

- ★ A pedestrian system that fills in gaps and connects neighborhoods;
- ★ A trail and greenway system;
- ★ Safe roadway crossings and sidewalks within the core of the Village; and
- ★ Support for safer walking and bicycling opportunities, including for students accessing school.

High-quality streets can be supported by design elements such as:

- ★ Pedestrian infrastructure like sidewalks, crosswalks, median crossing islands, ADA-compliant facilities, and sidewalk bulb-outs;

¹⁹ The term “complete streets” is defined in Chapter B, Article II of the UDO.

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- ★ Traffic calming measures in appropriate locations to lower automobile speeds and define the edges of automobile travel lanes; such measures could include road diets, narrower lanes, center medians, shorter curb corner radii, elimination of free-flow right-turn lanes, street trees, planter strips, and ground cover;
- ★ Bicycle accommodations, such as bicycle parking, neighborhood greenways, on-street bike lanes, protected bicycle lanes, or dedicated greenways or sidepaths wide enough to accommodate both bicycles and pedestrians; and
- ★ Public transit accommodations, such as bus pullouts, bus shelters, and dedicated bus lanes.

3.2.1. Current Mobility, Circulation, and Connectivity Standards

The current UDO has limited standards related to mobility, circulation, and connectivity. In the subdivision regulations, blocks are required to be between 600 and 1,200 feet in length (unless the Village Council provides an exception). Section D-4(B)(1)(g). Cul-de-sacs are permitted with a maximum street length of 1,200 feet. Within a subdivision, stub streets shall be constructed to adjoining properties in a way to allow for future extension of streets.

Sidewalks in residential subdivisions are required at a ratio of one linear foot of sidewalk (or greenway/bikeway) for each linear foot of public street. Section D-4(B)(1)(i). In residential subdivisions where more than half of the lots are one acre or less in size, sidewalks at least five feet in width are required along one side of all residential streets, and along any existing public road directly accessed by the subdivision following review by the Village of its necessity.

3.2.2. Recommended Changes in Mobility, Circulation, and Circulation Standards

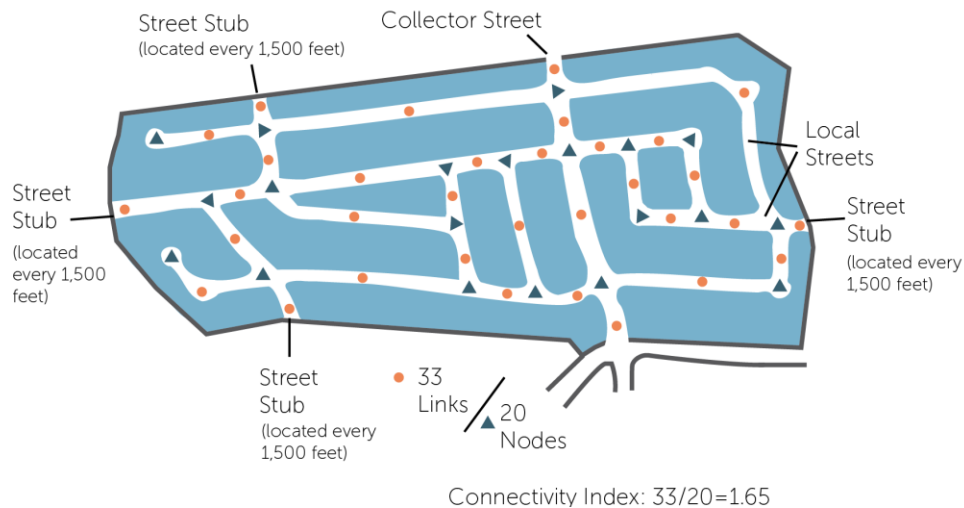
The Village should consider updating the access and circulation standards in the updated UDO.

Perhaps the most important recommendation is to address connectivity more comprehensively in the UDO. Modern codes have approached this in different ways; some use calculation tools such as a connectivity index or ratio (see Figure II-9: Sample Connectivity Index Graphic, for an example from another community's code), an intersection density standard, or shorter block lengths allowed as a maximum approach.²⁰ Natural features may make uniform application of these kinds of approaches difficult in some instances (and would have to be accounted for); however, if included in the UDO, they would at least provide basic guidance for a connected network. As an alternative, these standards could just be applied in specific geographic areas or zoning districts.

²⁰ The connectivity index in Figure II-9: Sample Connectivity Index Graphic, is used to illustrate standards which require that development maintain a certain minimum ratio of "links" (street segments) to "nodes" (intersections). Street networks with a higher ratio of links to nodes have smaller block lengths and additional ways to get between two points, resulting in transportation systems that are more accessible for people walking, bicycling, and driving, and that are safer.

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Figure II-9: Sample Connectivity Index Graphic



In addition, the Village should consider requiring sidewalks along both sides of all streets throughout the Village, with potential exceptions for larger-lot subdivisions (as in the current UDO) or minor subdivisions. These regulations can help build, over time, a more pedestrian-friendly and multimodal transportation network in the community.

The Village also should consider standards requiring larger-scale developments to analyze the traffic impacts of their proposed uses. These analyses could be tied to intersection Level of Service (LOS) standards or other metrics.

3.3. Reorganize, Modernize, and Refine Landscape, Tree Protection, and Screening and Buffering Standards

3.3.1. Current Landscaping and Tree Preservation Standards

Most of the existing landscaping and tree preservation requirements in the UDO are located in Section B-3-4. This section includes standards for landscaping and screening of parking lots, motor vehicle display areas, outdoor storage and utility areas, and parking structures. Standards for perimeter buffers between different uses are included in Section B-3-5, Bufferyard Standards.

3.3.1(a). Landscaping Standards

General standards are included in Section B-3-4.2. Applications for land disturbing permits are required to include a site plan of existing and proposed landscaping and other site elements that require landscaping such as storage areas, and identify existing trees to be preserved and barriers to be installed to protect existing vegetation. Section B-3-4.2(A). It further includes planting standards, requirements that planting be installed before a certificate of occupancy is granted (or a performance guarantee provided if not installed at the time the certificate is applied for), and maintenance requirements. It also establishes penalties for violation of the standards, including civil penalties and replacement planting requirements for damages to trees intended to be preserved, and other miscellaneous standards. A list of recommended plant materials is included in Section B-3-4.10.

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On the perimeter of parking lots (except for parking lots for single-family dwellings), the UDO requires a 10-foot streetyard on the perimeter if it is within 100 feet of a street right-of-way. Two deciduous or evergreen large variety trees are required every 100 linear feet.²¹ At installation, each tree is required to be a minimum of eight feet in height and two inches diameter at breast height (dbh) measured six inches above ground level, and planted between 20 and 75 feet apart. Up to 15 percent of the streetyard can contain impervious surface cover used for walkways, fountains, and the like, and the remainder is required to consist of some combination of natural shrubs, fences and walls, wall planters, and earthen berms.

On the interior of the parking lot, landscaped planting areas are required. Each parking space is required to be within 75 feet of a trunk of a required variety tree. The planting areas are required to include at least 150 square feet of area (minimum radius of seven feet) for small or medium variety trees, or 600 square feet for large variety trees. One large variety tree is required for every 5,000 square feet of parking lot surface area, and one small or medium variety deciduous or evergreen tree is required for every 2,500 square feet of parking lot surface area. Streetyard trees can be used to meet interior parking standards. Section B-3-4.3

Additional standards apply for motor vehicle display areas (Section B-3-4.4), outdoor storage areas (Section B-3-4.5), utility service areas (Section B-3-4.6), and parking structures (Section B-3-4.7).

Perimeter buffers are required around sites based on the type of use in the site being developed and the zoning district of adjacent property. One of four types of bufferyards are required, and for each buffer yard there are between four and six width options, with varying standards for the amount of planting material required. Section B-3-5.2(A). A fence, wall, or berm can be used in place of up to 50 percent of the required evergreen plantings. Section B-3-5.2(B)(3).

3.3.1(b). Tree Protection Standards

Section B-3-4.2.1 provides the tree protection standards. Each site is required to preserve a percentage of the site as a tree save area, in accordance with the following table (based on Table B.3.12).

Table II-6: Tree Save Requirements

Development Size	Commercial, Institutional, and Industrial (including Multifamily)	Residential subdivisions
Up to 55,000 square feet (sf)	8% of site area	10% of site area
More than 55,000 sf, up to 5 acres	9% of site area	11% of site area
More than 5 acres, up to 10 acres	10% of site area	12% of site area
More than 10 acres	12% of site area	14% of site area

Credit for tree save area can be accomplished through the preservation of strands of trees or individual trees. The tree save area of a strand of trees is calculated as the area of the

²¹ Modifications of the tree requirements are permitted in areas with overhead utility lines.

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strand. Individual trees are given credit based on the dbh; for example, a tree with at least 6 and 9 or fewer inches dbh is credited for 500 square feet of tree save area, while a tree with more than 36 inches dbh is credited for 4,000 square feet of tree save area. Tree save areas are required to include the critical root zones of credited trees, with protective barriers established and no construction site activities permitted within the tree save area.

If there are not enough trees on the site to meet the required tree save area, new trees are required to be planted. Planning staff can relieve applicants from strict adherence to the minimum tree save area requirements. Relief can be offered due to dedication of land to the Village, credit for reforestation, conflicts due to the availability of reasonable site layouts, topography, the size, height, and species of existing trees to be removed, and other site development issues.

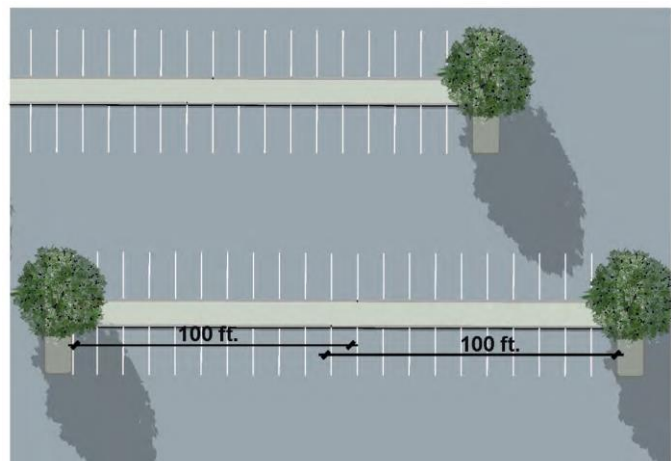
Incentives are used to encourage additional trees to be preserved on a site. An applicant that sets aside more than 20 percent of a site as a tree save area in common open space can take advantage of reduced internal and side yard setbacks on individual lots. An applicant that sets aside more than 30 percent of a site as a tree save area in common open space can use ribbon paving and reduced pavement widths on streets within the development, subject to Village and NCDOT approval.

3.3.2. Reorganize, Modernize, and Strengthen the Landscape and Tree Protection Standards

The Village's existing landscaping and tree protection standards are comprehensive. It is recommended that in the rewritten code the landscape standards be reorganized for clarity, and modernized and strengthened in the following ways:

- ★ The parking lot landscape requirements should be clarified using more measurable standards by:
 - ★ Establishing more measurable interior parking lot standards generally, as well as standards for the use and placement of islands and the plantings within the parking lot interior;
 - ★ Establishing more measurable standards for perimeter parking lot requirements; and
 - ★ Using photographs, graphics, and diagrams to illustrate these standards (See example in Figure II-10: Sample Parking Lot Landscaping Illustration).
- ★ The transitional buffer (bufferyard) standards should be strengthened and made easier to understand. The following changes are recommended:

Figure II-10: Sample Parking Lot Landscaping Illustration



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- ★ Carry forward four types of transitional buffers, and simplify by allowing only two or three widths for each buffer type;
- ★ Refine the bufferyard requirements by establishing requirements based on the proposed use, not the zoning district in which the use is being commenced (if a lower intensity commercial use is proposed to be developed in a higher intensity commercial district where it is permitted, the buffer requirements should be consistent with the proposed use, not the zoning district); and
- ★ Graphically illustrate the transitional buffer standards for ease of reference, like the example in Figure II-11: Sample Buffer Illustration.

Figure II-11: Sample Buffer Illustration

TABLE 5.2.5.B.3.D-2 : BUFFERYARDS AND TYPES									
BUFFER TYPE AND CONFIGURATION	OPTION 1: MINIMUM WIDTH 25 FEET			OPTION 2: MINIMUM WIDTH 15 FEET			OPTION 3: MINIMUM WIDTH 5 FEET		
	PLANTINGS PER 100 LINEAR FEET			PLANTINGS PER 100 LINEAR FEET					
	CANOPY TREES	UNDERSTORY TREES	SHRUBS	CANOPY TREES	UNDERSTORY TREES	SHRUBS			
Type A: Basic									
This bufferyard functions as basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of ten feet.	3	0	0	1	6	0	3-foot-tall semi-opaque (75% transparent) fence or wall + 5 evergreen shrubs per every 100 linear feet		
Type B: Aesthetic									
This bufferyard functions as an intermittent visual obstruction from the ground to a height of at least 20 feet, and creates the impression of spatial separation without eliminating visual contact between uses.	3	0	12	1	7	5	4-foot-tall semi-opaque (50% transparent) fence or wall + 10 evergreen shrubs per every 100 linear feet		
Type C: Semi Opaque									
This bufferyard functions as a semi-opaque screen from the ground to at least a height of four feet.	3	5	11	2	6	15	6-foot-tall opaque fence or wall + 15 evergreen shrubs per every 100 linear feet		

- ★ Consider adding building foundation landscaping standards to require plantings around multifamily and nonresidential buildings that soften building edges and contribute to community character;
- ★ Consider enhancing screening requirements for all utility and mechanical areas, and adding standards to screen refuse areas from rights-of-way or adjacent properties with materials similar to those used on the principal building; and
- ★ Consider strengthening the tree protection standards, as follows:
 - ★ Consider giving extra tree save area credit for “specimen” trees that meet criteria established by the Village for species and dbh;
 - ★ Prioritize removal of invasive or otherwise disfavored species;
 - ★ Increase the penalties for removal of trees identified as protected, by increasing the civil fine and increasing replanting requirements;
 - ★ Add graphics that illustrate protection of tree save areas;
 - ★ Require that tree save areas be included in common areas maintained by a property or homeowners’ association, as applicable; and
 - ★ Evaluate the effectiveness of the current incentives for protecting existing trees and consider modifications to encourage additional preservation.

3.4. Add Comprehensive Open Space Set-Aside Standards and New Conservation Subdivision Options

3.4.1. Current Open Space and Conservation Standards

The current UDO includes limited rules governing the provision of common open space on a specific development site. Open space is required to be provided in the Planned Residential District use, as Active Open Space, Passive Open Space, and Thoroughfare Open Space (near I-40).²² The amount of open space required to be provided varies based on the underlying district, from 50 percent in the YR: Yadkin River Conservation District down to 15 percent in the Residential Multifamily districts. Reductions are available in particular Growth Management Areas depending on the type of open space provided. Development in the YR, AG: Agricultural, RSF40: Residential Single Family 40, and RSF30: Residential Single Family 30 districts may receive density bonuses for providing open space that exceeds 60 percent of the development site. The open space is encouraged to be connected, and a homeowner's association or other entity is required to own and maintain the open space. Section B-2-5-60(H)(9). In return, most dimensional standards are waived, allowing for more compact development.

There are also requirements for common space and open space in the (unused) MX: Mixed Use district. A minimum of ten percent of the land is required to be set aside as common space for community use and five percent of the land is required to be set aside as open space for a mix of active and passive recreational uses. Section B-2-1.5(C)(5).

3.4.2. Proposed Open Space and Conservation Standards

The Village should consider establishing comprehensive open space set-aside standards that apply throughout the Village, and provide a new conservation subdivision option that encourages the preservation of greater amounts of natural land.

3.4.2(a). Proposed Open Space Set-Aside Standards That Would Apply Throughout the Village

Establishing open space set-asides and providing land for recreation are key components to quality development and a healthy community. To further improve the open space set-aside requirements in the current regulations, it is suggested that the Village consider establishing a uniform and comprehensive set of open space set-aside standards that are context sensitive. This would be accomplished by establishing a set of open space set-aside standards, based on geographical location and development type (new residential, mixed-use, or nonresidential development).

The open space set-aside standards would ensure a minimum level of “green” area and site amenities. The open space set-asides could be defined to include the types of open space included in Table II-7: Potential Types of Open Space Set-Asides.

²² In the current UDO, Active Open Space is defined as primarily man-made features that are easily accessible to pedestrians and intended for use as community recreation areas, walking trails, golf courses, pocket parks, and neighborhood greens. Passive Open Space is defined as “natural features such as meadows, woods, agricultural land, riparian buffers and steep slopes.” Thoroughfare Open Space is intended to protect existing viewsheds along major transportation corridors. Section B-2-5.60(H)(9)(b).

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Table II-7: Potential Types of Open Space Set-Asides



Natural Features

Description: Natural features (including lakes, ponds, rivers, streams, bays, shorelines, wetlands, drainageways, and other riparian areas), riparian buffers, flood hazard areas, steep slopes (15 percent or more), wildlife habitat, and woodland conservation areas.



Active Recreational Areas

Description: Land occupied by areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, and community buildings and clubhouses, and land dedicated for parks.



Passive Recreational Areas (Including Plantings and Gardens)

Formally planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens (including community gardens), gazebos, and similar structures.



Squares, Forecourts, and Plazas

Squares, forecourts, plazas, and civic greens that provide active gathering places and opportunities to create special places.

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Table II-7: Potential Types of Open Space Set-Asides



Required Landscape Areas

All areas occupied by required landscaping areas, tree protection areas, perimeter buffers, vegetative screening, and riparian buffers, and agricultural buffers, except landscaped areas within parking lots.



Stormwater Management Areas Treated as Site Amenities

Land area occupied by stormwater management facilities (including retention and detention ponds and other bioretention devices), when such features are treated as an open space site amenity.

The new open space set-aside standards would recognize that open space needs and functions vary in different parts of the Village. For example, open space standards in compact, mixed-use environments would allow additional items to count as open space (e.g., plazas and other public gathering spaces, fountains, use of stormwater infrastructure as site amenities, sidewalk furniture, rooftop or terrace gardens—perhaps even indoor atriums), while in areas outside of the center of the Village, those items would not be prioritized.

Open space set-aside standards would also reflect the different needs of various types of development. For example, multifamily residential development would be generally subject to higher open space set-aside requirements than mixed-use, commercial, or industrial development, and the open space would generally be more focused on active recreational uses.

Regardless of the location and type of development, standards should also ensure that required open space set-asides are usable and functional for designated open space purposes—and do not merely consist of undevelopable “leftover” land. This can be achieved by adding locational and design rules governing the location, configuration, and usability of the open space. Those rules might give priority to protecting natural resources, and environmentally sensitive areas, floodplains, riparian buffers, and natural hazard areas.

Finally, open space set-aside standards should include provisions addressing the ownership of and maintenance responsibilities for required open space set-asides, to ensure the open space remains as open space, in perpetuity.

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3.4.2(b). Encourage Conservation Subdivisions

Conservation subdivisions play an important role as a development tool to maintain desired rural character, conserve natural lands, and reduce infrastructure costs by allowing residential development in more compact forms than is otherwise permitted in a zoning district, in exchange for permanent conservation of a significant amount of natural lands.

It is suggested that the Village consider replacing the Planned Residential Development use in the current UDO (Section B-2-5.58) with a more robust conservation subdivision option that includes a structured process for the design of the site and identification of areas to be developed. The conservation subdivision process begins with the delineation and mapping of natural resources and other site features that should be maintained. Next, a site inspection is undertaken by the applicant and staff to review the identified natural features and discuss potential site layouts that protect the natural features. Following this review, the applicant develops a map of areas on the site that are to be conserved, subject to the minimum requirements established in the ordinance, as well the areas that are to be developed. Following staff review and approval, the applicant prepares a conservation and development plan that identifies proposed site features such as the location of roads and other infrastructure, conceptual lot layouts, and stormwater management facilities.

A high percentage of land would be required to be preserved, such as 60 percent. In return, the applicant can take advantage of special conservation subdivision dimensional standards set out in the regulations. For example, in lieu of the 30,000 square foot minimum lot size proposed for the R-R district (see Section 2.2, Simplify and Reorganize Zoning Districts to Better Support Desired Types of Development in the Village), the regulations might allow the applicant to develop lots that are at least 15,000 square feet in area. Instead of the 100 foot lot width that is typically required in the R-R district, the regulations could permit 60-foot wide lots.²³ During drafting of the conservation subdivision regulations, the consultant team will work with town staff to identify the percentage of land required to be conserved, as well as modifications to the dimensional standards that are appropriate in the Village.

Standards in the regulations will also address:

- ★ The zoning districts in which the conservation subdivision process can be used;
- ★ The activities that are permitted within the conserved areas (e.g., farming, natural resource protection, pathways, small recreational facilities);
- ★ Provisions for ownership and maintenance of conservation areas, and recordation of a conservation easement;
- ★ The priorities for protection of features and resources in the open space set-aside areas (e.g., specimen and heritage trees, floodplains, streams, and other resources protected as part of the UDO); and

²³ Development in accordance with the PRD use in the current UDO is generally permitted to waive the dimensional standards that apply in the underlying districts, such as minimum lot size and minimum front setbacks. Section B-2-5.58(H)(7). This may allow development that may not be consistent with the Village's desired character. Therefore, it is proposed that the conservation subdivision regulations in the new UDO establish modified dimensional standards.

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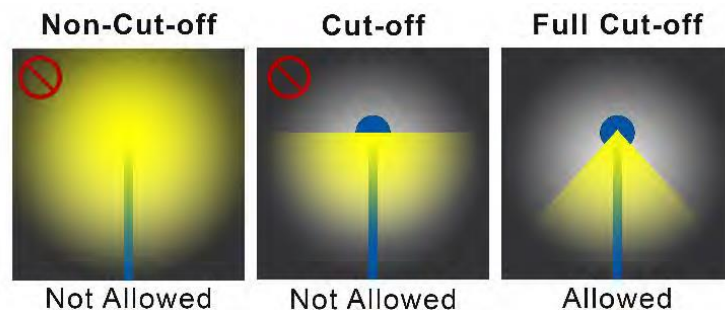
- ★ The design of lots and blocks, to minimize necessary infrastructure and enhance the preservation of the land’s rural character.

3.5. Include New Exterior Lighting Standards

The current UDO does not include comprehensive exterior lighting standards that apply throughout the Village, although some districts include limited standards. We suggest the updated UDO establish objective, measurable standards that address key elements to protect the night sky and reduce glare. These new provisions would include:

- ★ Mandatory use of full cutoff light fixtures to prevent light overflow and glare on adjacent lands (see example illustration in Figure II-12: Sample Exterior Lighting Illustration);
- ★ Minimum energy efficiency standards, all of which are achievable through off-the-shelf products;
- ★ Minimum and maximum foot-candle limits to ensure adequate lighting of public areas and public areas, and to prevent glare;
- ★ Color temperature standards;
- ★ Maximum light fixture pole or mounting heights that vary for different development contexts (shorter in residential areas and taller in commercial and industrial areas);
- ★ Prohibitions on canopy lighting that extends below the edge of the canopy;
- ★ Prohibitions on full floodlighting of uniquely colored or designed facades (which turns an entire building façade into a form of signage) and on colored accent lighting;
- ★ Prohibitions on the up lighting of signs, monument features, buildings, and the like;
- ★ Use-specific standards for uses such as athletic fields;
- ★ Light uniformity standards, to ensure that parking areas and pedestrian areas do not create edges where brightly lit areas are adjacent to dark areas (which provide opportunities for crime and mischief); and
- ★ A provision that would allow modifications to the requirements for safety reasons.

Figure II-12: Sample Exterior Lighting Illustration



By including these provisions in the updated UDO, the community will better protect the night sky and improve safety through reduced glare.

3.6. Include New Commercial and Multifamily Form and Design Standards

3.6.1. Material, Form, and Aesthetic Standards in the Current UDO

The current development regulations include only limited standards that govern building form and design, including allowable materials.

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Development in commercial zoning districts is subject to the requirements in Section B-2-1.3.1, General Design Requirements for Commercial Zoning Districts. These include:²⁴

- ★ Transparency requirements: All new and redeveloped structures are required to have windows and doors along 40 percent of the first-floor elevation facing a street, and 20 percent of other stories, with no blank walls greater than 20 feet on any elevation. Section B-2-1.3.1(A).
- ★ Architectural features: Buildings are required to be constructed of several specified materials, for at least 50 percent of the building, including clay or masonry brick; customized concrete masonry with brick type units; poured in place, tilt-up, or precast concrete; architectural flat metal panels or glass curtain walls; stucco; EIFS, natural or synthetic stone; vinyl siding (if buildings are enhanced by the application of brick, decorative masonry, or decorative stucco surface in combinations with decorative facia, overhangs, and trim), and additional materials approved by staff. In addition, mechanical equipment on roofs is required to be hidden by pitch or a parapet wall, and building entrances are required to be designed as focal points. Section B-2-1.3.1(A).
- ★ Multi-building or mixed-use projects are required to use consistent design elements and include prominent focal points such as architectural structures, art, or historical or landscape features.

Development in institutional and mixed-use districts are subject to identical requirements in Section B-2-1.5.1.

Finally, large-sale retail establishments with greater than 75,000 square feet assigned to a single tenant, or greater than 150,000 square feet in a single-plate ground floor structure that is assigned to multiple tenants, are subject to special standards in Section B-3-12.1. The standards apply to new construction. The standards require:

- ★ That predominant exterior building materials include wood, brick, limestone, granite, other native stone, tinted/textured concrete masonry units, or stucco, and do not include prefabricated metal building facades;
- ★ Additional tree planting, including additional parking lot landscaping islands;
- ★ Façades greater than 100 feet in length to be articulated with recesses or projections for at least 25 percent of the façade, with no uninterrupted façade length longer than 75 feet;
- ★ Ground floor facades that face public streets to include arcades, display windows, entry areas, awnings, and other design features along at least 60 percent of the façade;
- ★ That façades use five of nine possible features, including changes in colors, materials, or textures; building face offsets; a covered pedestrian walkway; a clear glass window display area covering at least 20 percent of one façade or 30 percent of two façades; public art integrated into the design of the building or site (or, alternately, selected and installed by a local arts organization); integral planters or walls with living landscaped areas or places for sitting constructed parallel to the face of the building; an open-space pedestrian plaza; or atrium skylights;

²⁴ There are additional standards in Section B-2-1.3.1, including sidewalk requirements (subsection (B)); planting strips (subsection (C)); and basic lighting standards (Subsection (E))

II. Diagnosis

- ★ A parapet wall on flat roofs, and prohibit membrane roofing material visible from public view;
- ★ Highly defined and visible customer entrances or portal which includes a pedestrian plaza, and several design features (and encourage diagonal parking);
- ★ In parking lots, a maximum number of parking spaces, and sidewalks eight feet in width along any façade featuring a customer entrance or abutting public parking areas, with pedestrian walkways that are physically separated from drive lanes, and cross-action connections for vehicles and pedestrians to neighboring properties;
- ★ Outdoor storage, trash collection, and loading areas are limited in location, and are required to be integrated into the overall design of the building and landscaping, screened from view, and noise attenuated at the lot line;
- ★ Outdoor sales areas are required to be integrated into the design of the site; and
- ★ Decorative lighting that supports a safe and visible pedestrian realm and establishes a theme or character, and limits lighting at the lot line to one-half footcandle.

3.6.2. Proposed Form and Design Standards

The current UDO has limited form and design standards, and the extensive standards for large retail establishments only applies to a small number of developments—generally, “big box” stores and larger shopping centers. Given the desire to improve the quality of development in the Village, it is recommended that the Village consider including updated form and design standards in the UDO. There would be separate sets of standards for 1) multifamily development, 2) nonresidential development (including mixed-use), and 3) large retail establishments. These standards would build on the existing standards.

An illustration used in another code to demonstrate form and design standards is provided in Figure II-13: Sample Window Transparency Standard Illustration.

For multifamily development, and for nonresidential and mixed-use development, the standards might regulate:

- ★ The location of off-street parking (e.g., limit parking between a street and building);
- ★ Building orientation to public streets (e.g., orient primary entrance to street or open space area, and not a parking lot);
- ★ Building length;
- ★ Façade articulations (e.g., requiring wall offsets and other articulation features (recessed entrance, covered porch, pillars and columns, bay windows, eaves, integrated planters) along long building façades);
- ★ Roof requirements (e.g., limit the pitch of sloped roofs, conceal flat roofs and mechanical equipment);

Figure II-13: Sample Window Transparency Standard Illustration



II. Diagnosis

- ★ Façade transparency requirements (e.g., require a certain amount of transparency along the ground floor and/or upper floors, and limit the use of reflective glass);
- ★ Material requirements (including restrictions on changes in materials);
- ★ Garage standards; and
- ★ Screening of utility and refuse areas (e.g., require that refuse areas be integrated into the building design, and screened on three sides with materials similar to those on the principal building and/or vegetation, with an opaque gate that screens the service entrance).

For large retail establishments, the standards would build on the existing regulations and might regulate:

- ★ The location of off-street parking;
- ★ Design of building entrances (e.g., require well-defined building entrances that include highly visible features such as porticos, display windows, entry recesses or projections, or arcades integrated with the entrance);
- ★ Façade articulations and massing; and
- ★ Façade transparency requirements.

3.7. Include New Residential Compatibility Standards

A common concern in communities is the impact that commercial development will have on existing lower-intensity residential development, such as a commercial development that is adjacent to a single-family residential neighborhood. One way to address that concern is with residential compatibility standards, which are specific and measurable, and establish minimum standards about building height and massing, architectural design, the location of parking, and related matters, when certain types of development are proposed to be located adjacent to single-family development, or single-family zoning districts.

If included in the updated UDO, these residential compatibility standards would typically apply to any new nonresidential development, mixed-use development, and multi-family development above a certain density that is adjacent to, across the street from, or within a certain distance from single-family and other lower-density residential development, or any single-family residential zoning district.

Table II-8: Potential Residential Compatibility Standards includes a sampling of the types of compatibility standards the Village should consider including in the updated UDO, and Figure II-14: Example Residential Compatibility Illustration, shows an illustration of potential standards from another community's code.

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Figure II-14: Example Residential Compatibility Illustration

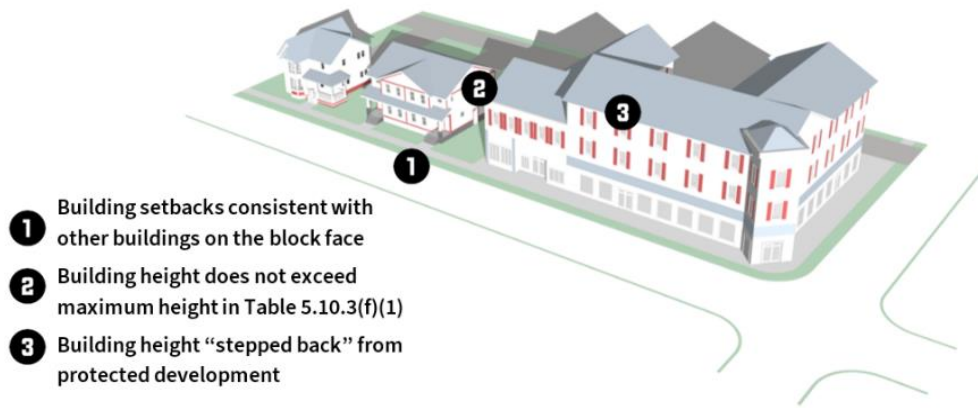


Table II-8: Potential Residential Compatibility Standards

Standards	Potential Requirement
Building Façade Standards	Requires construction of a similar roof type as single-family or other low-density residential development in terms of slope and arrangement to prevent abrupt changes in roof form
	Requires porches, balconies, outdoor space, and other site attributes such as vending machines associated with nonresidential development to be oriented away from adjacent single-family and other low-density residential development
	Requires adjacent development to use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations as that included on adjacent single-family and other low-density residential development
Building Dimensional Standards	Requires that no building be higher than a certain height (for example, 45 feet) within 50 feet of a single-family or other low density residential development, and that maximum building height be stepped back over a certain distance, so that the tallest part of the structure is the farthest from single-family and other low-density residential development (See Figure II-14: Example Residential Compatibility Illustration)
	Requires massing standards for building façades visible from single-family or other low-density residential development that include articulation of the façade in the form of projections or recesses with a minimum depth so that no single wall plane extends for more than 40 or 50 linear feet without some form of projection or recess; covered porches, building wings, bay windows, pilasters, might be required to meet these requirements
Site Design Standards	Requires that multi-building development include a continuum of use intensity that locates uses of lowest intensity closest to the single-family and other low-density residential development, and places moderate-intensity uses between high-intensity uses and the lowest intensity uses
Location of Drive-Throughs and Outdoor Dining	Requires drive-thru facilities and outdoor dining areas to be located away from single-family and other low-density residential development to the maximum extent practicable
Parking Standards	Requires parking spaces be oriented away from single-family and other low-density residential development
	Requires a fully opaque vegetated buffer, fence, or wall, or a comparable buffer between single-family and other low-density residential development and nonresidential and high-density multifamily development
	Requires that parking structure façades adjacent to single-family or other low-density residential development receive enhanced design treatment to soften their visual impact

II. Diagnosis

Table II-8: Potential Residential Compatibility Standards

Standards	Potential Requirement
Loading and Refuse Storage Area Standards	Requires loading and refuse storage areas be located beyond a certain distance from single-family and other low-density residential development
	Requires loading and refuse storage areas be screened from view of single-family and other low-density residential development, using materials that are the same as, or of equal quality to, the materials used for the principal building
Sign Standards	Where adjacent and visible to single-family and other low-density residential development, limit the sign area and maximum height of all signs by 25 percent of that normally allowed
Open Space Set-Aside Standards	Requires open space set-asides be located in a transition area between the nonresidential, mixed-use, or high-density multifamily development, and the single-family or other low-density residential development, unless there is a compelling reason for it to be located elsewhere on the site

3.8. Consider Including Sustainable Development Incentives

This comprehensive rewrite of the development regulations affords the Village an opportunity to incorporate incentives for developers to integrate sustainable building features into their development. This is something an increasing number of communities are doing in their development codes. Green building features involve much more than the design of individual buildings. In fact, by the time specific buildings are being designed, many opportunities to improve energy conservation (e.g., through optimizing building orientation), better manage stormwater (e.g., through low impact development or environmental site design), or reduce vehicle miles traveled through better site design will have been lost unless tools to promote those results are included in the UDO.

The current development regulations contain limited references to green building features. For example, there is no reference to pervious pavement systems. Solar energy systems are not mentioned.

We suggest the Village consider including in the UDO provisions that define, support, and incentivize sustainable building practices, as many communities' development codes are doing today. In the Village's consideration of this suggestion, we note that after more than a decade of practice related to this issue, we have learned several important lessons about how to incentivize or support green building practices in development regulations, if a community decides to include them. These key lessons are summarized below:

- ★ First, explicitly define key terms like wind, solar, universal design, connectivity, bioswales, rain gardens, rain barrels, electric vehicle charging stations, alternative fuel filling stations, and recycling collection, transfer, treatment, and disposal facilities, in the code.
- ★ Second, remove barriers to market-driven innovations in these areas. Explicitly address where on residential, commercial, office, and mixed-use developments, solar or wind energy systems may be installed—both as accessory to another primary use of the land, and as primary uses of the land. Do not require variances or approvals for installing smaller and accessory devices, such as rooftop solar. For larger and primary devices, establish objective standards and allow by-right development subject to those standards, wherever possible. Ensure that site design and landscaping standards do not prohibit bioswales, rain gardens, and other tools of low-impact development, but instead allow them to be counted towards required landscaped areas.

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- ★ Third, create meaningful incentives for those features that are most expensive and hardest to achieve. Resist the temptation to write an incentive for each desired site feature, because most of them will be ignored. Resist the temptation to give token incentives that do not begin to offset the added cost of installing the facility just to say that the regulations include an incentive. Development incentives must be designed strategically and must be balanced with incentives needed to achieve other important goals.
- ★ Fourth, where standards or requirements are included in the code, write reasonable, objective, and enforceable standards for the green building features that can be included at low or moderate cost, if possible, during early phases of site or building design. There are energy and water conserving, low-impact development, and resource recycling features where the additional cost is mitigated by the savings in time and expense by avoiding a variance procedure. Sometimes, these are the “tipping point” issues—areas where efficient market driven solutions are available, and the role of the development code is to strongly encourage their use through reasonable standards and procedural efficiencies.
- ★ Finally, be sure to coordinate the standards and incentives in the UDO with related provisions of the North Carolina Building Codes. Generally, if the topic is adequately addressed in other codes, it should not be tackled in the UDO, because repetition often leads to inconsistencies over time and could be subject to preemption. On the other hand, site design features can and should be addressed in the UDO with little worry that those provisions will become inconsistent with other code provisions over time.

If the Village chooses to include incentives for sustainability in the updated UDO, it is suggested that the incentives may relate to the following types of practices:

- ★ The development of LEED-certified or comparable building design;
- ★ Alternative energy systems that would include, but are not be limited to, solar, wind energy conversion systems (WECs), thermal heating and cooling systems, electric vehicle charging stations, and alternative fuel filling stations;
- ★ Energy conservation techniques and devices including, but not limited to, building design, cool roofs, green roofs, roof gardens, and green walls;
- ★ Water conservation techniques and devices;
- ★ Low impact development site design standards for storm water management;
- ★ Conservation of green infrastructure;
- ★ Neighborhood agriculture activities such as community gardens and farmers markets;
- ★ Recycling practices; and
- ★ The incorporation of universal design techniques in homes, so people can live in place as they age.

III. Annotated Outline of Updated UDO

This part of the Assessment provides an overview of the proposed structure and general substance of the updated UDO that would address the issues identified in Part II related to the current UDO. As part of the review and discussion of the Assessment, the Village will provide more detailed direction about the nature and scope of the new regulations and specific provisions. When this process is completed, the actual drafting of the new regulations will begin.

The following pages are a general outline of the proposed UDO. We view the annotated outline and the previous parts of the Assessment as vehicles for helping to define expectations about what is to be accomplished before beginning the detailed drafting work. In addition to providing a road map for drafting the updated UDO, the outline provides an organizing framework for continued conversations with the Village about key UDO issues.

The sidebar outlines the proposed new structure, as discussed in Theme 1.2, Make the Structure More Logical and Intuitive.

Ch. 150	General Provisions
Ch. 151	Zoning Districts
Ch. 152	Use Regulations
Ch. 153	Site Development Standards
Ch. 154	Environmental Standards
Ch. 155	Subdivision Standards
Ch. 156	Administration
Ch. 157	Nonconformities
Ch. 158	Enforcement
Ch. 159	Definitions and Rules for Construction and Interpretation

CHAPTER 150: GENERAL PROVISIONS

Chapter 150: General Provisions, plays an important part in making the updated UDO user-friendly by including certain overarching rules, and establishing a clear basis for the authority by which the regulations are adopted and administered. These “boilerplate” sections will state the title of the document, the legal authority by which the Village regulates zoning, and the general purposes of the UDO.

SECTION 150.01. TITLE

This section will set forth the official name by which the regulations may be cited (e.g., “the Village of Clemmons Unified Development Ordinance”) as well as any acceptable shortened references (e.g., “the UDO” or “the Ordinance”).

SECTION 150.02. AUTHORITY

This section will contain references to the Village’s authority to adopt the UDO in accordance with the North Carolina State Constitution and North Carolina statutes. It will also include a provision stating that if the regulations cite a provision of the North Carolina statutes or federal law that is amended or superseded, the regulations will be deemed to refer to the amended section or the section that most nearly corresponds to the superseded section. This section will build upon Section B-1-4, Chapter C, Article I, and Section D-1 of the current UDO.

SECTION 150.03. GENERAL PURPOSE AND INTENT

This general purpose and intent section informs decision-makers and the courts in future years about the purpose and intent of Village Council when it adopted the updated UDO. It will include statements of intent, as appropriate, to reflect the goals, objectives, and policies in the comprehensive plan, building on Section B-1-2 and Section C-1-2 of the current UDO. Purpose statements

related to the zoning districts, the development standards, procedures, and specific environmental regulations will be located in those specific sections.

SECTION 150.04. APPLICABILITY

This section makes clear who is subject to the requirements of the UDO. It will state that unless stated otherwise or exempted, the standards and requirements of the UDO apply to all development within the corporate limits of the Village. It will also include a section on general exemptions and note the applicability of the permit choice provisions in [N.C.G.S. § 160D-108](#) and [N.C.G.S. § 143-755](#). This section will build on Section B-1-5 of the current UDO, except for Section B-1-5.2 (see Section 150.08, Vested Rights).

SECTION 150.05. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DECREES

This section builds upon Sections B-1-7 and C-1-7 of the current UDO and provides that in case of conflict between the UDO and other legislative enactments of the federal government, the state, or the Village, the stricter provision applies, to the extent allowed by law. The section will also express that it is not the intent of the regulations to annul private covenants, easements, or other agreements, but if the regulations establish stricter requirements, the Village’s regulations apply. The section will also

III. Annotated Outline of Updated UDO

Chapter 150: General Provisions

clarify that the Village will not be responsible for monitoring or enforcing private easements, covenants, and restrictions, though it may inquire into private easements and restrictions when reviewing plans for the purpose of ensuring consistency with Village requirements.

SECTION 150.06. OFFICIAL ZONING MAP

This section incorporates by reference the Official Zoning Map as well as any related maps, similar to Section B-2-2. It will provide for amendment of the Official Zoning Map upon the approval of a rezoning application. It will clarify that the Official Zoning Map is maintained in a digital format. It will also:

- Incorporate and refine the provisions in the existing regulations that relate to boundary interpretations; and
- Identify the Planning Director as the person authorized to interpret the Official Zoning Map and determine where the boundaries of the different zoning districts fall, if in dispute. It will also provide that appeals from the Director’s interpretations may be made to the Village Council.

SECTION 150.07. TRANSITIONAL PROVISIONS

This is a new section that establishes rules governing continuing violations of the regulations, pending development applications at the time of adoption, and existing development approvals. More specifically, subsections in this section will state:

- Violations of the current regulations continue to be violations under the new regulations (unless they are no longer considered violations), and are subject

to the penalties and enforcement provisions in Chapter 158: Enforcement.

- How to treat development applications that are already submitted and moving through the development approval pipeline at the time the regulations become effective. The general rule is that development applications submitted and accepted as complete before the effective date of the updated UDO are reviewed and decided according to the standards in effect when submitted.
- Existing development approvals and permits will be recognized as valid. These approvals and permits may proceed with development, as long as they comply with the terms and conditions of their approvals, and the rules in existence at the time of their approval. Substantial amendments to the approvals will require the development to comply with the standards in the updated UDO.
- Applications submitted after the effective date of the updated UDO are subject to the procedures and standards of the updated UDO.

SECTION 150.08. VESTED RIGHTS

This section references the existence of a landowner’s vested rights in accordance with the common law and [N.C.G.S § 160D-108.1](#), and simplifies Section B-1-5.2 of the current UDO. The determination of what types of development approvals constitute a site-specific vesting plan in accordance with N.C.G.S § 160D-108.1(a) will be established in the Section 156.05, Application-Specific Review Procedures, for each specific type of application and also listed in this section.

III. Annotated Outline of Updated UDO

Chapter 150: General Provisions

SECTION 150.09. SEVERABILITY

This standard provision states that if any part of the updated UDO is ruled invalid, the remainder of the code is not affected and continues to apply, and that if application of a code provision to a particular circumstance is ruled invalid, that decision does not affect

its application to other circumstances. This will build on Sections B-1-6 and C-1-6 of the current UDO.

SECTION 150.10. EFFECTIVE DATE

This section establishes the effective date of the updated UDO.

CHAPTER 151: ZONING DISTRICTS

Chapter 151: Zoning Districts, establishes and describes the zoning districts which govern the types of development and uses allowed in different parts of the Village, as discussed in Section 2.2, Simplify and Reorganize Zoning Districts to Better Support Desired Types of Development in the Village, of the Diagnosis.

SECTION 151.01. GENERAL STANDARDS

Sec. 151.01(A). Compliance with Zoning District Standards

This subsection establishes the general rule that land may not be developed in the Village except in accordance with the regulations that apply within the zoning district, as well as other regulations within the Unified Development Ordinance. This section could also carry forward the regulations in Section B-3-8, Supplementary Standards for Older Neighborhoods, if they apply in Clemmons, as well as updates to the standards around water and sewage supply for areas not served by public water or sewer, building on Section 3-10 of the current UDO.

Sec. 151.01(B). Establishment of Zoning Districts

This subsection describes base zoning districts, overlay districts, and legacy

districts, and explains how they relate to one another. The subsection describes overlay districts as superimposed over portions of an underlying base district, which applies additional or alternative development regulations to those applied by the underlying base district, and legacy districts as districts that are applied to land in the Village but are not intended to be applied to additional land.

The subsection then establishes the various zoning districts, with a summary table that identifies the district by name and official abbreviation. The table has a hierarchical format, organizing zoning districts by base districts (conservation, residential, business, mixed-use, industrial) and overlay districts. Within each group, zoning districts are generally listed from the least to the most intensive. Table III-1 shows the proposed lineup of zoning districts compared to the current set of districts (also see Section 2.2, Simplify and Reorganize Zoning Districts to Better Support Desired Types of Development in the Village)

Table III-1: Proposed Zoning Districts

Current District	Proposed District and Description
Conservation District	
<i>YR: Yadkin River Conservation</i>	C: Conservation
Residential Districts	
<i>RS40: Residential Single Family</i>	RSF-1: Residential Single Family 1
<i>RS30: Residential Single Family</i>	
<i>RS20: Residential Single Family</i>	RSF-2: Residential Single Family 2
<i>RS15: Residential Single Family</i>	
<i>RS9: Residential Single Family</i>	RSF-3: Residential Single Family 3
<i>RS7: Residential Single Family</i>	R-M: Residential Mixed

III. Annotated Outline of Updated UDO

Chapter 151: Zoning Districts

Table III-1: Proposed Zoning Districts

Current District	Proposed District and Description
<i>RM5: Residential Multifamily</i>	
<i>RM8: Residential Multifamily</i>	
<i>RM12: Residential Multifamily</i>	RMF-Medium: Residential Multifamily Medium
<i>RM18: Residential Multifamily</i>	RMF-High: Residential Multifamily High
<i>MH: Manufactured Housing Development</i>	R-MH: Residential Manufactured Housing
Business Districts	
<i>NO: Neighborhood Office District</i>	CN: Commercial Neighborhood
<i>NB: Neighborhood Business District</i>	
<i>LB: Limited Business District</i>	CL: Commercial Limited
<i>GB: General Business District</i>	CG: Commercial General
<i>HB: Highway Business District</i>	CH: Commercial Highway
Mixed-Use Districts	
<i>PB: Pedestrian Business District</i>	
<i>NSB: Neighborhood Shopping Center Business District</i>	MU: Mixed-Use
Industrial Districts	
<i>LI: Limited Industrial</i>	IL: Industrial Light
<i>GI: General Industrial</i>	IH: Industrial Heavy
Overlay Districts	
<i>Lewisville Clemmons Road Overlay District</i>	LCR-O: Lewisville-Clemmons Road Overlay
<i>Thoroughfare Overlay</i>	T-O: Thoroughfare Overlay
<i>New</i>	VP-O: Village Point Overlay
Legacy District	
<i>GO: General Office District</i>	Legacy GO: General Office

SECTION 151.02. CONSERVATION DISTRICT

Sec. 151.02(A). General Purpose of Conservation District

This subsection sets out the general purpose of the conservation district.

Sec. 151.02(B). C: Conservation

This subsection establishes the C: Conservation district. See discussion in Section 2.2.1, Conservation and Residential Districts, of the Diagnosis.

SECTION 151.03. RESIDENTIAL DISTRICTS

Sec. 151.03(A). General Purpose of Residential Districts

This subsection sets out the general purpose of the residential districts. See discussion in Section 2.2.1, Conservation and Residential Districts, of the Diagnosis. The residential districts include:

Sec. 151.03(B). R-R: Residential Rural

III. Annotated Outline of Updated UDO

Chapter 151: Zoning Districts

Sec. 151.03(C). RSF-1: Residential Single Family 1

Sec. 151.03(D). RSF-2: Residential Single Family 2

Sec. 151.03(E). RSF-3: Residential Single Family 3

Sec. 151.03(F). R-M: Residential Mixed

Sec. 151.03(G). RMF-Medium: Residential Multifamily Medium

Sec. 151.03(H). RMF-High: Residential Multifamily High

Sec. 151.03(I). R-MH: Residential Manufactured Housing

SECTION 151.04. BUSINESS DISTRICTS

Sec. 151.04(A). General Purpose of Business Districts

This subsection sets out the general purpose of the business zoning districts. See discussion in Section 2.2.2, Business and Mixed-Use Districts, of the Diagnosis. The business districts include:

Sec. 151.04(B). CN: Commercial Neighborhood

Sec. 151.04(C). CL: Commercial Limited

Sec. 151.04(D). CG: Commercial General

Sec. 151.04(E). CH: Commercial Highway

SECTION 151.05. MIXED-USE DISTRICT

Sec. 151.05(A). General Purpose of Mixed-Use District

This subsection sets out the general purpose of the mixed-use zoning district.

Sec. 151.05(B). MU: Mixed-Use

This subsection establishes the MU: Mixed Use district. See discussion in Section 2.2.2, Business and Mixed-Use Districts, of the Diagnosis. This district is only allowed as a conditional district in accordance with Sec. 156.05(C), Conditional Zoning Map Amendment

SECTION 151.06. INDUSTRIAL DISTRICTS

Sec. 151.06(A). General Purpose of Industrial Districts

This subsection sets out the general purpose of the industrial zoning districts. See discussion in Section 2.2.3, Industrial Districts, of the Diagnosis. The Industrial districts include:

Sec. 151.06(B). IL: Industrial Light

Sec. 151.06(C). IH: Industrial Heavy

SECTION 151.07. OVERLAY DISTRICTS

Sec. 151.07(A). General Purpose of General Overlay Districts

This subsection sets out the general purpose of the overlay districts. See discussion in Section 2.2.4, Overlay Districts, of the Diagnosis. The overlay districts include:

Sec. 151.07(B). LCR-O: Lewisville-Clemmons Road Overlay

Sec. 151.07(C). T-O: Thoroughfare Overlay

Sec. 151.07(D). VP-O: Village Point Overlay

III. Annotated Outline of Updated UDO

Chapter 151: Zoning Districts

SECTION 151.08. LEGACY DISTRICT

Sec. 151.08(A). General Purpose of Legacy District

This subsection establishes that legacy districts are established to allow land within existing legacy districts to continue to development in accordance with district regulations, but are not to be assigned to additional land in the Village. The only legacy district is Legacy GO: General Office, and the district regulations will be included in an appendix to the updated UDO.

CHAPTER 152: USE REGULATIONS

Chapter 152: Use Regulations, consolidates all use regulations. The article is organized into four sections that address principal uses, accessory uses and structures, temporary uses and structures, and interpretation of unlisted uses.

SECTION 152.01. PRINCIPAL USES

Sec. 152.01(A). General

This subsection sets out the purpose of the principal use table and outlines its organization.

Sec. 152.01(B). Principal Use Table

This includes the heart of the chapter, a principal use table that updates the current permitted use table (Table B.2.6, in Section B-2-4.5(B)). The subsection begins with introductory material explaining how to use the table. The table will reflect revisions to the lineup of zoning districts as discussed in Section 2.2, Simplify and Reorganize Zoning Districts to Better Support Desired Types of Development in the Village, of the Diagnosis, and the new classification system for principal uses (see Sec. 152.01(C) below). The current line-up of principal uses—and their designation as permitted, allowed as a special use, allowed with a zoning permit, or prohibited—will serve as a starting point for modernizing the uses in each zoning district. The principal use table will also include new uses that do not appear in the current code and will modernize the existing lineup of allowable principal uses. In addition, a final column of the principal use table will contain references to applicable use-specific standards (see Sec. 152.01(D) below) for those uses that are subject to specific regulations in addition to general development standards.

Sec. 152.01(C). Classification of Principal Uses

In an effort to provide better organization, precision, clarity, and flexibility to the principal uses listed in the principal use table and the administration of the table, the table and use-specific standards will be organized around the three-tiered concept of use classifications, use categories, and uses (see discussion in Section 2.5, Clarify Uses in a More Logical and Functional Framework, of the Diagnosis). This subsection describes each use category, outlining the principal characteristics of uses in the category and noting examples of included uses and examples of uses and structures deemed accessory to the included uses.

Use classifications, the broadest category, organize land uses and activities into general use classifications such as “Residential Uses,” “Civic and Institutional Uses,” and “Commercial Uses.” Use categories, the second level or tier in the system, is composed of groups of individual types of uses with common characteristics. Example use categories under the Residential Uses classification include “Household Living” and “Group Living.” Use categories are further divided into specific uses based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. Example uses under the Household Living category include “single-family detached dwelling” and “multifamily dwelling.” All uses identified in the principal use table(s) will be defined in Chapter 159: Definitions. This three-tiered

III. Annotated Outline of Updated UDO

Chapter 152: Use Regulations

system of use classifications, use categories, and uses provides a systematic basis for assigning present and future land uses into the zoning districts.

Sec. 152.01(D). Standards Specific to Principal Uses

This subsection sets out standards that always apply to certain principal uses (or if appropriate, apply to certain principal uses in particular zoning districts). If there are exceptions to the use-specific standards, they are identified. Special attention is paid to standards for new principal uses, new standards for carried-forward principal uses, and improving the use-specific standards in the current UDO (largely from Section B-2-5 of the current UDO).

SECTION 152.02. ACCESSORY USES AND STRUCTURES

Accessory uses or structures are those uses or structures that are subordinate to the principal use of a building or land, located on the same lot as the principal use, and customarily incidental to the principal use. For example, a stand-alone automated teller machine is considered as an accessory use to a commercial use, and a swimming pool is typically considered an accessory structure to a single-family dwelling. This section will build on the accessory uses and structures in Section B-2-6 of the UDO but will add a table of accessory uses and structures and more detail about their use and application.

Sec. 152.02(A). General

This subsection sets out the purpose of the section and outlines its organization.

Sec. 152.02(B). Accessory Use/Structure Table

This subsection includes an accessory use table that lists common accessory uses and structures (such as home occupations,

swimming pools, satellite dish antennas, outdoor storage), shows the zoning districts in which each is allowed, and references any use-specific standards applicable to the accessory use or structure. The table largely carries forward and consolidates accessory uses and structures recognized in the current UDO, refining the list to include modern accessory uses and structures (such as solar panels, wind conversion systems, water cisterns, and backyard gardens).

Sec. 152.02(C). Standards for All Accessory Uses and Structures

This includes a set of general standards that generally apply to all accessory uses and structures. This will build upon Section B-2-6.1 of the current UDO.

Sec. 152.02(D). Specific Standards for Accessory Uses and Structures

This subsection sets out standards that always apply to certain accessory uses or structures (or if appropriate, apply to certain accessory uses or structures in particular zoning districts). As with the standards specific to principal uses, special attention is paid to standards for new accessory uses and structures, new standards for carried-forward accessory uses and structures, and improving the standards specific to accessory uses and structures that are included in the current UDO (largely from Sections B-2-6.2 through B-2-6.5).

SECTION 152.03. TEMPORARY USES AND STRUCTURES

This section will add a table of temporary uses and structures and detail their use and application, building upon Section B-2-7 of the current UDO.

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Chapter 152: Use Regulations

Sec. 152.03(A). General

This subsection sets out the purposes of the section and outlines its organization.

Sec. 152.03(B). Temporary Use/Structure

This subsection includes a temporary use table that lists allowed temporary uses and structures and references any use-specific standards applicable to the temporary use or structure.

Sec. 152.03(C). Standards Specific to Temporary Uses and Structures

This subsection sets out standards that always apply to certain temporary uses,

structures, or events (or if appropriate, apply to certain temporary uses or structures in particular zoning districts).

SECTION 152.04. INTERPRETATION OF UNLISTED USES

This section will build on Section B-2-4.3 of the current UDO and provide a procedure and standards to guide how to interpret uses not defined and used in the UDO. The decision is made by the Planning Director.

CHAPTER 153: DEVELOPMENT STANDARDS

Chapter 153: Development Standards, contains the development standards in the UDO related to the physical layout of new development.

SECTION 153.01. ACCESS AND CONNECTIVITY STANDARDS

See discussion in Section 3.2, Reorganize and Update Mobility, Circulation, and Connectivity Standards, of the Diagnosis.

SECTION 153.02. OFF-STREET PARKING AND LOADING STANDARDS

See discussion in Section 3.1, Update Off-Street Parking and Loading Standards, of the Diagnosis.

SECTION 153.03. LANDSCAPING, BUFFERING, AND SCREENING STANDARDS

See discussion in Section 3.3, Reorganize, Modernize, and Refine Landscape, Tree Protection, and Screening and Buffering Standards, of the Diagnosis.

SECTION 153.04. TREE PROTECTION STANDARDS

See discussion in Section 3.3, Reorganize, Modernize, and Refine Landscape, Tree Protection, and Screening and Buffering Standards, of the Diagnosis

SECTION 153.05. OPEN SPACE SET-ASIDE STANDARDS

See discussion in Section 3.4, Add Comprehensive Open Space Set-Aside Standards and New Conservation Subdivision Options, of the Diagnosis.

SECTION 153.06. EXTERIOR LIGHTING STANDARDS

See discussion in Section 3.5, Include New Exterior Lighting Standards, of the Diagnosis.

SECTION 153.07. FENCE AND WALL STANDARDS

This will include new basic standards for fences and walls, such as height limits with respect to front or side yards. The Village also might consider basic material standards in certain parts of the Village.

SECTION 153.08. FORM AND DESIGN STANDARDS

See discussion in Section 3.6, Include New Commercial and Multifamily Form and Design Standards, of the Diagnosis.

SECTION 153.09. SIGNS

This carries forward and updates the sign regulations in Section B-3-2 of the current UDO for consistency with the format of the updated UDO.

SECTION 153.10. RESIDENTIAL COMPATIBILITY STANDARDS

See discussion in Section 3.7, Include New Residential Compatibility Standards, of the Diagnosis.

SECTION 153.11. SUSTAINABLE DEVELOPMENT INCENTIVES

See discussion in Section 3.8, Consider Including Sustainable Development Incentives, of the Diagnosis.

CHAPTER 154: ENVIRONMENTAL STANDARDS

Chapter 154: Environmental Standards, carries forward the substantive regulations currently established in Chapter C of the existing UDO. Some procedures will be consolidated with the other development review and approval procedures in Chapter 156: Administration.

SECTION 154.01. FLOOD DAMAGE PREVENTION

This section builds on Chapter C, Article II of the current UDO.

SECTION 154.02. WATERSHED PROTECTION AND STORMWATER STANDARDS

This section builds on Chapter C, Article III and Chapter C, Article VII of the current UDO.

SECTION 154.03. EROSION CONTROL

This section builds on Chapter C, Article IV of the current UDO.

SECTION 154.04. DAM BREACH HAZARD AREAS

This section builds on Chapter C, Article V of the current UDO.

CHAPTER 155: SUBDIVISION STANDARDS

Article 6: Subdivision Standards, carries forward, reorganizes, and updates the substantive standards that apply to the design of a subdivision, the required infrastructure improvements, and requirements for performance and maintenance guarantees for public improvements. (Subdivision procedures will be consolidated with the other development review and approval procedure in Chapter 156: Administration.)

SECTION 155.01. GENERAL PROVISIONS

This section builds upon Chapter D, Article 1 of the current UDO and adds general requirements relating to subdivision.

SECTION 155.02. DESIGN STANDARDS

This section will identify the general standards for subdivision of land in the Village. It builds on and modernizes the standards in Chapter D, Articles 3–5 of the current UDO, with updates as needed to conform with the updated regulations in Chapter 153: Development Standards, and revisions to address concerns with the existing regulations such as flag lot regulations and the standards for dedication of land for recreation purposes.

SECTION 155.03. CONSERVATION SUBDIVISIONS

This new section will establish alternative standards for conservation subdivisions. See discussion in Section 3.4, Add Comprehensive Open Space Set-Aside Standards and New Conservation Subdivision Options, of the Diagnosis.

SECTION 155.04. PERFORMANCE GUARANTEES

This section carries forward and updates the regulations relating to performance guarantees for installation and maintenance of infrastructure improvements in Chapter D, Article 6 of the current UDO.

CHAPTER 156: ADMINISTRATION

For regulations to be effective, it is important that development review processes are efficient, and that the community's substantive planning and development goals are embedded in the development review standards. An efficient process is achieved when the general framework for review is not redundant, the procedures used and the review standards included result in a reasonable degree of certainty, and the review process for each type of development approval is streamlined to the greatest extent possible without sacrificing assurance that the relevant substantive planning and development goals are used in making development decisions.

Chapter 156: Administration consolidates all development review procedures and creates a set of standard procedures that apply to all development applications. It also makes changes to the development review procedures to streamline and simplify the review process and comply with state law, as discussed in Section 1.7, Update Administrative Procedures to Clarify Processes, Refine Review Criteria, and Comply with State Law, of the Diagnosis.

Section 156.03, Review, Advisory and Decision-Making Bodies and Persons, identifies and clarifies the roles of the different advisory and decision-making bodies and staff responsible for review, advice, and decision-making on applications for development approvals.

Section 156.04, Standard Application Requirements and Procedures, establishes a standard set of review procedures that are generally applicable to the review of all applications for development approvals.

Section 156.05, Application-Specific Review Procedures, includes the specific review standards and any unique procedural review requirements for each individual application.

Each section is outlined and discussed in more detail below.

SECTION 156.01. PURPOSE AND ORGANIZATION

This introductory section provides an overview of the organization of Chapter 156 and serves as a roadmap for readers.

SECTION 156.02. SUMMARY TABLE OF DEVELOPMENT REVIEW PROCEDURES

This section provides an overview of the updated review procedures. It identifies which board or person is responsible for review, advice, or making the decision. The proposed set of review procedures is included in Table II-2: Proposed Development Review Procedures, of the Diagnosis, and reproduced below.

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Chapter 156: Administration

Table II-2: Proposed Development Review Procedures

^ = Pre-application conference required # = Neighborhood meeting required <> = Public hearing required
 R = Review REC = Recommendation D = Decision A = Appeal

Procedure Name	Planning Director	Board of Adjustment	Planning Board	Village Council
Discretionary Review				
UDO Text Amendment [^]	REC		REC	<D>
Zoning Map Amendment [^] #	REC		REC	<D>
Conditional Zoning Map Amendment [^] #	REC		REC	<D>
Site Plan and Subdivision				
Major subdivision				
<i>Preliminary subdivision</i>	REC		REC	D
<i>Final plat</i>	D			
Minor subdivision	D			
Exempt subdivision determination	D	A		
Site plan	D			
Permits				
Special use permit	R	<D>		
Sign permit	D	A		
Zoning permit	D	A		
Temporary use permit	D	A		
Floodplain development permit	[1]			
Stormwater management permit	[2]	A		
Stormwater management occupancy permit	[3]	A		
Land disturbing permit	D	A		
Relief				
Reasonable accommodation	R			D
Variance [^]	R	<D>		
Floodplain variance		<D> [3]		
Administrative adjustment	D	A		
Interpretation	D	A		
Appeals		<D>		

NOTES:

- [1] Decision made by the Floodplain Administrator. See Section C-2-2.5. The text of this procedure will be included with the floodplain regulations in Section 154.01, Flood Damage Prevention, of the updated UDO.
- [2] Decision made by Watershed Administrator. Appeal to the Board of Zoning Adjustment serving as the Watershed Review Board.
- [3] The text of this procedure will be included with the floodplain regulations in Section 154.01, Flood Damage Prevention, of the updated UDO.

SECTION 156.03. REVIEW, ADVISORY AND DECISION-MAKING BODIES AND PERSONS

This section specifies the role of each elected, appointed, and administrative body or individual in review, advice, and decision-making on applications for development approvals, including the following:

- Planning Director
- Floodplain Administrator
- Watershed Administrator
- Board of Adjustment
- Watershed Review Board
- Planning Board
- Village Council

In addition, the updated UDO will assign most staff-level determinations to the Planning Director, and authorize the Planning Director to delegate any authority they are granted in this UDO to any professional-level subordinate staff, as discussed in Section 1.7.2(d), Assign Administrative Decision-Making to Planning Director, of the Diagnosis. This allows Village staff maximum flexibility to change the internal organization of review processes without requiring amendments to the UDO.

This builds on Sections B-9-1, C-6-1.1, and C-6.1.2 of the current UDO.

SECTION 156.04. STANDARD APPLICATION REQUIREMENTS AND PROCEDURES

This section describes the requirements that apply generally to all zoning- and development-related applications, as discussed in Section 1.7.2(c), Clarify and Standardize Language for Standard Application Procedures, of the Diagnosis.

Sec. 156.04(A). Pre-Application Conference

This section establishes requirements for pre-application meetings with staff for certain types of applications, building on the existing regulations in Section B-6-1.1 of the current UDO.

Sec. 156.04(B). Neighborhood Meeting

This section establishes requirements for neighborhood meetings before certain development applications, building on the neighborhood meeting requirement in Section B-6-1.2 of the current UDO.

Sec. 156.04(C). Application Submission and Determination of Completeness

This section establishes standards governing the formal submission of a development application. It specifies the materials required for a complete application, cross-referencing separate application forms and procedures maintained by the Planning Department, identifies requirements for payments in fees in accordance with the Village's fee schedule, and provides standards for requests to withdraw applications prior to scheduling of a public hearing. It also establishes standards for staff review of an application and determination of whether it is complete, and the process for the applicant's submission of a revised application. It builds on Section B-6-1.3 of the current UDO.

Sec. 156.04(D). Staff Review and Action

This subsection establishes the standard review procedures for staff (the Director or a designee) to review and make a recommendation on an application before it is reviewed by an advisory or decision-making body (this includes the authority to refer the application to other Village departments for review, as they apply the standards of the ordinance to an application).

III. Annotated Outline of Updated UDO

Chapter 156: Administration

The subsection will also include the procedures for the staff review and decision on an application.

Sec. 156.04(E). Schedule of Public Hearing and Notification

This section establishes general rules for notification and publication (e.g., what constitutes “posted” and “published” notice). Detailed notice requirements are set forth in the application-specific procedures in Section 156.05, Application-Specific Review Procedures, and may be included in a table in this section.

Sec. 156.04(F). Public Hearings

This section establishes the purpose and intent of public hearings and includes cross-references to rules of procedure for public hearings adopted by Village Council and other review and decision-making bodies.

Sec. 156.04(G). Advisory Body Hearing, Review, and Decision

For applications subject to review by the Planning Board, this subsection establishes the procedures for review and recommendation.

Sec. 156.04(H). Decision-Making Body Hearing, Review, and Decision

This subsection includes procedures pertaining to the conduct of a meeting or public hearing before the decision-making body (typically the Village Council or Board of Adjustment), and the body’s review and decision on the application. It describes generally the types of conditions that may be attached to certain forms of approvals where the procedure expressly allows applications to be approved with conditions.

Sec. 156.04(I). Post-Decision Actions

This subsection describes actions that occur after a decision has been rendered, including

appeals, lapse of approvals, and limitations on subsequent applications.

SECTION 156.05. APPLICATION-SPECIFIC REVIEW PROCEDURES

Discretionary Review

Sec. 156.05(A). UDO Text Amendment

This section establishes the review procedure for amending the text of the UDO. This is a legislative process. The process involves a recommendation by the Planning Director, a recommendation by the Planning Board, and a public hearing and decision by the Village Council. This section replaces the procedure for amendments to the environmental ordinance in Section C-6-2 of the current UDO.

Sec. 156.05(B). Zoning Map Amendment

This section establishes the review procedure for a general amendment to the zoning district map. This is a legislative process. The process includes a neighborhood meeting, a recommendation by the Planning Director, a recommendation by the Planning Board, and a public hearing and decision by the Village Council.

Sec. 156.05(C). Conditional Zoning Map Amendment

This section establishes the review procedure for a conditional amendment to the zoning district map. This is a legislative process. The process includes a neighborhood meeting, recommendation by the Planning Director, a recommendation by the Planning Board, and a public hearing and decision by the Village Council.

III. Annotated Outline of Updated UDO

Chapter 156: Administration

Site Plan and Subdivision

Sec. 156.05(D). Major Subdivision

This section establishes the procedures for review of major subdivisions, based on the existing procedures in Chapter D, Article 4 of the current UDO. The substance of the existing subdivision process, including the preliminary subdivision and final plat stages, will be carried forward, with updates for consistency with state law. See discussion in Section 1.7.2(b), Consolidate Procedures into One Chapter, of the Diagnosis.

Sec. 156.05.D(1). Preliminary Subdivision

Sec. 156.05.D(2). Final Plat

Sec. 156.05(E). Minor Subdivision

This section establishes the procedures for review of minor subdivisions, building on the existing procedures in Chapter D, Article 3 of the current UDO. It involves review and a decision by the Planning Director. See discussion in Section 1.7.2(b), Consolidate Procedures into One Chapter, of the Diagnosis.

Sec. 156.05(F). Exempt Subdivision Determination

This section establishes the procedures for review of subdivisions that are exempted from review by state law or court judgments, building on the existing procedures in Chapter D, Article 2 of the current UDO. It involves review and a decision by the Planning Director.

Sec. 156.05(G). Site Plan

This new section establishes the procedures for review of a site plan. It involves review and a decision by the Planning Director. See discussion in Section 1.7.2(g), Update Site Plan Review, Clarify Zoning Permit, and Remove Certificate of Occupancy Permit, of the Diagnosis. It replaces the site plan review

procedure in Section B-6-2.4 of the current UDO.

Permits

Sec. 156.05(H). Special Use Permit

This section establishes the procedure for the review of special use permit applications. It builds on the existing special use permit procedures in Section B-6-2.8 of the current UDO. The process involves review by the Planning Director. The Board of Adjustment makes the decision following a quasi-judicial public hearing. Unlike the special use permit procedures in the current UDO, the Village Council does not make decisions on any special use permits.

Sec. 156.05(I). Sign Permit

This section establishes the procedure for confirming that a sign conforms with the sign regulations in Section 153.09, Signs. The procedure will involve review and a decision by the Planning Director, building on the procedure in Section B-3-2.1(B)(a) of the current UDO.

Sec. 156.05(J). Zoning Permit

This section establishes the procedures for zoning permits, based on the existing procedure in Section B-6-2.2 of the current UDO. The process will involve review and decision by the Planning Director. See discussion in Section 1.7.2(g), Update Site Plan Review, Clarify Zoning Permit, and Remove Certificate of Occupancy Permit, of the Diagnosis.

Sec. 156.05(K). Temporary Use Permit

This section establishes the procedures for temporary use permits, based on the existing procedures in Section B-6-2.3 of the current UDO. The process will involve review and decision by the Planning Director.

III. Annotated Outline of Updated UDO

Chapter 156: Administration

Sec. 156.05(L). Floodplain Development Permit

This section establishes the procedures for floodplain development permits, based on the existing procedures in Section C-2-2 of the current UDO. The process will involve review and decision by the Floodplain Administrator.

Sec. 156.05(M). Stormwater Management Permit

This section establishes the procedures for stormwater management permits, based on the existing procedures in Section C-3-3 of the current UDO. The process will involve review and decision by the Watershed Administrator.

Sec. 156.05(N). Stormwater Management Occupancy Permit

This section establishes the procedures for stormwater management occupancy permits, based on the existing procedures in Section C-3-3 of the current UDO. The process will involve review and decision by the Watershed Administrator.

Sec. 156.05(O). Land Disturbing Permit

This section establishes the procedure for land disturbance permits, based on the existing procedures in Section C-4-16 of the current UDO. The process will involve review and decision by the Planning Director.

Relief

Sec. 156.05(P). Reasonable Accommodation

This section establishes the procedure for a reasonable accommodation from the terms of the UDO for a physically or mentally disabled individualized seeking access to housing. The process involves review by the Planning Director. The Village Council makes

the decision following a quasi-judicial public hearing.

Sec. 156.05(Q). Variance

This section establishes the procedure for a variance from the terms of the UDO where a literal enforcement of its provisions would result in unnecessary hardship. The process involves review by the Planning Director. The Board of Adjustment makes the decision following a quasi-judicial public hearing.

Sec. 156.05(R). Floodplain Variance

This section establishes the procedure for a variance from the floodplain regulations. The process involves a decision by the Board of Adjustment following a quasi-judicial public hearing.

Sec. 156.05(S). Administrative Adjustment

This section establishes the procedure for approval of minor modifications to development standards, as discussed in Section 1.7.2(h), Add an Administrative Adjustment Procedure, of the Diagnosis. The process will involve review and decision by the Planning Director.

Sec. 156.05(T). Interpretation

This news section establishes procedures for applying for a formal written interpretation of the UDO by the Planning Director, as discussed in Section 1.7.2(j), Add a Separate Procedure for Formal Interpretations of the UDO, of the Diagnosis.

Sec. 156.05(U). Appeals

This section carries forward the process for appeals of administrative decisions in Section B-6-2.11 of the current UDO. The Board of Adjustment makes the decision following a quasi-judicial public hearing.

CHAPTER 157: NONCONFORMITIES

Chapter 157: Nonconformities, consolidates all rules pertaining to nonconformities. It builds on the nonconformity provisions in Chapter B, Article V of the current UDO. This article incorporates these existing provisions, with updates to incorporate best practice provisions that are found in modern codes to better support project goals.

SECTION 157.01. GENERAL APPLICABILITY

Sec. 157.01(A). Purpose and Scope

This subsection establishes that the chapter addresses legally established uses, structures, lots, and signs that do not comply with requirements in the updated UDO.

Sec. 157.01(B). Authority to Continue

This subsection recognizes all lawfully established nonconformities will be allowed to continue in accordance with the standards of this UDO, building on Sections B-5-2.2 and B-5-4.2 in the current UDO.

Sec. 157.01(C). Determination of Nonconformity Status

This subsection includes a standard provision stating the landowner, not the Village, has the burden of proving the existence of a lawful nonconformity.

Sec. 157.01(D). Minor Repairs and Maintenance

This subsection states that routine maintenance of nonconforming structures, nonconforming uses, nonconforming lots, and nonconforming signs is permitted and that landowners will be allowed to maintain these nonconformities in the same condition they were at the time the nonconformity was established, building on Section B-5-4.3.

Sec. 157.01(E). Changes in Tenancy or Ownership

This subsection will state that a change of tenancy or ownership will not, in and of itself, affect nonconformity status.

SECTION 157.02. NONCONFORMING USES

This section establishes specific rules governing nonconforming uses. It will simplify Section B-5-1 of the existing UDO. The section will address enlargement, discontinuation, and change in use. It is suggested that the conversion of existing nonconforming uses to nonconforming uses with lesser impact be prohibited or allowed following staff review, replacing the Board of Adjustment procedure described in Section B-5-2.4.

SECTION 157.03. NONCONFORMING STRUCTURES

This section establishes specific rules governing nonconforming structures. It will build on Section B-5-4 of the existing UDO with some refinement and clarification. It will address enlargement, abandonment, relocation, and reconstruction after damage.

SECTION 157.04. NONCONFORMING LOTS OF RECORD

This provision addresses established lots of record that were platted or legally created prior to the effective date of the updated UDO, but that do not meet the dimensional requirements of the zoning district where

III. Annotated Outline of Updated UDO

Chapter 157: Nonconformities

they are located. It will incorporate the existing regulations in Section B-5-3 of the current UDO. This section will also address nonconforming lots in non-residential neighborhoods.

SECTION 157.05. NONCONFORMING SIGNS

This section will add basic standards addressing nonconforming signs and carry forward the amortization provisions for on-premises and off-premises signs in Section B-5-2.9 of the current UDO.

CHAPTER 158: ENFORCEMENT

Chapter 158: Enforcement, establishes procedures and standards to ensure compliance with the provisions of the UDO, and obtain corrections for violations. It builds on Section B-9-2 and Section D-1-F of the current UDO. It also sets forth the remedies and penalties that apply to violations of the UDO.

SECTION 158.01. PURPOSE

This section sets forth the purpose of the enforcement section.

SECTION 158.02. COMPLIANCE REQUIRED

This section clarifies that compliance with all provisions of the UDO is required. This section builds upon Section B-1-5.1 of the current UDO.

SECTION 158.03. VIOLATIONS

This new section consolidates the existing enforcement provisions throughout the UDO, including those dealing with flood damage prevention, landscaping, subdivisions, zoning, and signs. It explains that it shall constitute a violation to fail to comply with any provision of the UDO, or the terms or conditions of any development approval or authorization granted in accordance with the UDO. The section also more specifically identifies both general violations as well as specific violations.

SECTION 158.04. RESPONSIBLE PERSONS

This new section indicates who is responsible for a violation when it occurs. The section will be drafted to assign responsibility as broad as legally possible, and states that any person who violates the UDO is subject to the identified remedies and penalties.

SECTION 158.05. ENFORCEMENT, REMEDIES, AND PENALTIES

This section will include general provisions regarding enforcement of any UDO violations, including who is responsible for enforcement, as well as available remedies and penalties. This section will provide opportunities for remedies including, for example, stop orders, revocation of development authorizations, authority for the Village to conduct repairs or correct other code violations that pose a serious threat to public health, safety or welfare, and authorize the Village to seek orders of abatement and other forms of relief. This section builds upon Section B-9-2 of the current UDO.

CHAPTER 159: DEFINITIONS AND RULES FOR CONSTRUCTION AND INTERPRETATION

Chapter 159: Definitions and Rules for Construction and Interpretation, builds on the provisions and definitions in the current UDO. In addition, it will include new, modernized, refined, and modified definitions, as appropriate. It will also enhance the definitions and the use of definitions by:

- Including rules of construction;
- Consolidating all rules of measurement and definitions;
- Adding definitions of all uses identified in the use tables in Chapter 152: Use Regulations; and
- Removing standards from the definitions and relocating them to appropriate places in the UDO.

SECTION 159.01. RULES OF CONSTRUCTION

This section addresses general issues relating to the construction of language, including the computation of time, mandatory vs. discretionary terms (e.g., shall vs. may), tenses, and so forth. This section builds on and consolidates the existing rules for interpreting the UDO (including Section C-3-2.2) and, where necessary, adds new provisions.

SECTION 159.02. RULES OF INTERPRETATION

This section builds on and consolidates the existing rules for interpreting the UDO (including Sections C-3-2.2 and C-7-2.2) and, where necessary, adds new provisions.

SECTION 159.03. RULES OF MEASUREMENT

This section consolidates and establishes the rules for all types of measurement used in the UDO (such as how to measure bulk and dimensional requirements like height, width, setbacks, lot area, how encroachments into required yards will be determined and

regulated, and the other measurements that are required to interpret standards). It provides a central location where the user can go if there is a need to apply a rule of measurement. Graphics are used in this section to assist in the explanation of the different rules of measurement, with the proviso that in cases of conflict between a graphic and the text of the UDO, the text controls.

SECTION 159.04. DEFINITIONS

This section consolidates all definitions of terms used throughout the UDO. As discussed in Section 1.5, Make the Language Clearer and More Precise, of the Diagnosis, we will evaluate all existing definitions, and then refine and modernize the definitions, and add new definitions, as appropriate, so the updated UDO has a clear, modern, and workable set of definitions. We will use the definitions found in the current UDO as a starting point for the definitions section, but will add definitions related to the zoning districts, the uses, development standards, and other elements of the UDO, as necessary. We will also revise definitions as necessary to ensure that the definitions do not contain substantive or procedural requirements.

III. Annotated Outline of Updated UDO

Chapter 159: Definitions and Rules for Construction and Interpretation

Finally, we will verify that key definitions conform to state and federal law, and constitutional requirements.

Definitions that will be consolidated in this section include the definitions in Chapter A, Definitions Ordinance, the watershed

protection and Phase II stormwater quality management definitions in Section C-3-2, the erosion control definitions in Section C-4-2, the stormwater quality management definitions in Section C-7-2, and the definition of a subdivision in Section D-1(D).

IV. Appendix

IV. Appendix

A full-size example of a zoning district layout from another community is included on the following pages.

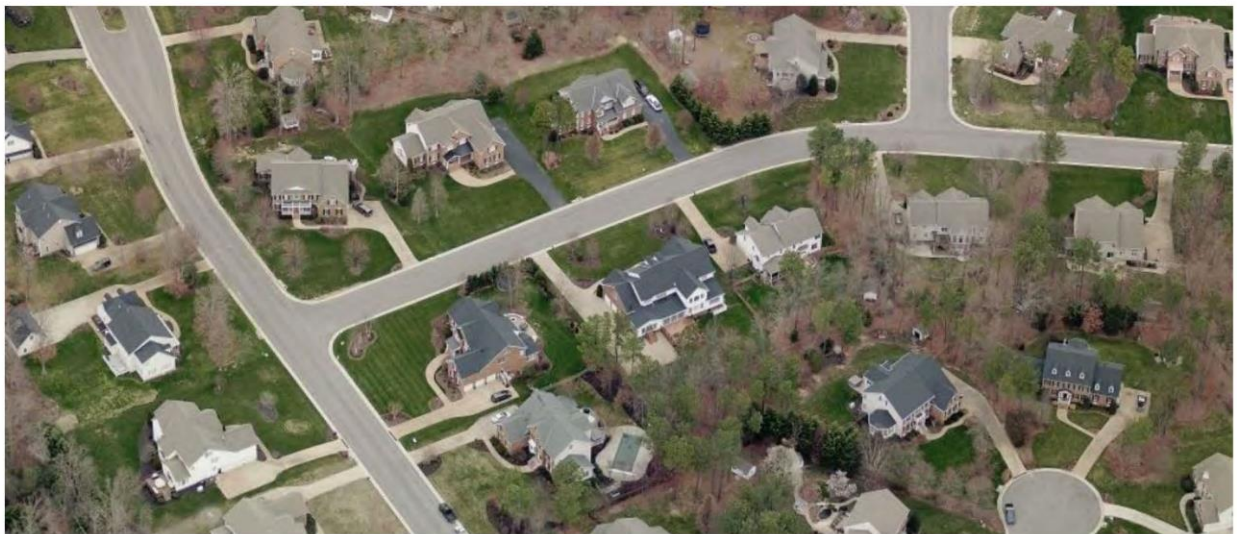
Sec. 24-3306. R-1A One-Family Residence District

A. Purpose

The purpose of the R-1A One-Family Residence District is to provide and protect residential areas wherein the predominant pattern of residential development is the one-family dwelling. Allowed uses include:

- One-family dwellings on lots of 21,500 sq. ft.; and
- Supporting institutional, recreational, and public facilities and uses.

B. Concept



C. Use Standards

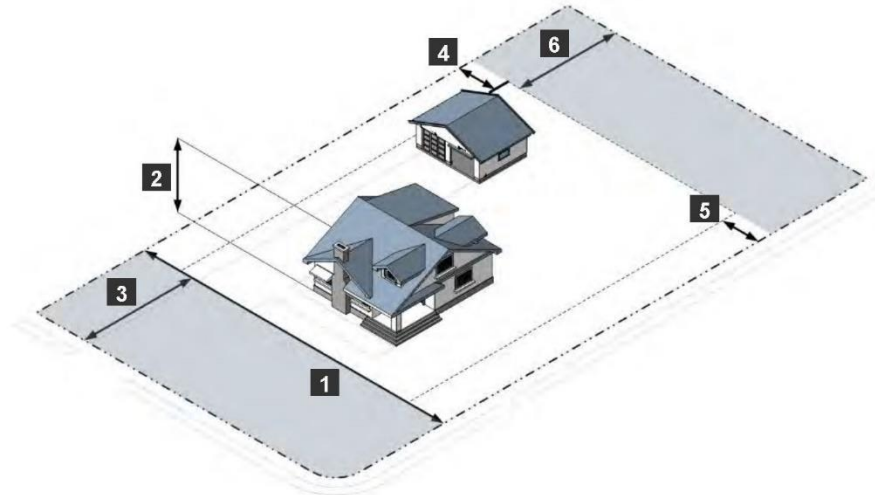
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

D. R-1A District Dimensional Standards

Standard	Dwellings	All other uses
Lot area, minimum	21,500 sf	1 ac
1 Lot width, minimum (feet)	125	150
2 Structure height, maximum (feet)	40	45
3 Front yard, minimum (feet)	45 ^[1]	50
4 Interior side yard, minimum (feet)	15	40
5 Street side yard, minimum (feet)	25 ^[1]	40
6 Rear yard, minimum (feet)	45 ^[1]	50

NOTES:

[1] Additional minimum yard requirements apply if a yard is adjacent to a road identified on the major thoroughfare plan. See Sec. 24-3105.D, Additional Minimum Yard Requirements Adjacent to Major Thoroughfares.



E. Reference to Other Standards

Article 4	Use Regulations	Article 5, Division 6	Neighborhood Compatibility
Article 5, Division 1	Access, Circulation, Off-Street Parking, and Loading	Article 5, Division 7	Signs
Article 5, Division 2	Required Open Space	Article 5, Division 8	Chesapeake Bay Preservation
Article 5, Division 3	Landscaping and Tree Protection	Article 5, Division 9	Environmentally Friendly Design Incentives
Article 5, Division 4	Fences and Walls	Article 6	Nonconformities
Article 5, Division 5	Exterior Lighting and Crime Prevention	Article 8	Definitions