

ACTION REQUEST FORM

DATE: June 29, 2007
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Text Amendment proposed by City-County Planning Board Staff

SUMMARY OF INFORMATION:

Text Amendment proposed by City-County Planning Board Staff to amend Chapters B and C of the *Unified Development Ordinances* to provide alternative compliance provisions for mechanically stabilized slopes in the PB, CB, CI, and MU-S Zoning Districts (UDO 175).

PLANNING BOARD ACTION:

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

STAFF REPORT

DOCKET # UDO-175
STAFF: Kirk Ericson

REQUEST

This UDO text amendment is proposed by City-County Planning Board staff to amend Chapter B, Article II, and Chapter C, Article V of the UDO to amend regulations for mechanically stabilized slopes in Growth Management Area (GMA) 1 and to create specific revegetation requirements for mechanically stabilized slopes.

BACKGROUND

Current UDO standards specify a maximum height for mechanically stabilized slopes of ten feet, with a requirement of intervening terraces of at least ten feet in width between mechanically stabilized slopes. While this height restriction is appropriate in less intensely developed suburban locations, staff believes that this requirement may be too inflexible in areas where dense, pedestrian oriented mixed-use development is desired. This type of development is identified in *Legacy* as the appropriate type of development for urban environments, such as GMA 1. As a result, deviation from the aforementioned standards may be appropriate in GMA 1. Staff is proposing this text amendment in order to address this concern.

ANALYSIS

Staff believes that alternative compliance from the existing height limitations for mechanically stabilized slopes would be an appropriate provision in GMA 1. Mechanically stabilized slopes are slopes which restrain erosion through the use of timber or masonry retaining walls, riprap, cribs, or similar structures. Increased flexibility from other UDO standards, such as parking and landscape requirements, is already provided as an incentive to encourage development in this growth management area. This text amendment would provide alternative compliance from the absolute retaining wall height limits of this ordinance for development in the PB, CB, CI, and MU-S Districts in GMA 1 through Elected Body approval of a Special-Use rezoning.

Development in GMA 1 should demonstrate a compact and pedestrian oriented design. In order to facilitate this type of development, intense use of land must be encouraged. Given the topography of this region, retaining walls are a common necessity in intensely developed downtown and center city areas. However, retaining walls with intervening terraces consume valuable land that would be more appropriately used for additional development. Staff recognizes that development in urban environments usually requires a greater deal of site manipulation and engineering than development in suburban environments. The proposed alternative compliance provision is an expansion of the current UDO provision allowing for wing walls and similar earth retaining devices required for the structural support of buildings, culverts, and similar structures to be greater than ten feet in height with approval of the Director of Inspections. The Inspections Division is confident that the proposed alternative compliance would not be accompanied by any safety concerns. While the ten foot height limit for mechanically stabilized slopes is still appropriate for other growth management areas, alternative compliance can be justified for specific developments in GMA 1 where the Elected Body

believes deviation from the absolute ordinance standards is appropriate, and it is permitted through Special-Use District zoning applicable to a specific development project.

This text amendment also modifies the planting requirements for mechanically stabilized slopes in all growth management areas. The Inspections Division is of the opinion that the current, generalized revegetation requirements for all slopes greater than three to one (3:1) are not adequate for mechanically stabilized slopes. The root growth of the larger plant materials specified in the existing planting requirements may be detrimental to the long-term success of these structures. In order to address this concern, planning staff worked with Inspections and Vegetation Management staff to develop specific planting requirements and a list of appropriate planting materials for use with mechanically stabilized slopes. These planting requirements would apply to mechanically stabilized slopes meeting the standard ten foot height limit as well as mechanically stabilized slopes approved under the proposed alternative compliance provision.

RECOMMENDATION

APPROVAL.

Kirk Ericson presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Jerry Clark moved approval of the zoning text amendment.

SECOND: Clarence Lambe

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

UDO-175
AN ORDINANCE AMENDING THE REQUIREMENTS
FOR MECHANICALLY STABILIZED SLOPES IN THE PB, CB, CI, AND MU-S
DISTRICTS IN GROWTH MANAGEMENT AREA 1

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 B – Zoning Ordinance, Article II – Zoning Districts, *Official Zoning Maps*, and Uses is amended as follows:

Chapter B - Zoning Ordinance
Article II - Zoning Districts, *Official Zoning Maps*, and
Uses

2-1 ZONING DISTRICTS

2-1.3 COMMERCIAL ZONING DISTRICTS - PURPOSE STATEMENTS AND REGULATIONS

(F) PB Pedestrian Business District

(3) Supplementary District Standards.

- (a) Parking. See Section B.3-3.5(D)(1).
- (b) Screening Mechanical Equipment. All on-site mechanical equipment shall be screened in accordance with Section B.3-4.5(B).
- (c) Within GMA 1.
 - (i) General Dimensional Requirements. Except as specified in this section, there are no general dimensional requirements for the PB District within GMA 1, provided that each additional foot of height in excess of sixty (60) feet shall be set back a minimum of four (4) feet from properties zoned RS, RSQ, or H. A minimum forty (40) foot setback from any residential district (except RMU) shall be required in accordance with Section B.3-1.2(J) Supplementary Dimensional Requirements. Under no circumstances shall the heights of structures exceed one hundred and fifty (150) feet.

- (ii) Streetyard. See Section B.3-4.3(B)(6).
- (iii) Parking in ~~PB District~~. See Section B.3-3.5(D)(1)(d).
- (iv) Mechanically Stabilized Slopes. See Section C.5-7(B)(3)
- (d) Minimum lot sizes for single family residences and multifamily developments must meet the requirements of Table B.3.4.
- (e) Parking. Shared parking may be permitted in accordance with the requirements of Section B.3-3.5(B).
- (f) Loading. Shared loading may be permitted in accordance with the requirements of Section B.3-3.6(E).
- (g) Building Entrance Orientation. All buildings in the PB District shall have at least one principal building entrance oriented to the street. No surface off-street parking or unloading spaces, except a maximum of two (2) spaces in accordance with Section B.3-3.5(D)(1)(b)(i), shall be located between that building wall and the street or an extension of that building wall through the entire street frontage.
- (h) Building Walls With Street Frontage. Building walls with street frontage shall emphasize pedestrian-oriented architectural features such as façade articulation, windows, awnings, porticoes and similar features.
- (i) Alternative Compliance (PB-S Districts). Alternative site plans which deviate from the strict application of the supplementary district standards in Section B.2-1.3(F)(3) , but which adhere to the PB purpose statement, may be approved through the Special Use District zoning process in Section B.6-2.2.

(K) CB Central Business District.

- (1) Purpose.** The CB District is intended for application in GMA 1. The district is established to encourage 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. These uses may be mixed on the same tract or within the same structure.
- (2) General Dimensional Requirements.** Except as specified in this section, there are no general dimensional requirements for the CB District.

- (3) **Streetyard.** Please refer to Section B.3-4.3(B)(5) for streetyard requirements applicable in the CB District.
- (4) **Setbacks from Residential Districts.** Whenever a lot in a nonresidential district other than the NB or NO Districts shares a common boundary line with a lot in a residential district (except RM-U), YR, AG, or H District with no intervening street or highway, the lot in the nonresidential district shall have a required setback along the shared boundary line of not less than forty (40) feet or shall have the required setback for the nonresidential district, whichever is greater.

(5) Supplementary District Requirements.

- (a) Mechanically Stabilized Slopes.** See Section C.5-7(B)(3)

2-1.4 INDUSTRIAL ZONING DISTRICTS - PURPOSE STATEMENTS AND REGULATIONS

(D) CI Central Industrial District

(5) Supplementary District Requirements.

- (a) **Sidewalks.** Sidewalks shall be required along both sides of all streets and shall connect buildings with open space areas.
- (b) **Screening.** Loading, service and utility areas shall be visually screened or designed and located in a manner not to have an adverse visual impact from any adjoining street, excluding limited access interstates, expressways or highways.
- (c) Mechanically Stabilized Slopes.** See Section C.5-7(B)(3)

2-1.5 INSTITUTIONAL AND MIXED USE ZONING DISTRICTS - PURPOSE STATEMENTS AND REGULATIONS

(C) MU-S Mixed Use - Special Use District

- (3) **Supplementary District Requirements.** Minimum lot sizes for single family residences, duplexes, twin homes and multifamily developments must meet the requirements of Table B.3.4. Other supplemental district requirements are:
 - (j) MU-S Tier 1. This tier includes GMA 1, Activity Center cores, the nominal 1/8 mile area surrounding streetcar lines, and the core of regional rail TODs. Developments in Tier 1 shall meet the following additional requirements:

- (i) At least one entrance per building must face the primary street.
- (ii) Vertical mixing of uses is required of all developments
- (iii) In vertically mixed use buildings, fifty percent (50%) or more of the first floor area must consist of retail, office, or institutional uses.
- (iv) Buildings shall have a maximum front setback of fifteen (15) feet unless alternative provisions for public/private open space in accordance with the MU-S purpose statement.
- (v) **Mechanically Stabilized Slopes.** See Section C.5-7(B)(3)

Section 2. Chapter C – Zoning Ordinance, Article V – Environmental Ordinance, Erosion Control, is amended as follows:

Chapter C - Environmental Ordinance

Article V - Erosion Control

5-7 MANDATORY STANDARDS FOR LAND DISTURBING ACTIVITY

No land disturbing activity subject to the control of this section of the Ordinance shall be undertaken except in accordance with the following mandatory standards:

(A) BUFFER ZONE

- (1) **Lake or Natural Watercourse.** No land disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land disturbing activity. This subdivision shall not apply to a land disturbing activity in connection with the construction of facilities to be located on, over or under a lake or natural watercourse.
- (2) **Width of Buffer Zone.** Unless otherwise provided, the width of a buffer zone is measured from the edge of the water to the nearest edge of the disturbed area, with the twenty-five percent (25%) of the strip nearer the land disturbing activity containing natural or artificial means of confining visible siltation.

(B) GRADED SLOPES, MECHANICALLY STABILIZED SLOPES AND FILLS

(1) Slope Specifications. No cut or fill greater than ten (10) vertical feet shall be made which creates a slope steeper than one and one-half (1.5) to one (1.5:1) unless approval is granted during plan review by the Director of Inspections. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures. The angle for graded slopes and fills must be demonstrated to be stable. Stable is the condition where the soil remains in its original configuration, with or without mechanical constraints. Mechanically stabilized slopes, including but not limited to riprap, cribs, timber or masonry retaining walls, shall not exceed ten (10) feet in height without intervening terraces ten (10) feet in width with a maximum slope of three to one (3:1). In any event, slopes left exposed and such terraces will, within twenty-one (21) calendar days of completion of any phase of grading, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.

(2) Exceptions. With prior approval of the Director of Inspections, the ten (10) foot height limit for mechanically stabilized slopes may be increased for:

(a) Wing Walls and Earth Retaining Devices. Wing walls allowing subgrade access and other earth retaining devices required for the structural support of buildings, bridges, dams, culverts, or similar structures; or,

(b) Stormwater Channels. Mechanical stabilization required for engineered stormwater channels.

(3) Alternative Compliance for PB, CB, CI, and MU-S Districts in GMA

1. The ten (10) foot height limit for mechanically stabilized slopes may be approved for alternative compliance by the Elected Body through the Special Use District Zoning process for developments in the PB, CB, CI, and MU-S districts in GMA 1.

(C) FILL MATERIAL

Unless a permit from the Department's Division of Waste Management to operate a landfill is on file for the official site, acceptable fill material shall be free of organic or other degradable materials, masonry, concrete and brick in sizes exceeding twelve (12) inches, and any materials which would cause the site to be regulated as a landfill by the State of North Carolina.

(D) GROUND COVER AND REVEGETATION OF SLOPES

(1) Deadlines for Establishing Ground Cover. Whenever land disturbing activity is undertaken on a tract requiring a permit under Section C. 5-16, the person conducting the land disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover and slope revegetation sufficient to restrain erosion after completion of construction or development. Except as provided in Section C. 5-8.2(E), provisions for a ground cover sufficient to restrain erosion must be accomplished within twenty-one (21) calendar days of completion of any phase of grading.

(2) Revegetation of Slopes. All cut and fill slopes in excess of three (3) to one (3:1) slope and greater than ten (10) feet in height and intervening terraces required in Section C. 5-7.(B)(1), except mechanically stabilized slopes, shall be revegetated to provide plant cover over the entire area. Said revegetation shall include a minimum of one tree per two hundred (200) square feet of surface area. The trunk of any required tree shall be no closer than ten (10) feet from any other required tree. Said trees may be a mixture of evergreen and deciduous, a minimum of twelve (12) inches high at planting with a minimum height at maturity of twenty-five (25) feet.

(3) Revegetation of Mechanically Stabilized Slopes. All mechanically stabilized slopes with intervening terraces required in Section C.5-7(B)(1) shall be revegetated to provide plant cover over the entire terrace area. The trunk of any required tree shall be no further than ten (10) feet from any other required tree. Said trees shall be a minimum of thirty-six (36) inches high at planting with a minimum height at maturity of ten (10) feet.

(a) Suggested Plant Materials for Revegetation of Slopes. The following plant materials are acceptable for the revegetation of slopes. Due to individual site soil, moisture, and microclimate conditions, professional expertise should be sought to determine the appropriate plant materials for any particular development project:

- Crepe Myrtle
- Wax Myrtle
- Star Magnolia
- Dwarf Burford Holly
- Mugo Pine
- Viburnum

Oakleaf Hydrangea
Hetz Junipers
Ligustrum
Cherry Laurel
Althea
Red Twig Dogwood
Buddleia
Camellia
Cleyera
Winged Euonymus
Filbert
Washington Hawthorn
Inkberry
Fortune's Osmanthus
Pawpaw
Chinese Witchhazel

Section 3. This ordinance shall be effective upon adoption.