

STAFF REPORT

DOCKET # UDO-229

STAFF: [Aaron King](#)

REQUEST

A UDO Text Amendment proposed by Planning staff to amend Chapters A and B of the UDO to revise screening requirements for utility service areas and common recreation area requirements for multifamily developments

BACKGROUND

The subject request is composed of two different issues that have been brought to staff's attention:

Utility Service Areas

Utility service areas consist of transformers, HVAC equipment, generators, etc. These are all necessary components of the built infrastructure, however due to their appearance the *Unified Development Ordinances* (UDO) currently requires them to be screened from view from adjacent rights-of-way. Staff has become aware that as downtown continues to redevelop, many of the overhead power lines are now being relocated underground. This is a significant benefit to the City as the visual clutter associated with the network of overhead power lines and poles is slowly being placed out of sight. As a trade off, when the power lines are placed underground the need for aboveground transformers is generated.

In research of this text amendment, staff surveyed downtown to see how many utility service areas were currently being screened and also to see if the screening is still needed/effective. While there is a significant number of utility service structures downtown, staff believed they generally fell into two groups: individual structures and groupings of structures. Staff believes that the individual structures do not pose the same appearance issues that is seen with the groupings of structures.

Common Recreation Area

The UDO currently requires that multifamily residential developments with forty or more units provide common recreation area at a rate of 100 square feet per unit. Over the past decade staff has seen an increase in higher density multifamily projects located in downtown Winston-Salem and the surrounding urban neighborhoods. Staff is supportive of higher densities at appropriate locations and believes it is a key component of our Growth Management Plan.

One issue that has been raised as a difficulty in developing higher density multifamily projects is meeting the common recreation area requirements currently in the UDO. The requirement for common recreation can be somewhat cumbersome on a dense project located in an urban area. For example, a development with 100 units would be required to provide 10,000sf of open space- roughly the size of an average single family lot. Staff believes the current common recreation space requirement is still valid for suburban-style multifamily developments that have

more land to accommodate said development. However, staff believes that it's appropriate to reduce the current requirement for dense, urban multifamily projects. Generally, in the urban neighborhoods surrounding downtown Winston-Salem, there is a greater number of parks, recreation centers, sidewalks, and greenways that already serve to provide recreation opportunities to residents in those areas. Additionally, a number of these urban residential developments provide other types of recreational space, or fitness opportunities such as rooftop decks, fitness or exercise rooms, pools, or other indoor amenities.

ANALYSIS

Staff believes that both issues merit revisions to the UDO. They are both a product of increased interest in Winston-Salem's downtown and surrounding urban areas.

With respect to utility service areas, staff proposes to exempt individual structures from the current screening requirements for two reasons: (1) staff believes these individual structures are not an unattractive nuisance, rather they are part of the urban infrastructure that is common to downtowns; and (2) some of the allowed screening measures are likely to look worse than the individual structure they are screening. Staff does believe the groupings of utility structures need to be addressed, but not by completely screening them from view. Rather, minimal evergreen shrub plantings go a long way to softening the appearance of multiple structures.

For the issue involving urban residential common recreation areas, staff feels that a reduction in required common recreation area from 100sf per unit to 50sf per unit is appropriate under certain circumstances. Projects located in Growth Management Areas (GMA) 1 (City/Town Centers) and 2 (Urban Neighborhoods) with densities of twenty dwelling units per acre or higher appear to be a reasonable threshold for reducing said requirement. These are likely going to be projects with structured/underground parking where buildings cover the vast majority of the site, leaving little opportunity to provide common recreation areas.

RECOMMENDATION

APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-229
MARCH 8, 2012**

Aaron King presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning text amendment.

SECOND: Wesley Curtis

VOTE:

FOR: Wesley Curtis, Arnold King, Clarence Lambe, Barry Lyons, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

NOTE: Due to some confusion about this item the request will be revisited at the next Planning Board Work Session.

UDO-229
AN ORDINANCE PROPOSED BY CITY-COUNTY PLANNING STAFF
AMENDING CHAPTERS A AND B OF
THE *UNIFIED DEVELOPMENT ORDINANCES* (UDO)
TO REVISE: (1) SCREENING REQUIREMENTS FOR UTILITY SERVICE AREAS;
AND, (2) COMMON RECREATION AREA REQUIREMENTS FOR
MULTIFAMILY DEVELOPMENTS.

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

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

Chapter A – Definitions Ordinance

Article II – Definitions

RECREATION AREA, COMMON. An area of open space or other recreational areas (indoor or outdoor) which ~~is~~ are required in certain types of developments for active or passive recreational uses.

Section 2. Chapter B, Article II of the UDO is amended as follows:

Chapter B - Zoning Ordinance

Article II – Zoning Districts, Official Zoning Maps and Uses

3-4 LANDSCAPING AND TREE PRESERVATION STANDARDS

3-4.6 UTILITY SERVICE AREA SCREENING STANDARDS (W)

(A) **Applicability**

~~Utility service area structures built after the adoption of this Ordinance are required to be screened from street rights-of-way or vehicular rights-of-way, whether or not it may provide access to the site, provided that said structures have vertical dimensions exceeding five (5) feet or horizontal dimensions in excess of five (5) feet, and are located less than one hundred (100) feet from the nearest street right-of-way.~~

Utility service area structures built after the adoption of this Ordinance shall meet the following screening requirements:

- (1) Individual Structures. Individual utility service area structures shall be exempt from screening requirements.
- (2) Multiple Structures/Groupings of Structures in GMA 1. Two or more utility service area structures located/grouped within ten (10) feet of each other (measured structure-to-structure), located within GMA 1, and located less than one hundred (100) feet from the nearest street right-of-way shall be exempt from the screening requirements of Section 3-4.6(B). However, a row of evergreen shrubs which have a minimum installation height of eighteen (18) inches and shall be spaced no more than thirty-six (36) inches, edge to edge shall be planted around the sides of the structure that are not used to access the inside of the structure. Groupings of utility service area structures that adjoin a building shall not be required to provide plantings between said utility service area and the building.
- (3) Multiple Structures/Groupings of Structures in GMA's 2,3,4 & 5. Two or more utility service area structures located grouped within ten (10) feet of each other (measured structure-to-structure), located within GMA's 2,3,4, & 5, and located less than one hundred (100) feet from the nearest street right-of-way shall meet the screening requirements of Section 3-4.6(B).

(B) Screening

Where screening for utility service areas is not provided by an intervening building, said screening may be accomplished by locally adapted evergreen or deciduous plantings or an opaque fence or wall.

- (1) **Installation Height.** Plantings shall have a minimum installation height of eighteen (18) inches, be spaced no more than eighteen (18) inches, edge to edge, and be expected to reach a height and width equal to or greater than the utility service structures that are being screened.
- (2) **Fences or Walls.** Fences or walls shall be opaque, of masonry, stone, or wooden material, or of the same material as that of the principal building, if applicable, and of a height and width equal to or greater than the utility service structures that are being screened.

(C) Responsible Party

Screening for utility service areas in a street right-of-way is to be installed by the utility or party who installed the service; in all other instances the property owners shall install required screening. Where screening for public utility service areas is to be provided by private property owners, such screening shall be installed only after consultation with the utility who owns the device to be concealed. No screening shall be installed that would impair the safe operations, maintenance, or function of the utility equipment.

3-6 COMMON RECREATION AREAS

3-6.1 APPLICABILITY

All multifamily developments containing forty (40) or more units, and all manufactured home developments, shall provide on site common recreation area as required in this section. Elderly housing, life care communities, and other developments occupied exclusively by persons who are at least fifty-five (55) years old or disabled are exempt from the requirements of this section.

3-6.2 MINIMUM SIZE

In GMA's 1 & 2, a minimum of fifty (50) square feet per unit shall be devoted to common recreation areas; and in GMA's 3,4, & 5 a ~~A~~ minimum of one hundred (100) square feet per unit shall be devoted to common recreation areas.

Section 3. This ordinance shall be effective upon adoption.