OVERVIEW

The Unified Development Ordinance (UDO) contains legislative hearing procedures whereby the property owner or anyone with the written consent of the owner may request to conditionally rezone property.

Conditional Zoning

Each zoning district has a companion conditional district. These districts are designed to ensure the compatibility of a proposed use with the surrounding area. A conditional zoning request permits the applicant to condition or limit the uses allowed on the site and offer development standards that exceed those found in the Unified Development Ordinance (UDO). The application may include a Zoning Sketch Plan.

CONSIDERATION OF REQUESTS

The decision to approve or deny a request, with the requisite vote, rests with the Guilford County Planning Board. Actions of the Planning Board are final, unless appealed. Appeals are heard by the Guilford County Board of Commissioners.

The administration, amendment, and enforcement of the Unified Development Ordinance (UDO) and Official Zoning Map are accomplished within the framework of the Guiding Guilford Moving Forward Together Comprehensive Plan and its supporting documents:

- The County Future Land Use Map (FLUM)
- Transportation Plans
- Small Area Plans
- Parks, Recreation and Open Space Plans
- Capital Improvement Plans
- Watershed Management Plans

These documents and the policies they represent are essential in the evaluation of the impact and appropriateness of each request.

PROCEDURES

Pre-Application Conference

A pre-application conference is required for anyone planning to file an application. This informal meeting allows staff to provide guidance in identifying the most appropriate zoning district for the proposed use, share applicable land use plans, and indicate a likely recommendation to the Planning Board. This should be scheduled in the weeks prior to the submission deadline.

Discussion with Interested Parties

It is highly recommended that the applicant discuss their plans with adjoining property owners, neighborhood associations, and other interested parties prior to submitting an application. A neighborhood meeting is strongly encouraged prior to application submittal.

Filing

Filing for conditional rezoning requires:

- A completed and signed Application Form
- Application Fee, see Guilford County Planning Fee Schedule
- A Zoning Sketch Plan, if applicable
- Legal description of the property and/or map, if required
- Public water and sewer approval letter, if required

These items must be submitted by the submittal deadline date listed in the Planning Board Meeting Schedule. Failure to submit the required items on time may delay the processing of the application and scheduling of the legislative hearing.

It is recommended that applications be hand-delivered to the Planning and Development Department.

Notice

Notification of legislative hearings required under state law consists of the following:

- Notice published on the County's Legal Notice website for two (2) successive weeks, at least ten (10) days before the legislative hearing.
- Notice by mail to adjoining and contiguous property owners approximately at least ten (10) to twenty-five (25) days before the legislative hearing.
- Notice by posting of a sign on the subject property at least ten (10) to twenty-five (25) days before the legislative hearing.

Public inquiries often result from the notification process. The applicant may contact staff to inquire about citizen comments prior to the legislative hearing.

BEFORE THE MEETING

Staff Report

Staff prepare a report (which includes the staff recommendation) for each case. The report is available three or four days prior to the legislative hearing, and anyone may request a copy.

Withdrawals

A request to withdraw must be made in writing, signed by the applicant and submitted to planning staff. If the withdrawal request is submitted prior to any public notification, a refund may be made and attendance at the meeting is not required. If public notification has already been made, a withdrawal may only be granted by the Planning Board. Attendance at the meeting is required, and the applicant is not eligible for a refund.

Continuances

A continuance of a request may only be granted by the Planning Board. Attendance at the meeting is required. If granted, the Planning Board will set a new date for the legislative hearing. The Planning Board may only continue a request for a total of two (2) months unless a greater time period is agreed upon by the applicant and the Planning Board.

THE MEETING

The applicant or their representative must be present for the legislative hearing.

Planning Board meetings are generally held on the second Wednesday of each month, in the Guilford County Old County Courthouse – Carolyn Q. Coleman Conference Room, 301 W. Market Street, Greensboro, NC 27401, unless otherwise noticed. A Hearing Notice is mailed to the applicant between ten (10) and twenty-five (25) days prior to the legislative hearing, notifying them of the exact date, time, and place.

Meeting Format

At the beginning of each meeting, the Chair of the Planning Board reviews the meeting and voting procedures. Following an approval of minutes, the Chair calls a case, the staff report is presented, and the legislative hearing is opened.

During the legislative hearing, the applicant, their representative, or anyone in favor of the request will have a total of twenty (20) minutes to address the Planning Board. Next, anyone in opposition to the request will be given twenty (20) minutes to speak.

Maps, photographs, diagrams, and other presentation materials may be incorporated into legislative hearing presentations. Any materials presented to the Planning Board remain with the case file, so duplicates should be provided. This includes written petitions, which should list the address for each signatory.

Outcomes

The Planning Board must find the request is reasonable to approve. A favorable 75% vote on a request constitutes final approval, unless appealed. A favorable vote of less than 75% constitutes a favorable recommendation of the request, which is automatically forwarded for a legislative hearing before the Board of County Commissioners. A tie vote on any motion constitutes denial of the request, unless appealed.

Appeals

A decision of the Planning Board may be appealed to the Board of County Commissioners by any interested party, including the applicant. The appeal form, available from the Planning Department, and the appeal fee must be submitted to the Planning Department within 15 days of the Planning Board decision. Decisions of the Board of Commissioners may be appealed to the State Superior Court within two (2) months of the Board's decision.

This document is intended for public information purposes only. It summarizes and omits some provisions. It is not to be construed or used as an official interpretation of the Unified Development Ordinance (UDO) in any legal proceeding.