

City Council – Action Request Form

Date: October 11, 2022

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

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

Council Action Requested:

Unified Development Ordinances (UDO) Text Amendment Language Regarding Procedures for Submitting and Reviewing Various Applications in a Digital Format (UDO-CC18)

Strategic Focus Area: Livable Neighborhoods

Strategic Objective: No

Strategic Plan Action Item: No

Key Work Item: No



Summary of Information:

In February of 2017, the Planning and Development Services Department implemented a new permitting and site plan review software system, IDT Plans. The staff level review process for all planning and permitting submittals was updated at that time to provide a digital means for applicants and petitioners to submit plans for review. At present, language describing requirements for paper site plan submittals still exists throughout the UDO. This text amendment will remove and replace these outdated references with language describing our current, digitally-based process.

Committee Action:

Committee

Action

For

Against

Remarks:

UDO-CC18

AN ORDINANCE AMENDING CHAPTERS 3, 7, 9, AND 10 OF THE *UNIFIED DEVELOPMENT ORDINANCES* (UDO) TO REVISE PROCEDURES FOR SUBMITTING AND APPROVING APPLICATIONS

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

Section 1. Chapter 3 PROCEDURES of the UDO is amended as follows:

Subsection 3.2.4 EXEMPT SUBDIVISION

C. APPLICATION REQUIREMENTS

The following are the application requirements for approval of subdivisions exempted by State law or court judgments:

1. PRELIMINARY REVIEW

a. ~~Eight (8) paper print copies of t~~The proposed final plat shall be submitted **in the appropriate electronic plan review system** to the office of the Planning Board for preliminary review by Planning staff at least five (5) working days prior to the desired recording date.

b. 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 **in the appropriate electronic plan review system** (see **Section 3.2.5, Final Plat**).

c. The applicant shall submit the ~~marked copy~~ **revised plat in the appropriate electronic plan review system** to Planning staff **prior to** when the final plat is brought in for recording to ensure all necessary corrections have been made.

d. Verification that all necessary corrections have been made and stamping and signing of the verified final plat shall occur within one working day.

Subsection 3.2.5 FINAL PLAT

D. APPLICATION REQUIREMENTS

The following are the application requirements for final plats:

1. PRELIMINARY REVIEW

a. ~~Eight (8) paper print copies of t~~The proposed final plat shall be submitted **in the appropriate electronic plan review system** to the office of the Planning Board for preliminary review by Planning staff at least fifteen (15) working days prior to the desired recording date.

b. 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 **in the in the appropriate electronic plan review system** (see **Section 3.2.5, Final Plat**).

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.

c. The applicant shall ~~return~~ **submit** the ~~marked copy~~ **revised plat** ~~through~~ **in the appropriate electronic plan review system** to Planning staff **prior to** when the final plat is brought in for recording to ensure all necessary corrections have been made.

d. Verification that all necessary corrections have been made and stamping and signing of the verified final plat shall occur within one working day.

Subsection 3.2.8 MINOR SUBDIVISION

C. APPROVAL PROCESS

1. Approval for a minor subdivision shall be ~~presented~~ **submitted in the appropriate electronic plan review system** to Planning staff at least five (5) working days prior to offering any portion for recording in the office of the Register of Deeds.

2. Additional information may be needed by Planning staff in order to evaluate the proposed subdivision to see if the subdivision meets the requirements of this section.

3. Once the additional information is received by Planning staff **in the appropriate electronic plan review system**, the review period will begin.

4. If the minor subdivision complies with the standards in **Section 3.2.8B, Standards for Approval**, Planning staff shall provide the approval in writing on the face of the plat.

5. Once the plat has been approved, the owner or the owner's **authorized** agent may record the plat in the office of the Register of Deeds.

Subsection 3.2.9 PRELIMINARY PLAT

B. APPROVAL PROCESS FOR PRELIMINARY PLAT APPROVAL

The following is the process for preliminary plat approval:

1. APPLICATION SUBMITTAL

a. Applications shall be submitted by the owner or owner's **authorized agent in the appropriate electronic plan review system** in the office of the Planning Board ~~at least thirty-one (31) calendar days before~~ **by the date shown on the Planning Board calendar of significant dates for the next regularly scheduled monthly Planning Board meeting.**

b. The Planning Board shall act on the preliminary plat within a reasonable period of time, but shall not exceed ninety (90) days from the date of application without the written consent of the subdivider.

c. Applications **submitted in the appropriate electronic plan review system** for preliminary plat approval shall be reviewed by the Planning staff site plan committee, the interdepartmental site plan committee, and/or the Planning Board site plan subcommittee. These committees shall forward a recommendation to the Planning Board for consideration at its monthly public hearing.

d. Modifications to the original preliminary plat may be required by Planning staff prior to the Planning Board meeting. Revised plats must be received **in the appropriate**

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electronic plan review system by the date shown on the Planning Board calendar of significant dates so that the plans can be reviewed, prepared, and distributed for the meeting.

C. APPLICATION REQUIREMENTS FOR PRELIMINARY PLAT APPROVAL

The following are the application requirements for preliminary plat approval:

1. GENERALLY

a. Application form for preliminary plat approval completed in full **in the appropriate electronic plan review system** ~~(forms may be obtained at the office of the Planning Board).~~

b. Tax map(s) showing the proposed property for preliminary subdivision approval and all surrounding property (may be obtained at the Forsyth County Tax Office in the old courthouse building).

c. Application fee as adopted by the Planning board payable to the City of Winston-Salem. This fee shall be waived if the land proposed for preliminary subdivision approval is being simultaneously considered for rezoning.

d. ~~Twenty-five (25) copies of~~ Site plans for preliminary subdivision approval shall be submitted **in the appropriate electronic plan review system** in accordance with the requirements of this section ~~at least thirty-one (31) calendar days prior~~ **by the date shown on the Planning Board calendar of significant dates for** ~~to~~ the next regularly scheduled Planning Board meeting.

e. Staff shall be provided ~~copies of~~ the proposed site plan **in the appropriate electronic plan review system** by the applicant at least three (3) working days prior to the filing deadline to determine if the required information is included and to offer other design comments prior to the formal filing deadline.

f. Staff shall return the site plan **in the appropriate electronic plan review system** with comments to the applicant or his **authorized** agent at least one working day prior to the formal submittal deadline for plans submitted at least three (3) days in advance.

F. REVISED PRELIMINARY PLAT APPROVAL

2. APPROVAL PROCESS

a. Application for a revised preliminary plat approval shall be submitted to Planning staff **in the appropriate electronic plan review system**. Planning staff shall, within five (5) working days after an application is received, grant or deny the revised preliminary plat approval.

b. If granted, Planning staff will distribute the revised preliminary plats to applicable governmental agencies and the owner or owner's agent.

c. The original conditions of approval by the Planning Board will still be applicable.

d. Planning staff may change conditions or add additional conditions for revised preliminary plat

3. APPLICATION REQUIREMENTS

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.

The following are the application requirements for a revised preliminary plat approval:

- a. Letter from the ~~developer/owner~~ **or owner's authorized agent** stating the changes in the preliminary plat **submitted in the appropriate electronic plan review system**;
- b. ~~Two (2) The revised copies of the preliminary plat~~ **submitted in the appropriate electronic plan review system** and
- c. Application fee as adopted by the Planning Board payable to the City of Winston-Salem.

Subsection 3.2.11 SITE PLAN

C. GENERAL SUBMITTAL REQUIREMENTS

All site plans required by this Ordinance shall contain the following information:

1. ~~NUMBER REQUIRED~~ **RESERVED**

- a. ~~Twenty five (25) copies of the site plan shall be provided.~~
- b. ~~The copies shall be folded to 9" X 12" page size with the title block showing.~~

E. SITE PLAN REVIEW PROCEDURES

2. SUBMITTAL OF APPLICATION

- a. Site plans for each type of development review shall be submitted **in the appropriate electronic plan review system** ~~at least thirty one (31) calendar days prior to~~ **by the date shown on the Planning Board calendar of significant dates for** the next regularly scheduled Planning Board meeting.
- b. ~~Staff shall be provided copies of the~~ **The proposed site plan shall be submitted in the appropriate electronic plan review system** by the applicant **or his authorized agent** at least three (3) working days prior to the filing deadline to determine if the required information is included and to offer other design comments prior to the formal filing deadline.
- c. Staff shall return the site plan **in the appropriate electronic plan review system** with comments to the applicant or his **authorized** agent at least one working day prior to the formal submittal deadline for plans submitted at least three (3) days in advance.

Subsection 3.2.13 SPECIAL USE PERMIT

C. APPLICATION PROCEDURE FOR A SPECIAL USE PERMIT

1. APPLICATION AND FEES

Applications for special use permits shall be submitted **in the appropriate electronic plan review system** ~~at least thirty one (31) calendar days prior to~~ **by the date shown on the Planning Board calendar of significant dates for** the next regularly scheduled Planning Board meeting accompanied by a completed application form and other required information, site plans meeting the requirements for site plan submittal in **Section 3.2.11, Site Plan**, and fees in accordance with **Section 3.1.1A, Fees**.

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D. SPECIAL USE PERMIT APPROVAL BY BOARD OF ADJUSTMENT PROCEDURE

1. APPLICATIONS

Applications for special use permits to be considered in any month by the Board of Adjustment shall be made by the property owner or the owner's authorized agent to the Director of ~~Inspections~~ Planning and Development Services, or designee, in the appropriate electronic plan review system not less than twenty (20) days prior to the established meeting date of that month. Each petition shall be accompanied by:

a. A fee as authorized in **Section 3.1.1A, Fees**.

b. Fifteen (15) copies of a **A** scaled site plan (plot plan) of the property which may be prepared by either professional or non-professional persons showing the location of any existing and proposed structure(s) and any relevant notations on the site plan concerning the request. Staff shall determine if a site plan is required with an appeal or interpretation application. (F)

c. *Fifteen (15) copies of a **A** scaled site plan (plot plan) of the property showing the location of any existing and proposed structure(s) and any relevant notations on the site plan concerning the request. Staff shall determine if a site plan is required with an appeal or interpretation application. (W)*

d. Any other written materials the applicant would like to submit to the Board for consideration of the application.

Subsection 3.2.14 TEMPORARY USE PERMIT

Temporary use permits shall be issued or renewed by the Director of ~~Inspections~~ Planning and Development Services, or designee, in compliance with **Section 5.4, Temporary Uses and Structures**, provided that such permits are issued only upon written agreement by the owner to remove the structures or uses upon expiration of the permit.

A. APPLICATION

All applications for temporary use permits shall be made to the Director of ~~Inspections~~ Planning and Development Services, or designee, in the appropriate electronic plan review system by the owner or his authorized agent.

B. REQUIREMENTS

Before the issuance of a temporary use permit, the Director of ~~Inspections~~ Planning and Development Services, or designee, shall determine that all other pertinent regulations which may apply to such proposed use are complied with.

Subsection 3.2.15 UDO TEXT AMENDMENT

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.

A. GENERAL PROCEDURES

4. SUBMITTAL TO PLANNING BOARD

a. PETITION SUBMITTED

i. The petition of any interested person to amend the regulations established by this Ordinance shall be submitted to the Elected Body through the office of the Planning Board.

ii. Petitions shall be considered by the Planning Board at its next regular monthly meeting, provided the petitions have been filed ~~at least thirty one (31) calendar days~~ **by the date shown on the Planning Board calendar of significant dates for** ~~before~~ the next regular ~~monthly~~ meeting and include a completed application form, other required information, and fees in accordance with **Section 3.1.1A, Fees**; otherwise consideration may be deferred until the following monthly meeting.

Subsection 3.2.16 VARIANCE

G. BOA PROCEDURE FOR VARIANCES

1. APPLICATIONS

Applications for variances to be considered in any month by the Board of Adjustment shall be made by the property owner or the owner's authorized agent to the Director of ~~Inspections~~ **Planning and Development Services, or designee, in the appropriate electronic plan review system** not less than twenty (20) days prior to the established meeting date of that month. Each petition shall be accompanied by:

a. A fee as authorized in **Section 3.1.1A, Fees**.

b. ~~Fifteen (15) copies of a~~ **A** scaled site plan (plot plan) of the property which may be prepared by either professional or non-professional persons showing the location of any existing and proposed structure(s) and any relevant notations on the site plan concerning the request. Staff shall determine if a site plan is required with an appeal or interpretation application. (F)

c. ~~Fifteen (15) copies of a~~ **A** *scaled site plan (plot plan) of the property showing the location of any existing and proposed structure(s) and any relevant notations on the site plan concerning the request. Staff shall determine if a site plan is required with an appeal or interpretation application. (W)*

d. Any other written materials the applicant would like to submit to the Board for consideration of the application.

Subsection 3.2.18 ZONING PERMIT

C. APPLICATION

1. An application for a zoning permit shall be made to the Director of ~~Inspections~~ **Planning and Development Services, or designee, in the appropriate electronic plan review system** by the owner or his authorized agent and shall include a statement as to the intended use of the building or land.

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2. Any such application shall be accompanied by a plan so dimensioned or annotated as to show the proposed buildings and existing building, if any, in exact relation to lot lines.
3. The water supply and sewage disposal methods of the proposed development shall have prior approval in compliance with **Section 7.5, Water Supply and Sewage Disposal**.

Subsection 3.2.19 ZONING MAP AMENDMENT

A. GENERAL USE DISTRICTS

3. SUBMITTAL TO PLANNING BOARD

a. PETITION SUBMITTED

i. The petition of any interested person to amend the district boundaries established by this Ordinance shall be submitted to the Elected Body through the office of the Planning Board.

ii. Petitions shall be considered by the Planning Board at its next regular monthly meeting, provided the petitions have been filed ~~at least thirty one (31) calendar days before~~ **by the date shown on the Planning Board calendar of significant dates for** the next regular monthly meeting and include a completed application form, other required information, and fees in accordance with **Section 3.1.1A, Fees**; otherwise consideration may be deferred until the following monthly meeting.

4. APPLICATION AND FEE

a. Each petition shall be accompanied by a completed application form **in the appropriate electronic plan review system** and a fee as specified by the Planning Board.

b. Proposals to change the zoning of property to more than one new zoning district may be processed as a single application, including the application and fee requirements of this section if all proposed zoning districts are contiguous and together constitute a unified development proposal.

Section 2. Chapter 7 SUBDIVISION REQUIREMENTS of the UDO is amended as follows:

Subsection 7.2.3 APPLICATION REQUIREMENTS

A. PRELIMINARY REVIEW

1. ~~Eight (8) paper print copies of~~ **The proposed final plat shall be submitted in the appropriate electronic plan review system** to the office of the Planning Board for preliminary review by Planning staff at least five (5) working days prior to the desired recording date.

2. 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 **in the appropriate electronic plan review system** (see **Section 3.2.5, Final Plat**).

3. 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.

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.

4. Verification that all necessary corrections have been made and stamping and signing of the verified final plat shall occur within one working day.

Section 3. Chapter 9 NONCONFORMITIES of the UDO is amended as follows:

Subsection 9.2.5 APPLICATION PROCEDURE

A. SITE PLAN REQUIREMENTS

Each application for a special use permit to expand or convert a nonconforming use according to the provisions of this Ordinance **shall be submitted in the appropriate electronic plan review system and** shall be accompanied by a legible site plan ~~in fifteen (15) copies~~ at a reasonable scale satisfactory to the Board of Adjustment and shall illustrate all existing conditions of the site and all proposed improvements to be made on the site, including:

1. Parking spaces;
2. Loading areas;
3. Screening and landscaping;
4. Driveways, walkways, courts;
5. Buildings and additions;
6. Easements or rights-of-way;
7. Adjacent property lines and ownership; and
8. Zoning of all adjacent properties.

Section 4. Chapter 10 AUTHORITIES & ENFORCEMENT of the UDO is amended as follows:

Subsection 10.1.2 CITY-COUNTY JOINT PLANNING BOARD

C. APPLICATION PROCEDURES

Complete applications for Planning Board Reviews shall be submitted **in the appropriate electronic plan review system** ~~at least thirty one (31) calendar days prior to~~ **by the date shown on the Planning Board calendar of significant dates for** the next regularly scheduled Planning Board meeting, including a completed application form and other required information, site plans meeting the requirements for site plan submittal in **Section 3.2.11, Site Plan**, and fees in accordance with **Section 3.1.1A, Fees**.

Section 5. 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.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

DOCKET: UDO-CC18
STAFF: [Elizabeth Colver](#)

REQUEST

Planning and Development Services staff proposes this text amendment to amend language regarding procedures for submitting and reviewing various applications in a digital format throughout the *Unified Development Ordinances* (UDO).

BACKGROUND

In February of 2017, the Planning and Development Services Department implemented a new permitting and site plan review software system, IDT Plans. The staff level review process for all planning and permitting submittals was updated at that time to provide a digital means for applicants and petitioners to submit plans for review. At present, language describing requirements for paper site plan submittals still exists throughout the UDO. This text amendment will remove and replace these outdated references with language describing our current, digitally-based process.

ANALYSIS

After reviewing the UDO, staff identified a total of 14 sections in four different chapters which require modification to reflect current submittal practices:

- Section 3.2.4
- Section 3.2.5
- Section 3.2.8
- Section 3.2.9
- Section 3.2.11
- Section 3.2.13
- Section 3.2.14
- Section 3.2.15
- Section 3.2.16
- Section 3.2.18
- Section 3.2.19
- Section 7.2.3
- Section 9.2.5
- Section 10.1.2

The proposed UDO text amendment eliminates outdated language requiring paper application submittals and procedures, and proposes more generic language that could remain in place even if the specific review software used evolves over time. Planning and Development Services staff believes the proposed UDO language will correctly guide applicants, petitioners and/or their authorized agents to the appropriate means by which to submit applications.

RECOMMENDATION: Approval

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-CC18
SEPTEMBER 8, 2022**

Elizabeth Colyer presented the staff report.

WORK SESSION

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Salvador Patiño, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of UDO-CC18

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Salvador Patiño, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

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