FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _________________ AGENDA ITEM NUMBER: ____________

SUBJECT:-

A. Public Hearing on Zoning Text Amendment to the City-County Subdivision Regulations by the City Engineering Department, City-County Inspections Division, County Health Department, County Tax Office, City Public Works, City Police, City Fire, County Fire, E911, City Information Systems Department, and City-County Planning Board staff to amend various sections of Chapter D, SUBDIVISION REGULATIONS, of the Unified Development Ordinances relating to platting requirements (UDO-136).

B. Approval of Ordinance

COUNTY MANAGER’S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board recommended approval of the rezoning text amendment.

ATTACHMENTS:-   X YES   ___NO

SIGNATURE: ____________________________ DATE:
DATE:       June 22, 2005
TO:         The Honorable Mayor and City Council
FROM:       A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Text Amendment proposed by City Engineering Department, City-County Inspections Division, County Health Department, County Tax Office, City Public Works, City Police, City Fire, County Fire, E911, City Information Systems Department, and City-County Planning Board staff

SUMMARY OF INFORMATION:

Zoning Text Amendment to the City-County Subdivision Regulations by the City Engineering Department, City-County Inspections Division, County Health Department, County Tax Office, City Public Works, City Police, City Fire, County Fire, E911, City Information Systems Department, and City-County Planning Board staff to amend various sections of Chapter D, SUBDIVISION REGULATIONS, of the Unified Development Ordinances relating to platting requirements (UDO-136).

PLANNING BOARD ACTION:

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

Request for Public Hearing on text amendment proposed by the City Engineering Department, City-County Inspections Division, County Health Department, County Tax Office, City Public Works, City Fire, County Fire, E911, City Information Systems Department, and City-County Planning Board staff, to amend Chapter D Subdivision Regulations of the Unified Development Ordinances relating to platting requirements.

BACKGROUND

In an effort to improve the efficiency of the development review process and ensure public safety and the responsible use of public resources, all of the above mentioned City and County departments have worked together to review and propose this amendment to the Subdivision Regulations. Each of the proposed changes was brought to the attention of the Planning staff as a problem relating to code enforcement, development review, tax mapping, or safety. An interdepartmental group came together to address the issues through a series of meetings over several months and these proposed amendments are the result of that work. The City Engineer has been in conversations with some of the local builders for several months specifically regarding the proposed changes to the bonding requirements and the Homebuilders/Realtors representative attended a meeting in early May with the interdepartmental group that drafted the amendment. An offer was made to the Homebuilders/Realtors representative at that meeting to have another meeting with some of the homebuilders if there was any interest.

ANALYSIS

The draft text amendment ordinance includes seven sections. The sections are presented in the order in which they appear in the UDO Subdivision Regulations.

Sections 1 and 3 are intended to address the large number of street name changes and development name changes that occur after preliminary approval. Under current policy, Planning staff allows revisions to both the development name and all of the street names in a development at any time prior to the recording of final plats. At the same time, plans with the street names that were approved as part of the preliminary approval are being reviewed by other agencies. The changes have caused delays, confusion, and inefficiency for interdepartmental staff. There is no language addressing these name changes in the Subdivision Regulations and staff recommends the development name and street names be established when preliminary approval is granted by the Planning Board. If a developer wishes to change the street names or
the development name after preliminary approval, a request must be submitted to the Planning staff. In that case, application requirements would include new plans for redistribution and a fee established by the Planning Board. A coordinated redistribution and review process will address the delays, confusion, and inefficiency caused by the existing policies.

Section 2 is intended to clarify the requirement that the use of private sewer systems is at the discretion of the City-County Utilities Commission staff. The revised language is intended to address situations in which builders install septic systems within the City limits of Winston-Salem and later the City has to pay to extend the sewer lines when the homeowners petition for sewer service. The new language clarifies that the extension of sewer lines is not at the builder’s discretion.

Section 4 is a proposed revision to the bonding provisions of the Subdivision Regulations. The language in the Subdivision Regulations relating to the completion of street and utility improvements prior to the recordation of final plats allows for those items to be bonded. The language does not specify that any portion of the work be completed as long as an adequate bond, surety, or letter of credit is submitted. This provision allows for dangerous situations by allowing home construction to begin before roads, drainage, and utility systems are in place to serve the property with fire, police, and ambulance services. Allowing the bonding of 100 percent of the work also puts the public sector in the position of assuming the risk of the project and being responsible in case of non-performance for making the improvements to a private development. Staff recommends amending the Subdivision Regulations to require that the majority of the street and utility improvements be in place prior to the recordation of final plats and sureties only be used for a very limited number of final requirements such as the final top coat of asphalt on the streets.

Public safety staff submitted the following comments regarding this issue: “During construction phase, emergency response may be needed due to construction worker injuries, theft of construction site materials, etc. An access road, as part of site development infrastructure, needs to be available for emergency response before construction begins.”

The proposed language does not limit the opportunity for the logical phasing of the development, however, it does restrict the ability to sell lots off the plat prior to the infrastructure being in place. The need for adequate public safety access to these building sites is the driving motivation for these changes.

Section 5 is necessary to keep the language consistent with the changes proposed in Section 4. Street name signs and street traffic signs will be installed prior to the signing of final plats which will contribute to enhanced emergency response services.

Section 6 is a proposed revision to require street addresses and parcel identifiers be established prior to approval of the final plat. Under current policy, the street addresses and tax mapping data are entered into those systems after the final plat is recorded. This creates confusion and delays in tax administration because once plats are recorded, lots can be sold and building permits can be issued.
The proposed Section 6 changes to the Subdivision Regulations will address many of the workflow issues described below by various city and county agencies.

The Inspections office supplied the following list of problems associated with the current policy:

- Immediately after plat recordation, builders/developers will come to Inspections to apply for permits on newly created lots. The permits can not be issued at that time because no addresses have been assigned and the new parcel data has not been entered into the Tax Office system, and up-loaded into the Hansen permitting system. The applicant has to leave and then Inspections has to call the applicant to come back to get the permit only after the parent parcel from which the new lot(s) were created has been identified, and addresses have been researched and assigned. Developers and builders often complain about the amount of time they have to wait to get permits for newly platted lots.

- The Hansen permitting system requires that a valid parcel and associated address be used to issue construction permits. Permits can not be issued to newly created lots that have not been up-loaded from the Tax office database. In these cases we have to associate permits to the still valid parent parcel from which the new lots (child parcels) were created. The associated parent parcel data must then be manually manipulated, to the extent possible, to reflect correct attributes of the child parcel.

- The manual manipulation of parcel data necessary to issue construction permits for newly created lots takes extra staff time and resources. This reduces our efficiency and delays other unrelated permits or projects.

- Parcel data that has been manually entered is not as accurate as mistakes can be easily made and overlooked.

- Some construction permits will be issued with erroneous or inaccurate parcel data that should be changed at a future date. We have no way of knowing the data has changed or needs correcting and only go back and change parcel data after a problem has arisen.

- There could be legal liability for the issuance of construction permits with incorrect parcel data.

- Field inspections can be delayed because of difficulty of locating properties based upon erroneous addressing/parcel data at the time of permit issuance.

- Delays in acquiring utility services sometimes results from having erroneous parcel data on construction permits.
The City Information Systems Department supplied the following list of problems associated with the current policy:

**Current Problems Caused by Delay in Street/Address Assignment**

<table>
<thead>
<tr>
<th>City Department</th>
<th>Application System</th>
<th>Description of Problem</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Inspections</td>
<td>Permit Management</td>
<td>All permit information is accessed through address and lot/block. Inspectors create a new address in the application if it does not already exist. Final assignment of address may not match entered address. Effect is that the software does not find many permits. There are duplicate addresses that result in confusion to customer, reports may not be accurate, and unable to merge data with other systems.</td>
</tr>
<tr>
<td>Sanitation</td>
<td>RouteSmart</td>
<td>Delays in address assignment and notification to city results in addresses not entered into the master database until several months after a person moves into property. Pickup routes do not include these residents.</td>
</tr>
<tr>
<td>All</td>
<td>CRM</td>
<td>The software tries to validate the address of the service request. If the address does not exist, the person enters an address, which is often incorrect and leads to confusion when trying to find the site.</td>
</tr>
<tr>
<td>Police and Fire</td>
<td>Dispatching</td>
<td>The e911 system matches a telephone number with a valid address that can be used to dispatch staff. If there is not a match, the caller is asked to provide the address. If this address does not validate against the city address database, additional information must be requested. Each step increases the time to respond.</td>
</tr>
<tr>
<td>Utilities C&amp;M, DOT, Streets, Vegetation Management, Recreation and Parks</td>
<td>Work Order Management</td>
<td>All assets (pipes, manholes, sewers, etc.) are recorded in the application software by location. New construction cannot be entered accurately until street and address information exists in the master database. Conditions similar to Permit Management in Building Inspections can occur.</td>
</tr>
<tr>
<td>Housing &amp; Neighborhood Services</td>
<td>Code Enforcement</td>
<td>Address locations are updated via a weekly batch update from the County’s mainframe system. Conditions similar to Permit Management in Building Inspections can occur.</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>City Department</th>
<th>Application System</th>
<th>Description of Problem</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utilities Customer Service</td>
<td>Cayenta Billing and Administration</td>
<td>Uses Street Index file to validate street name and block range. If a record is not found in the street index file due to a delay, Utilities staff must either delay work order, or proceed with manual address verification, risking inconsistencies with actual address and other systems.</td>
</tr>
<tr>
<td>Finance/Revenue</td>
<td>Business Licenses</td>
<td>System is to perform street lookup to validate that an address is within the City limits, thus a dependency on the Street Index file. Failure to find the street results in extra manual work.</td>
</tr>
<tr>
<td>Utilities</td>
<td>Landfill Permits</td>
<td>System performs street lookup to validate a street name and that a given address is within the address block range, thus a dependency on the Street Index file. Failure to find the street results in extra manual work.</td>
</tr>
<tr>
<td>All</td>
<td>Web Services</td>
<td>Address validation is key to adding new web services that allow a constituent to obtain information based upon where they live or work (ex: neighborhood, office location).</td>
</tr>
<tr>
<td>Streets</td>
<td>Street Pavement Tracking</td>
<td>System performs street lookup to validate a street name and that a given address is within the address block range, thus a dependency on the Street Index file. Failure to find the street results in extra manual work.</td>
</tr>
</tbody>
</table>

The County Health Department Division of Environmental Health supplied the following comments regarding the proposed changes:

Since the health department is probably the first agency to look at a particular piece of property in the county before a building permit can be issued (when municipal sewerage is not available), it would be very valuable to capture the permit/denial work on the property (identified by a parcel identifier that will not change) during this first visit. The assigned address would then be the reference for all city/county work on the particular piece of property. When a consistent property identifier is not available on the improvement permit application, an additional burden is placed on the health department to match work done on parcels which are permanently identified at a later date. This addressing delay can lead to the misfiling of data on a lot, can delay making accurate information available to the public, real estate agents, the public or other agencies in a time manner.

**Section 7** is a proposed revision that will allow the necessary time to make the address and parcel identifier assignments prior to final plat approval. Although the proposed change appears to add an additional 2 ½ weeks to the review time, it is important to remember that the address
assignment under the current system takes an average of one week and is initiated after the plat is recorded. Under the proposed changes, the address assignments will already be done when the final plat is approved.

Also, it is typical for the time between when a plat is submitted for final review and when the plat is actually signed is on average approximately two weeks. Often there are outstanding items such as utilities inspections, surety approval, street sign and stop sign inspections, and owner’s signatures that get resolved after the plats have been presented for final review. Those types of items can be completed during the proposed 15 working day review period.

Most importantly, however, is the need to have the correct parcel identifier in place when the plat is approved. This will facilitate a more efficient use of government resources by addressing many of the inefficiencies described above. Given all the present confusion, lack of coordination, and likelihood of redoing parts of the process when changes are made or errors are discovered, it is quite possible that the proposed process change could save time for the developers.

**RECOMMENDATION**

**APPROVAL**, with a proposed effective date of August 1, 2005 (to allow the administrative procedures changes to be put in place).

David Reed presented the staff report.

**PUBLIC HEARING**

FOR:

Several departments heads briefly addressed their reasons for participating in this text amendment and it's importance to them:

Homer Craig, Assistant Chief of Winston-Salem Police Department, 1526 Jonestown Road, Winston-Salem, NC

Dennis Newman, Chief Information Officer, City of Winston-Salem

Charley Norton, Inspections Superintendent, City-County Inspections Division

Rick Plunkett, Fire Administrator for Forsyth County Fire Department

Angela Little, City of Winston-Salem Fire Department, Assistant Fire Marshall

Russell Byrd, City Engineer

Pete Rodda, Forsyth County Tax Assessor and Collector and Winston-Salem Tax Collector
Glenn Cobb, Government Affairs Director, HomeBuilders and Realtors Associations, 195 Executive Park Blvd. also spoke. He expressed thanks to the staff for allowing him to come meet with them and praised them for sorting through the complex issues involved in this situation. The only concern that our homebuilders and developers have is the amount of time it may take to get the tax parcel and identifying numbers on the final plat. We just throw that out as something to keep an eye on. Will it greatly slow down the commencement of building? Everything else we're in support of and think it's going to make a lot of good steps.

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following points were made:

1. The Board discussed the time limit and process. Paul Norby: How about adding a sentence "Verification that all necessary corrections have been made and stamping and signing of the verified final plat shall occur within one working day."

2. A significant amount of discussion was not at the microphones and was not understandable on the tape. However, the Board discussed the amendment in detail and gave consideration to all the fine points before voting on it.

MOTION: Dara Folan moved approval of the zoning text amendment.
SECOND: Carol Eickmeyer

MOTION: Dara Folan amended his motion to include the language: "Verification that all necessary corrections have been made and stamping and signing of the verified final plat shall occur within one working day."
SECOND: Carol Eickmeyer seconded the amendment.

VOTE:
FOR: Clark, Eickmeyer, Folan, King, Lambe, Mullican, Smith
AGAINST: None
EXCUSED: None

A. Paul Norby, AICP
Director of Planning
UDO-136
AN ORDINANCE AMENDING
CHAPTER D SUBDIVISION REGULATIONS OF
THE UNIFIED DEVELOPMENT ORDINANCES
REGARDING PLATTING REQUIREMENTS

Be it resolved, by the City-County Planning Board of the City of Winston-Salem and Forsyth County, North Carolina that the Unified Development Ordinances (UDO) is hereby amended as follows:

Section 1. Chapter D Subdivision Regulations Chapter D 4. (B) (1) Streets or Roads is hereby amended as follows:

(q) Street names will be approved by the Planning staff and shall be shown on the preliminary subdivision plat. To change the street names after preliminary or construction plan approval, a request must be submitted to the Planning staff. Application requirements include new plans for redistribution and a fee established by the Planning Board.

Section 2. Chapter D Subdivision Regulations Chapter D 4. (B) (3) (b) Sewerage is hereby amended as follows:

(ii) If public sewer is not available as determined by the City-County Utilities Commission staff, the preliminary subdivision plat and the final plat shall indicate the private sewer systems to be used.

Section 3. Chapter D Subdivision Regulations Chapter D 4. (B) (4) Other is hereby amended by adding the following:

(i) Development name will be approved by the Planning staff and shall be shown on the preliminary subdivision plat. To change the development name after preliminary or construction plan approval, a request must be submitted to the Planning staff. Application requirements include new plans for redistribution and a fee established by the Planning Board.

Section 4. Chapter D Subdivision Regulations Chapter D 4. (H)(2) Required Information and Certifications is hereby amended as follows:

a. Street and Utilities Improvements. No final plat shall receive approval by Planning staff until the completion of all required street and sidewalk infrastructure improvements have been certified to the Planning staff by the Director of Public Works, Assistant City Manager - Public Works, City Engineer, and/or the District Engineer of the North Carolina Department of Transportation. In lieu of improvements being completed prior to signing the final plats, the following may be provided:

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.

UDO136 June 2005
(i) **Performance Bond.** For subdivisions within the corporate limits of Winston-Salem, Kernersville, Clemmons, and Lewisville; or within areas identified on the *Street Construction Standards Map* adopted by the Planning Board and on file in the office of the Planning Board (see Appendix for map); or within any areas proposed for annexation into the corporate limits of Winston-Salem, Kernersville, Clemmons, and Lewisville; final plats may be approved when the subdivision owner(s) have filed, with the Treasurer of the jurisdiction, a performance bond with corporate seal. The performance bond shall be satisfactory to the Attorney of the jurisdiction as valid, sufficient and enforceable in an amount adequate to cover the total cost of street improvements specified therein as estimated by the Director of Public Works. Such bond shall be conditioned upon the performance of all work necessary to make the specified improvements within a stipulated period not to exceed two (2) years from the date of the bond. Such bond shall provide that suit which may be instituted by the jurisdiction for breach of any term(s) or condition(s) by the failure of the principal to perform the obligation(s) in all respects within one year from the end of the stipulated period during which the work required is to be performed. An example of a performance bond can be obtained in the office of the Planning Board. An irrevocable letter of credit issued by a bank in a form approved by the Attorney of the jurisdiction or a deposit of funds in escrow may be accepted in lieu of bond under the same terms and conditions applicable to bonds. The bond, letter of credit, or deposit may be released by the jurisdiction when the specified improvements covered by the bond have been completed and approved by the Director of Public Works as being in accordance with the jurisdiction's standards and specifications. An example of an irrevocable letter of credit can be obtained in the office of the Planning Board. Notwithstanding the above requirements, if a development is financed in whole or in part through aid from the Federal Housing Authority or another agency of the federal or State governments, and said federal or State agency requires the filing of performance and payment bonds to insure completion of the specified improvements in accordance with approved plans, the filing of said performance and payment bonds is to be accepted in lieu of the bond described above.

(ii) **Performance Surety.** For subdivisions within applicable areas of Forsyth County, the provisions of Section 4(H)(2)(a)(i) for final plat approval and performance surety shall apply, except that the estimated amount of the surety adequate to cover the total cost of street improvements specified therein shall be provided by the District Engineer of North Carolina Department of Transportation. Such surety shall be made payable to the jurisdiction and held through by the Treasurer of the jurisdiction. The surety may be released when

NOTE: Items to be deleted are indicated with a *strikeout*; items to be added are indicated with an *underscore*.
Prior to approval of a final plat, at a minimum, the following essential elements of the approved infrastructure SHALL be in place, functioning and acceptable for use:

a. Streets adequate to provide all-weather access to all building lots/structures. This will include sub grade, stone base, two inches of asphalt, curbing and drainage.

b. Water and sewer mains and services, including off site outfalls/connections. Temporary pump and haul of sewage in lieu of outfall will not be allowed unless an exception due to a public health need is granted by the City-County Utilities Commission staff.

c. Individual lot/home addresses, lot numbers, and property identification numbers shall be prominently placed to facilitate location of individual lots during construction of the homes/building.

Surety WILL be required for the completion of the following infrastructure items:

1. Final layer of asphalt on public streets,
2. Sidewalks and driveways within public rights of way,
3. Street trees (if required),
4. Seeding of public rights-of-way and easements,
5. Miscellaneous punch list items identified by Engineering construction staff during inspections,
6. Miscellaneous items identified by the City-County Utilities Commission staff.

(iii) The developer or design engineer shall prepare a detailed, unit price cost estimate for submittal to the City Engineer or his designee for review and approval. This estimate shall include a minimum of 10% contingency and shall be the basis for establishing the amount of the surety posted. The surety bond shall be satisfactory to the Attorney of the jurisdiction as valid, sufficient and enforceable. Such surety shall be conditioned upon the performance of all work necessary to make the specified improvements within a stipulated period not to exceed two (2) years from the date of the surety. Such surety shall provide that suit which may be instituted by the jurisdiction for breach of any term(s) or condition(s) by the failure of the principal to perform the obligation(s) in all respects within one year from the end of the stipulated period during which the work required is to be performed. A bond, an irrevocable letter of credit issued by a bank in a form approved by the Attorney of the jurisdiction or a deposit of funds in escrow may be accepted under the same terms and conditions applicable to sureties. The bond, letter of credit, or deposit may be released by the jurisdiction when the work is completed.

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.

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specified improvements covered by the bond have been completed and approved by the Director of Public Works as being in accordance with the jurisdiction's standards and specifications. Notwithstanding the above requirements, if a development is financed in whole or in part through aid from the Federal Housing Authority or another agency of the federal or State governments, and said federal or State agency requires the filing of performance and payment bonds to insure completion of the specified improvements in accordance with approved plans, the filing of said performance and payment bonds is to be accepted in lieu of the sureties described above.

(b) Public or Private Utilities. No final plat shall receive approval unless the following public or private utilities have either been constructed or approved plans prepared and, if applicable, the execution guaranteed by a good and sufficient surety or performance bond as discussed in Section 4(H)(2)(a)(i):

(i) For all subdivisions which propose to use public water or public sewer facilities, such public facilities shall be installed in conformance with standards specified by the Utilities Commission (F,W,C,L)/Public Works Department (K):

(ii) Street Traffic Signs. (F,W,C,L) Street traffic signs (e.g., stop signs, etc.) shall be installed in accordance with the specifications of either the Public Works Department of the City of Winston-Salem, the Public Works Department of the Town of Kernersville, or the North Carolina Department of Transportation, whichever is the appropriate agency, prior to final plat approval. If bonds are posted for street construction in the subdivision, these bonds shall not be released until said street traffic signs are installed to the specifications of either the Public Works Department of the City of Winston-Salem, the Public Works Department of the Town of Kernersville, or the North Carolina Department of Transportation.

(l) Street Name Signs. (F,W,C,L) Street name signs shall either be installed in the subdivision in accordance with the specifications of the Traffic Maintenance Division of the City Department of Transportation (F,W,C,L)/Public Works Department (K) or provisions made with staff for the installation of said signs prior to signing final plats. If bonds are posted for street construction in the subdivision, these bonds shall not be released until said street name signs are installed to the specifications of the Traffic Maintenance Division of the City Department of Transportation (F,W,C,L)/Public Works Department (K). (NOTE: In subdivisions in applicable areas in Forsyth County, the owner or the owner’s agent must install the street signs).

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.

UDO136 June 2005
Section 6. Chapter D Subdivision Regulations Chapter D 4.(H) )(2) Required Information and Certifications is hereby amended by adding the following two requirements:

(p) Tax pin numbers must be shown on the final plat.

(q) Street addresses must be shown on the final plat.

Section 7. D Subdivision Regulations Chapter D 4.(H) )(4) Application Requirements is hereby amended as follows:

(a) Preliminary Review. Three (3) Five (5) paper print copies of the proposed final plat shall be submitted to the office of the Planning Board for preliminary review by Planning staff at least three (3) fifteen(15) working days (F,W)/Town Clerk (K,C,L) prior to the desired recording date. After the preliminary review, Planning staff will return to the applicant a copy of the proposed plat with any changes marked along with any other information needed to approve the final plat (see Section 4(H)). The applicant shall return the marked copy to Planning staff when the final plat is brought in for recording to ensure all necessary corrections have been made.

Section 8. This ordinance shall be effective upon adoption.