STAFF REPORT

DOCKET # UDO-268
STAFF: David Reed

REQUEST

Zoning text amendment proposed by Planning and Development Services staff to amend Chapter D of the *Unified Development Ordinances* to amend the Minor Subdivision Regulations (UDO-268).

BACKGROUND

Minor Subdivisions are divisions of land without the dedication of public streets which meet certain criteria and can be approved by staff. One of the standards that must be met requires that the proposed minor subdivision not block the extension of a public street shown on a recorded plat or a public street shown on a preliminary subdivision plan on file in the office of the Planning Board. These streets, which are sometimes referred to as as stub streets, were built up to the property line of adjoining undeveloped parcels with the intent of their future extension when the adjoining property was developed at a future time. It became clear in the 1990s that exceptions were routinely being granted by the Planning Board due to circumstances that made many such extensions unreasonable. These minor subdivision exceptions had to be submitted for Planning Board review at a cost of $100.

In 1998, a text amendment was approved by the Planning Board (UDO-45) which gave staff the authority to approve exceptions to the stub street provisions if certain conditions existed. Those provisions allow staff to approve lots that would block the extension of a platted stub street if 1) the road cannot physically be extended due to topography; or 2) if the road cannot physically be extended due to current lotting patterns.

Despite the process improvements of UDO-45, staff has encountered other circumstances that do not meet either of these conditions but are still valid reasons to allow minor subdivisions involving stub street exceptions to be approved. The proposed text amendment addresses this oversight.

ANALYSIS

Because the Subdivision Regulations require stub streets be included in new subdivisions, many of these stubs exist throughout the county. When the policy was first adopted, the location of the stub streets were left entirely to the site designer without regard to how the extension of that stub would work with the adjoining property. Many of these stubs cannot be reasonably utilized and the exceptions established in UDO-45 allow staff to approve minor subdivision lots without extending the street only under very specific circumstances.

Since UDO-45 was approved in 1998, other situations have been presented to staff that appeared to be valid reasons for allowing minor subdivisions without extending a stub street but there was no provision for approval beyond the specific exceptions described in the regulations. Some

examples of other situations for which exceptions might be appropriate include large acreage tracts that do not perk for septic tanks and are not within the sewerable area of the county; and poorly aligned stub streets from previously approved subdivisions that make extending the street and developing the adjoining property challenging as well as more expensive. Neither of these situations would meet the current topographic exception.

Staff noticed that in other sections of the UDO regarding street and cul-de-sac standards and external access requirements, language exists that allows for exceptions to standards that go beyond the specific exceptions allowed by the minor subdivision requirements. Staff recommends adding two additional exceptions in the minor subdivision regulations that are similar to what already exists in the street connectivity requirements - "other substantial physical limitation". This will allow staff to take into consideration other hardships beyond those currently defined when reviewing minor subdivision requests for properties that would block or impede the extension of a public street located within a subdivision recorded on a final plat.

Staff also recommends reorganizing other text in the same UDO section, without changing that text, to improve its clarity and user-friendliness. The text formerly shown as (iii) and (iv) is consolidated in paragraph form in the same section.

RECOMMENDATION

APPROVAL

UDO-268
A UDO TEXT AMENDMENT PROPOSED BY CITY-COUNTY PLANNING BOARD STAFF TO AMEND CHAPTER D OF THE *UNIFIED DEVELOPMENT ORDINANCES* TO AMEND THE MINOR SUBDIVISION REGULATIONS RELATING THE EXTENSION OF STUB STREETS

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

Section 1. Chapter D, Subdivision Regulations, Section 3 of the UDO is amended as follows:

Chapter D – Subdivision Regulations

D-3 MINOR SUBDIVISIONS

(B) Standards for Approval
The following are the standards for approval of minor subdivisions:

(1) Minor subdivisions may be approved provided that the subdivision:
- (a) Does not violate any adopted plan, policy, or ordinance of the jurisdiction;
- (b) Does not create any new public streets;
- (c) Does not block or impede the extension of a public street located within a subdivision recorded on a final plat in the office of the Register of Deeds or a public street shown on a preliminary subdivision plat which is on file in the office of the Planning Board unless such extension is determined by staff to be unnecessary under one or more of the following circumstances:
  - (i) The road cannot physically be extended due to topography;
  - (ii) The road cannot be logically extended due to current lotting patterns;
  - (iii) <u>The road cannot be logically extended due to other substantial physical limitations including but not limited to the land not perking in unsewerable areas as determined by a licensed soil scientist;</u>
  - (iv) <u>The road cannot be logically extended due to stub street placement that does not allow the extension on the adjoining tract to reasonably develop both sides of the street.</u>
  - ~~(iii) If staff determines improvements at the end of the street are needed, staff may require a standard or temporary turnaround in accordance with the City Department of Transportation (City DOT), the North Carolina Department of~~

~~Transportation (NCDOT), or other appropriate jurisdiction requirements;~~

~~(iv) If staff determines that a street closure petition is necessary, staff may require proper street closure documents be filed with the appropriate jurisdiction.~~

If staff determines improvements at the end of the street are needed, staff may require a standard or temporary turnaround in accordance with the City Department of Transportation (City DOT), the North Carolina Department of Transportation (NCDOT), or other appropriate jurisdiction requirements. Also, if staff determines that a street closure petition is necessary, staff may require proper street closure documents be filed with the appropriate jurisdiction.

(d) Is not located within the corridors of any planned or proposed street as shown on the adopted Transportation Plan of the jurisdiction;

(e) Does not leave an implied division of property which would not meet the requirements of the Zoning Ordinance or any other land regulatory ordinances; or,

(f) Does not land lock any tract of land.

Section 2. This ordinance shall be effective upon adoption.