

City Council – Action Request Form

Date: January 10, 2023

To: Mayor, Mayor Pro Tempore, and Members of the City Council

From: Aaron King, Assistant City Manager
Chris Murphy, Director of Planning and Development Services

Council Action Requested:

Request for Public Hearing on an ordinance amendment to the *Unified Development Ordinances (UDO)* to add that the first/bottom layer of asphalt be installed and approved in subdivision streets prior to acceptance of surety for remaining infrastructure improvements and final plat recordation (UDO-CC20).

Strategic Focus Area: Livable Neighborhoods

Strategic Objective: N/A

Strategic Plan Action Item: N/A

Key Work Item: N/A



Summary of Information:

The City’s Engineering Department has requested an amendment to the UDO to clarify the street construction requirements which must be met for a development to be eligible for plat recordation. The amendment seeks to codify an existing policy that requires the first/bottom layer of asphalt to be applied to streets prior to plat recordation, which allows individual lots to be sold to private individuals.

This policy has been in place for years and is understood by the local development community. However, recently, there has been confusion amongst developers outside of the local market about the specific requirements for plat recordation. By requiring the initial layer of asphalt, the risk of the structural integrity of the stone base of the right-of-way to be compromised if exposed to cold weather conditions is minimized.

The Planning Board held a public hearing on the ordinance amendment on December 8, 2022, and unanimously recommended approval with an 7-0 vote. Staff will be available to present UDO-CC20 at the January 2023 CD/H/GG Committee meeting.

Committee Action:

Committee	<hr/>	Action	<hr/>
For	<hr/>	Against	<hr/>
Remarks:	<hr/>		

UDO-CC20
AN ORDINANCE AMENDING CHAPTER 3 OF THE *UNIFIED DEVELOPMENT ORDINANCES* (UDO) TO ADD THAT THE FIRST/BOTTOM LAYER OF ASPHALT BE INSTALLED AND APPROVED IN SUBDIVISION STREETS PRIOR TO ACCEPTANCE OF SURETY FOR REMAINING INFRASTRUCTURE IMPROVEMENTS AND FINAL PLAT RECORDATION

Be it ordained by the _____, that the Unified Development Ordinances are amended as follows:

Section 1. Section 3.2.5 of the UDO is amended as follows:

3 PROCEDURES

3.2 SPECIAL DEVELOPMENT APPLICATIONS

3.2.5 FINAL PLAT

B. REQUIRED INFORMATION AND CERTIFICATES

2. PLAT RECORDATION: RESIDENTIAL (SINGLE FAMILY; DUPLEX; TWIN HOME; TRIPLEX; AND TOWNHOUSE)

Prior to Recordation of Plat:

- a. Construction plans for infrastructure (public and private) approved by the appropriate jurisdiction, and
- b. Complete all utilities (unless City-County Utilities Director has agreed to surety in lieu of construction for off-site sewer outfalls), drainage, curbing, stone base, first/bottom layer of asphalt, and street signs to be in place, approved and functioning. ~~In lieu of~~ Prior to placing first/bottom layer of asphalt, developer shall protect manholes, inlets, pipes, valves, hydrants, and curb during building construction, and
- c. Detailed estimate of incomplete infrastructure, based on approved plans in **Section 3.2.5B.2.a** ~~above~~, prepared by the design engineer and approved by the holder of the surety, and
- d. Form and conditions of surety for incomplete infrastructure approved by the City Attorney to be held until final acceptance of streets, drainage, and utilities.
- e. For duplex, triplex, townhouse, and multifamily development, two (2) stage platting will be allowed. The final plat will verify common wall and infrastructure as-built locations.

Section 2. This ordinance shall be effective upon adoption.

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as highlighted. Items with a single underscore are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

STAFF REPORT

DOCKET: UDO-CC20
STAFF: [Steve Smotherman](#)

REQUEST

An ordinance amendment proposed by Planning and Development Services staff modifying Chapter 3 of the *Unified Development Ordinances (UDO)* amending Section 3.2.5B.2, Final Plat Required Information and Certificates, to add that the first/bottom layer of asphalt be installed and approved in subdivision streets prior to acceptance of surety for remaining infrastructure improvements and final plat recordation.

BACKGROUND

Staff has requested an amendment to the UDO to clarify the street construction requirements which must be met for development to be eligible for plat recordation. The amendment aims to codify an existing policy to remove confusion developers may have regarding the plat recordation process. This policy specifies that the first/bottom layer of asphalt shall be applied to streets prior to plat recordation, which allows individual lots to be sold to private individuals. Requiring this initial layer of asphalt minimizes the potential for the structural integrity of the stone base of the right-of-way to be compromised if exposed to cold weather conditions.

This requirement has been the de-facto policy for several years and is well-understood by local developers. However, in recent years, there has been confusion amongst developers based in other markets thinking that a final subdivision plat could be recorded with only a stone base installed over water, sewer, and storm sewer lines within laid curb and gutter.

SUMMARY:

Staff believes the proposed amendment will codify current operating procedures regarding street construction requirements necessary for plat recordation and remove any potential confusion within the development community. Staff presented this amendment conceptually to the Quarterly Development Forum in September 2022, with no issues being raised at that time. Staff sent a follow-up email with the proposed ordinance language to forum members in early November 2022, and no issues have arisen since the September meeting.

RECOMMENDATION: APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-CC20
DECEMBER 8, 2022**

Steve Smotherman presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

MOTION: Clarence Lambe recommended approval of the ordinance amendment.

SECOND: Walter Farabee

VOTE:

FOR: George Bryan, Walter Farabee, Clarence Lambe, Chris Leak, Salvador Patiño,
Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

Chris Murphy, AICP/CZO
Director of Planning and Development Services