

STAFF REPORT

DOCKET # UDO-193

STAFF: [Aaron King](#)

REQUEST

This UDO text amendment is proposed by City-County Planning Board staff to allow greater flexibility in the platting requirements for commercial, industrial, multifamily residential, and institutional uses that are part of a master-planned site.

BACKGROUND/ANALYSIS

As development projects have become increasingly complex in recent years, the need to separate them into separate pieces/phases for the purpose of financing has increased. This need to phase a project may require the developer to subdivide the overall project into separate lots to secure financing from one or more lenders and, to further satisfy lending requirements, may require that each lot be separately owned. Currently, the UDO requires that staff only approve subdivision plats that meet all ordinance requirements. On a large commercial or multifamily site, it may be difficult to subdivide the overall project into parcels that meet all requirements of the UDO.

Given the evolving nature of development financing, staff understands the need to allow greater flexibility in securing financing for large commercial or multifamily projects. Staff proposes language be added to Chapter D (Subdivision Regulations) that would allow greater flexibility in the platting requirements of large development projects. The language proposed would allow staff to approve a plat for a piece/phase of the overall development, which may not by itself, meet all minimum requirements of the UDO. The overall project would still meet minimum UDO requirements and approval of the plat would tie its compliance to the overall site.

RECOMMENDATION

APPROVAL

David Reed presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

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

SECOND: Arthur King

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-193
AN ORDINANCE AMENDING
CHAPTER D OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ADD FLEXIBILITY TO THE PLATTING REQUIREMENTS FOR THE PURPOSE
OF FINANCING OR REFINANCING.

Be it ordained by the Winston-Salem/Forsyth County Planning Board, that the *Unified Development Ordinances* is hereby amended as follows:

Chapter D – Subdivision Regulations

1. GENERAL PROVISIONS AND ADMINISTRATION

(N) Platting Exception for Financing/Refinancing

For the purposes of financing or refinancing development projects, it is sometimes necessary to subdivide a previously approved project (for a use other than single family residential) originally located on a single zoning lot into two or more lots under different ownership. The Director of Planning/Plat Review Officer may approve such a subdivision without respect to the minimum dimensional, parking, landscaping, buffering, and density requirements otherwise specified in the UDO for newly subdivided lot(s); provided the following findings have been satisfied:

- (1) The subdivision is located within a development project that has been previously approved by the appropriate Elected Body, Planning Board, or is part of a common plan of development approved through the issuance of a zoning permit by the Inspections Division;
- (2) The overall project satisfies all ordinance requirements or is considered legally nonconforming; and,
- (3) Each final plat created shall contain a note stating that the owner(s) acknowledge that the individual parcel is a part of the named development project and that deeds of easement, restrictive covenants, and/or other legal documents necessary for the perpetual functioning of the development project, approved as a whole, will be executed and recorded with the final plat; and,
- (4) The following note shall be placed on the face of the plat prior to approval: “The property shown on this plat is a single part of a larger development project, and independently does not meet minimum UDO requirements. Prior to any modifications to this property, the petitioner should contact the City/County Planning Department.”

Section 2. This ordinance shall be effective upon adoption.