

**ACTION REQUEST FORM**

**DATE:** August 7, 2015  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, Director of Planning and Development Services

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on an ordinance amendment proposed by City-County Planning and Development Services staff

**SUMMARY OF INFORMATION:**

An ordinance amendment proposed by City-County Planning and Development Services staff amending the *Unified Development Ordinances* to revise flood damage prevention regulations. (UDO-265).

**PLANNING BOARD ACTION:**

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

## STAFF REPORT

**DOCKET #** UDO-265

**STAFF:** [Kirk Ericson](#)

### **REQUEST**

This text amendment is proposed by City-County Planning and Development Services staff to amend Chapter C of the *Unified Development Ordinances* (UDO) to revise flood damage prevention regulations.

### **BACKGROUND**

The Winston-Salem Engineering Division is currently designing a section of greenway through a complicated area that must negotiate an active rail line. The best design option for this greenway segment is to use and modify an existing culvert that is located in a flood protection zone. The proposed design modifies the culvert which crosses beneath the rail line so that the greenway is elevated just above the normal water surface elevation of the stream.

The Engineering Division hired a consultant to perform a flood study to determine the impacts of the culvert modification to the existing flood elevation. This study indicated that the rise will exceed the current allowable limit in the Environmental Ordinance of the UDO, which limits the encroachment impacts to a maximum rise in flood elevation of one-half foot. In order to construct this project, and other similar future greenway projects, an amendment to the existing ordinance provision will be needed.

### **ANALYSIS**

The proposed text amendment will allow greenway projects to exceed the current one-half foot rise limit, provided that such projects obtain Federal Emergency Management Administration (FEMA) approval through the Conditional Letter of Map Revision (CLOMR) process. A finalized Letter of Map Revision (LOMR) must also be obtained from FEMA upon completion of the proposed project. The proposed change will provide greater flexibility in the construction of greenway projects, while still making sure such projects do not have a detrimental effect on adjacent floodplains. Projects constructed under the proposed amendment will still be in compliance with the objectives of the Environmental Ordinance and applicable FEMA regulations.

This text amendment also references utilities maintenance projects in addition to greenways under this new provision. Utilities projects are often constructed adjacent to greenways, face similar design/construction challenges, and these minor maintenance projects would also benefit from greater flexibility.

Additionally, the existing regulations in UDO Section C.2-3.2(A) have been re-organized with an emphasis on user-friendliness. Overall, staff believes the proposed ordinance change will allow for greater flexibility in project design while still providing adequate oversight of greenway and utility maintenance projects, and protection to our community's floodplains.

**RECOMMENDATION**

**APPROVAL**

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR UDO-265  
AUGUST 13, 2015**

Kirk Ericson presented the staff report.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe moved approval of the text amendment.

SECOND: Allan Younger

VOTE:

FOR: George Bryan, Melynda Dunigan, Tommy Hicks, Arnold King, Clarence Lambe,  
Paul Mullican, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning and Development Services

**UDO-265**  
**AN ORDINANCE AMENDING**  
**CHAPTER C OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**TO REVISE FLOOD DAMAGE PREVENTION REGULATIONS**

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Chapter C, Article II of the UDO is amended as follows:

**Chapter C - Environmental Ordinance**  
**Article II - Floodway and Floodway Fringe Regulations**

**2-3 STANDARDS FOR FLOOD DAMAGE REDUCTION**

**2-3.2 SPECIFIC STANDARDS**

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section C.2-1.6 or Section C.2-3.4, the following provisions, in addition to the provisions of Section C.2-3.1, are required:

**(A) Limits of Encroachment**

~~The area of encroachment may not include more than fifty percent (50%) of the area of the floodway fringe on the zoning lot where it is located. The area of encroachment may not extend toward the stream channel more than one-half the distance between the outer edge of the floodway fringe and the outer edge of the floodway at any point, unless a certified engineering study demonstrates that any encroachments result in no more than a one-half foot rise in flood elevation. Measurement of the fifty percent (50%) area and one-half distance of encroachment are calculated from each outside edge of the floodway fringe.~~

- (1) Encroachments which include fifty percent (50%) or less of the area of the floodway fringe on the zoning lot where such encroachments are located, and which do not extend toward the stream channel more than one-half the distance between the outer edge of the floodway fringe and the outer edge of the floodway at any point, may be approved without a certified engineering study, provided the encroachment meets all other standards of this Ordinance.
- (2) Encroachments which include more than fifty percent (50%) of the area of the floodway fringe on the zoning lot where such encroachments are located, and/or which extend toward the stream channel more than one-half the distance between the outer edge of the floodway fringe and the outer edge of the floodway at any point may only be approved if a certified engineering study demonstrates that such encroachments result in no more than a one-half foot rise in flood elevation.
- (3) Encroachments into the floodway fringe resulting from utilities maintenance projects, or greenway projects identified in the "Greenway Plan" or other plans or policies adopted by the City-County Planning Board, Winston-Salem City

Council and/or the Forsyth County Board of Commissioners, may exceed the one-half foot rise in elevation if said project also meets the requirements of Section C.2-3.6(A)(2).

- (4) Measurement of the fifty percent (50%) area and one-half distance of floodway fringe encroachment are calculated from each outside edge of the floodway to the edge of the floodway fringe.

**Section 2.** This ordinance shall be effective upon adoption.