



## STAFF REPORT

Agenda Title: Public Hearing – Subdivision & Zoning Text Amendments

Staff Contact: Shannon Tuch

Meeting Date: October 18, 2022

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### Summary:

A text amendment to Chapter 46-Subdivisions and Chapter 54-Zoning updating lot and street requirements and adding new standards for sidewalks.

### Background:

Based on intermittent feedback from appointed and elected officials, staff began to examine certain sections of the town's existing development code for helpful clarifications and improvements. A work session was held with the Planning Board on August 2, 2022 to discuss potential changes to the lot and street requirements along with options for new sidewalk requirements for projects that met certain criteria. Based on the Board's feedback, staff returned with a draft ordinance amending certain sections of the town's subdivision and zoning code.

### Staff Analysis:

Staff used the feedback provided by the planning board, comparisons to neighboring jurisdictions, and a survey of prior site plans to draft text amendments on subdivision design. The following is a brief synopsis of staff recommendations with a draft ordinance attached.

### **Sec. 46-117. Subdivision Design**

#### *Lots*

- The ordinance clarifies that all new lots abut a public street (or a private street built to a public standard), with an exception to allow up to four lots to be accessed by a privately maintained driveway and easement.

#### *Flag Lots*

- A new section is added to regulate flag lots.
  - No flag lot driveways within 20 feet of another driveway
  - Flag lots may not abut another flag lot
  - Minimum width of the flagpole is 20 feet
  - Maximum length of the flagpole is 150 feet
  - The area of the flagpole does not contribute to the required minimum lot area

### **Sec. 46-118. Streets**

#### *Street Standards*

- The right-of-way width for all new roads shall be 45 feet, except for steep slope areas, where a minimum right-of-way of 32 feet may be permitted.

- New developments with road extensions of less than 100' require a minimum right-of-way of 16' (or existing width, whichever is greater) and road extensions of more than 100' must meet with minimum road standards width for new streets.
- Language amended to clarify offers of dedication on accepted after formal submittal and review by the approving body.
- Superfluous language removed due to redundancy to NCDOT Streets Manual or information was outdated.

#### **Article VIII. Sidewalks**

- Sidewalks are required for major subdivisions containing 20 lots or more, new buildings over 30,000 square feet or more than 20 units, and projects generating over 100 vehicle trips per hour or 1000 trips per day.
- Minimum sidewalk width depends on location and/or speed limit
  - 35 mph or greater = 5 feet with 8-foot planting strip between sidewalk and edge of pavement
  - Less than 35 mph = 5 feet with a 4-foot planting strip between sidewalk and edge of pavement
  - Steep slope areas = 6 feet back-of-curb
- Basic construction standards are provided including minimum width of concrete and the gravel bed, in addition to cross-slope and maximum grade standards.
- Fee-in-lieu option for large developments located on roads with posted speed limit of 35 mph or less, a greenway exists (or is funded) on the property, and extensions of existing communities.
- Maintenance requirements for public and private sidewalks included.

#### **Review by Other Bodies:**

The Woodfin Planning Board reviewed the proposed text amendments at their regular meeting on October 4, 2022 and recommended approval, 4:0 (see attached recommendation).

#### **Staff Recommendation:**

Staff concurs with the Planning Board and recommends approval of the proposed subdivision and zoning text amendments.

#### **Suggested Motion:**

I move that the Town of Woodfin Town Council finds that the proposed text amendment is reasonable, is in the public interest, is consistent with the Town of Woodfin comprehensive plan, and meets the development needs of the community in that the request:

1. Provides additional clarity and predictability to development requirements, thereby supporting economic development;
2. Enhances standards for orderly growth and development resulting in compatible infill development, including a more urban form along strategic corridors; and
3. Advances public health, safety, and welfare by increasing multi-modal transportation options where it is needed most in the town.

Attachments:

- (1) Draft Ordinance
- (2) Planning Board Recommendation



**ORDINANCE AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES OF THE  
TOWN OF WOODFIN TO AMEND THE STEEP SLOPE ORDINANCE**

Ordinance: 2022-xxx

Passed \_\_\_\_\_

WHEREAS, the Town of Woodfin has the authority pursuant to Article 1 of Chapter 160D of the North Carolina General Statutes to adopt development regulations; and

WHEREAS, the Woodfin Town Council may amend said regulations from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Town initiated a recommendation to amend Chapters 46-Subdivisions and 54-Zoning of the Town of Woodfin Code of Ordinances; and

WHEREAS, the public hearing for this text amendment has been noticed in compliance with the North Carolina General Statutes; and

WHEREAS, the Woodfin Planning Board reviewed this text amendment recommendation at its October 4, 2022, public meeting and voted 5-0 to find the amendment a reasonable request considering the potential benefits to development of the Town of Woodfin and surrounding community; and

WHEREAS, the Woodfin Board of Commissioners held the public hearing on October 18, 2022 and, after hearing such, made the following required findings:

The development code text amendment is consistent with the comprehensive plan in the following ways:

1. Provides additional clarity and predictability to development requirements, thereby supporting economic development;
2. Enhances standards for orderly growth and development resulting in compatible infill development, including a more urban form along strategic corridors; and
3. Advances public health, safety, and welfare by increasing multi-modal transportation options where it is needed most in the town.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Woodfin, that Chapters 46-Subdivision and 54-Zoning are hereby amended as follows:

**Section 1:**

a. Amend **Sec. 46-117(b)** by replacing the existing text with the following:

(b) *Lots.* All newly created lots, or recombined lots, shall conform to the following minimum standards.

(1) All lots must meet all dimensional requirements of Chapter 54. It is not sufficient merely for the average lot size to meet the minimum zoning requirements.

(2) All lots shall directly abut a public street or a private street built to a public standard, with the following exceptions:

a. Up to four residential lots may be served by a privately maintained driveway provided an easement or right-of-way with a minimum width of twenty feet is provided, or

b. Up to four commercial lots may be served by a privately maintained driveway provided an easement or right-of-way with a minimum width of thirty feet is provided.

Privately maintained driveways easements serving more than one lot with a length greater than 150 feet must include a sufficient turnaround for emergency vehicles as established by NCDOT Subdivision Roads Minimum Construction Standards Manual.

(3) Flag lots may be permitted provided the following minimum standards are met:

a. Flag lot driveways may not be within twenty feet of an existing driveway, at any point. This shall not apply to the shared use of an existing driveway. Where possible, flag lots are encouraged to share access with existing driveways.

b. No portion of any flag lot may abut another flag lot.

c. The flagpole must directly abut a publicly maintained road, or a private road built to a public standard.

d. The flagpole must maintain a minimum width of twenty feet and may not exceed a maximum length of 150 feet.

e. The flag area must meet the minimum dimensional standards of the zoning district and the area of the flagpole may not be counted toward the minimum lot size.

b. Amend **Sec. 46-117(c). Easements.** by replacing the existing text as follows:

(c) *Easements.*

(1) *Utility and other easements.* Easements for underground or above ground utilities, access, stormwater, or other site features shall be provided, where necessary, and as required by the parties involved.

(2) *Delineation on subdivision plat.* All easements shall be identified on the proposed subdivision plat prior to recordation.

c. Amend **Sec. 46-118. Streets.** by replacing the section in its entirety to read as follows:

(a) *Street Standards.* All newly constructed streets, including streets dedicated for public or private maintenance, shall be built to the standards found in North Carolina Department of Transportation (NCDOT) Subdivision Roads Minimum Construction Standards Manual. In addition to meeting the minimum NCDOT standard, the following additional standards shall apply:

(1) New streets not located in a designated steep slope area shall include a minimum pavement width of 20 feet and a minimum right-of-way width of 45 feet.

(2) New streets located in a steep slope area shall include a minimum pavement width of 20 feet and a minimum right-of-way width of 32 feet.

(3) Extensions of less than 100 linear feet to existing streets shall be required a minimum pavement width and right-of-way width of 16 feet, or the existing street and right-of-way widths, whichever is greater. Extensions of 100 linear feet or more to existing streets shall meet the town's requirements for new streets but may allow for an appropriate transition taper as determined by a licensed engineer.

(b) *NCDOT Driveway Permit.* If any street is proposed to intersect with a state-maintained road, the subdivider shall apply for and receive driveway approval as required by the North Carolina Department of Transportation. The driveway permit must be received prior to issuance of the zoning permit.

(c) *Utility Pole Offset.* Poles for overhead utilities should be located clear of roadway shoulders and be set back a minimum of thirty feet from the edge of pavement for roads with a posted speed of 35-miles per hour or greater. For all other streets, utility poles should be set back a minimum of six feet from the edge of pavement or back of the curb, whichever is greater.

(d) *Subdivision street disclosure statement.* All streets shown on the final plat shall be designated in accordance with G.S. 136-102.6, however, a public designation shall not be presumed an offer of dedication to the public until the provisions of the street standards policy have been satisfied and the dedication is formally accepted by the designated approving body.

(e) *Access to adjacent rights-of-way and future connections.* Where possible proposed roads should be extended to connect with existing roads and rights-of-way. Where impractical, the new road right-of-way shall be extended to the boundary of the property.

(d) *Sidewalks.* Sidewalks shall be required per Article VIII of the Zoning Code.

- (e) *Through traffic discouraged on residential collector and local streets.* Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed, or walkways dedicated, to ensure convenient access to parks, playgrounds, schools, or other places of public assembly.
  - (f) *Street names.* Extensions of existing streets shall be given the same name. New street names shall avoid duplication or names that are phonetically similar to existing names in the county irrespective of the use of a suffix such as street, road, drive, place, or court. Street names shall be approved by the Buncombe County Emergency 911 Coordinator.
  - (g) *Street name and MUTCD signs.* The subdivider shall be required to provide and erect street name and all other signs identified in the Manual on Uniform Traffic Control Devices (MUTCD). Sign locations must be approved by the town.
  - (h) *Wheelchair ramps.* In accordance with G.S. 136-44.14, all street curbs in the state being constructed or reconstructed of maintenance procedures, traffic operations, repairs, corrections of utilities, or altered for any reason after September 1, 1973, shall provide wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.
- d. Amend **Chapter 54-Zoning**, by inserting a new Article VIII and renumber the following articles accordingly:

**Article VIII. - Sidewalks**

- (a) *Purpose.* To enhance pedestrian safety and mobility, and to ensure the adequate transportation infrastructure is considered in the development and use of property to meet the needs of the community, sidewalks and associated easements or rights-of-way shall be required for certain developments.
- (b) *Applicability.* Sidewalks shall be required for all new construction that falls into one or more of the following categories:
  - (1) Major subdivisions containing 20 or more lots.
  - (2) New building construction totaling more than 30,000 square feet or containing more than 20 units.
  - (3) Any project that generates 100 vehicle trips during the peak hour or 1000 vehicle trips per day, regardless of size or location.
- (c) *Design Standards.* When designing sidewalks, the following standards shall be met:
  - (1) *Sidewalk Location.* Sidewalks shall be required along one side of all existing and proposed roads. Where possible, sidewalks shall be placed in the road right-of-way. In instances where the

existing right-of-way is insufficient, sidewalks may be located wholly or partially on private property with the addition of a public use easement.

(2) *Minimum Sidewalk Width.* Minimum sidewalk and planting strip widths shall be as follows:

- a. Sidewalks along roads with a posted speed limit of 35 miles per hour or greater shall have a minimum width of 5 feet with an 8-foot planting strip between the sidewalk and edge of pavement.
- b. Sidewalks along roads with a posted speed less than 35 mile per hour shall have a minimum width of five feet with a four-foot planting strip between the sidewalk and edge of pavement
- c. Sidewalks in steep slope areas shall have a minimum width of six feet without a planting strip, or five feet with a four-foot planting strip between the sidewalk and edge of pavement.

(3) *Construction Detail Required.* A construction detail shall be supplied by a licensed engineer that includes the following minimum standards:

- a. A minimum concrete thickness of 4-inches, and a minimum of 6-inches when crossing a driveway.
- b. A compacted gravel stone base with a minimum thickness of 4-inches.
- c. A maximum cross slope of two percent.
- d. A maximum vertical slope (running slope) of five percent.
- e. Handicap accessible ramps shall be installed where sidewalks intersect any section of curb, street, or driveway.

(d) *Fee in Lieu of Sidewalk Construction.*

(1) *Option for fee-in-lieu.* Where a new sidewalk is required to be constructed, a fee-in-lieu of that sidewalk may be paid if one or more of the following conditions apply:

- a. The new building construction totaling more than 30,000 square feet or containing more than 20 units is located on a road with a posted speed limit of less than 35 miles per hour.
- b. A public greenway is constructed or funded on the subject property.
- c. The major subdivision of 20 or more lots represents an expansion of a previously approved masterplan that does not currently have sidewalks.

In these instances, the applicant/developer must also provide an easement or right-of-way for future sidewalk construction.

(2) *Fee Required.* A fee-in-lieu of sidewalk construction shall be paid in the amount of 150 percent of an approved cost estimate supplied by a licensed engineer prior to the issuance of the Certificate



of Occupancy or Certificate of Completion. Cost estimates must include an itemized list detailing project costs that include design, staging, mobilization, labor, and materials including labor and materials for improvements necessary to support sidewalk construction such as retaining walls or culverts.

(3) *Use of fees.* The financial sum paid to the town shall be placed in a restricted fund that will be reserved for construction of sidewalks or greenways in designated high priority areas.

(e) *Sidewalk Maintenance.*

(1) *Public Maintenance.* Sidewalks located within a public right-of-way shall be publicly maintained.

(2) *Private Maintenance.* Sidewalks located outside of the right-of-way on private property shall be privately maintained.

**Section 2:** If any provisions of this Ordinance are for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision thereof, and to that end, the provisions of this Ordinance are hereby declared to be severable.

**Section 3:** This Ordinance shall be effective on this xx<sup>th</sup> day of [month] 2022.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Abstains \_\_\_\_\_

Attest:

\_\_\_\_\_  
M. Jerry Vehaun, Mayor

\_\_\_\_\_  
Town Clerk

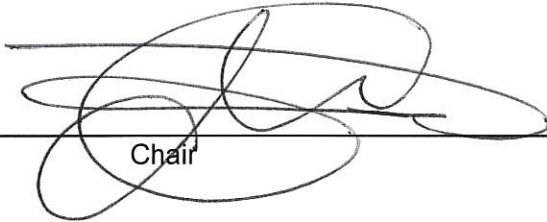


## CONSISTENCY STATEMENT FROM TOWN OF WOODFIN PLANNING BOARD TO WOODFIN TOWN COUNCIL

Having reviewed the **Text Amendments** of the Town of Woodfin Code of Ordinances for amendments to the Subdivision (Ch. 46) and Zoning (Ch. 54) Ordinances, and having considered information from the planning staff of the Town of Woodfin along with comments from other persons, pursuant to 160D-604(d), the Town of Woodfin Planning Board hereby adopts the following motion, effective October 4, 2022:

The Town of Woodfin Planning Board finds the proposed text amendment is reasonable, is in the public interest, is consistent with the Town of Woodfin comprehensive plan, and meets the development needs of the community in that the request:

1. Provides additional clarity and predictability to development requirements, thereby supporting economic development;
2. Enhances standards for orderly growth and development resulting in compatible infill development, including a more urban form along strategic corridors; and
3. Advances public health, safety, and welfare by increasing multi-modal transportation options where it is needed most in the town.

  
\_\_\_\_\_  
Chair

10/4/2022  
\_\_\_\_\_  
Date