



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT  
PLANNING BOARD**

**Regular Meeting Agenda**

Carolyn Q. Coleman Conference Room  
First Floor, Old Guilford County Courthouse  
301 W Market St, Greensboro, NC 27401

**April 8, 2026**

**6:00 PM**

- I. **Roll Call**
- II. **Agenda Amendments**
- III. **Approval of Minutes:** Not Available
- IV. **Rules and Procedure**
- V. **Continuance Requests**
- VI. **Old Business**
- VII. **New Business**

**Non-Legislative Hearing Item(s)**

**A. RESOLUTION OF INTENT TO CLOSE A PUBLIC ROAD CASE #26-02-PLBD-00012: A 0.2 MILE SECTION OF HOMEDALE DRIVE**

Request adoption of Resolution of Intent and to schedule a public hearing for May 13, 2026 for the purpose of giving consideration to the closing of a 0.2 mile section (approximately 1,000 ft.) of Homedale Drive located in Sumner Township that begins at the eastern margin of Parcel #144346, and runs west for 0.2 miles, terminating at the end of the Homedale Drive right-of-way.

Information for **ROAD CLOSING CASE #26-02-PLBD-00012** can be viewed by scrolling to the April 8, 2026 Regular Meeting Agenda Packet at <https://www.guilfordcountync.gov/government/departments-and-agencies/planning-and-development/boards-commissions/planning-board>.

**Legislative Hearing Item(s)**

**A. CONDITIONAL REZONING CASE #26-02-PLBD-00014: AG, AGRICULTURAL TO CZ-RS-40, CONDITIONAL ZONING – RESIDENTIAL: 2506 MARGUERITE DRIVE**

The subject property is located at 2506 Marguerite Drive (Guilford County Tax Parcel #115610 in Jefferson Township) approximately 700 feet east of the intersection of Millpoint Road and Brookhaven Mill Road and comprises approximately 10.85 acres.

This is a request to rezone the subject property from AG, Agricultural to CZ-RS-40, Conditional Zoning – Residential with the following conditions:

**Proposed Use Conditions:**

Use of the property shall be limited to the following uses as listed in Article 4, Table 4-3-1 of the Unified Development Ordinance (UDO):

- 1) Single-Family Detached Dwelling, Family Care Facility, Accessory Apartment/Dwelling Unit, Subdivision (Minor and Major), Temporary Family Healthcare Structures, Home Occupation
- 2) See attached Use Matrix. Uses struck out are prohibited.

**Proposed Development Conditions:**

- 1) To be subdivided into a maximum of two (2) lots.

This request is consistent with the Future Land Use Map classification of Rural Living. Therefore, if the request is approved, no FLUM amendment will be required.

The Planning Board is not limited to the proposed rezoning of these parcels and may consider substantial changes to the proposed rezoning.

Information for **CONDITIONAL REZONING CASE #26-02-PLBD-00014** can be viewed by scrolling to the April 8, 2026 Regular Meeting Agenda Packet at <https://www.guilfordcountync.gov/government/departments-and-agencies/planning-and-development/boards-commissions/planning-board>.

**B. CONDITIONAL REZONING CASE #26-03-PLBD-00015: AG, AGRICULTURAL AND CZ-PD-M, CONDITIONAL ZONING – PLANNED UNIT DEVELOPMENT – MIXED (REF. CASE #23-10-PLBD-00067) TO AG, AGRICULTURAL AND CZ-PD-M, CONDITIONAL ZONING – PLANNED UNIT DEVELOPMENT – MIXED, AMENDED: 1456 AND 1458 NC HIGHWAY 61 SOUTH AND 6801, 6811, 6821, 6830, 6831, AND 6838 GRASSHOPPER TRAIL**

The subject property is located at 1456 and 1458 NC Highway 61 South and 6801, 6811, 6821, 6830, 6831, and 6838 Grasshopper Trail (Guilford County Tax Parcels #220601, #241720, #241718, #241719, and #241672 in Rock Creek Township), approximately 6,500 feet north of the intersection of NC Highway 61 South and Herron Road, and comprises 89.18 acres. The property is currently split-zoned Agricultural, AG (52.52 acres) and Conditional Zoning – Planned Unit Development, CZ-PD-M (36.71 acres). Reference Case #23-10-PLBD-00067

This is a request to rezone an approximate 6.04 acre portion of the subject property currently zoned CZ-PD-M (ref. Case #23-10-PLBD-00067) to AG, Agricultural and an approximate 6.15

acre portion of the subject property currently zoned AG to CZ-PD-M. Note: The PD-M district permits all uses allowed in any zoning district, except those uses that are only allowed in the Heavy Industrial, HI or Agricultural, AG districts.

The applicant proposes the following conditions for the CZ-PD-M district, which match the conditions of the existing CZ-PD-M district on the property (ref. Case #23-10-PLBD-00067):

**Use Conditions:**

**Agricultural/Animal Services Category**

No uses permitted in PDM district

**Household Living Category**

All uses permitted

**Group Living/Social Services Category**

All uses permitted except: (1) Rooming House, 9 or More Residents; (2) Nursing and Convalescent Home; (3) Temporary Shelter; (4) Homeless Shelter

**Recreation and Entertainment (Light) Category**

All uses permitted except: (1) Country Club with Golf Course

**Recreation and Entertainment (Heavy) Category**

All uses permitted except: (1) Adult Oriented Establishments; (2) Amusement or Water Parks, Fairgrounds; (3) Auditorium, Coliseum or Stadium; (4) Go-cart Raceway; (5) Shooting Range, Indoor; (6) Shooting Range, Outdoor

**Other Recreational and Entertainment Uses Category**

All uses permitted

**Civic, Educational, and Institutional Category**

All uses permitted except: (1) Correctional Institution; (2) Fraternity or Sorority (University or College Related); (3) Hospital

**Business, Professional, and Personal Services Category**

All uses permitted except: (1) Bank or Finance without Drive-through; (2) Bank or Finance with Drive-through; (3) Insurance Agency (Carriers and On-Site Claims Inspections); (4) Payday Loan Services

**Lodging Category**

All uses permitted except: (1) Hotel or Motel

**Retail Trade Category**

All uses permitted except: (1) ABC Store (Liquor); (2) Auto Supply Sales; (3) Automobile Rental or Leasing; (4) Automobile Repair Service; (5) Building Supply Sales (with Storage Yard); (6) Convenience Store (with Gasoline Pumps); (7) Equipment Rental and Repair, Heavy; (8); Fuel Oil Sales; (9) Manufactured Home Sales; (10) Motor Vehicle, Motorcycle, RV or Boat Sales (New or Used); (11) Service Station, Gasoline; (12) Tire Sales

**Food Service Category**

400 W Market Street, Greensboro, NC 27401  
PO Box 3427, Greensboro, NC 27402  
Telephone: 336-641-3334 | Fax: 336-641-6988

All uses permitted except: (1) Restaurant (With Drive-thru)

**Funeral and Internment Services Category**

No uses permitted

**Transportation, Warehousing, and Wholesale Trade Category**

No uses permitted except: (1) Wholesale Trade – Light

**Utilities and Communication Category**

All uses permitted except: (1) Utilities, Major; (2) Utility Company Office; (3) Utility Equipment and Storage Yards

**Waste-Related Uses Category**

No uses permitted

**General Industrial Category**

No uses permitted

**Manufacturing Category**

No uses permitted

**Mining Uses Category**

No uses allowed per WCA prohibition

**Airport Category**

No uses permitted

**Temporary Events/Uses Category**

All uses permitted

**Development Conditions:** (1) Permanently disabled residents requiring care 24 hours a day, 7 days a week may have care provided; (2) No amplified music shall be played between the hours of 10:00 p.m. and 9:00 a.m.; (3) No nonresidential event shall extend beyond 12:00 a.m. (midnight).

The proposed sketch plan for the Unified Development Plan (UDP) does not impose a maximum number of dwelling units or maximum commercial square footage within the CZ-PD-M District. Density requirements for single-family residential dwellings are subject to the RS-5 zoning district dimensional requirements. Density for multi-family units is limited by the density regulations established in Unified Development Ordinance (UDO) Subsection 4.4.D.1.a(3), which requires a minimum 20-foot separation between multi-family buildings.

The proposed rezoning is inconsistent with the subject property's current Future Land Use Map classification of Residential. Therefore, if the request is approved, an amendment to the Working Farms and Agricultural Lands classification will be required for the portion of the property zoned AG and an amendment to the Multifamily Residential classification will be required for the portion of the property zoned CZ-PD-M

The Planning Board is not limited to the proposed rezoning of these parcels and may consider substantial changes to the proposed rezoning.

Information for **CONDITIONAL REZONING CASE #26-03-PLBD-00015** can be viewed by scrolling to the April 8, 2026 Regular Meeting Agenda Packet at <https://www.guilfordcountync.gov/government/departments-and-agencies/planning-and-development/boards-commissions/planning-board>. A copy of the Sketch Plan is also included under the **MEETING CASE INFORMATION** section at the link above.

**C. UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #25-12-PLBD-00152: AN AMENDMENT TO SUBSECTION 2.8 (FLOODPLAIN ADMINISTRATOR), SUBSECTION 3 (PERMITS AND PROCEDURES – PURPOSE AND INTENT - PROCEDURES FOR SPECIFIC APPLICATIONS), SUBSECTION 9 ENVIRONMENTAL REGULATIONS (FLOOD DAMAGE PREVENTION), SUBSECTION 12 (DEFINITIONS) AND ADOPTION OF UPDATED FLOOD MAPS**

This proposed text amendment to the Guilford County Unified Development Ordinance (UDO) updates the Flood Damage Prevention provisions of the UDO to maintain alignment with National Flood Insurance Program (NFIP) standards. The amendment updates Subsections 2.8 (Floodplain Administrator), 3.5.F (Certificate of Floor Elevation / Floodproofing), 3.5.I (Floodplain Development Permit), 3.5.W (Variance), 9.3 (Flood Damage Prevention), and 12 (Definitions). See the full summary of updates below. The proposed amendment also formally adopts the updated Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs, also referred to as Flood Maps) for Guilford County, and aligns the UDO with the 2021 North Carolina Model Flood Damage Prevention Ordinance for Non-Coastal areas (NC Model FDPO).

The current and proposed updated Flood Maps for Guilford County are available to be viewed on the North Carolina Department of Public Safety (NCDPS) Flood Risk Information System (FRIS) Website at: <https://fris.nc.gov/>

On December 10, 2025, the Federal Emergency Management Agency (FEMA) issued a Letter of Final Determination to Guilford County (FEMA Community ID # 370111) notifying the County that the new FIS and associated Flood Maps for our community will become effective on June 10, 2026. The County must adopt the updated FIS and Flood Maps before the June 10, 2026, effective date as required by FEMA and Title 44 of the Code of Federal Regulations (CFR) Part 60.3(d) to maintain its NFIP community status. As a participant in the NFIP, the County is required to keep the Flood Damage Prevention provisions of its ordinance and its regulatory Flood Maps and flood study current. Doing so helps to ensure property owners remain eligible for flood insurance through the NFIP and supports regulations that help reduce flood risks.

To support the FIS and Flood Maps update, Guilford County staff helped coordinate and implement a public Community Outreach Meeting on July 25, 2023 with City of Greensboro, City of High Point, other local jurisdictions, and NC Department of Public Safety (NCDPS). This process was conducted in an effort to inform the public and provide an opportunity for property owners to meet community officials and NCDPS to discuss and ask questions about the flood map changes, reason for the change, how properties could be affected, and explain the appeals process if owners desired to contest the findings of the updated Flood Maps. The County advertised the public meeting on the Guilford County Electronic Legal Notices website (as allowed per S.L. 2017-210), Guilford County main webpage, Planning & Development Department webpage, and the Floodplain Management webpage. In addition, letters with

information regarding Flood Map changes and advertisement of the public meeting were sent to property owners for which GIS analysis indicated a structure on the property was added to the floodplain. The County also created a Flood Mapping and Updates informational website regarding the FIS and Flood Map updates, which was advertised in the above public meeting announcements, letters and at the meeting.

FEMA published a notice regarding the proposed flood hazard determinations (preliminary FIS and Flood Maps) in the Federal Register on October 7, 2024. FEMA issued a letter on December 4, 2024 to Guilford County and other local jurisdictions to provide notice of the 90-day appeal period for the proposed FIS and FIRM that began on December 18, 2024 and ended on March 18, 2025. The appeal period offered property owners an opportunity to contest the results of the new flood study if they disagreed with the findings (i.e. whether the property is located in a regulated floodplain) FEMA also published public notifications regarding the appeal period and process in the Greensboro News and Record on December 11, 2024 and December 18, 2024. FEMA did not receive any appeals during the appeal period as noted in the December 10, 2025 Letter of Final Determination.

As a supplemental note, Guilford County participates in FEMA's Community Rating System (CRS) and has a CRS rating of Class 7, which enables property owners in our community to receive a 15% discount on flood insurance premiums for policies purchased through the NFIP. The County must adopt the new FIS and Flood Maps to maintain its CRS rating.

The proposed text amendment includes provisions to automatically adopt future FISs & Flood Maps, helping to ensure continued compliance with federal and state requirements. This approach streamlines the process for incorporating mandated updates while preserving the community's ability to appeal map determinations. Additional revisions improve formatting, language, clarity, and definitions to better align the County's Flood Damage Prevention provisions with the NC Model FDPO and enhance overall clarity and consistency

A summary of the proposed amendment is below:

- Amend Subsection 2.8 Floodplain Administrator to include formatting improvements, revised language to align with the NC Model FDPO, and added cross-references to Subsection 9.3 to provide clarity and a more user-friendly reading of the requirements.
- Amend Subsections 3.5F, 3.5.I, and 3.5.W regarding Procedures for Specific Applications for Floodplain Development Permits, Certificates, and Variances for Flood Damage Prevention to remove duplicate information on Flood Damage Prevention requirements and to direct readers to Subsection 9.3 where the requirements are consolidated to reduce conflict and confusion.
- Amend Subsection 9.3 Flood Damage Prevention to align with the NC Model FDPO. Changes include adoption of the new FEMA FIS and FIRM (i.e., flood study and flood maps) effective June 10, 2026 in Subsection 9.3.D.2, addition of automatic-adoption language for future FEMA flood maps and flood studies, updates to cross-references to latest NC General Statutes (e.g., NCGS 160-D), updates to cross-references to other subsections of the ordinance, and technical formatting edits. Outdated language is also removed or modified for clarification.
- Amend Subsection 12 Definitions to add missing terms, definitions, and acronyms, and combine or remove duplicate definitions, and align the definitions with the NC Model FDPO. Notes are added to indicate when specific terms apply only to the Flood Damage

Prevention regulations.

The Planning Board is not limited to the proposed language of the text amendment. It may consider substantial changes to the proposed text amendment

Information for **TEXT AMENDMENT CASE #25-12-PLBD-00152** can be viewed by scrolling to the April 8, 2026 Regular Meeting Agenda Packet at <https://www.guilfordcountync.gov/government/departments-and-agencies/planning-and-development/boards-commissions/planning-board>. A copy of the Text Amendment is also included under the **MEETING CASE INFORMATION** section at the link above. Please see the link for the maps, <https://fris.nc.gov/>.

**D. UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #26-03-PLBD-00016: AN AMENDMENT TO SUBSECTION 10.06 (CIVIL PENALTIES – ASSESSMENT AND PROCEDURES) TO ESTABLISH SPECIFIC CIVIL PENALTY AMOUNTS FOR VIOLATIONS**

The proposed text amendment to Guilford County Unified Development Ordinance (UDO) Subsection 10.06: Civil Penalties – Assessment and Procedures establish specific civil penalties (monetary) for violations of the UDO that do not currently have a specified civil penalty amount.

The UDO establishes specific civil penalties (monetary) for some violations, including parts of Subsection 9.1: Stormwater Management and Watershed Protection Districts (see Subsection 9.1.F.5(d)(iv)(5)), Subsection 9.2: Soil Erosion and Sedimentation Control (see Subsection 10.07), and Subsection 9.4: Illicit and Illegal Discharges (see Subsection 9-4.12). This text amendment would apply specific civil penalties (monetary) for all other violations of the UDO including, but not limited to, all zoning and subdivision violations.

UDO Subsection 10.06.A currently refers to G.S. 160D-404(c), which enables counties to enforce development regulations by any of the remedies provided in G.S. 153A-123. NCGS 153A-123 enables counties to assess civil penalties for ordinance violations.

Per this text amendment, civil penalties are as follows: \$50.00 for the first offense, \$100.00 for the second offense, \$200.00 for the third offense, and \$500.00 for the fourth and each succeeding offense.

NOTE: UDO Subsection 10.03.C specifies that “every calendar day an offense is not remedied after being served a Notice of Violation shall be considered a separate offense.”

The Planning Board is not limited to the proposed language of the text amendment. It may consider substantial changes to the proposed text amendment.

Information for **TEXT AMENDMENT CASE #26-03-PLBD-00016** can be viewed by scrolling to the April 8, 2026 Regular Meeting Agenda Packet at <https://www.guilfordcountync.gov/government/departments-and-agencies/planning-and-development/boards-commissions/planning-board>. A copy of the Text Amendment is also included under the **MEETING CASE INFORMATION** section at the link above.

**VIII. Other Business**

**IX. Adjourn**

*Information may be obtained for any of the aforementioned cases by contacting the Guilford County Planning and Development Department at 336.641.3334 or visiting the Guilford County Planning and Development Department at 400 West Market Street, Greensboro, NC 27401.*

*(Insert Color Paper)*

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GUILFORD COUNTY  
PLANNING AND DEVELOPMENT

Planning Board  
Road Closing  
Petition

Date Submitted: 02/17/2026 REC-  
Fee \$381.00 Receipt # 031655-2026 Case Number 26-02-PLBD-00012  
(includes \$26 recording fee)

Pursuant to Section 2-4 of the Unified Development Ordinance (UDO), the undersigned, being the owner(s) of property abutting said road, or a portion thereof, described below request(s) that said road be closed and removed from dedication. The road is presently known as 0.2 mile section of Homedale Dr Secondary Road# \_\_\_\_\_ in Sumner Township, and running west from Coltrane mill Rd Secondary Rd# 1103 and terminating at End of road Secondary Rd# \_\_\_\_\_. (Provide a legal description of said road or portion thereof and attach a map or sketch.)

Please check one of the following:

- The road has been dedicated but is unopened
- The road is open and is a part of the State Secondary Road System. **State Maintenance must be abandoned before the public hearing can be held. Contact NCDOT at 336-487-0100 for abandonment procedures.**
- The road is open and is not part of the State Secondary Road System

According to North Carolina General Statute 153A-241 the Planning Board may close the road if the closing of said road is not contrary to the public interest and no individual or other party owning property adjoining the road or in the vicinity of said road, will be deprived of reasonable means of ingress or egress to their property. Any person aggrieved by the closing of said public road may appeal the Planning Boards decision to the Board of Commissioners within 30 days, if none, decision is final. Refer to the Road Closing Bulletin for more information.

Petitioners:

	Name	Address
1.	<u>Andrew Rumley</u>	<u>6200 Steeplechase Ct Greensboro NC 27406</u>
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____

Additional sheets for petitioners are available upon request.

**YOU OR SOMEONE REPRESENTING YOU MUST BE PRESENT AT THE PUBLIC HEARING**

Submitted By: Andrew Rumley 6200 Steeplechase Ct Greensboro 3365093798 Kandychromegs@aol.com  
Contact Name Address NC 27406 Contact Phone # & Email



## ATTACHED LEGAL DESCRIPTION

BEGINNING AT AN POINT LOCATED ON THE SOUTHERN RIGHT OF WAY LINE OF HOMEDALE ROAD, A COMMON CORNER OF THE PROPERTY OF RANDY AND JOAN BLACKBURN AS DESCRIBED IN DEED BOOK 6566, PAGE 2785, GUILFORD COUNTY REGISTER OF DEEDS, THENCE WITH THE SOUTHERN RIGHT-OF-WAY LINES OF HOMEDALE ROAD, THE FOLLOWING SIX CALLS:

- 1) A CURVE TO THE LEFT HAVING A RADIUS OF 96.33 FEET, A LENGTH OF 23.89 FEET, AND A CHORD OF S63°56'02"W, 23.83 FEET TO A POINT
- 2) S56°49'48"W, 87.69 FEET TO A POINT
- 3) A CURVE TO THE RIGHT HAVING A RADIUS OF 916.27 FEET, A LENGTH OF 418.76 FEET, AND A CHORD OF S69°55'22"W, 415.12 FEET TO A POINT
- 4) A CURVE TO THE RIGHT HAVING A RADIUS OF 761.87 FEET, A LENGTH OF 128.92 FEET, AND A CHORD OF S87°51'47"W, 128.77 FEET TO A POINT
- 5) N87°17'21"W, 283.61 FEET TO A POINT
- 6) A CURVE TO THE LEFT HAVING A RADIUS OF 1472.26 FEET, A LENGTH OF 98.67 FEET, AND A CHORD OF N89°12'33"W, 98.65 FEET TO A POINT

THENCE N01°07'44"W, 60.00 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY LINE OF HOMEDALE ROAD;

THENCE WITH THE NORTHERN RIGHT-OF-WAY LINES OF HOMEDALE ROAD, THE FOLLOWING SIX CALLS:

- 1) A CURVE TO THE RIGHT HAVING A RADIUS OF 1532.26 FEET, A LENGTH OF 102.69 FEET, AND A CHORD OF S89°12'33"E, 102.67 FEET TO A POINT
- 2) S87°17'21"E, 283.61 FEET TO A POINT
- 3) A CURVE TO THE LEFT HAVING A RADIUS OF 701.87 FEET, A LENGTH OF 118.77 FEET, AND A CHORD OF N87°51'47"E, 118.63 FEET TO A POINT
- 4) A CURVE TO THE LEFT HAVING A RADIUS OF 856.27 FEET, A LENGTH OF 391.33 FEET, AND A CHORD OF N69°55'22"E, 387.94 FEET TO A POINT
- 5) N56°49'48"E, 87.69 FEET TO A POINT
- 6) A CURVE TO THE RIGHT HAVING A RADIUS OF 156.33 FEET, A LENGTH OF 68.56 FEET, AND A CHORD OF N69°23'38"E, 68.01 FEET TO A POINT

THENCE S08°25'22"W, 64.38 FEET TO A POINT AND SAID POINT ALSO BEING THE POINT OF BEGINNING;

HAVING AN AREA OF 1.442 ACRES, MORE OR LESS.



**GUILFORD COUNTY**  
**PLANNING AND DEVELOPMENT DEPARTMENT**  
**PLANNING BOARD**

**RESOLUTION OF INTENT  
TO CLOSE A PUBLIC ROAD**

WHEREAS, a Petition has been filed, pursuant to N.C.G.S. 153A-241, Chapter 282 of the 1979 Session Laws, and Chapter 59 of the 1981 Session Laws, requesting that the Planning Board close a section of a public road.

WHEREAS, the Planning Board will conduct a public hearing for the purpose of giving consideration to the closing of a 0.2 mile section of Homedale Drive, located in Sumner Township, that begins at the eastern margin of Guilford County Tax Parcel #144346 and runs west for 0.2 miles, terminating at the end of the Homedale Drive right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Guilford County Planning Board that:

1. The Board declares its intent to close the described section of Homedale Drive.
2. A meeting will be held at 6:00 p.m. on the 13th day of May, 2026, in the Carolyn Q. Coleman Conference Room, located in the Old Guilford County Courthouse at 301 W Market St, Greensboro, NC 27401, at which a public hearing shall be held to consider the closing of a 0.2 mile section of Homedale Drive, located in Sumner Township, that begins at the eastern margin of Guilford County Tax Parcel #144346 and runs west for 0.2 miles, terminating at the end of the Homedale Drive right-of-way.
3. The Clerk to the Planning Board is hereby directed to publish this Resolution of Intent once a week for two successive weeks on the Guilford County Electronic Legal Notices website, pursuant to S.L. 1981-59, S.L. 2017-210, and Guilford County Ordinance Chapter 17: Electronic Notice, Section 17-1(a).
4. The Clerk to the Planning Board is further directed to transmit, by registered or certified mail, to each owner of property abutting upon the described section of said street, as shown on the Guilford County tax records, who did not join in the request to have the road closed, a copy of this Resolution of Intent.
5. The Clerk to the Planning Board is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted, as required by N.C.G.S. 153A-241.



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT DEPARTMENT  
PLANNING BOARD**

NOW, THEREFORE, BE IT RESOLVED, that it is the intent of this Board to close said public road to the public use, and that a public hearing on this request will be held on the 13<sup>th</sup> day of May, 2026, at 6:00 P.M. in the Carolyn Q. Coleman Conference Room at the Old Guilford County Courthouse, 301 W. Market St., Greensboro, N.C. 27401, at which time the Board will hear all interested citizens and make a final determination as to whether the public road shall be closed and removed from dedication.

ADOPTED this 8<sup>th</sup> day of April, 2026.

DRAFT



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

**DATE:** December 6, 2022  
**TO:** Wright R. Archer, III, PE  
 Division Engineer  
 Division 7  
**FROM:** Erin Lesh, GISP  
 Supervisor, Spatial Data Operations Group  
 Geographic Information Systems Unit  
**SUBJECT:** 2022 District 2 Road System Changes

The GIS Unit's Spatial Data Operations Group has been authorized to make the changes indicated below to the state road system. We request that you update the related maps and files in your offices and install appropriate road number signs, if necessary. If our system changes do not conform to the actual conditions in the field, please return this memorandum with recommendations.

Document Number	County	Approval Date
Guilford_2022_12_52651	GUILFORD	12/01/2022

Questions or comments about changes should be referred to the GIS Help Desk at GISHelp@ncdot.gov.

Thank you for your assistance.

EAL

cc: BSIP  
 Bridge Maintenance  
 Division Right of Way  
 IMG  
 Pavement Management  
 Permit Unit  
 State Road Maintenance  
 Traffic Engineering  
 Traffic Surveys

**MAILING ADDRESS:**  
 NC DEPARTMENT OF TRANSPORTATION  
 GEOGRAPHIC INFORMATION SYSTEMS UNIT  
 1521 MAIL SERVICE CENTER  
 RALEIGH, NC 27699-1521

Telephone: (919) 707-2165  
 FAX: 919-707-2210  
 Customer Service: 1-877-368-4968  
 Website: www.ncdot.gov

**LOCATION:**  
 4101 CAPITAL BLVD.  
 RALEIGH, NC 27604

# 2022 Road System Changes

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**Petition Name:** Guilford\_2022\_12\_52651  
**Date:** 12/01/2022  
**County:** GUILFORD

## Additions

<b>Route</b>	<b>Street Name</b>	<b>Mileage</b>	<b>Map</b>
None			

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## Deletions

<b>Route</b>	<b>Street Name</b>	<b>Mileage</b>	<b>Map</b>
SR 1135	HOMEDALE RD	0.47	

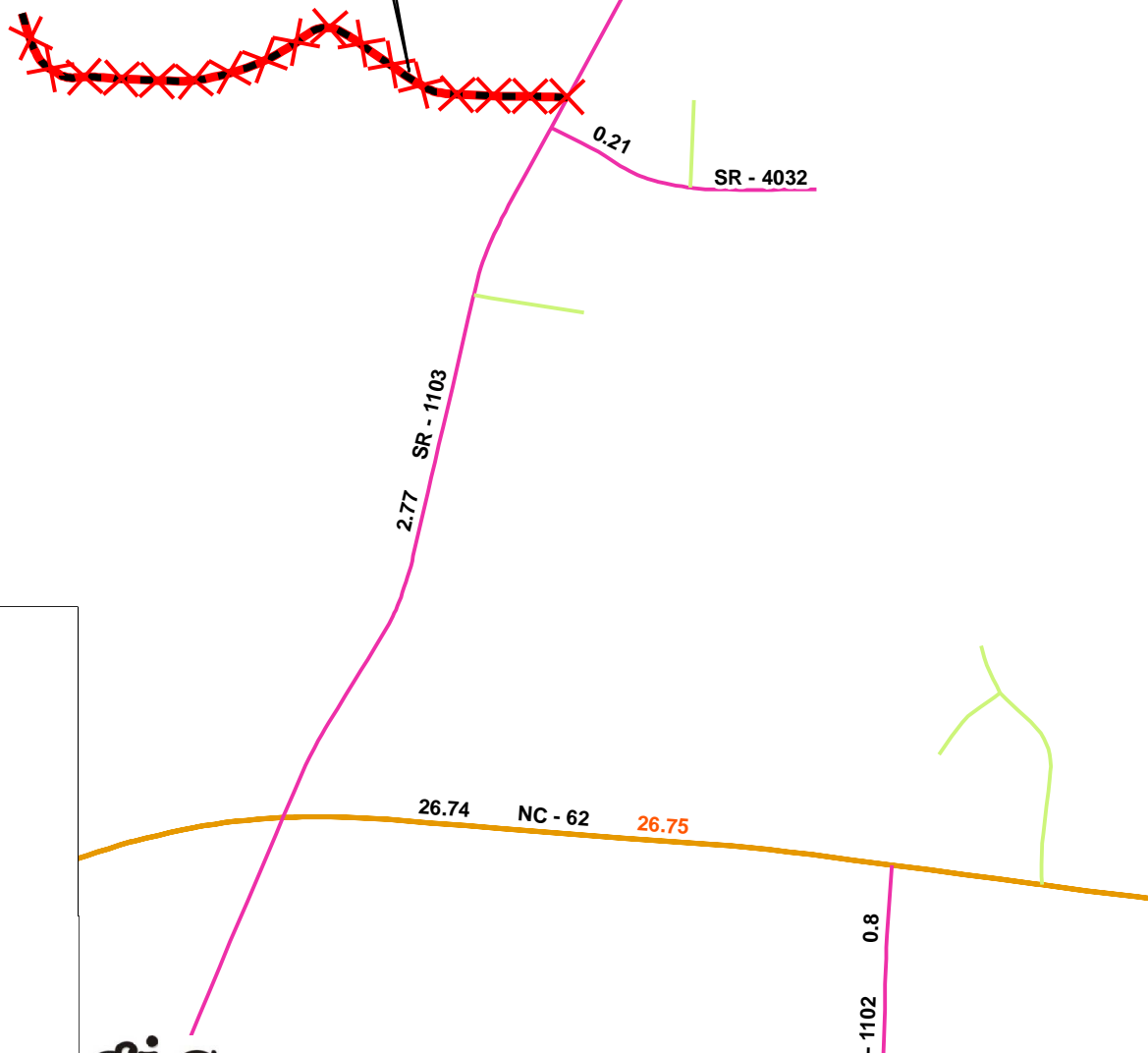
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## Reassignments

<b>Existing Route</b>	<b>New Route</b>	<b>Street Name</b>	<b>Mileage</b>	<b>Map</b>
None				

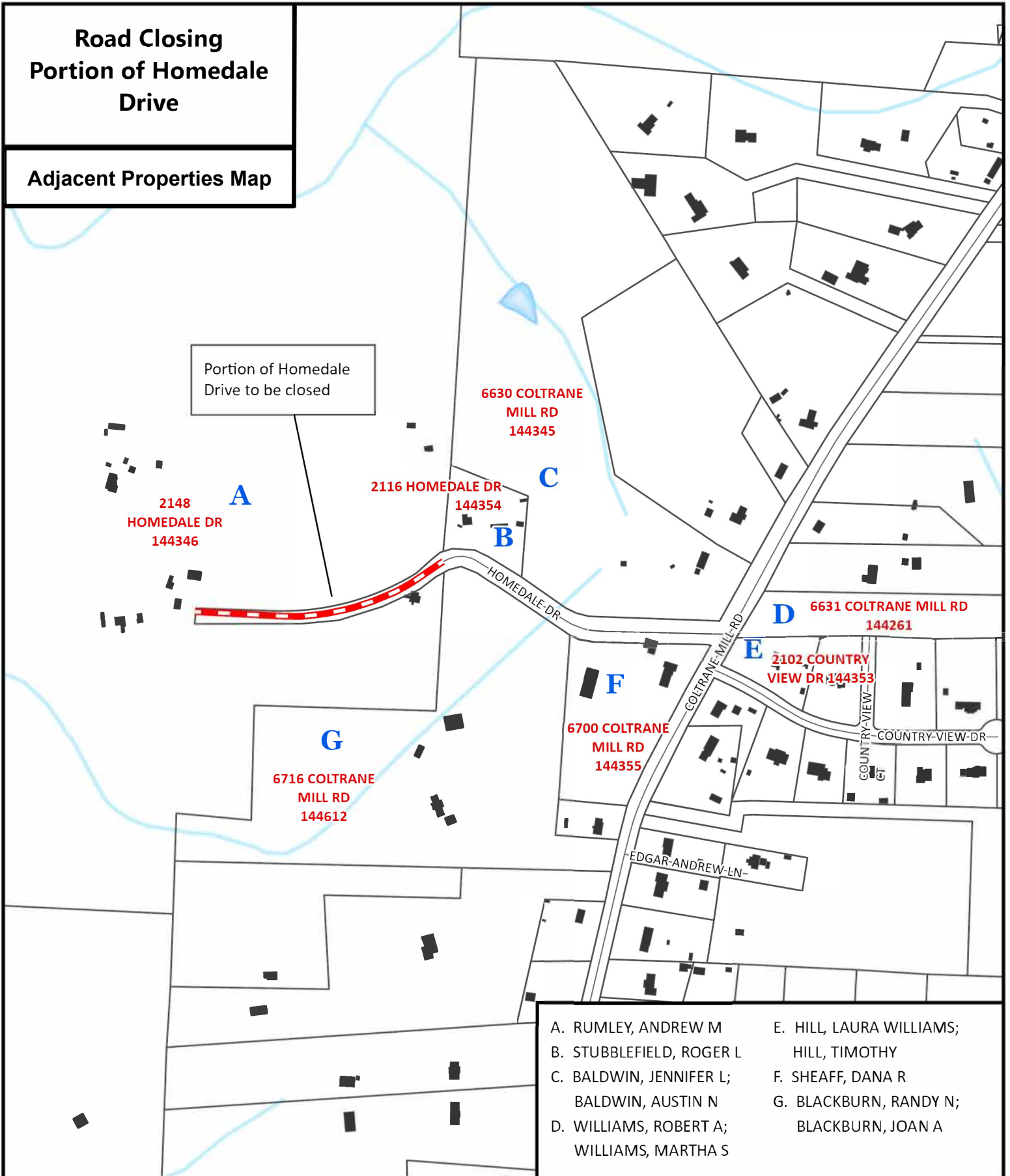
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Delete  
SR 1135  
Homedale Rd  
for 0.47 Mi



# Road Closing Portion of Homedale Drive

## Adjacent Properties Map



- |                          |                          |
|--------------------------|--------------------------|
| A. RUMLEY, ANDREW M      | E. HILL, LAURA WILLIAMS; |
| B. STUBBLEFIELD, ROGER L | HILL, TIMOTHY            |
| C. BALDWIN, JENNIFER L;  | F. SHEAFF, DANA R        |
| BALDWIN, AUSTIN N        | G. BLACKBURN, RANDY N;   |
| D. WILLIAMS, ROBERT A;   | BLACKBURN, JOAN A        |
| WILLIAMS, MARTHA S       |                          |



Planning & Development  
Department

**Jurisdiction:**

GUILFORD COUNTY

**Case Number:**

26-02-PLBD-00012

**Case Area:**

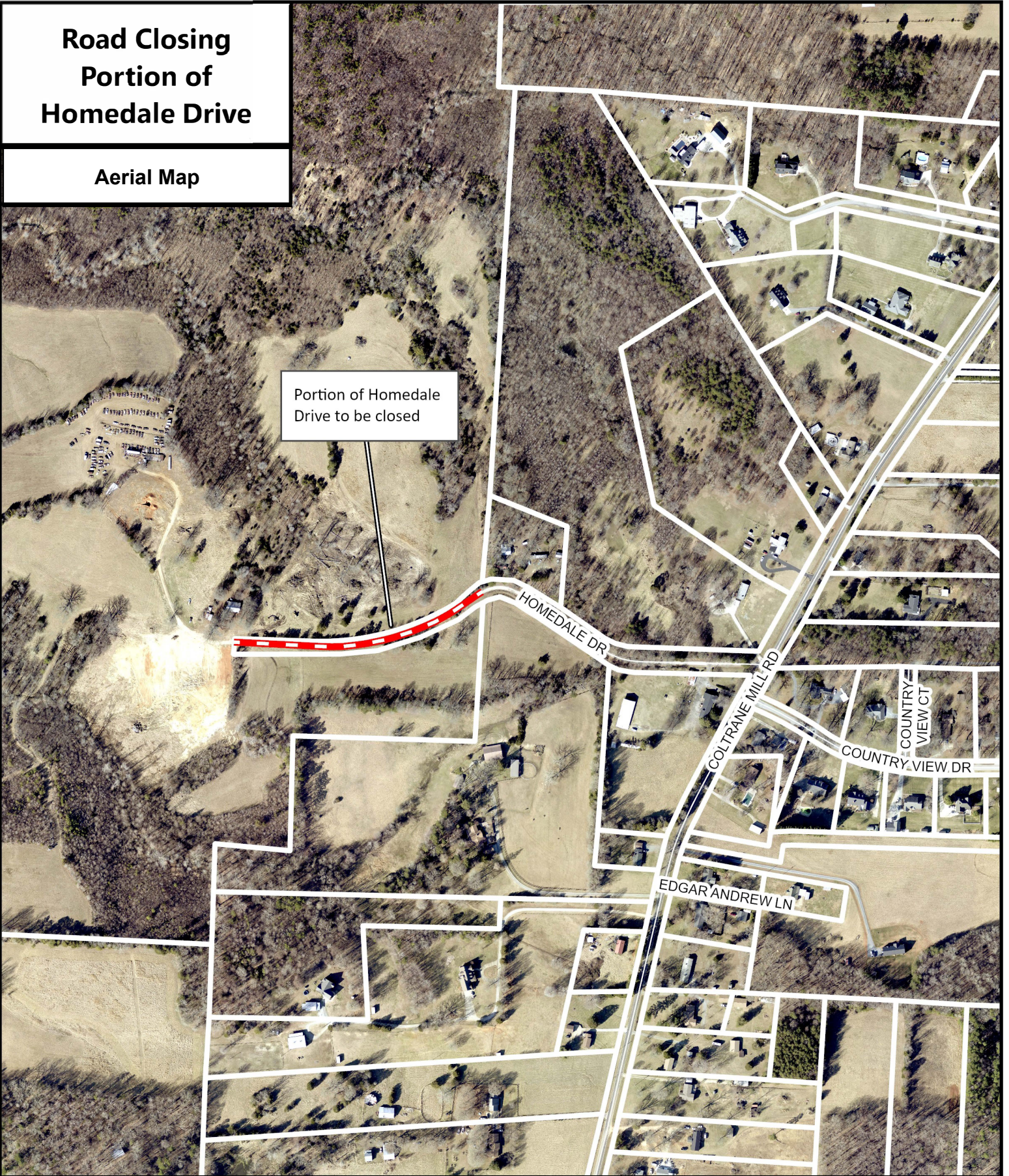
- Parcel(s) - 144346
- 0.2 mile portion of Homedale Drive to be closed
- Entire road to be abandoned by NCDOT



Scale: 1" = 450'

# Road Closing Portion of Homedale Drive

Aerial Map



Planning & Development  
Department

Jurisdiction:  
GUILFORD COUNTY

Case Number:  
26-02-PLBD-00012

Case Area:  
Parcel(s) - 144346  
- 0.2 mile portion of  
Homedale Drive to be closed  
- Entire road to be abandoned  
by NCDOT



Scale: 1" = 450'

*(Insert Color Paper)*

*(Intentionally Left Blank)*



GUILFORD COUNTY  
PLANNING AND DEVELOPMENT

Planning Board  
Conditional Rezoning  
Application

Fees: < 1 acre: \$750.00; 1-4.99 acres: \$1,200.00; 24.99 acres: \$1,500.00; 25+ acres or Planned Unit Development: \$2,000.00

Date Submitted: 02/24/2026 Receipt # REC-031779-2026 Case Number 26-02-PLBD-00014

Provide the required information as indicated below. Pursuant to the Unified Development Ordinance (UDO), this application will not be processed until application fees are paid; the form below is completed and signed; and all required maps, plans and documents have been submitted to the satisfaction of the Guilford County Planning & Development Department.

Pursuant to Section 3.5.M of the Unified Development Ordinance (UDO), the undersigned hereby requests Guilford County to rezone the property described below from the AG zoning district to the CZ-RS-40 zoning district.

Said property is located at 2506 Marguerite Drive  
in Jefferson Township; Being a total of: 10.85 acres.

Further referenced by the Guilford County Tax Department as:

Tax Parcel # 1150610-115610 Tax Parcel # \_\_\_\_\_  
Tax Parcel # \_\_\_\_\_ Tax Parcel # \_\_\_\_\_  
Tax Parcel # \_\_\_\_\_ Tax Parcel # \_\_\_\_\_

Additional sheets for tax parcels are available upon request.

Check One: (Required)

- The property requested for rezoning is an entire parcel or parcels as shown on the Guilford County Tax Map.
- The property requested for rezoning is a portion of a parcel or parcels as shown on the Guilford County Tax Map; a written legal description of the property and/or a map are attached.

Check One: (Required)

- Public services (i.e. water and sewer) are not requested or required.
- Public services (i.e. water and sewer) are requested or required; the approval letter is attached.

Conditional Zoning Requirements:

- Zoning Sketch Plan. A sketch plan illustrating proposed conditions and other pertinent information may be included for all conditional rezoning requests. Sketch elements not illustrating proposed conditions are subject to subdivision and site plan review. Refer to Appendix 2, Map Standards of the Unified Development Ordinance (UDO).
- Zoning Conditions. At least one (1) use and/or development conditions must be provided. Complete Page 2 of this application. Refer to uses as listed in Table 4-3-1 of the Unified Development Ordinance (UDO).



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Planning Board  
Conditional Zoning  
Application**

**Use Conditions**

Uses of the property shall be limited to the following uses as listed in Article 4, Table 4-3-1 of the Unified Development Ordinance (UDO):

1) **Single-Family Detached Dwelling, Family Care Facility, Accessory Apartment/Dwelling Unit, Subdivision (minor and major) Residential, Temporary Family Healthcare Structures**

2) Home Occupation

3) *see attached use matrix uses struck out are prohibited*

4)

**Development Conditions**

Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the Unified Development Ordinance (UDO):

1) **To be Sub-divided into maximum of two (2) Lots**

2)

3)

4)

**A NEIGHBORHOOD MEETING IS STRONGLY ENCOURAGED PRIOR TO SUBMITTAL AND  
YOU OR SOMEONE REPRESENTING YOU IS ENCOURAGED TO BE PRESENT AT THE PUBLIC HEARING**

**A Conditional Zoning Application must be signed by current property owner(s).**

*I hereby agree to conform to all applicable laws of Guilford County and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Guilford County Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.*

Respectfully Submitted,

*Sum-Yae Park* (Sum-Yae Park)  
\_\_\_\_\_  
Property Owner Signature

**Park Living Trust**

Name  
**2506 Marguerite Drive**

Mailing Address  
**Greensboro, NC 27406**

City, State and Zip Code

**336-697-5226**

Phone Number

**katiekim1501@gmail.com**

Email Address

*Hyun-Kyung Kim* (Hyun-Kyung Kim)  
\_\_\_\_\_  
Owner/ Representative/ Applicant Signature (if applicable)

**Park Living Trust**

Name  
**1501 Kellenberger Drive**

Mailing Address  
**Greensboro, NC 27406**

City, State and Zip Code

**336-312-1146**

Phone Number

**katiekim1501@gmail.com**

Email Address

*Additional sheets for conditions and signatures are available upon request.*







**TABLE 4.3-1 PERMITTED USE SCHEDULE**

X = Prohibited in the WCA. For details on prohibited uses in the WCA, see Article 9 - Environmental Regulations  
For PUD Zoning Districts (PD-R, PD-M & RPD) - Refer to Section 4.4

P = Use by Right

D = Individual Development Standards Apply - See Article 5

S = Individual Development Standards Apply per Article 5 & Special Use Permit Required per Section 3.5.Q

Z = Overlay Zoning Required

"\*" = Additional District Requirements, See Section 4.5 or 4.6

Use Category	Use Type	WCA Prohibited	Residential										Institutional	Commercial					Industrial				
			A	R	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H	C	L	H
			G	S	S	S	S	S	S	M	M	M	I	O	X	B	B	B	B	P	I	I	
				40	30	20	3	5	7	8	18	26			U	*	*	*	*	*	*	*	
	Fraternity or Sorority (University or College Related)												P		P		P	P	P		P		
	Government Office												P	P	P	P	P	P	P	P	P		
	Library												P	P	P	P	P	P	P				
	Museum or Art Gallery												P	P	P	P	P	P	P				
	Post Office												P	P	P	P	P	P	P	P	P		
	Hospital												P		P			P	P				
Business, Professional, and Personal Services	Office (General)													P	P	P	P	P	P	P	P		
	Medical or Professional Office														P	P	P	P	P	P	P		
	Personal Service													P	P	P	P	P	P	P	P		
	Advertising, Outdoor Services																	D	D	P	P		
	Bank or Finance without Drive-through														D		P	P	P	D	P		
	Rural Residential Occupation		S																				
	Bank or Finance with Drive-through														P		P	P	P	P	P		
	Boat Repair	X																P	P		P		
	Building Maintenance Services																	P	P		P		
	Furniture Stripping or Refinishing (including Secondary or Accessory Operations)	X																P	P		P		
	Insurance Agency (Carriers and On-Site Claims Inspections)														P		P	P	P	P	P		
	Kennels or Pet Grooming		P												D		D	D	D	D	P		
	Landscape and Horticultural Services	X	S																P		P		
Laundromat or Dry Cleaner	X														P	P	P	P					

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Use Category	Use Type	WCA Prohibited	Residential										Institutional	Commercial					Industrial				
			A	R	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H	C	L	H
			G	S	S	S	S	S	S	M	M	M	I	O	X	B	B	B	B	P	I	I	
			40	30	20	3	5	7	8	18	26		U	*	*	*	*	*	*	*	*	*	
	Motion Picture Production																P	P	P	P			
	Pest or Termite Control Services	X															P	P		P	P		
	Payday Loan Services																	P					
	Research, Development or Testing Services																		P	P	P		
	Studios-Artists and Recording													P	P	P	P	P		P			
Lodging	Bed and Breakfast Home for 8 or Less Guest Rooms		S	S	S	S	S	S	S	D	D	D			D	D	D	P	P				
	Hotel or Motel													S			P	P	P				
	Retail (General)													P	P	P	P	P					
	A B C Store (Liquor)																P	P					
	Auto Supply Sales																P	P					
	Automobile Rental or Leasing	X															P	P		P	P		
	Automobile Repair Services	X															P	P		P	P		
	Car Wash	X															D	D		P	P		
	Building Supply Sales (with Storage Yard)																D	D		P	P		
Retail Trade	Convenience Store (with Gasoline Pumps)	X												P		P	P	P	D	P	P		
	Equipment Rental and Repair, Heavy	X																			P		
	Equipment Rental and Repair, Light																D	D		P	P		
	Fuel Oil Sales	X																		P	P		
	Garden Center or Retail Nursery																P	P		P			
	Manufactured Home Sales																	P		P	P		
	Motor Vehicle, Motorcycle, RV or Boat Sales (New and Used)	X															P	P		P	P		

**TABLE 4.3-1 PERMITTED USE SCHEDULE**

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Use Category	Use Type	WCA Prohibited	Residential										Institutional	Commercial					Industrial				
			A	R	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H	C	L	H
			G	S	S	S	S	S	S	M	M	M	I	O	X	B	B	B	B	P	I	I	
				40	30	20	3	5	7	8	18	26			U	*	*	*	*	*	*	*	
	Pawnshop or Used Merchandise Store																	P	P				
	Service Station, Gasoline	X																P	P	P		P	P
	Tire Sales																		P	P		P	
Food Service	Bakery															P	P	P	P	P			
	Bar Private Club/Tavern																		D	D			P
	Microbrewery, Private Club/Tavern																		D	D			
	Restaurant (With Drive-thru)															P			P	P			
	Restaurant (Without Drive-thru)															P	P	D	P	P	P	P	P
Funeral and Internment Services	Cemetery or Mausoleum		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
	Funeral Home or Crematorium													S		P			P	P			
Transportation, Warehousing, and Wholesale Trade	Wholesale Trade-Heavy																				S	P	
	Wholesale Trade-Light																			P	P	P	P
	Automobile Parking (Commercial)												S						P	P	P	P	P
	Automotive Towing and Storage Services	X																	D	D		D	D
	Equipment Rental and Leasing (No Outside Storage)																		P	P		P	P
	Equipment Rental and Leasing (with Outside Storage)																					P	P
	Equipment Repair, Heavy	X																					P
	Equipment Repair, Light																		D	D		P	P
	Tire Recapping																						P
Truck Stop	X																			D	P	P	

**TABLE 4.3-1 PERMITTED USE SCHEDULE**

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Use Category	Use Type	WCA Prohibited	Residential										Institutional	Commercial					Industrial						
			A	R	R	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H	C	L	H	
			G	S	S	S	S	S	S	M	M	M		I	O	X	B	B	B	B	B	P	I	I	
			40	30	20	3	5	7	8	18	26						U	*	*	*	*	*	*	*	
	Truck and Utility Trailer Rental and Leasing, Light	X																	P	P		P	P		
	Truck Tractor and Semi-Rental and Leasing, Heavy	X																				P	P		
	Truck Washing	X																					P		
	Beneficial Fill Area		<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>		
	Bus Terminal and Service Facilities	X																		P	P		P	P	
	Courier Service, Central Facility																						P	P	
	Courier Service Substation																		P	P	P	P	P	P	
	Heliport	X												S		S				S	S	S	S	P	
	Moving and Storage Service																						P	P	
	Railroad Terminal or Yard	X																			P		P	P	
	Taxi Terminal	X																			P	P		P	P
	Trucking or Freight Terminal	X																					P	P	
Utilities and Communication	Communication or Broadcasting Facility																		P		P	P	P	P	
	Wireless Communication Tower - Stealth Camouflage Design		<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	<del>D</del>	
	Wireless Communication Tower - Non-Stealth Design		D																D		D	D	D	D	
	Small Cell Wireless Tower													S		S	S	S	S	S	S	S	S	S	
	Radio or TV Station																			P		P	P	P	
	Utilities, Major		<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	
	Utilities, Minor		<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	
	Solar Collectors Principal		S											S									S	S	
	Utility Company Office																			P		P	P	P	

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Use Category	Use Type	WCA Prohibited	Residential										Institutional	Commercial					Industrial					
			A	R	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H	C	L	H	
			G	S	S	S	S	S	S	M	M	M	I	O	X	B	B	B	B	P	I	I		
			40	30	20	3	5	7	8	18	26		U	*	*	*	*	*	*	*	*			
	Utility Equipment and Storage Yards																				P	P		
Waste-Related Uses	Construction or Demolition Debris Landfill, Major																						S	
	Construction or Demolition Debris Landfill, Minor		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
	Junk/Salvage Yard																						P	
	Land Clearing & Inert Debris Landfill, Major	X	S																				S	
	Land Clearing & Inert Debris Landfill, Minor		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
	Refuse and Raw Material Hauling	X																					P	
	Recycling Facilities, Outdoors																						P	P
	Resource Recovery Facilities																							P
	Waste Transfer Stations																							P
	Septic Tank Services	X																					P	P
	Sewage Treatment Plant	X																						P
	Solid Waste Disposal (Non-Hazardous)	X																						S
	Hazardous and Radioactive Waste (Transportation, Storage and Disposal)	X																						S
	General Industrial	Warehouse (General Storage, Enclosed)																	D	D	P	P	P	
Warehouse (Self-Storage)																		D	D		P	P		
Laundry or Dry Cleaning Plant		X															P	D	P	P	P	P	P	

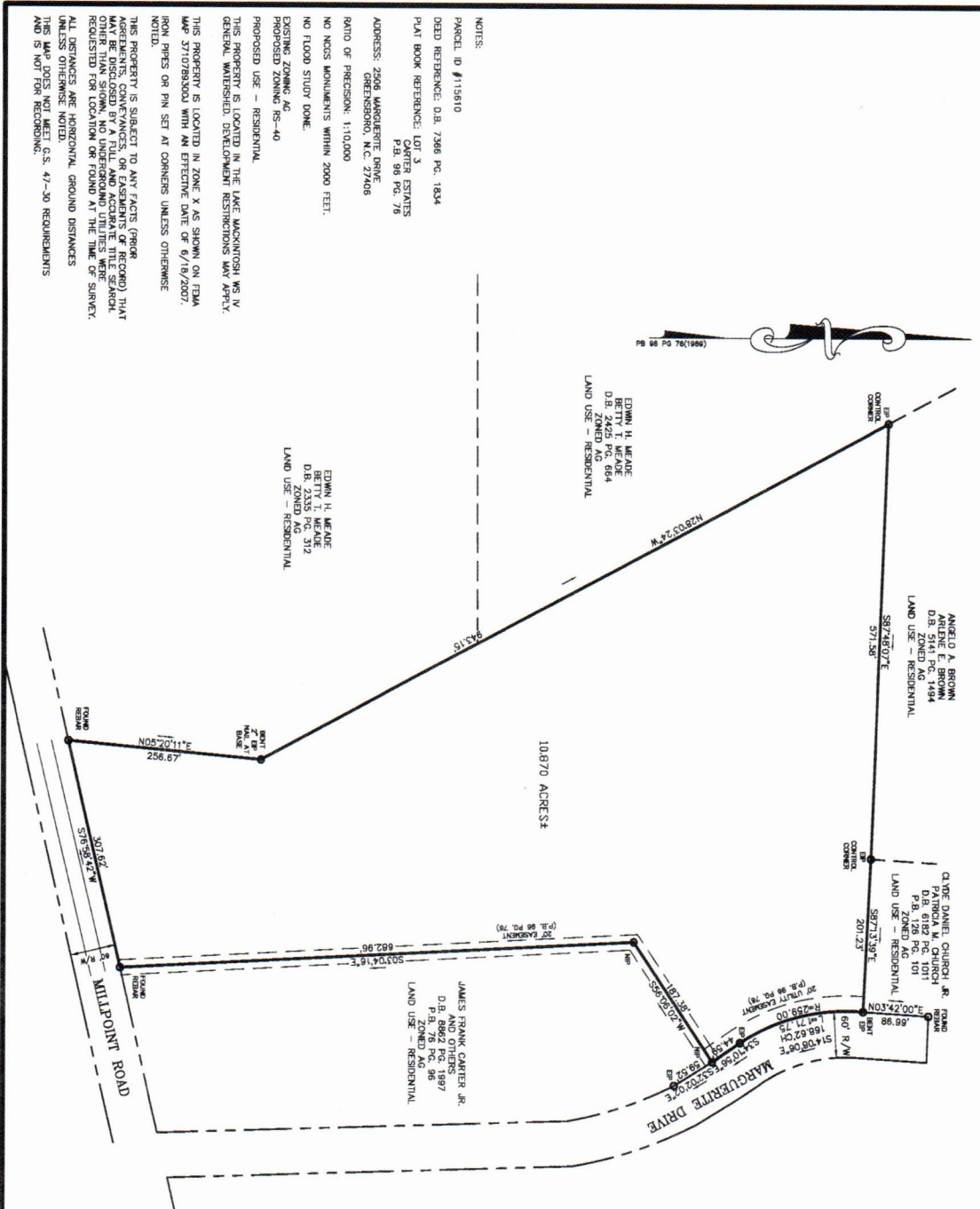


## Attached Legal Description

Being a parcel of land on the west side of Marguerite Drive and the north side of Mill Point Road located in Jefferson Township, Guilford County, North Carolina and being Lot 3 of Carter Estates as shown on Plat Book 96 Page 76 in the Guilford County Registry and being more particularly described as follows:

Beginning at a new iron pipe on the right of way of Marguerite Drive, said new iron pipe being the common corner of Lots 2 and 3 of Carter Estates as shown on Plat Book 96, Page 76; thence with the line of Lot 2 S. 56-06-02 W. 187.38 feet to a point, thence continuing with the line of Lot 2 S. 03-04-16 E. 682.96 feet to a found rebar on the northern right of way of Millpoint Road; thence with the northern right of way of Mill Point Road S. 76-58-42 W. 307.62 feet to a found rebar, thence with the eastern line of the property owned by Edwin H. Meade and Betty T. Meade (Deed Book 2335 Page 312 and Deed Book 2425 Page 664) N. 05-20-11 E. 256.67 feet to a bent eip; thence N. 28-03-24 W. 943.15 feet to an existing iron pipe, the southwest corner of the property owned by Angelo A. Brown and Arleen E. Brown (Deed Book 5141 page 1494); thence with Brown's southern line S. 87-48-07 E. 571.58 feet to an existing iron pipe, the southwest corner of the property owned by Clyde Daniel Church Jr. and Patricia M. Church (Deed Book 6182 Page 1011); thence with the southernmost line of Church S. 87-13-29 E. 201.23 feet to a existing iron pipe on the western right of way of Marguerite Drive; thence with the western right of way of Marguerite Drive with a curve to the left having a radius of 259.00 feet , an arc length of 171.75 feet and a chord bearing of S. 14-08-06 E. 168.62 feet to an existing pipe; thence S. 34-10-56 E. 44.59 feet to the point and place of beginning and containing 10.87 acres more or less.

I HEREBY CERTIFY THAT THIS PLAT SHOWN AND DESCRIBED HEREON, WAS DRAWN UNDER MY SUPERVISION, AND IS IN ALL RESPECTS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.  
 WITNESS MY HAND AND SEAL THIS 19TH DAY OF FEBRUARY 2006  
 LAND SURVEYOR  
 REGISTRATION NUMBER: L-3987



NOTES:  
 PARCEL ID #115810  
 DEED REFERENCE: D.B. 7266 PG. 1834  
 PLAT BOOK REFERENCE: LOT 3  
 PARTIAL ESTATES  
 P.B. 98 PG. 73  
 ADDRESS: 2208 MARGUERITE DRIVE  
 GREENSBORO, N.C. 27406  
 RATIO OF PRECISION: 1:10,000  
 NO MONUMENTS WITHIN 2000 FEET.  
 NO FLOOD STUDY DONE.  
 EXISTING ZONING AG-40  
 PROPOSED ZONING RS-40  
 THIS PROPERTY IS LOCATED IN THE LAKE WACONTOUR MS IV GENERAL UNDESIGNED DEVELOPMENT RESTRICTIONS MAP AREA, MAP #7102/893204 WITH AN EFFECTIVE DATE OF 07/18/2007.  
 IRON PIPES OR PIN SET AT CORNERS UNLESS OTHERWISE NOTED.  
 THIS PROPERTY IS SUBJECT TO ANY FACTS (PRIOR AGREEMENTS, CONVEYANCES, OR EASEMENTS OF RECORD) THAT MAY AFFECT THIS PROPERTY. THE SURVEYOR HAS CONDUCTED OTHER THAN SHOWN, NO UNDERGROUND UTILITIES WERE REQUESTED FOR LOCATION OR FOUND AT THE TIME OF SURVEY. ALL DISTANCES ARE HORIZONTAL. GROUND DISTANCES UNLESS OTHERWISE NOTED.  
 THIS MAP DOES NOT MEET G.S. 47-30 REQUIREMENTS AND IS NOT FOR RECORDING.

DRAWN BY: RJP  
 PROJ. NO. 65610  
 DRAWING FILE: 65610-REZONING-MAP

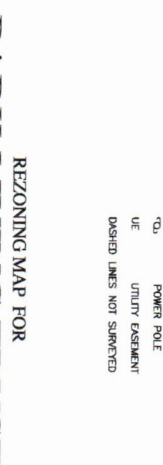
**REZONING MAP FOR  
 PARK LIVING TRUST**  
 2506 MARGUERITE DRIVE  
 JEFFERSON TOWNSHIP  
 GUILFORD COUNTY  
 NORTH CAROLINA

OWNER/DEVELOPER:  
 PARK LIVING TRUST  
 MOO WOOD PARK, TRUSTEE  
 JUM-YAE PARK, TRUSTEE  
 HYUN-KYUNG KIM, TRUSTEE  
 2506 MARGUERITE DRIVE  
 GREENSBORO, N.C. 27406

ILSON SURVEYING, INC.  
 15444 HAZEN, PROFESSIONAL LAND SURVEYOR NO. 12867  
 407 BLANCKHORN, GREENSBORO, NC 27405  
 TELEPHONE: (336) 275-8606 • FAX: (336) 272-6171  
 FIRM LICENSE NUMBER: 0288  
 DATE: FEBRUARY 19, 2006  
 SCALE: 1" = 100'

LEGEND:

EP	EXISTING IRON PIPE
NIP	NEW IRON PIPE
CM	CONCRETE MONUMENT
MH	MANHOLE
MBL	MANHOLE BUILDING LINE
R/W	RIGHT-OF-WAY
CH	CHORD
C/L	CENTRLINE
PO	POWER POLE
UE	UTILITY EASEMENT
---	DASHED LINES NOT SURVEYED



*(Intentionally Left Blank)*

**CONDITIONAL REZONING CASE #26-02-PLBD-00014: AG, AGRICULTURAL TO CZ-RS-40, CONDITIONAL ZONING – RESIDENTIAL: 2506 MARGUERITE DRIVE**

**Property Information**

The subject property is located at 2506 Marguerite Drive (Guilford County Tax Parcel #115610 in Jefferson Township) approximately 700 feet east of the intersection of Millpoint Road and Brookhaven Mill Road and comprises approximately 10.85 acres.

**Zoning History of Denied Cases:** There is no history of denied cases.

**Nature of the Request**

This is a request to rezone the subject property from AG, Agricultural to CZ-RS-40, Conditional Zoning – Residential with the following conditions:

**Use Conditions:**

Use of the property shall be limited to the following uses as listed in Article 4, Table 4-3-1 of the Unified Development Ordinance (UDO):

- 1) Single-Family Detached Dwelling, Family Care Facility, Accessory Apartment/Dwelling Unit, Subdivision (Minor and Major), Temporary Family Healthcare Structures, Home Occupation
- 2) See attached Use Matrix. Uses struck out are prohibited.

**Development Conditions:**

- 1) To be subdivided into a maximum of two (2) lots.

**District Descriptions**

The **AG, Agriculture District** is intended to provide locations for agricultural operations, farm residences, and farm tenant housing on large tracts of land. This district is further intended to reduce conflicts between residential and agricultural uses and preserve the viability of agricultural operations. Commercial agricultural product sales - “agritourism” - may be permitted. The minimum lot size of this district is 40,000 square feet.

This **RS-40, Residential District** is primarily intended to accommodate single-family residential detached dwellings on lots in areas without access to public water and sewer services. The minimum lot size of this district is 40,000 square feet. Conservation subdivisions may be developed in this district.

The **CZ, Conditional Zoning District** is established as a companion district for every district established in the Unified Development Ordinance. These districts are CZ-AG, CZ-RS-40, CZ-RS-30, CZ-RS-20, CZ-RS-3, CZ-RS-5, CZ-RS-7, CZ-RM-8, CZ-RM-18, CZ-RM-26, CZ-LO, CZ-NB, CZ-LB, CZ-MXU, CZ-GB, CZ-HB, CZ-CP, CZ-LI, CZ-HI, CZ-PI, CZ-RPD, CZ-PD-R, and CZ-PD-M. All regulations which apply to a general use zoning district also apply to the companion conditional zoning. All other regulations,

which may be offered by the property owner and approved by the Jurisdiction as part of the rezoning process, also shall apply.

## Character of the Area

The vicinity of the subject property is zoned AG and RS-40. The surrounding area is predominantly characterized as rural residential with vacant agricultural land. There is a single-family, detached dwelling located on the subject parcel and it appears there are no commercial agricultural activities currently occurring on site. The surrounding zoning is mostly AG with an adjacent RS-40 district located across Millpoint Rd. and to the west along Brookhaven Mill Rd.

**Existing Land Use(s) on the Property:** A single-family, detached dwelling

**Surrounding Uses:**

North: Residential  
South: Residential, YMCA Camp Weaver  
East: Residential  
West: Residential

**Historic Properties:** The Troxler House is located adjacent to the subject property to the west of the subject property. This property is not a local historic landmark, but it was determined to be eligible for the National Register of Historic Places in 1991 by the State Historic Preservation Office (Site No. GF2088). The requested rezoning is not anticipated to have a substantial impact on this historic resource.

**Cemeteries:** No cemeteries are shown to be located on or adjacent to the subject property, but efforts should be made to rule out the potential for unknown grave sites.

## Infrastructure and Community Facilities

**Emergency Response:**

Fire Protection District: Alamance  
Distance from Fire Station: Approximately 2.5 miles

**Water and Sewer Services:**

Provider: Private Septic Systems and Wells  
Within Service Area: No  
Feasibility Study or Service Commitment: N/A

**Transportation:**

Existing Conditions: Millpoint Road is an existing Minor Thoroughfare in the Greensboro Urban Area Metropolitan Planning Organization's Thoroughfare and Collector Street Plan. The Average Annual Daily Traffic for Millpoint Road is 600 vehicles per the 2024 NCDOT traffic count. Marguerite Drive is not a state-maintained road and the Average Annual Daily Traffic is unavailable.

Proposed Improvements: There are currently no proposed road improvements in the area. Any new development would be subject to NCDOT review and must obtain all required approvals.

Projected Traffic Generation: Data not available.

## Environmental Assessment

**Topography:** Per the USDA-NCRS Web Soil Survey, the topography at parcel 115610 varies from nearly and gently sloping to strongly sloping and moderately steep.

**Regulated Floodplain:** There is no regulated floodplain on-site per FIRM #3710789300J with effective date 6/18/2007.

**Wetlands:** There are no mapped wetlands on-site per the National Wetlands Inventory.

**Streams:** There are no mapped streams on-site, per the USGS/NRCS maps of Guilford County.

**Watershed:** The site lies within the Lake Mackintosh (Big Alamance Creek) WS-IV, GWA.

## Consistency: Future Land Use Map & Comprehensive Plan

**Future Land Use Map (FLUM) Classification:** Rural Living (SE Quadrant)

**Activity Center/Node:** None

The **Rural Living** Land Use Classification represents lands that are typically characterized by various lot sizes with low density residential, typically in the form of single-family detached homes. These lands include both existing development and new areas that are currently undeveloped, which may experience increased density along major transportation corridors over time, but which will remain largely rural the farther away properties are located from established corridors and community services.

**Consistency:** This request is consistent with the Future Land Use Map classification of Rural Living. Rural Living is characterized by low density development, typically with one dwelling unit located on several acres. The subject property consists of approximately 10.85 acres and the development conditions for the rezoning limit the future development to a maximum of two (2) lots and a maximum density of 1 du per 5 ac.

**Comprehensive Plan:** Guiding Guilford Moving Forward Together (adopted September 4, 2025)

**Consistency:** In addition to being consistent with the current land use classification, the requested rezoning is also consistent with the following goals, policies, and actions of the Guilford County Comprehensive Plan:

- **Planning Theme: Attainable Housing**
  - **Goal Statement:** Focus on supporting the creation and retention of housing types to accommodate all residents while emphasizing safety and high-quality, sustainable design.
  - **Policy 1:** Enable the creation of new housing units that will provide a mix of housing types that meet the needs of residents.
  
- **Planning Theme: Community Character**
  - **Goal Statement:** Celebrate Guilford County’s unique sense of place by balancing agricultural preservation with desired development patterns, context-sensitive site design and placemaking.

## Reasonableness

The request to rezone the subject property from AG to CZ-RS-40 is reasonable as it aligns with the Guilford County Comprehensive Plan’s Attainable Housing Goal Statement to “focus on supporting the creation and retention of housing types to accommodate all residents while emphasizing safety and high-quality, sustainable design.” As well as Policy 1: to enable the creation of new housing units that will provide a mix of housing types that meet the needs of residents. This proposal is also consistent with the Community Character Goal Statement: Celebrate Guilford County’s unique sense of place by balancing agricultural preservation with desired development patterns, context-sensitive site design and placemaking. The request aligns with the current land use classification of Rural Living provided by the Future Land Use Map. Finally, the rezoning is in character with the surrounding community as there are existing clusters of RS-40 within a half-mile radius of the property including an adjacent district to the south across Millpoint Rd. and to the west along Brookhaven Mill Rd.

## Recommendation

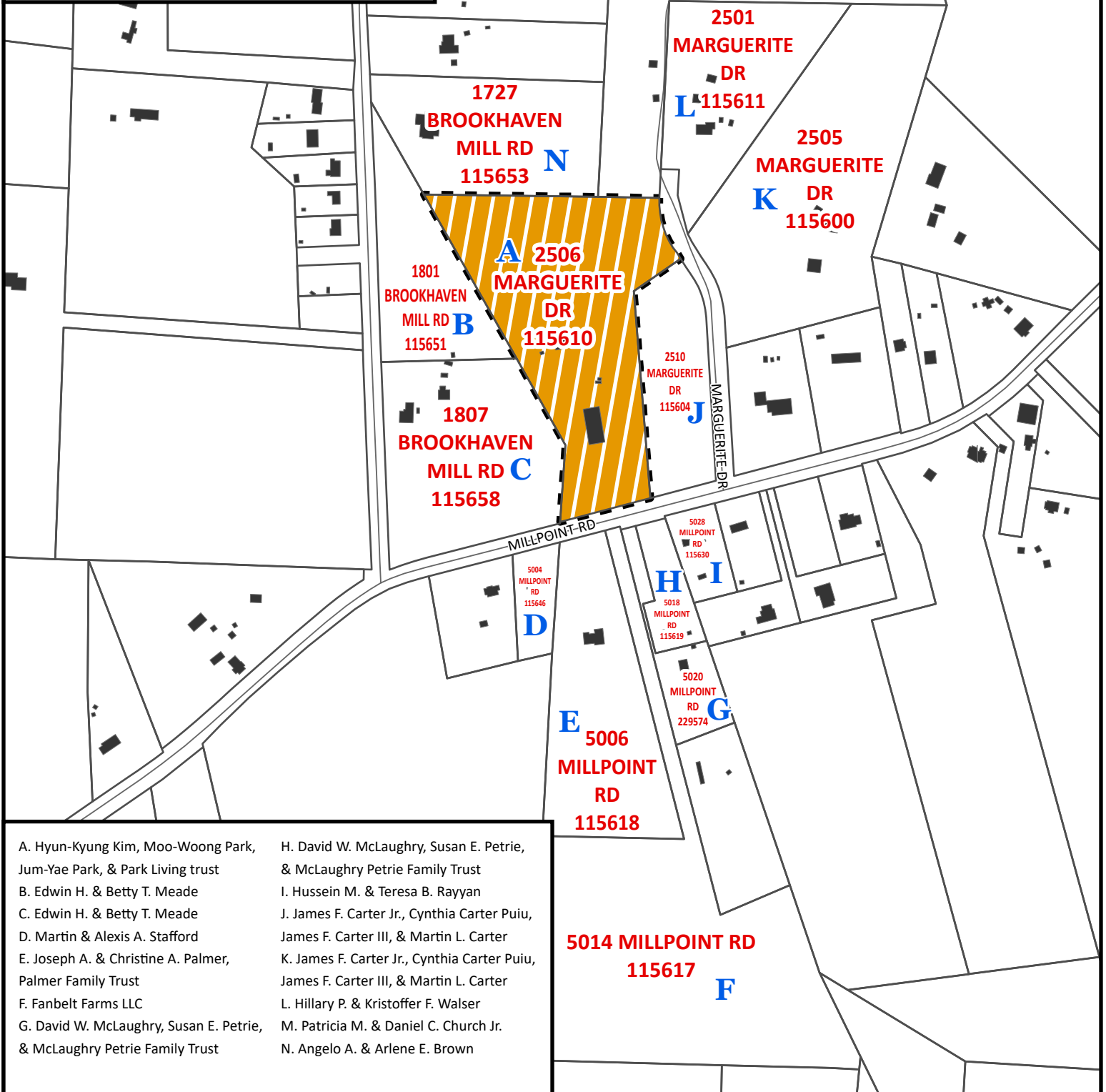
**Staff Recommendation:** Approval.

**FLUM Quadrant:** Southeast.

**FLUM Amendment Recommendation:** The proposed rezoning is consistent with the subject property’s current Future Land Use Map classification of Rural Living. Therefore, if the request is approved, no FLUM amendment will be required.

# Adjacent Properties Map

**AG to CZ-RS-40  
+/- 10.85 Acres**



- |   |  |
|---|--|
| A. Hyun-Kyung Kim, Moo-Woong Park, Jum-Yae Park, & Park Living trust    | H. David W. McLaughry, Susan E. Petrie, & McLaughry Petrie Family Trust              |
| B. Edwin H. & Betty T. Meade  | I. Hussein M. & Teresa B. Rayyan   |
| C. Edwin H. & Betty T. Meade  | J. James F. Carter Jr., Cynthia Carter Puiu, James F. Carter III, & Martin L. Carter |
| D. Martin & Alexis A. Stafford  | K. James F. Carter Jr., Cynthia Carter Puiu, James F. Carter III, & Martin L. Carter |
| E. Joseph A. & Christine A. Palmer, Palmer Family Trust                 | L. Hillary P. & Kristoffer F. Walser   |
| F. Fanbelt Farms LLC  | M. Patricia M. & Daniel C. Church Jr.  |
| G. David W. McLaughry, Susan E. Petrie, & McLaughry Petrie Family Trust | N. Angelo A. & Arlene E. Brown   |



Planning & Development  
Department

**Jurisdiction:**

GUILFORD COUNTY

**Case Number:**

26-02-PLBD-00014

**Case Area:**

Parcel(s) - 115610  
2506 Marguerite Dr



Scale: 1" = 450'

# Aerial Map

**AG to CZ-RS-40  
+/- 10.85 Acres**



Planning & Development  
Department

**Jurisdiction:**

GUILFORD COUNTY

**Case Number:**

26-02-PLBD-00014

**Case Area:**

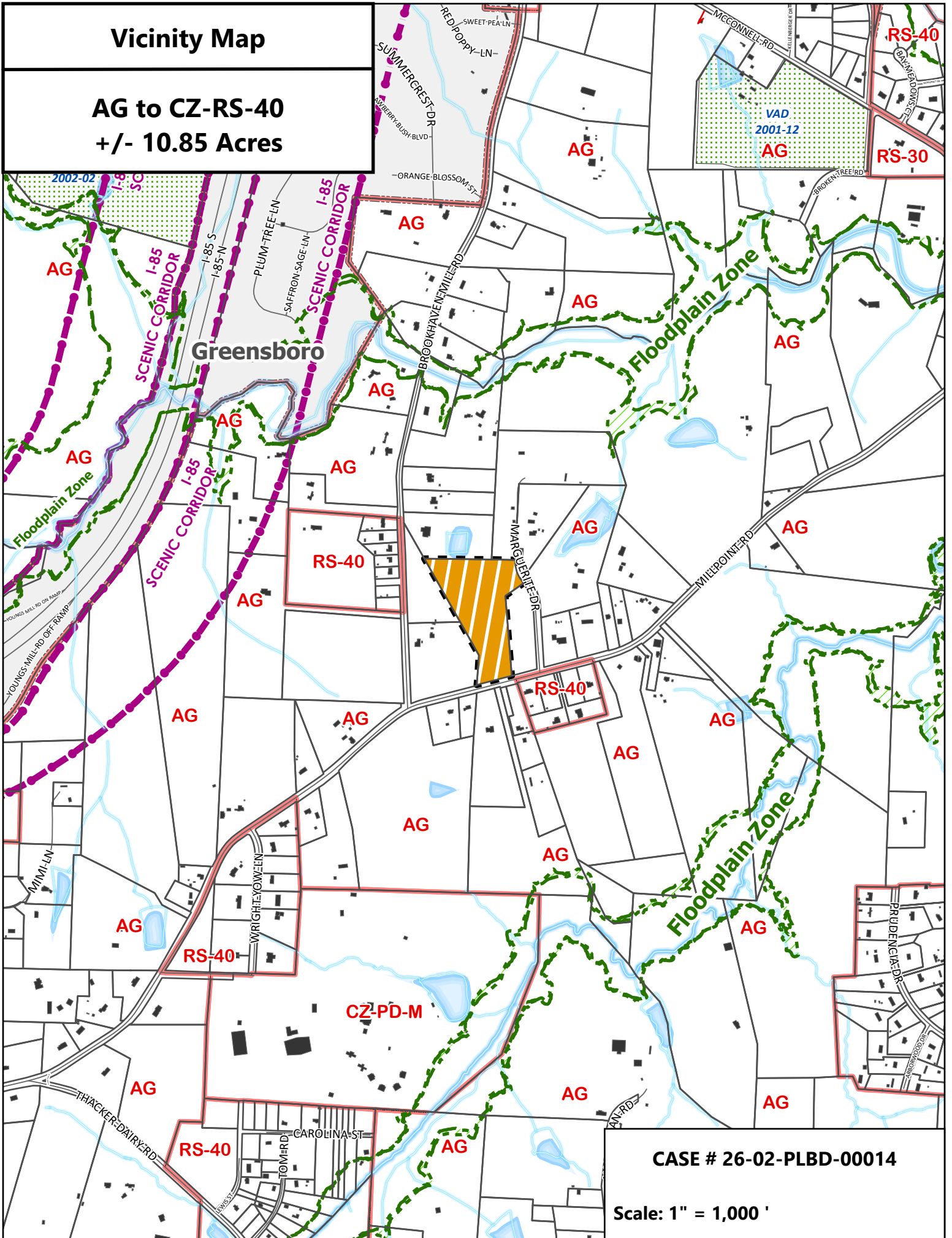
Parcel(s) - 115610  
2506 Marguerite Dr



Scale: 1" = 650'

# Vicinity Map

**AG to CZ-RS-40  
+/- 10.85 Acres**

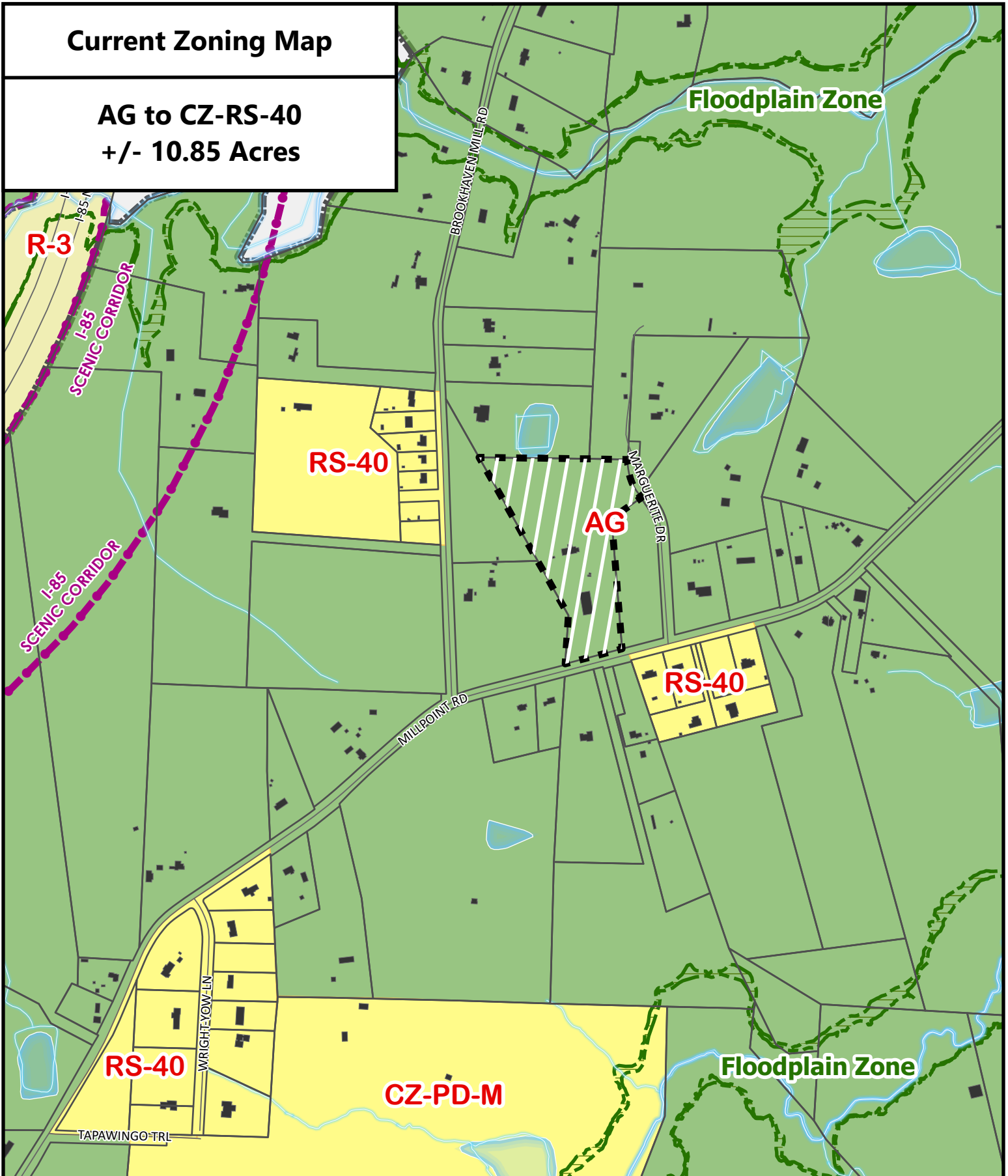


**CASE # 26-02-PLBD-00014**

**Scale: 1" = 1,000'**

# Current Zoning Map

**AG to CZ-RS-40  
+/- 10.85 Acres**



Planning & Development  
Department

### Jurisdiction:

GUILFORD COUNTY

### Case Number:

26-02-PLBD-00014

### Case Area:

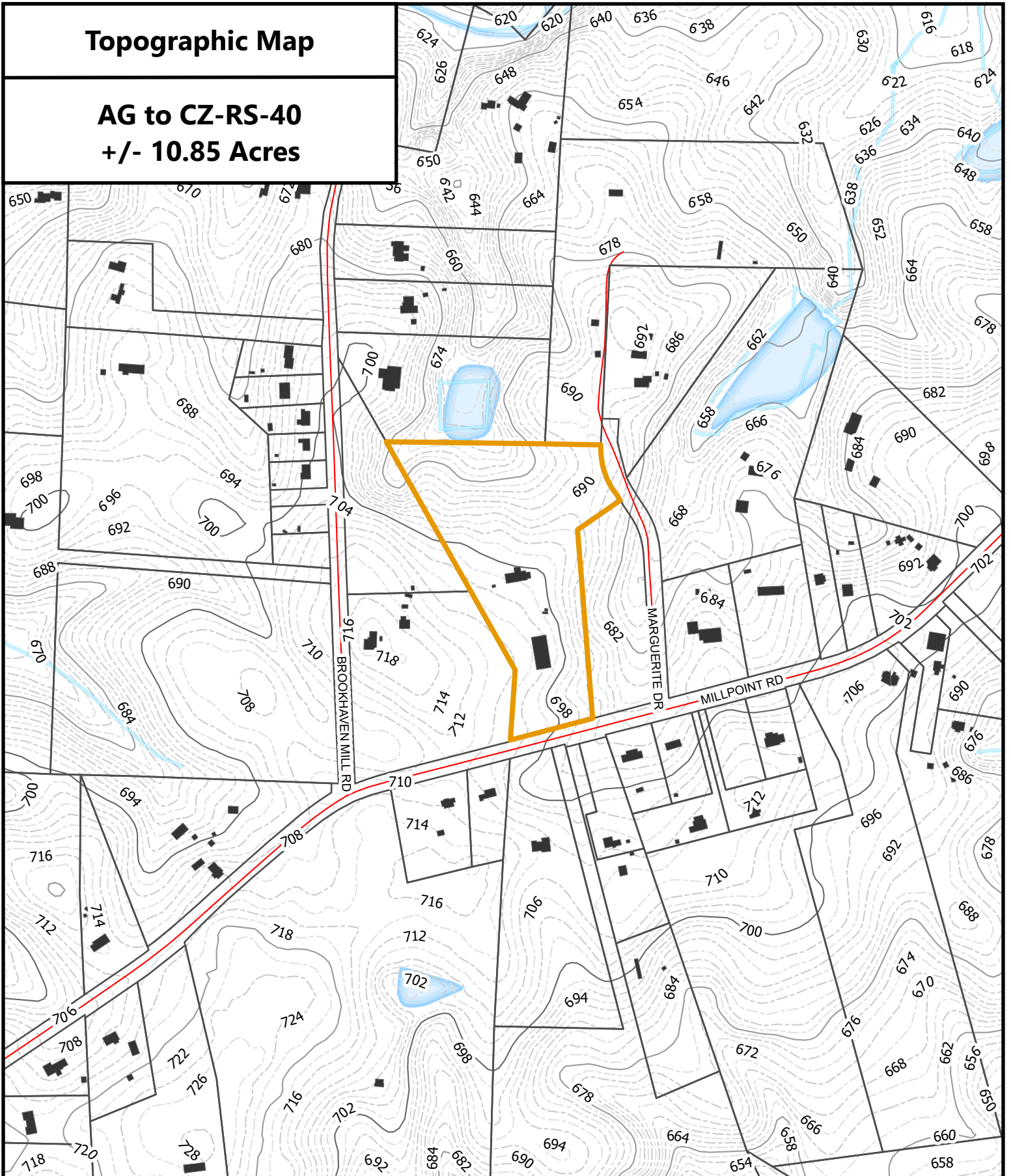
Parcel(s) - 115610  
2506 Marguerite Dr



Scale: 1" = 650'

# Topographic Map

**AG to CZ-RS-40  
+/- 10.85 Acres**



Planning & Development  
Department

**Jurisdiction:**

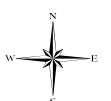
GUILFORD COUNTY

**Case Number:**

26-02-PLBD-00014

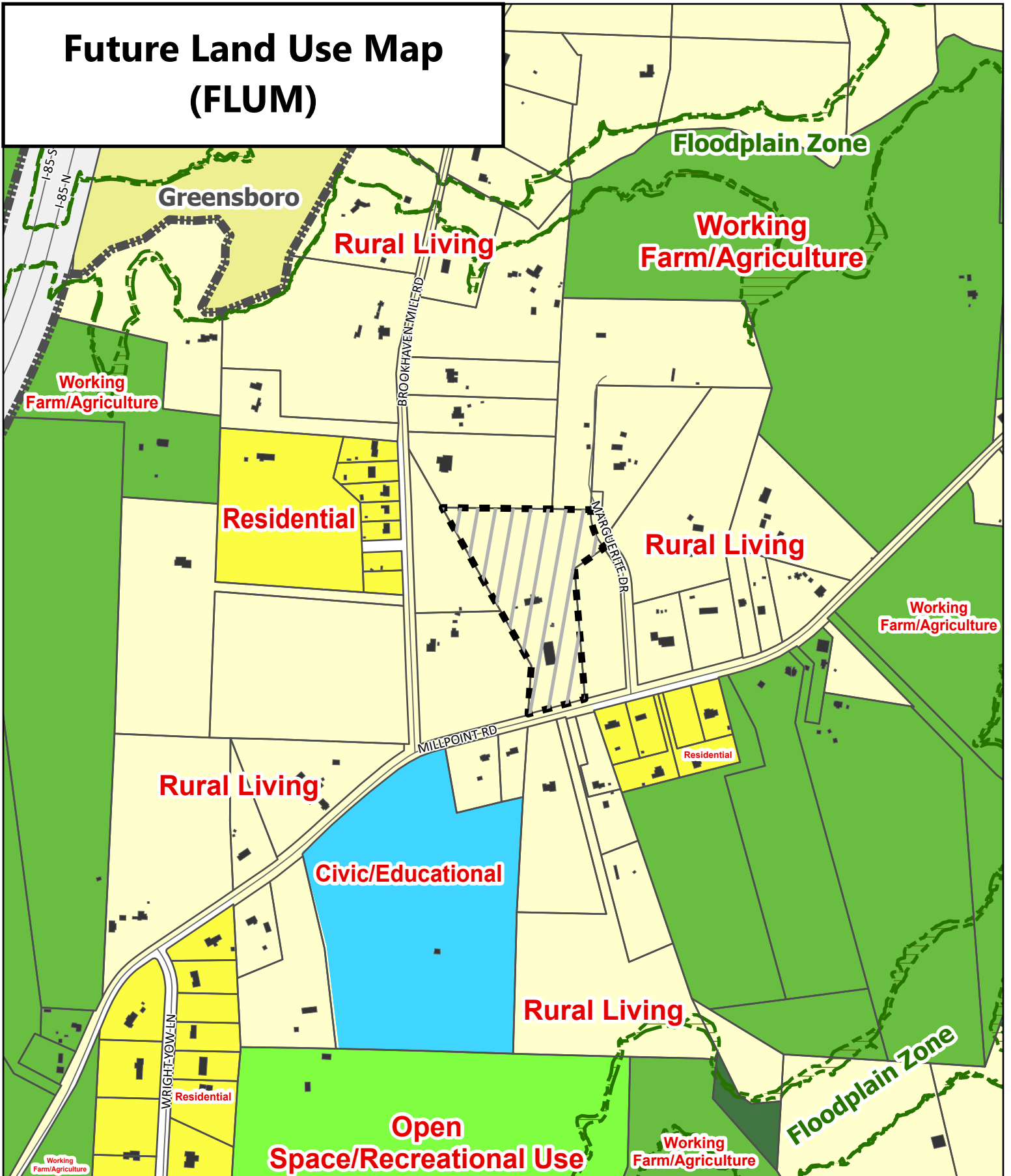
**Case Area:**

Parcel(s) - 115610  
2506 Marguerite Dr.



Scale: 1" = 450'

# Future Land Use Map (FLUM)



Planning & Development  
Department

**Jurisdiction:**

GUILFORD COUNTY

**Case Number:**

26-02-PLBD-00014

**Case Area:**

Parcel(s) - 115610

2506 Marguerite Dr.



Scale: 1" = 650'

115610



Zoom to

REID	115610
Owner	PARK LIVING TRUST;PARK, MOO-WOONG TRUSTEE;PARK, JUM-YAE TRUSTEE;KIM, HYUN-KYUNG TRUSTEE
Address	2506 MARGUERITE DR
Legal Description	10.85AC 3 PB 96-76 CARTER EST PL:96-76
FLUM	Rural Living
Zoning	AG,
Scenic Corridors	
Watershed	LAKE MACKINTOSH
WCA Tier Levels	
Water Sewer Boundary	Growth Tier 1: 2013-2019
Historic Landmarks	

place your text or html here

**CONDITIONAL REZONING CASE #26-02-PLBD-00014: AG, AGRICULTURAL TO CZ-RS-40, CONDITIONAL ZONING – RESIDENTIAL: 2506 MARGUERITE DRIVE**

**GUILFORD COUNTY PLANNING BOARD  
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION MATRIX**

<b>Zoning</b>	<b>Plan Consistency</b>	<b>Decision</b>
Approve	Consistent	#1
Deny	Inconsistent	N/A
Approve	Inconsistent	N/A
Deny	Consistent	#4



**CONDITIONAL REZONING CASE #26-02-PLBD-00014: AG, AGRICULTURAL TO CZ-RS-40, CONDITIONAL ZONING – RESIDENTIAL: 2506 MARGUERITE DRIVE**

**GUILFORD COUNTY PLANNING BOARD  
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #2  
DENY-INCONSISTENT  
NO PLAN AMENDMENT**

I move to **Deny** this zoning map amendment located on Guilford County Tax Parcel #115610 from **AG to CZ-RS-40** because:

- 1. The amendment **is not** consistent with the Comprehensive Plan because:  
*[Describe elements of controlling land use plan(s) and how the amendment is not consistent.]*

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- 2. The amendment **is not** reasonable because:  
*[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]*

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**CONDITIONAL REZONING CASE #26-02-PLBD-00014: AG, AGRICULTURAL TO CZ-RS-40, CONDITIONAL ZONING – RESIDENTIAL: 2506 MARGUERITE DRIVE**

**GUILFORD COUNTY PLANNING BOARD  
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #3  
APPROVE-INCONSISTENT  
PLAN AMENDMENT**

I move to **Approve** this zoning map amendment located on Guilford County Tax Parcel #115610 from **AG to CZ-RS-40** because:

1. This approval also amends the **Future Land Use Map: Southeast Quadrant**.
2. The zoning map amendment and associated **Future Land Use Map** amendment from **Rural Living to (insert land use classification)** in the **Southeast Quadrant** are based on the following change(s) in condition(s):  
*[Explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.]*

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3. The amendment **is** reasonable because:  
*[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]*

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**CONDITIONAL REZONING CASE #26-02-PLBD-00014: AG, AGRICULTURAL TO CZ-RS-40, CONDITIONAL ZONING – RESIDENTIAL: 2506 MARGUERITE DRIVE**

**GUILFORD COUNTY PLANNING BOARD  
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #4  
DENY-CONSISTENT  
NO PLAN AMENDMENT**

I move to **Deny** this zoning map amendment located on Guilford County Tax Parcel #115610 from **AG to CZ-RS-40** because:

- 1. The amendment **is** consistent with the Comprehensive Plan because:  
*[Describe elements of controlling land use plan(s) and how the amendment is consistent.]*

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- 2. The amendment **is** consistent but not reasonable because:  
*[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]*

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*(Insert Color Paper)*

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GUILFORD COUNTY  
PLANNING AND DEVELOPMENT

Planning Board  
Conditional Rezoning  
Application

Fees: < 1 acre: \$750.00; 1-4.99 acres: \$1,200.00; 24.99 acres: \$1,500.00; 25+ acres or Planned Unit Development: \$2,000.00

Date Submitted: 03/02/2026 (original) Receipt # REC-032000-2026 Case Number 26-03-PLBD-00015  
03/20/2026 (revised)

Provide the required information as indicated below. Pursuant to the Unified Development Ordinance (UDO), this application will not be processed until application fees are paid; the form below is completed and signed; and all required maps, plans and documents have been submitted to the satisfaction of the Guilford County Planning & Development Department.

Pursuant to Section 3.5.M of the Unified Development Ordinance (UDO), the undersigned hereby requests Guilford County to rezone the property described below from the AG and PD-M\* zoning district to the AG and CZ-PD-M Amended zoning district.

Said property is located at 1458 NC Hwy 61 S in Rock Creek Township; Being a total of: approx. 89.2 acres\* acres.

\*Existing ac. in AG: 52.52; Prop. ac. in AG: 52.43 / Existing ac. in CZ-PD-M: 36.73; Prop. ac. in CZ-PD-M: 36.1  
See attached Zoning District Exhibit for Existing and Proposed District Areas

Further referenced by the Guilford County Tax Department as:

- Tax Parcel # 220601 [to remain all AG] (Lot 1A per Sketch Plan; .92 acre) Tax Parcel # 241719 (part of Lot 2 per Sketch Plan; 21.89 acres)
- Tax Parcel # 241672 (Lot 1 per Sketch Plan; 23.98 acres) Tax Parcel # 241720 (part of Lot 2 per Sketch Plan; 37.82 acres)
- Tax Parcel # 241718 [to remain all AG] (part of Lot 2 per Sketch Plan; 4.57 acres) Tax Parcel # \_\_\_\_\_

Additional sheets for tax parcels are available upon request.

Check One: (Required)

- The property requested for rezoning is an entire parcel or parcels as shown on the Guilford County Tax Map.
- The property requested for rezoning is a portion of a parcel or parcels as shown on the Guilford County Tax Map; a written legal description of the property and/or a map are attached.

Check One: (Required)

- Public services (i.e. water and sewer) are not requested or required.
- Public services (i.e. water and sewer) are requested or required; the approval letter is attached.

Conditional Zoning Requirements: For CZ-PD-M Amended portion of Request Only

- Zoning Sketch Plan. A sketch plan illustrating proposed conditions and other pertinent information may be included for all conditional rezoning requests. Sketch elements not illustrating proposed conditions are subject to subdivision and site plan review. Refer to Appendix 2, Map Standards of the Unified Development Ordinance (UDO).
- Zoning Conditions. At least one (1) use and/or development conditions must be provided. Complete Page 2 of this application. Refer to uses as listed in Table 4-3-1 of the Unified Development Ordinance (UDO).



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Planning Board  
Conditional Zoning  
Application**

**Use Conditions For CZ-PD-M Amended Zoning District Only.**

Uses of the property shall be limited to the following uses as listed in Article 4, Table 4-3-1 of the Unified Development Ordinance (UDO):

1) See Use List attached. ~~XXX~~

2)

3)

4)

**Development Conditions For CZ-PD-M Amended Zoning District Only.**

Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the Unified Development Ordinance (UDO):

1) Permanently Disabled resident requiring care 24 hours a day, 7 days a week may have care provided.

2) No amplified music shall be played between the hours of 10:00 pm and 9:00 am.

3) No nonresidential event shall extend beyond 12:00 am (midnight).

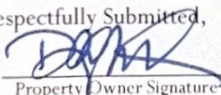
4)

**A NEIGHBORHOOD MEETING IS STRONGLY ENCOURAGED PRIOR TO SUBMITTAL AND  
YOU OR SOMEONE REPRESENTING YOU IS ENCOURAGED TO BE PRESENT AT THE PUBLIC HEARING**

**A Conditional Zoning Application must be signed by current property owner(s).**

*I hereby agree to conform to all applicable laws of Guilford County and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Guilford County Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.*

Respectfully Submitted,



Property Owner Signature

Peacehaven Farm, Inc.

Name

1458 NC Hwy 61 S

Mailing Address

Whitsett, NC 27377

City, State and Zip Code

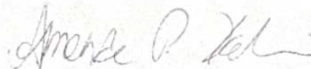
336-449-9900

Phone Number

phelps.sprinkle@peacehavenfarm.org

Email Address

Phelps Sprinkle  
CEO



Owner/ Representative/ Applicant Signature (if applicable)

Amanda Hodierna

Name

804 Green Valley Road, Suite 200

Mailing Address

Greensboro, NC 27408

City, State and Zip Code

336-609-5137

Phone Number

amanda@isaacsonsheridan.com

Email Address

*Additional sheets for conditions and signatures are available upon request.*

## Attachment to Conditional Zoning Application: Use Conditions (For CZ-PD-M Amended Zoning District)

### Permitted Uses by Use Category

- **Agricultural/Animal Services -- (No uses permitted in PDM district)**
- **Household Living -- All uses permitted**
- **Group Living/Social Services -- All uses permitted except:**
  - Rooming House, 9 or More Residents
  - Nursing and Convalescent Home
  - Temporary Shelter
  - Homeless Shelter
- **Recreation and Entertainment (Light) -- All uses permitted except:**
  - Country Club with Golf Course
- **Recreation and Entertainment (Heavy) -- All uses permitted except:**
  - Adult Oriented Establishments
  - Amusement or Water Parks, Fairgrounds
  - Auditorium, Coliseum or Stadium
  - Go-cart Raceway
  - Shooting Range, Indoor
  - Shooting Range Outdoor
- **Other Recreation and Entertainment Uses -- All permitted uses**
- **Civic, Educational, and Institutional -- All permitted uses except:**
  - Correctional Institution
  - Fraternity or Sorority (University or College Related)
  - Hospital
- **Business, Professional, and Personal Services -- All permitted uses except:**
  - Bank or Finance without Drive-through
  - Bank or Finance with Drive-through
  - Insurance Agency (Carriers and On-Site Claims Inspections)
  - Payday Loan Services
- **Lodging -- All permitted uses except:**
  - Hotel or Motel
- **Retail Trade -- All permitted uses except**
  - ABC Store (Liquor)
  - Auto Supply Sales
  - Automobile Rental or Leasing
  - Automobile Repair Service
  - Building Supply Sales (with Storage Yard)
  - Convenience Store (with Gasoline Pumps)
  - Equipment Rental and Repair, Heavy
  - Fuel Oil Sales
  - Manufactured Home Sales
  - Motor Vehicle, Motorcycle, RV or Boat Sales (New or Used)
  - Service Station, Gasoline
  - Tire Sales
- **Food Service -- All permitted uses except**
  - Restaurant (With Drive-thru)
- **Funeral and Internment Services -- No permitted uses**
- **Transportation, Warehousing, and Wholesale Trade**
  - Wholesale Trade -- Light permitted.
  - All other uses not permitted
- **Utilities and Communication -- All permitted uses except:**
  - Utilities, Major
  - Utility Company Office
  - Utility Equipment and Storage Yards
- **Waste-Related Uses -- No permitted uses**
- **General Industrial -- No permitted uses**
- **Manufacturing -- No permitted uses**
- **Mining Uses -- No uses allowed per WCA prohibition**
- **Airport -- No permitted uses**
- **Temporary Events/Uses -- All permitted uses**

Attached



February 25, 2026

Oliver Bass  
Guilford County Planning Department  
400 West Market Street  
Greensboro, NC 27401

Dear Mr. Bass,

As referenced in Peacehaven Farm, Inc.'s Bylaws Article V Section 6, I am granted authority as the principal executive officer of the corporation to sign as authorized agent of the corporation.

Please feel free to reach out to me with any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Phelps Sprinkle".

D. Phelps Sprinkle, CEO

[Home](#) [Business Registration](#) [Search](#) Non-Profit Corporation

## Non-Profit Corporation

### Actions

- [Online Filing](#)
- [Order a Document Online](#)
- [Add Entity to My Email Notification List](#)
- [View Filings](#)

**Legal name:** Peacehaven Farm, Inc.

**Secretary of State Identification Number (SOSID):** 1006662

**Status:** Current-Active

**Citizenship:** Domestic

**Date formed:** 10/12/2007

**Registered agent:** [David P Sprinkle](#)

#### Mailing address

1458 Nc-61  
Whitsett, NC 27377

#### Principal Office address

1458 Nc-61  
Whitsett, NC 27377

#### Registered Office address

1458 Nc-61  
Whitsett, NC 27377

**Registered Mailing address**

1458 Nc-61  
Whitsett, NC 27377

[Return to top](#)

**Other Agencies**

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[State Board of Elections](#)

[North Carolina Birth Certificate Information](#)

[North Carolina State Bar](#)

[North Carolina Department of Commerce](#)

[North Carolina Department of Revenue](#)

[All North Carolina Government Organizations](#)

**Links of Interest**

[National Association of Secretaries of State](#)

[Intellectual Property](#)

[NASAA - North American Securities Administrators Association](#)

[North Carolina Consular Corps](#)

[Secretary of State Disclaimer & Privacy](#)

Hours of Operation Monday - Friday 8:00 am - 5:00 pm



**North Carolina Secretary of State's Office**



**Contact Us**

[919-814-5400](#) [Support](#) [Division Directory](#)





## Peacehaven Rezoning Legal Descriptions

05150.001

### CZ-PD-M Zoning Area (SW Portion)

Beginning at a point at the Westernmost Southwest corner of Peacehaven Farm, Inc. recorded in Deed Book 7430, Page 2483 (Peacehaven I), the same point also being an interior corner of Peacehaven Farm, Inc. recorded in Deed Book 7430, Page 2483 (Peacehaven II); thence S 24°02'45" W passing through Peacehaven II a distance of 287.55' to a point; thence S 41°20'23" W a distance of 211.44' to a point in the West line of said Peacehaven II, same being the East line of Guilford County recorded in Deed Book 4396, Page 19; thence N 32°43'18" W along said common line a distance of 340.48' to an iron pipe found; thence N 18°13'55" W continuing along said common line a distance of 212.80' to a point; thence N 66°11'03" E passing through said Peacehaven II a distance of 534.61' to a point in the West line of said Peacehaven I; thence S 16°23'08" E along said West line a distance of 54.95' to a point; thence S 18°04'30" E continuing along said West line a distance of 44.88' to a point; thence S 38°14'28" E continuing along said West line a distance of 74.99' to a point; thence S 24°02'45" W continuing along said West line a distance of 141.05' to a point which is the point of beginning. Having an area of +/- 4.89 acres.

### CZ-PD-M Zoning Area (NE Portion)

Beginning at an iron rebar found in the Northwest line of N.C. Highway 61 South, a 60' right-of-way, at the common East corner of Hwy 61, LLC. recorded in Deed Book 8968, Page 2839 and Peacehaven Farm, Inc. recorded in Deed Book 7430, Page 2483 (Peacehaven I); thence S 27°39'18" W along said Northwest line a distance of 96.65' to a mag nail found at the common East corner of said Peacehaven I tract and Peacehaven Farm, Inc. recorded in Deed Book 7430, Page 2483 (Peacehaven II); thence the next six (6) calls to follow along the common line of said Peacehaven I tract and Peacehaven II tract; thence N 58°57'39" W a distance of 25.01' to a mag nail found; thence with a curve turning to the left with an arc length of 82.10', with a radius of 116.96', with a chord bearing of N 89°15'10" W, and a chord length of 80.42' to a mag nail found; thence S 70°38'23" W a distance of 112.54' to a mag nail found; thence with a curve turning to the right with an arc length of 47.40', with a radius of 236.26', with a chord bearing of S 77°26'00" W, and a chord length of 47.32' to a mag nail found; thence S 83°10'50" W a distance of 70.60' to a mag nail found; thence with a curve turning to the left with an arc length of 38.31', with a radius of 144.46', with a chord bearing of S 84°15'29" W, and a chord length of 38.20' to a mag nail found; thence N 02°10'44" W passing through said Peacehaven I tract a distance of 136.66' to an iron rebar found; thence N 00°19'34" E a distance of 172.23' to an iron rebar found; thence N 50°08'37" W a distance of 64.89' to an iron rebar found; thence N 07°23'53" W a distance of 77.37' to an iron rebar found; thence N 34°14'48" E a distance of 68.73' to an iron rebar found; thence N 66°48'51" E a distance of 37.66' to a point in the common line of said Peacehaven I tract and Peacehaven Farm, Inc. recorded in Deed Book 7430, Page 2483 (Peacehaven III); thence with a curve turning to the left with an arc length of 153.28', with a radius of 237.50', with a chord bearing of N 36°04'05" W, and a chord length of 150.63' to a point; thence with a compound curve turning to the left with an arc length of 13.21', with a radius of 237.50', with a chord bearing of N 56°09'03" W, and a chord length of 13.21' to a corner; thence N 57°44'41" W a distance of

79.02' to a point; thence S 19°05'22" W a distance of 197.68' to a point; thence S 03°51'04" W a distance of 46.29' to a point; thence N 74°56'05" W a distance of 91.96' to a point; thence S 88°28'44" W a distance of 218.47' to a point; thence S 80°21'58" W a distance of 90.70' to a point; thence S 72°57'15" W a distance of 52.78' to a point; thence N 16°24'16" W a distance of 79.46' to a point; thence N 55°39'46" W a distance of 185.81' to a point; thence S 12°34'47" W a distance of 5.45' to a point; thence with a curve turning to the right with an arc length of 42.95', with a radius of 113.00', with a chord bearing of S 23°28'07" W, and a chord length of 42.69' to a point; thence S 34°21'28" W a distance of 29.05' to a point; thence with a curve turning to the right with an arc length of 40.75', with a radius of 313.00', with a chord bearing of S 38°05'16" W, and a chord length of 40.73' to a point; thence with a compound curve turning to the right with an arc length of 101.92', with a radius of 313.00', with a chord bearing of S 51°08'48" W, and a chord length of 101.47' to a point; thence S 60°28'31" W a distance of 49.41' to a point; thence with a curve turning to the right with an arc length of 271.65', with a radius of 363.00', with a chord bearing of S 81°54'49" W, and a chord length of 265.35' to a point; thence N 76°38'53" W a distance of 80.30' to a point; thence N 13°21'07" E a distance of 13.00' to a point; thence N 76°38'53" W a distance of 19.21' to a point; thence with a curve turning to the left with an arc length of 39.40', with a radius of 50.00', with a chord bearing of S 80°46'31" W, and a chord length of 38.39' to a point; thence S 58°11'56" W a distance of 37.95' to a point; thence with a curve turning to the right with an arc length of 13.03', with a radius of 50.00', with a chord bearing of S 65°39'58" W, and a chord length of 13.00' to a point; thence S 73°08'00" W a distance of 54.59' to a point in the common line of said Peacehaven I tract and Peacehaven Farm, Inc. recorded in Deed Book 7430, Page 2483 (Peacehaven IV); thence N 31°50'11" W along said common line a distance of 185.36' to an iron rebar found; thence N 45°59'41" W continuing along said common line a distance of 191.08' to an iron rebar found; thence N 17°54'57" E departing said common line a distance of 206.83' to a point; thence N 39°10'00" E a distance of 143.73' to a point; thence N 27°28'49" E a distance of 243.27' to a point; thence N 45°08'50" E a distance of 314.99' to a point; thence S 85°39'23" E a distance of 184.88' to a point; thence N 61°41'48" E a distance of 339.22' to a point in the East line of said Peacehaven III tract, the same being the West line of Titan Issuer Trust recorded in Deed Book 9005, Page 2974; thence S 39°47'31" E along said common line a distance of 1836.83' to an iron pipe found; thence S 59°25'16" E a distance of 16.50' to an iron rebar found which is the point of beginning. Having an area of +/- 31.94 acres.

### AG Zoning Area

Beginning at an iron pipe found in the West line of N.C. Highway 61 South, a 60' right-of-way, at the Northeast corner of Michael L. & Dorothy M. Clapp recorded in Deed Book 4209, Page 2073; thence N 59°54'56" W along the North line of said Clapp tract a distance of 172.14' to an iron pipe found; thence S 71°37'08" W a distance of 212.71' to an iron rebar found at the Easternmost common corner of said Clapp tract and Guilford County recorded in Deed Book 4453, Page 2135 (Guilford County I); thence the following six (6) calls to follow along the North line of said Guilford County I tract; thence N 34°08'52" W a distance of 182.91' to an iron rebar found; thence N 77°44'27" W a distance of 159.31' to an iron rebar found; thence S 80°04'26" W a distance of 174.95' to an iron rebar found; thence S 34°43'39" W a distance of 155.93' to an iron rebar found; thence S 09°40'10" W a distance of 143.55' to an iron rebar found; thence S 14°14'27" E a distance of 32.76' to an iron pipe found in the North line of Guilford County recorded in Deed Book 4396, Page 19 (Guilford County II), at the Southwest corner of said Guilford County I tract; thence S 54°38'24" W along said North line a distance of 343.22' to an

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iron pipe found; thence N 70°15'53" W a distance of 254.29' to an iron pipe found at the Easternmost common corner of said Guilford County II tract and City of Burlington recorded in Deed Book 2738, Page 616; thence N 55°12'54" W along the North line of said City of Burlington tract a distance of 99.41' to an iron pipe found; thence S 00°06'52" W a distance of 77.58' to an iron pipe found at the Northernmost common corner of said City of Burlington tract and Guilford County recorded in Deed Book 4396, Page 19 (Guilford County III); thence S 47°29'19" W along the East line of said Guilford County III tract a distance of 318.33' to an iron pipe found; thence N 32°43'18" W continuing along said East line a distance of 207.91' to a point; thence N 41°20'23" E a distance of 211.44' to a point; thence N 24°02'45" E a distance of 428.60' to a point; thence N 38°14'28" W a distance of 74.99' to a point; thence N 18°04'30" W a distance of 44.88' to a point; thence N 16°23'08" W a distance of 54.95' to a point; thence S 66°11'03" W a distance of 534.61' to a point in the said East line of Guilford County III tract; thence N 18°13'55" W along said East line a distance of 348.60' to an iron pipe found; thence N 36°12'15" W continuing along said East line a distance of 123.12' to an iron pipe found; thence N 68°13'26" W continuing along said East line a distance of 107.70' to an iron pipe found in the East line of Whisper Creek at Waterbury Homeowners Association, Inc. recorded in Deed Book 8688, Page 2527, at the Northwest corner of said Guilford County III tract; thence N 12°13'14" W along said East line a distance of 158.87' to a triangle etched in a stone monument; thence N 24°05'49" W a distance of 603.88' to an iron pipe found at the common corner of W.A. Foust recorded in Deed Book 2154, Page 428, MREIC Greensboro NC, LLC. recorded in Deed Book 8282, Page 2280 (MREIC I), and MREIC Greensboro NC, LLC. recorded in Deed Book 8282, Page 2280 (MREIC II); thence N 69°29'00" E a distance of 1697.60' to an iron pipe found in the West line of Titan Issuer Trust, recorded in Deed Book 9005, Page 2974, at the common East corner of said MREIC II and Peacehaven Farm, Inc. recorded in Deed Book 7430, Page 2483 (Peacehaven I); thence S 39°47'31" E along said West line a distance of 152.44' to a point; thence S 61°41'48" W a distance of 339.22' to a point; thence N 85°39'23" W a distance of 184.88' to a point; thence S 45°08'50" W a distance of 314.99' to a point; thence S 27°28'49" W a distance of 243.27' to a point; thence S 39°10'00" W a distance of 143.73' to a point; thence S 17°54'57" W a distance of 206.83' to a point in the common line of Peacehaven Farm, Inc. recorded in Deed Book 7430, Page 2483 (Peacehaven II) and Peacehaven Farm, Inc. recorded in Deed Book 7430, Page 2483 (Peacehaven III); thence S 45°59'41" E along said common line a distance of 191.08' to a point; thence S 31°50'11" E continuing along said common line a distance of 185.36' to a point; thence N 73°08'00" E a distance of 54.59' to a point; thence with a curve turning to the left with an arc length of 13.03', with a radius of 50.00', with a chord bearing of N 65°39'58" E, and a chord length of 13.00' to a point; thence N 58°11'56" E a distance of 37.95' to a point; thence with a curve turning to the right with an arc length of 39.40', with a radius of 50.00', with a chord bearing of N 80°46'31" E, and a chord length of 38.39' to a point; thence S 76°38'53" E a distance of 19.21' to a point; thence S 13°21'07" W a distance of 13.00' to a point; thence S 76°38'53" E a distance of 80.30' to a point; thence with a curve turning to the left with an arc length of 271.65', with a radius of 363.00', with a chord bearing of N 81°54'49" E, and a chord length of 265.35' to a point; thence N 60°28'31" E a distance of 49.41' to a point; thence with a curve turning to the left with an arc length of 101.92', with a radius of 313.00', with a chord bearing of N 51°08'48" E, and a chord length of 101.47' to a point; thence with a compound curve turning to the left with an arc length of 40.75', with a radius of 313.00', with a chord bearing of N 38°05'16" E, and a chord length of 40.73' to a point; thence N 34°21'28" E a distance of 29.05' to a point; thence with a curve turning to the left with an arc length of 42.95', with a radius of 113.00', with a chord bearing of N 23°28'07" E, and a chord length of 42.69' to a point; thence N 12°34'47" E a distance of 5.45' to a point; thence S 55°39'46" E a distance of

## Attached

185.81' to a point; thence S 16°24'16" E a distance of 79.46' to a point; thence N 72°57'15" E a distance of 52.78' to a point; thence N 80°21'58" E a distance of 90.70' to a point; thence N 88°28'44" E a distance of 218.47' to a point; thence S 74°56'05" E a distance of 91.96' to a point; thence N 03°51'04" E a distance of 46.29' to a point; thence N 19°05'22" E a distance of 197.68' to a point; thence S 57°44'41" E a distance of 79.02' to a point; thence with a curve turning to the right with an arc length of 13.21', with a radius of 237.50', with a chord bearing of S 56°09'03" E, and a chord length of 13.21' to a point; thence with a compound curve turning to the right with an arc length of 153.28', with a radius of 237.50', with a chord bearing of S 36°04'05" E, and a chord length of 150.63' to a point in the common line of said Peacehaven I and said Peacehaven III; thence S 66°48'51" W a distance of 37.66' to an iron rebar found; thence S 34°14'48" W a distance of 68.73' to an iron rebar found; thence S 07°23'53" E a distance of 77.37' to an iron rebar found; thence S 50°08'37" E a distance of 64.89' to an iron rebar found; thence S 00°19'34" W a distance of 172.23' to an iron rebar found; thence S 02°10'44" E a distance of 136.66' to a mag nail found in the common line of said Peacehaven III and Peacehaven Farm, Inc. recorded in Deed Book 7430, Page 2483 (Peacehaven IV); thence the following six (6) calls to follow along the said common line; thence with a curve turning to the right with an arc length of 38.31', with a radius of 144.46', with a chord bearing of N 84°15'29" E, and a chord length of 38.20' to a mag nail found; thence N 83°10'50" E a distance of 70.60' to a mag nail found; thence with a curve turning to the left with an arc length of 47.40', with a radius of 236.26', with a chord bearing of N 77°26'00" E, and a chord length of 47.32' to a mag nail found; thence N 70°38'23" E a distance of 112.54' to a mag nail found; thence with a curve turning to the right with an arc length of 82.10', with a radius of 116.96', with a chord bearing of S 89°15'10" E, and a chord length of 80.42' to a mag nail found; thence S 58°57'39" E a distance of 25.01' to a mag nail found in the West line of said N.C. Highway 61 South; thence S 28°48'35" W along said West line a distance of 384.59' to an iron pipe found which is the point of beginning. Having an area of +/- 52.43 acres.

Attached



Robert C. Patterson, Jr., PE  
City of Burlington Water Resources Department  
1302 Belmont Street Burlington, NC 27215  
P: 336.222. 5133  
[www.BurlingtonNC.gov/Utilities](http://www.BurlingtonNC.gov/Utilities)

October 11, 2023

Mr. Neal Sharpe  
CSO, Peacehaven Community Farm  
1458 NC Highway 61 N  
Whitsett, NC 27377

Re: Utility Service Feasibility - Peacehaven Community Farm

Dear Mr. Sharpe:

The City of Burlington will provide water service to the Peace Haven Community Farm via a water main extension from existing Burlington water lines near the Highway 61 and I-40/85 interchange and running south along Highway 61 to Peacehaven site.

The City of Burlington Engineering Department is currently coordinating the design of this waterline extension.

We look forward to working with you on this project.

Sincerely,

A handwritten signature in black ink that reads 'Robert C. Patterson, Jr.'.

Robert C. Patterson, Jr., PE  
Water Resources Director.

Copy: Todd Lambert, PE, City Engineer  
Craig Honeycutt, City Manager

Attached



Office of the City Manager

October 9, 2023

Mr. Neal Sharpe  
CSO, Peacehaven Community Farm  
1458 NC Highway 61 N  
Whitsett, NC 27377

Re: Utility Service Feasibility – Peacehaven Community Farm

Dear Mr. Sharpe:

In response to your request for a written confirmation from the city regarding our willingness and ability to provide utility service to the Peacehaven Community Farm I hereby submit this letter. The City of Greensboro appreciates and fully supports the mission of the community farm to connect people with intellectual and developmental disabilities to the larger community through shared living and the work of a sustainable farm.

Based on previous conversations and planning discussions with yourself, Phelps Sprinkle, and City of Burlington and Greensboro staff we have developed a workable plan to provide utility service supporting the farm's master planning initiative. As it is currently defined, the plan calls for the City of Burlington to provide water service to the site by means of a waterline extension project along NC Highway 61. The City of Greensboro would provide sewer service for the site by means of an onsite private lift station, force main, and gravity sewer connection to the west of the site into the City's public sewer system that supports the Whisper Creek development.

The anticipated system demand and infrastructure to support the farm will need to be confirmed and validated as a part of the ongoing master planning effort. This letter of support is provided notwithstanding final review and approval by Greensboro City Council. State funding through this year's adopted budget was made available to support the extension of utility service to the farm. Any additional associated cost with extending such service are to be borne by the developer. In closing I would like to reiterate our interest and support of this project. Feel free to contact me should you have any questions concerning this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Chris Wilson", is written over a light blue horizontal line.

Chris Wilson  
Deputy City Manager

cc: Michael Borchers, Water Resources Director  
Jana Stewart, Water Resources Engineering Manager

**CONDITIONAL REZONING CASE #26-03-PLBD-00015: AG, AGRICULTURAL AND CZ-PD-M, CONDITIONAL ZONING – PLANNED UNIT DEVELOPMENT – MIXED (REF. CASE #23-10-PLBD-00067) TO AG, AGRICULTURAL AND CZ-PD-M, CONDITIONAL ZONING – PLANNED UNIT DEVELOPMENT – MIXED, AMENDED: 1456 AND 1458 NC HIGHWAY 61 SOUTH AND 6801, 6811, 6821, 6830, 6831, AND 6838 GRASSHOPPER TRAIL**

**Property Information**

The subject property is located at 1456 and 1458 NC Highway 61 South and 6801, 6811, 6821, 6830, 6831, and 6838 Grasshopper Trail (Guilford County Tax Parcels #220601, #241720, #241718, #241719, and #241672 in Rock Creek Township), approximately 6,500 feet north of the intersection of NC Highway 61 South and Herron Road, and comprises 89.18 acres. The property is currently split-zoned Agricultural, AG (52.52 acres) and Conditional Zoning – Planned Unit Development, CZ-PD-M (36.71 acres). Reference Case #23-10-PLBD-00067.

**Zoning History of Denied Cases:** There is no history of denied cases.

**Nature of the Request**

This is a request to rezone an approximate 6.04 acre portion of the subject property currently zoned CZ-PD-M (ref. Case #23-10-PLBD-00067) to AG, Agricultural and an approximate 6.15 acre portion of the subject property currently zoned AG to CZ-PD-M. Note: The PD-M district permits all uses allowed in any zoning district, except those uses that are only allowed in the Heavy Industrial, HI or Agricultural, AG districts.

The applicant proposes the following conditions for the CZ-PD-M district, which match the conditions of the existing CZ-PD-M district on the property (ref. Case #23-10-PLBD-00067):

**Use Conditions:**

**Agricultural/Animal Services Category**

No uses permitted in PDM district

**Household Living Category**

All uses permitted

**Group Living/Social Services Category**

All uses permitted except: (1) Rooming House, 9 or More Residents; (2) Nursing and Convalescent Home; (3) Temporary Shelter; (4) Homeless Shelter

**Recreation and Entertainment (Light) Category**

All uses permitted except: (1) Country Club with Golf Course

**Recreation and Entertainment (Heavy) Category**

All uses permitted except: (1) Adult Oriented Establishments; (2) Amusement or Water Parks, Fairgrounds; (3) Auditorium, Coliseum or Stadium; (4) Go-cart Raceway; (5) Shooting Range, Indoor; (6) Shooting Range, Outdoor

### **Other Recreational and Entertainment Uses Category**

All uses permitted

### **Civic, Educational, and Institutional Category**

All uses permitted except: (1) Correctional Institution; (2) Fraternity or Sorority (University or College Related); (3) Hospital

### **Business, Professional, and Personal Services Category**

All uses permitted except: (1) Bank or Finance without Drive-through; (2) Bank or Finance with Drive-through; (3) Insurance Agency (Carriers and On-Site Claims Inspections); (4) Payday Loan Services

### **Lodging Category**

All uses permitted except: (1) Hotel or Motel

### **Retail Trade Category**

All uses permitted except: (1) ABC Store (Liquor); (2) Auto Supply Sales; (3) Automobile Rental or Leasing; (4) Automobile Repair Service; (5) Building Supply Sales (with Storage Yard); (6) Convenience Store (with Gasoline Pumps); (7) Equipment Rental and Repair, Heavy; (8); Fuel Oil Sales; (9) Manufactured Home Sales; (10) Motor Vehicle, Motorcycle, RV or Boat Sales (New or Used); (11) Service Station, Gasoline; (12) Tire Sales

### **Food Service Category**

All uses permitted except: (1) Restaurant (With Drive-thru)

### **Funeral and Internment Services Category**

No uses permitted

### **Transportation, Warehousing, and Wholesale Trade Category**

No uses permitted except: (1) Wholesale Trade – Light

### **Utilities and Communication Category**

All uses permitted except: (1) Utilities, Major; (2) Utility Company Office; (3) Utility Equipment and Storage Yards

### **Waste-Related Uses Category**

No uses permitted

### **General Industrial Category**

No uses permitted

### **Manufacturing Category**

No uses permitted

### **Mining Uses Category**

No uses allowed per WCA prohibition

### **Airport Category**

No uses permitted

### **Temporary Events/Uses Category**

All uses permitted

**Development Conditions:** (1) Permanently disabled residents requiring care 24 hours a day, 7 days a week may have care provided; (2) No amplified music shall be played between the hours of 10:00 p.m. and 9:00 a.m.; (3) No nonresidential event shall extend beyond 12:00 a.m. (midnight).

The proposed sketch plan for the Unified Development Plan (UDP) does not impose a maximum number of dwelling units or maximum commercial square footage within the CZ-PD-M District. Density requirements for single-family residential dwellings are subject to the RS-5 zoning district dimensional requirements. Density for multi-family units is limited by the density regulations established in Unified Development Ordinance (UDO) Subsection 4.4.D.1.a(3), which requires a minimum 20-foot separation between multi-family buildings.

### **District Descriptions**

The **AG, Agricultural District** is intended to provide locations for agricultural operations, farm residences, and farm tenant housing on large tracts of land. This district is further intended to reduce conflicts between residential and agricultural uses and preserve the viability of agricultural operations. Commercial agricultural product sales - "agritourism" - may be permitted. The minimum lot size of this district is 40,000 square feet.

A **Planned Unit Development (PUD)** is an area of land under unified ownership or control to be developed and improved as a whole according to a UDP. It shall be subject to all of the applicable standards, procedures, and regulations of the UDO except as varied or changed by the express terms contained therein and as approved according to the submitted UDP. Any property meeting the minimum size requirements set forth in the UDO may be eligible as a Planned Unit Development regardless of the methods utilized to supply potable water and sewage disposal.

The **CZ, Conditional Zoning District** is established as a companion district for every district established in the UDO. These districts are CZ-AG, CZ-RS-40, CZ-RS-30, CZ-RS-20, CZ-RS-3, CZ-RS-5, CZ-RS-7, CZ-RM-8, CZ-RM-18, CZ-RM-26, CZ-LO, CZ-NB, CZ-LB, CZ-MXU, CZ-GB, CZ-HB, CZ-CP, CZ-LI, CZ-HI, CZ-PI, CZ-RPD, CZ-PD-R, and CZ-PD-M. All regulations which apply to a general use zoning district also apply to the companion conditional zoning. All other regulations, which may be offered by the property owner and approved by the Jurisdiction as part of the rezoning process, also shall apply.

## **Character of the Area**

The vicinity of the subject property is characterized by a mix of residential, agricultural, and industrial uses.

**Existing Land Use(s) on the Property:** Farm, Residences, Community Center

### **Surrounding Uses:**

North: Agricultural, residential, industrial

South: Undeveloped (Lake Mackintosh)

East: Industrially zoned land in the City of Burlington (ref. Case #REZONING-24-005)

West: Residential subdivision (twin homes, townhouses, single-family detached dwellings)

**Historic Properties:** There are no inventoried historic resources located on or adjacent to the subject property.

**Cemeteries:** No cemeteries are shown to be located on or adjacent to the subject property, but efforts should be made to rule out the potential for unknown grave sites.

## Infrastructure and Community Facilities

### Emergency Response:

Fire Protection District: Whitsett

Distance from Fire Station: 2.2 miles

### Water and Sewer Services:

Provider: City of Burlington (water); City of Greensboro (sewer)

### Transportation:

Existing Conditions: NC Highway 61 is classified as a Major Thoroughfare in the Greensboro Urban Area Metropolitan Planning Organization's Thoroughfare and Collector Street Plan. The Annual Average Daily Traffic (AADT) for NC Highway 61 is 2,462 vehicles per the 2024 North Carolina Department of Transportation (NCDOT) traffic count.

Proposed Improvements: There are currently no known proposed road improvements in the area. Any new development would be subject to the NCDOT review and must obtain any required approvals.

Projected Traffic Generation: Not available

## Environmental Assessment

**Topography:** Per the U.S. Department of Agriculture / Natural Resources Conservation Service Web Soil Survey, the topography on Parcels #241672, #220601, #241718, #241719, and #241720 ranges from nearly level to gently and strongly sloping, and moderately steep to steep, very steep and extremely steep.

**Regulated Floodplain:** There is no regulated floodplain on-site per FIRM map number #3710882300J with effective date 6/18/2007.

**Wetlands:** There are mapped wetlands on-site per recorded PB 218 PG 101-104 in Guilford County Register of Deeds.

**Streams:** There are mapped streams on-site per the USGS Topography/NRCS Soil Survey maps of Guilford County.

**Watershed:** The site is located in the Lake Mackintosh (Big Alamance Creek) WS-IV, Watershed Critical Area (WCA) Tiers 1, 2, and 3.

## Consistency: Future Land Use Map and Comprehensive Plan

**Future Land Use Map (FLUM) Classification:** Residential (SE Quadrant)

**Activity Center/Node:** Regional Employment Center (located to the northwest)

The **Residential** place type represents lands that typically consist of lots of varying sizes that are in a grid or curvilinear pattern and primarily consist of low-density, single-family residential uses. They include both existing development and new areas that are currently undeveloped, which may experience development in the form of medium and high density uses in areas where municipalities continue to grow outward into the county or along primary transportation routes. Primary land uses include single-family detached dwellings and duplexes. Secondary land uses include residential uses serving commercial, retail, office, civic, and public uses and services.

The **Regional Employment Center** activity center/node represents lands that are typically high intensity activity centers located outside the immediate municipal corporate limits. These areas often have a mix of land uses including office, retail, and residential buildings, but which may serve a singular use and purpose, such as manufacturing or distribution. Mega sites, such as the Greensboro-Randolph Mega Site, would also fit in this category. Primary land uses include regional land uses serving commercial, office, and retail operations, as well as manufacturing uses with flex spaces for larger-footprint business or industrial park uses. Secondary land uses include duplexes, triplexes, quadplexes, cottage-style single family, mobile home parks, and multi-family residential development.

The **Working Farms and Agricultural Lands** place type represents lands that are actively used for agriculture or forestry activities, including cultivated farmland, livestock, woodlands, or timber harvest. The lands may or may not support the primary residence of the property owner and outbuildings associated with activities on the property. Working Farms and Agricultural Lands may contain both residential and non-residential uses and typically have parcel sizes that are much larger than five or ten acres. Primary land uses include agriculture, forestry, agritourism operations, and low density residential. Secondary land uses include accessory uses to agriculture, forestry, and distribution facilities including production and distribution facilities, greenhouses, and rural businesses.

**Consistency:** The requested rezoning is inconsistent with the FLUM classification of Residential because this designation is not intended to accommodate agricultural, multifamily, or commercial uses. Instead, the proposed rezoning would require an amendment to Working Farms and Agricultural Lands for the portion of the property zoned AG and Multifamily Residential for the portion of the property zoned CZ-PD-M. These designations, along with the nearby Regional Employment Center node, are consistent with the agricultural, residential, and limited commercial uses intended for the property.

**Comprehensive Plan:** Guiding Guilford Moving Forward Together (adopted September 4, 2025)

**Consistency:** The requested rezoning is consistent with the following goals, policies, and actions of the Guilford County Comprehensive Plan:

- **Planning Theme:** Attainable Housing
  - **Goal Statement:** Focus on supporting the creation and retention of a variety of housing types to accommodate all residents while emphasizing safety and high-quality, sustainable design.
  - **Policy 1:** Enable the creation of new housing units that will provide a variety of housing types that meet the needs of residents.
  - **Action H1.3:** Encourage housing opportunities that support existing and new agricultural operations.

- **Planning Theme: Resilient Economy**
  - **Policy 4:** Prioritize the preservation of agricultural uses and working farms as a strategic economic development incentive.
  
- **Planning Theme: Protected Natural Environment & Greenspace**
  - **Action N1.1:** Continue promoting the preservation of agricultural lands, which are a declining resource in Guilford County.
  - **Policy 3:** Protect natural features and sensitive areas.

## Reasonableness

Although the requested rezoning is inconsistent with the FLUM classification of Residential, the request is reasonable because it supports Comprehensive Plan goals related to providing attainable housing that meets the needs of all residents, supporting existing and new agricultural operations, and protecting natural areas. The proposed mix of uses is also supported by the nearby Regional Employment Center along Burlington Road, which is intended to accommodate a variety of residential and non-residential uses. Additionally, the proposed rezoning would not modify the uses currently permitted on the subject property and only reconfigures the boundaries of the existing zoning districts on the property. The development permitted under the proposed rezoning would be consistent with the overall pattern of development in the area, which is a mix of agricultural, low and medium-density residential and non-residential uses. Finally, this location has direct access to NC Highway 61 South, a Major Thoroughfare that will provide sufficient transportation infrastructure for development on the property.

## Recommendation

**Staff Recommendation:** Approval

**FLUM Quadrant:** Southeast

**FLUM Amendment Recommendation:** The proposed rezoning is inconsistent with the subject property's current Future Land Use Map classification of Residential. Therefore, if the request is approved, an amendment to the Working Farms and Agricultural Lands classification will be required for the portion of the property zoned AG and an amendment to the Multifamily Residential classification will be required for the portion of the property zoned CZ-PD-M.








NOTE: This table was created by staff to illustrate the uses that would be permitted under the conditions proposed by the applicant. Excluded uses also apply to CZ-PD-M portion of the property.

Legend

 = Proposed excluded use


 = Not proposed as excluded use, but prohibited in WCA

TABLE 4.3 1 PERMITTED USE SCHEDULE

X Prohibited in the WCA. For details on prohibited uses in the WCA, see Article 9 Environmental Regulations For PUD Zoning Districts (PD R, PD M & RPD) Refer to Section 4.4

P = Use by Right

D Individual Development Standards Apply See Article 5

S Individual Development Standards Apply per Article 5 & Special Use Permit Required per Section 3.5.Q

Z = Overlay Zoning Required

"\*" = Additional District Requirements, See Section 4.5 or 4.6

Use Category	Use Type	WCA Prohibited	Residential										Institutional	Commercial					Industrial					
			A	R	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H	C	L	H	
			G	S	S	S	S	S	S	M	M	M	I	O	X	B	B	B	B	P	I	I		
			40	30	20	3	5	7	8	18	26				U	*	*	*	*	*	*	*		
(Heavy)	Amusement or Water Parks, Fairgrounds																				D	D		
	Auditorium, Coliseum or Stadium												P								P	P		
	Go-cart Raceway																				P	P	P	
	Golf Course, Miniature																	P	P	P				
	Recreational Vehicle Park or Campsite																				D			
	Special Event Venue		S										P						P	P	P			
	Shooting Range, Indoor																				D	D	D	D
	Shooting Range, Outdoor		S										S											
	Theater (Outdoor)																S	D	D	D	D			
	Theater (Indoor)																P			P	P			
Other Recreation and Entertainment Uses	Other Outdoor Uses Not Listed		S																		P	P	P	
	Other Indoor Uses Not Listed																P	P	P	P	P	P		
Civic, Educational, and Institutional	Place of Worship		P	D	D	D	D	D	D	D	D	D	P	P	P	P	P	P	P	P	P	P	P	
	College or University												P					P						
	Vocational, Business or Secretarial School															P		P	P	P	P	P	P	
	Elementary School		D	D	D	D	D	D	D	D	D	D	D	D	D									
	Secondary School		D	D	D	D	D	D	D	D	D	D	D	D	D									
	Correctional Institution													S									S	
	Daycare Centers in Residence (In-Home) (12 or Less)		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
	Daycare Center (Not In-Home)		S								D	D	D	D	D	D	D	D	D	D	D	D		
	Emergency Services		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Community or Social Service Agencies													P	P	P	P	P	P	P				



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Legend

= Proposed excluded use

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			A	R	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H	C	L	H
			G	S	S	S	S	S	S	M	M	M	I	O	X	B	B	B	B	P	I	I	
			40	30	20	3	5	7	8	18	26			U	*	*	*	*	*	*	*	*	
	Fraternity or Sorority (University or College Related)													P		P		P	P	P	P		P
	Government Office													P	P	P	P	P	P	P	P	P	P
	Library													P	P	P	P	P	P	P	P		
	Museum or Art Gallery													P	P	P	P	P	P	P	P		
	Post Office													P	P	P	P	P	P	P	P	P	P
	Hospital													P	P			P	P				
Business, Professional, and Personal Services	Office (General)														P	P	P	P	P	P	P	P	P
	Medical or Professional Office														P	P	P	P	P	P	P	P	P
	Personal Service														P	P	P	P	P	P	P	P	P
	Advertising, Outdoor Services																		D	D	P	P	P
	Bank or Finance without Drive-through																D		P	P	P	D	P
	Rural Residential Occupation		S																				
	Bank or Finance with Drive-through																P		P	P	P	P	P
	Boat Repair	X																		P	P	P	P
	Building Maintenance Services																			P	P		P
	Furniture Stripping or Refinishing (including Secondary or Accessory Operations)	X																		P	P		P
	Insurance Agency (Carriers and On-Site Claims Inspections)																P		P	P	P	P	P
	Kennels or Pet Grooming		P													D		D	D	D	D	P	P
	Landscape and Horticultural Services	X	S																		P		P
	Laundromat or Dry Cleaner	X																	P	P	P		



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			A	R	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H	C	L	H		
			G	S	S	S	S	S	S	M	M	M	I	O	X	B	B	B	B	P	I	I			
			40	30	20	3	5	7	8	18	26														
	Motion Picture Production																		P	P	P	P			
	Pest or Termite Control Services	X																	P	P	P	P			
	Payday Loan Services																			P					
	Research, Development or Testing Services																				P	P	P		
	Studios-Artists and Recording															P	P	P	P	P		P			
Lodging	Bed and Breakfast Home for 8 or Less Guest Rooms		S	S	S	S	S	S	S	D	D	D						D	D	D	P	P			
	Hotel or Motel																	S			P	P	P		
	Retail (General)																		P	P	P	P	P		
	A B C Store (Liquor)																				P	P			
	Auto Supply Sales																				P	P			
	Automobile Rental or Leasing	X																			P	P	P	P	
	Automobile Repair Services	X																			P	P	P	P	
	Car Wash	X																			D	D	P	P	
	Building Supply Sales (with Storage Yard)																				D	D	P	P	
	Convenience Store (with Gasoline Pumps)	X																			P	P	P	P	
	Equipment Rental and Repair, Heavy	X																						P	
	Equipment Rental and Repair, Light																				D	D	P	P	
	Fuel Oil Sales	X																						P	P
	Garden Center or Retail Nursery																				P	P		P	
	Manufactured Home Sales																					P	P	P	
	Motor Vehicle, Motorcycle, RV or Boat Sales (New and Used)	X																				P	P	P	P



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			A	R	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H	C	L	H						
			G	S	S	S	S	S	S	M	M	M	I	O	X	B	B	B	B	P	I	I							
			40	30	20	3	5	7	8	18	26				U	*	*	*	*	*	*	*							
	Pawnshop or Used Merchandise Store																		P	P									
	Service Station, Gasoline	X																	P	P	P	P							
	Tire Sales																		P	P		P							
Food Service	Bakery																	P	P	P	P	P							
	Bar Private Club/Tavern																		D	D		P							
	Microbrewery, Private Club/Tavern																		D	D									
	Restaurant (With Drive-thru)																		P		P	P							
	Restaurant (Without Drive-thru)																		P	P	D	P	P	P	P				
Funeral and Internment Services	Cemetery or Mausoleum																		D	D	D	D	D	D	D				
	Funeral Home or Crematorium																		S		P		P	P					
Transportation, Warehousing, and Wholesale Trade	Wholesale Trade-Heavy																							S	P				
	Wholesale Trade-Light																						P	P	P	P			
	Automobile Parking (Commercial)																			S			P	P	P	P			
	Automotive Towing and Storage Services	X																					D	D		D	D		
	Equipment Rental and Leasing (No Outside Storage)																						P	P		P	P		
	Equipment Rental and Leasing (with Outside Storage)																									P	P		
	Equipment Repair, Heavy	X																									P		
	Equipment Repair, Light																									D	D	P	P
	Tire Recapping																												P
	Truck Stop	X																									D		P



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Use Category	Use Type	WCA Prohibited	Residential										Institutional	Commercial					Industrial						
			A	R	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H	C	L	H		
			G	S	S	S	S	S	S	M	M	M	I	O	X	B	B	B	B	P	I	I			
			40	30	20	3	5	7	8	18	26			U	*	*	*	*	*	*	*	*			
Trucking and Logistics	Truck and Utility Trailer Rental and Leasing, Light	X																	P	P		P	P		
	Truck Tractor and Semi-Rental and Leasing, Heavy	X																					P	P	
	Truck Washing	X																						P	
	Beneficial Fill Area		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
	Bus Terminal and Service Facilities	X																		P	P		P	P	
	Courier Service, Central Facility																							P	P
	Courier Service Substation																			P		P	P	P	P
	Heliport	X												S		S				S	S	S	S	P	
	Moving and Storage Service																							P	P
	Railroad Terminal or Yard	X																				P		P	P
	Taxi Terminal	X																			P	P		P	P
	Trucking or Freight Terminal	X																						P	P
Utilities and Communication	Communication or Broadcasting Facility																		P		P	P	P	P	P
	Wireless Communication Tower – Stealth Camouflage Design		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
	Wireless Communication Tower – Non-Stealth Design		D																	D		D	D	D	D
	Small Cell Wireless Tower												S		S	S	S	S	S	S	S	S	S	S	
	Radio or TV Station																			P		P	P	P	P
	Utilities, Major		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
	Utilities, Minor		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Solar Collectors Principal		S											S										S	S
Utility Company Office																			P		P	P	P	P	

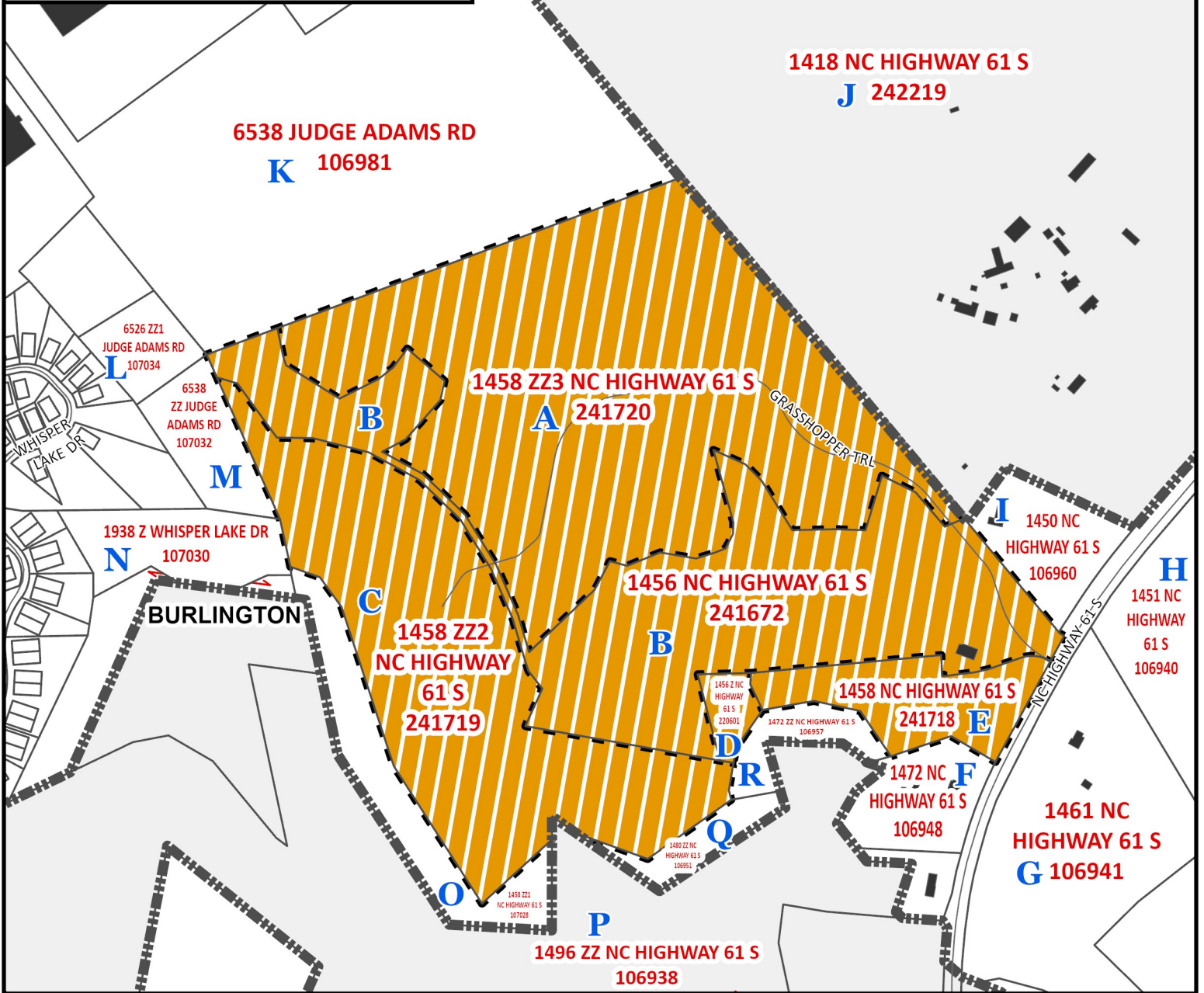




# Adjacent Properties Map

AG & CZ-PD-M to AG & CZ-PD-M  
Amended  
+/- 89.20 Acres

**BURLINGTON**



- |                        |                                   |                               |                            |
|------------------------|-----------------------------------|-------------------------------|----------------------------|
| A. Peacehaven Farm INC | F. Michael L & Dorothy M. Clapp   | J. Titan Issuer Trust         | Homeowners Association INC |
| B. Peacehaven Farm INC | G. John E. & Jennifer L. Clapp    | K. Mreic Greensboro NC LLC    | O. Guilford County         |
| C. Peacehaven Farm INC | H. Ted W. Turner , Gerringer D. & | L. Mreic Greensboro NC LLC    | P. City of Burlington      |
| D. Peacehaven Farm INC | Bradley N. Clapp                  | M. W.H. & Lottie Foust        | Q. Guilford County         |
| E. Peacehaven Farm INC | I. HWY 61 LLC                     | N. Whisper Creek at Waterbury | R. Guilford County         |



Planning & Development  
Department

**Jurisdiction:**

GUILFORD COUNTY

**Case Number:**

26-03-PLBD-00015

**Case Area:**

Parcel(s) - 241720 ~ 37.82 AC  
220601 ~ 0.92 AC 241672 ~ 23.98 AC  
241718 ~ 4.57 AC 241719 ~ 21.89 AC

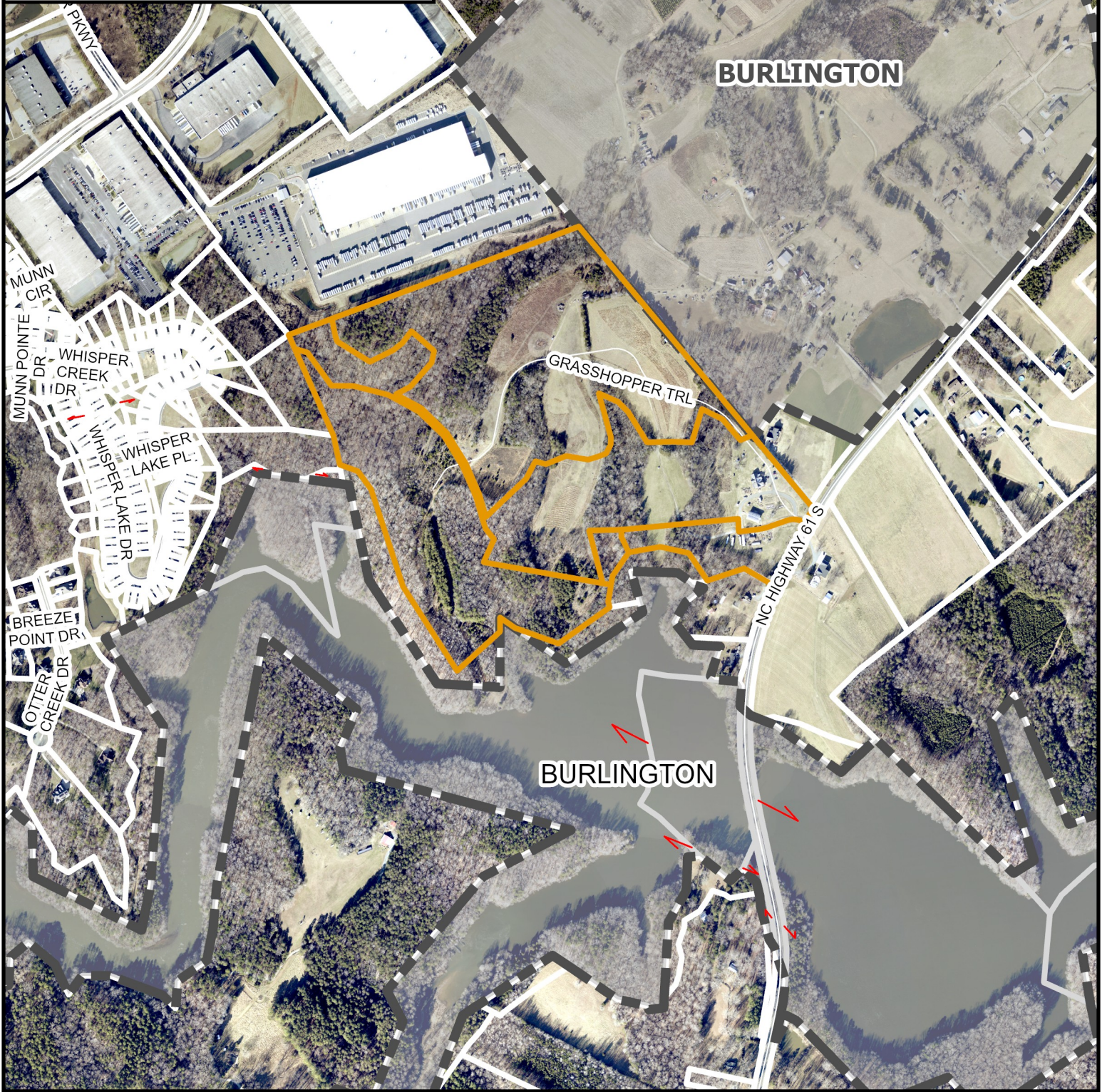
1458 NC HWY 61 S



Scale: 1" = 500'

# Aerial Map

AG & CZ-PD-M to AG & CZ-PD-M  
Amended  
+/- 89.20 Acres



Planning & Development  
Department

### Jurisdiction:

GUILFORD COUNTY

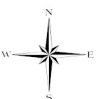
### Case Number:

26-03-PLBD-00015

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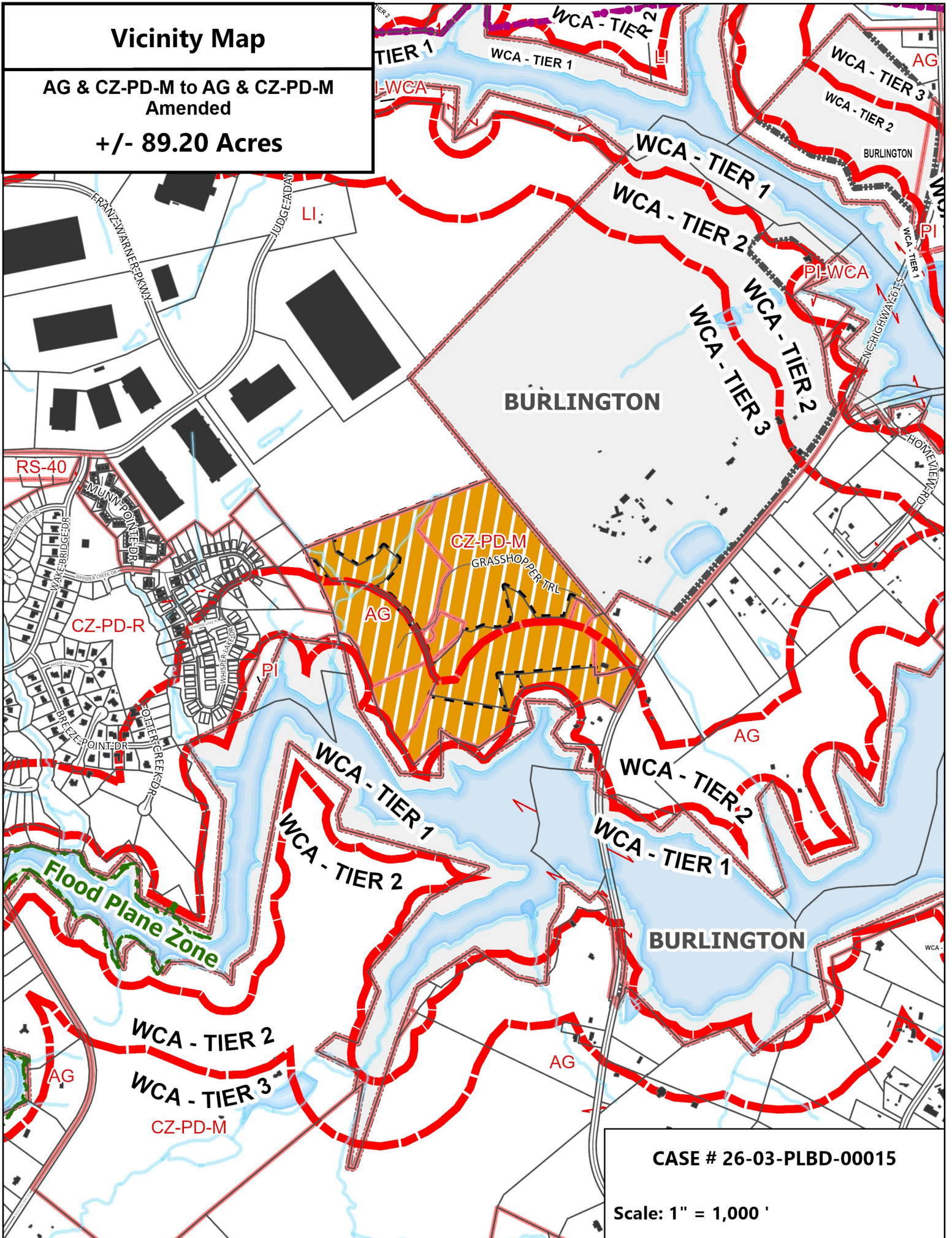
1458 NC HWY 61 S



Scale: 1" = 750'

# Vicinity Map

AG & CZ-PD-M to AG & CZ-PD-M  
Amended  
+/- 89.20 Acres

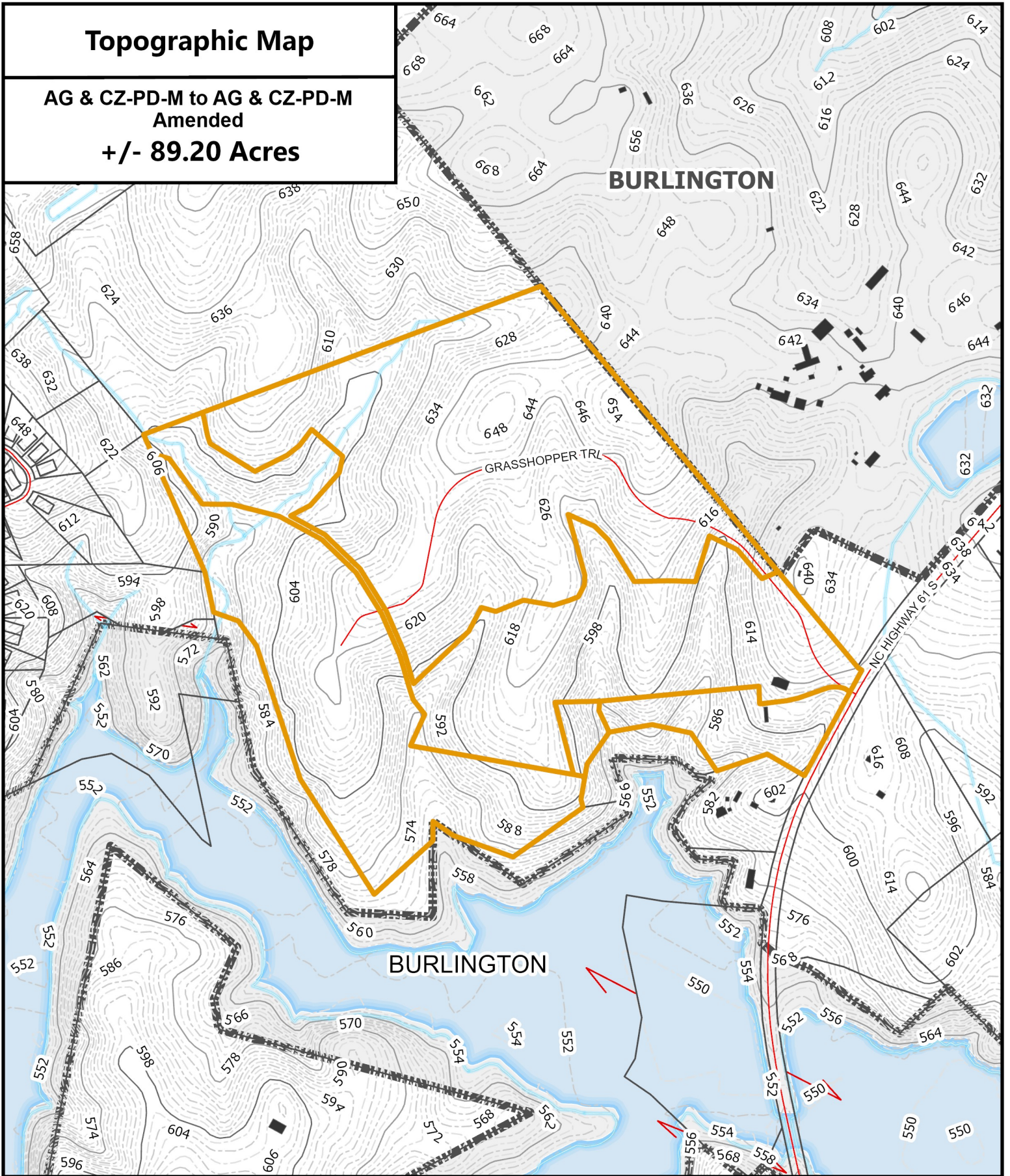


CASE # 26-03-PLBD-00015

Scale: 1" = 1,000'

# Topographic Map

AG & CZ-PD-M to AG & CZ-PD-M  
Amended  
+/- 89.20 Acres



Planning & Development  
Department

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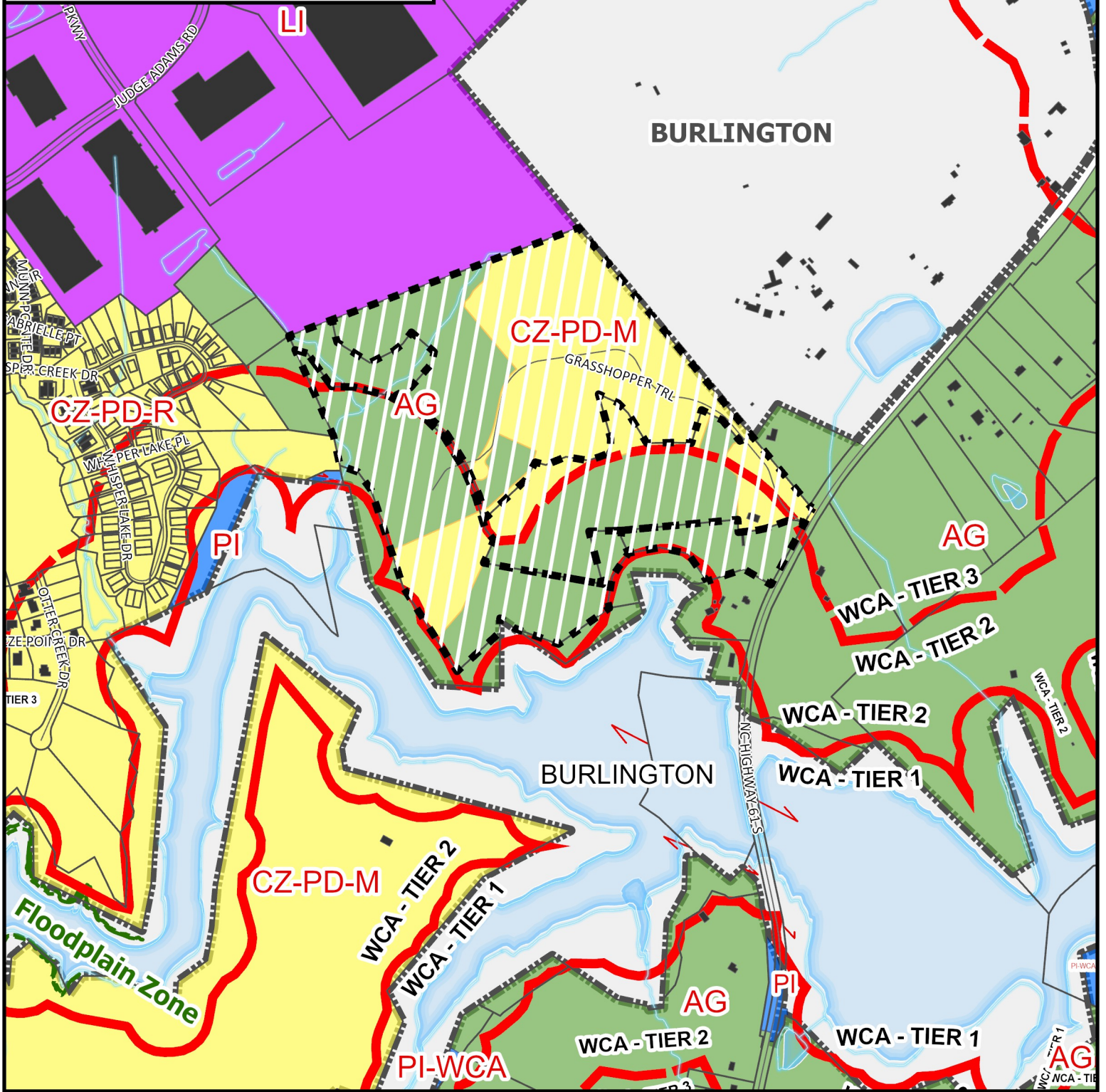
1458 NC HWY 61 S



Scale: 1" = 500'

# Current Zoning Map

AG & CZ-PD-M to AG & CZ-PD-M  
Amended  
+/- 89.20 Acres



Planning & Development  
Department

**Jurisdiction:**

GUILFORD COUNTY

**Case Number:**

26-03-PLBD-00015

**Case Area:**

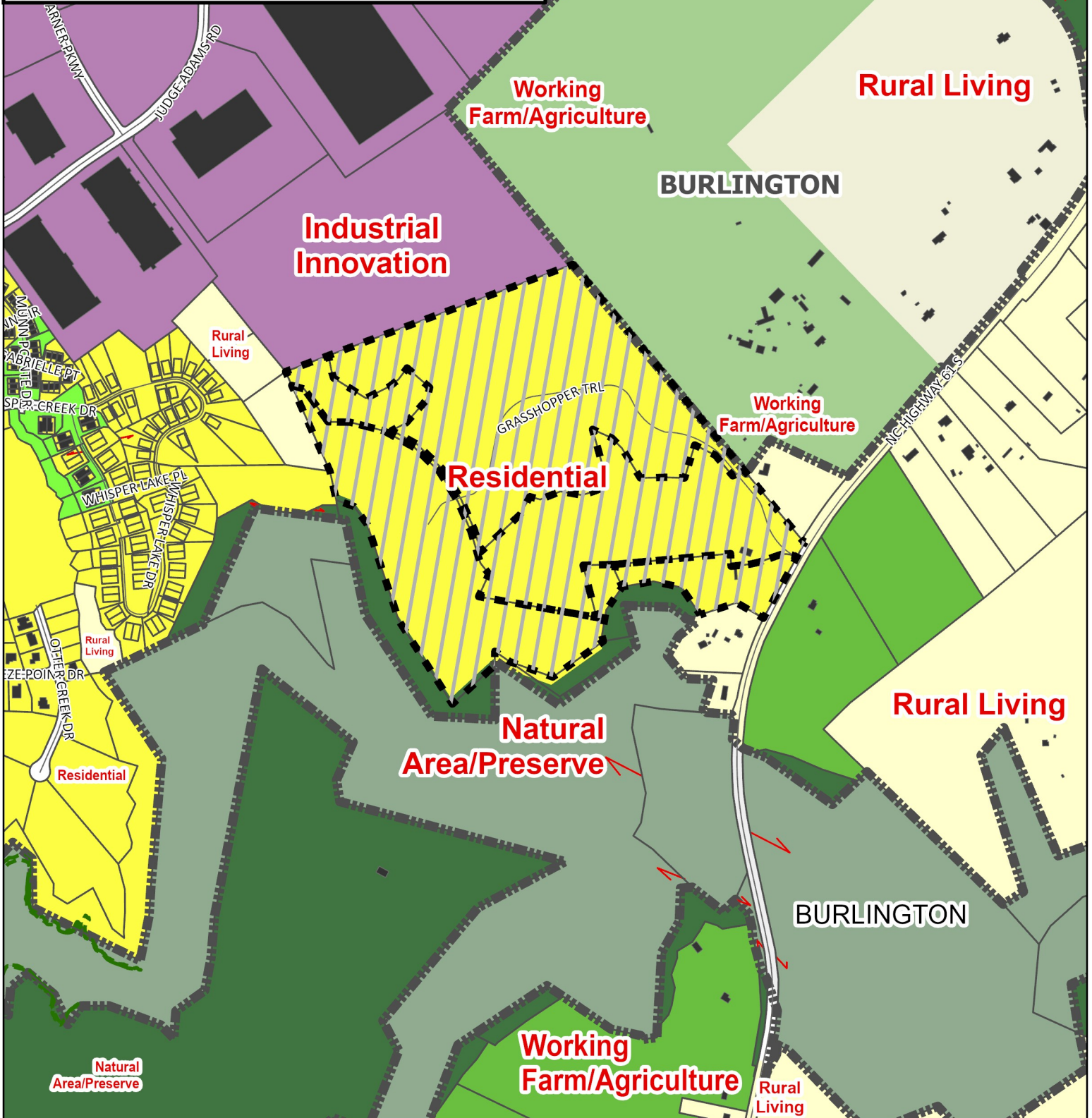
Parcel(s) - 241720 ~ 37.82 AC  
220601 ~ 0.92 AC 241672 ~ 23.98 AC  
241718 ~ 4.57 AC 241719 ~ 21.89 AC

1458 NC HWY 61 S



Scale: 1" = 750'

# Future Land Use Map (FLUM)



Planning & Development  
Department

**Jurisdiction:**

GUILFORD COUNTY

**Case Number:**

26-03-PLBD-00015




**Case Area:**



Parcel(s): 241720 ~ 37.82 AC  
 220601 ~ 0.92 AC  
 241672 ~ 23.98 AC  
 241718 ~ 4.57 AC  
 241719 ~ 21.89 AC

1458 NC HWY 61 S






Scale: 1" = 750'



**241718**   

  Zoom to

REID	241718
Owner	PEACEHAVEN FARM INC
Address	1458 NC HIGHWAY 61 S
Legal Description	4.57 AC PT LO 2 PEACEHAVEN FARMS PB 218-101 LO:PT 2
FLUM	Residential Residential
Zoning	AG,
Scenic Corridors	
Watershed	LAKE MACKINTOSH
WCA Tier Levels	Tier1 Tier2 Tier3
Water Sewer Boundary	
Historic Landmarks	




place your text or html here



**241720**   

  Zoom to

REID	241720
Owner	PEACEHAVEN FARM INC
Address	1458 ZZ3 NC HIGHWAY 61 S
Legal Description	37.82 AC PT LO 2 PEACEHAVEN FARMS PB 218-101 LO:PT 2
FLUM	Residential
Zoning	PD-M, AG,
Scenic Corridors	
Watershed	LAKE MACKINTOSH
WCA Tier Levels	Tier3
Water Sewer Boundary	
Historic Landmarks	




place your text or html here



241719   

  Zoom to

REID	241719
Owner	PEACEHAVEN FARM INC
Address	1458 ZZ2 NC HIGHWAY 61 S
Legal Description	21.89 AC PT LO 2 PEACEHAVEN FARMS PB 218-101 LO:PT 2
FLUM	Natural Area/Preserve Residential
Zoning	PD-M, AG,
Scenic Corridors	
Watershed	LAKE MACKINTOSH
WCA Tier Levels	Tier1 Tier2 Tier3
Water Sewer Boundary	Growth Tier 1: 2013-2019
Historic Landmarks	

place your text or html here

241672   


  Zoom to

REID	241672
Owner	PEACEHAVEN FARM INC
Address	1456 NC HIGHWAY 61 S
Legal Description	23.98 AC LO 1 PEACEHAVEN FARMS PB 218-101 LO:1
FLUM	Residential Residential
Zoning	PD-M, AG,
Scenic Corridors	
Watershed	LAKE MACKINTOSH
WCA Tier Levels	Tier2 Tier3
Water Sewer Boundary	Growth Tier 1: 2013-2019
Historic Landmarks	

place your text or html here

220601



 Zoom to

REID	220601
Owner	PEACEHAVEN FARM INC
Address	1456 Z NC HIGHWAY 61 S
Legal Description	PEACEHAVEN FARM LO:1-A
FLUM	Residential
Zoning	AG,
Scenic Corridors	
Watershed	LAKE MACKINTOSH
WCA Tier Levels	Tier2
Water Sewer Boundary	
Historic Landmarks	

place your text or html here

**CONDITIONAL REZONING CASE #26-03-PLBD-00015: AG, AGRICULTURAL AND CZ-PD-M, CONDITIONAL ZONING – PLANNED UNIT DEVELOPMENT – MIXED (REF. CASE #23-10-PLBD-00067) TO AG, AGRICULTURAL AND CZ-PD-M, CONDITIONAL ZONING – PLANNED UNIT DEVELOPMENT – MIXED AMENDED: 1456 AND 1458 NC HIGHWAY 61 SOUTH AND 6801, 6811, 6821, 6830, 6831, AND 6838 GRASSHOPPER TRAIL**

**GUILFORD COUNTY PLANNING BOARD  
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION MATRIX**

<b>Zoning</b>	<b>Plan Consistency</b>	<b>Decision</b>
Approve	Consistent	N/A
Deny	Inconsistent	#2
Approve	Inconsistent	#3
Deny	Consistent	N/A

**CONDITIONAL REZONING CASE #26-03-PLBD-00015: AG, AGRICULTURAL AND CZ-PD-M, CONDITIONAL ZONING – PLANNED UNIT DEVELOPMENT – MIXED (REF. CASE #23-10-PLBD-00067) TO AG, AGRICULTURAL AND CZ-PD-M, CONDITIONAL ZONING – PLANNED UNIT DEVELOPMENT – MIXED AMENDED: 1456 AND 1458 NC HIGHWAY 61 SOUTH AND 6801, 6811, 6821, 6830, 6831, AND 6838 GRASSHOPPER TRAIL**

**GUILFORD COUNTY PLANNING BOARD  
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #1  
APPROVE-CONSISTENT  
NO PLAN AMENDMENT**

I move to **Approve** this zoning map amendment located on Guilford County Tax Parcel #220601, #241720, #241718, #241719, and #241672 from **AG & CZ-PD-M to AG & CZ-PD-M Amended** because:

1. The amendment **is** consistent with the Comprehensive Plan because:  
*[Describe elements of controlling land use plan(s) and how the amendment is consistent.]*

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2. The amendment **is** reasonable because:  
*[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]*

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**CONDITIONAL REZONING CASE #26-03-PLBD-00015: AG, AGRICULTURAL AND CZ-PD-M, CONDITIONAL ZONING – PLANNED UNIT DEVELOPMENT – MIXED (REF. CASE #23-10-PLBD-00067) TO AG, AGRICULTURAL AND CZ-PD-M, CONDITIONAL ZONING – PLANNED UNIT DEVELOPMENT – MIXED AMENDED: 1456 AND 1458 NC HIGHWAY 61 SOUTH AND 6801, 6811, 6821, 6830, 6831, AND 6838 GRASSHOPPER TRAIL**

**GUILFORD COUNTY PLANNING BOARD  
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #2  
DENY-INCONSISTENT  
NO PLAN AMENDMENT**

I move to **Deny** this zoning map amendment located on Guilford County Tax Parcel #220601, #241720, #241718, #241719, and #241672 from **AG & CZ-PD-M to AG & CZ-PD-M Amended** because:

1. The amendment **is not** consistent with the Comprehensive Plan because:  
*[Describe elements of controlling land use plan(s) and how the amendment is not consistent.]*

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2. The amendment **is not** reasonable because:  
*[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]*

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**CONDITIONAL REZONING CASE #26-03-PLBD-00015: AG, AGRICULTURAL AND CZ-PD-M, CONDITIONAL ZONING – PLANNED UNIT DEVELOPMENT – MIXED (REF. CASE #23-10-PLBD-00067) TO AG, AGRICULTURAL AND CZ-PD-M, CONDITIONAL ZONING – PLANNED UNIT DEVELOPMENT – MIXED AMENDED: 1456 AND 1458 NC HIGHWAY 61 SOUTH AND 6801, 6811, 6821, 6830, 6831, AND 6838 GRASSHOPPER TRAIL**

**GUILFORD COUNTY PLANNING BOARD  
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #3  
APPROVE-INCONSISTENT  
PLAN AMENDMENT**

I move to **Approve** this zoning map amendment located on Guilford County Tax Parcel #220601, #241720, #241718, #241719, and #241672 from **AG & CZ-PD-M to AG & CZ-PD-M Amended** because:

1. This approval also amends the **Future Land Use Map: Southeast Quadrant**.
2. The zoning map amendment and associated **Future Land Use Map** amendment from **Residential to Agricultural** in the **Southeast Quadrant** are based on the following change(s) in condition(s):  
*[Explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.]*

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3. The amendment is reasonable because:  
*[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]*

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**CONDITIONAL REZONING CASE #26-03-PLBD-00015: AG, AGRICULTURAL AND CZ-PD-M, CONDITIONAL ZONING – PLANNED UNIT DEVELOPMENT – MIXED (REF. CASE #23-10-PLBD-00067) TO AG, AGRICULTURAL AND CZ-PD-M, CONDITIONAL ZONING – PLANNED UNIT DEVELOPMENT – MIXED AMENDED: 1456 AND 1458 NC HIGHWAY 61 SOUTH AND 6801, 6811, 6821, 6830, 6831, AND 6838 GRASSHOPPER TRAIL**

**GUILFORD COUNTY PLANNING BOARD  
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #4  
DENY-CONSISTENT  
NO PLAN AMENDMENT**

I move to **Deny** this zoning map amendment located on Guilford County Tax Parcel #220601, #241720, #241718, #241719, and #241672 from **AG & CZ-PD-M to AG & CZ-PD-M**

**Amended** because:

1. The amendment **is** consistent with the Comprehensive Plan because:  
*[Describe elements of controlling land use plan(s) and how the amendment is consistent.]*

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2. The amendment **is** consistent but not reasonable because:  
*[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]*

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**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #25-12-PLBD-00152: AN AMENDMENT TO SUBSECTION 2.8 (FLOODPLAIN ADMINISTRATOR), SUBSECTION 3 (PERMITS AND PROCEDURES – PURPOSE AND INTENT - PROCEDURES FOR SPECIFIC APPLICATIONS), SUBSECTION 9 ENVIRONMENTAL REGULATIONS (FLOOD DAMAGE PREVENTION), SUBSECTION 12 (DEFINITIONS) AND ADOPTION OF UPDATED FLOOD MAPS**

**Description**

This proposed text amendment to the Guilford County Unified Development Ordinance (UDO) updates the Flood Damage Prevention provisions of the UDO to maintain alignment with National Flood Insurance Program (NFIP) standards. The amendment updates Subsections 2.8 (Floodplain Administrator), 3.5.F (Certificate of Floor Elevation / Floodproofing), 3.5.I (Floodplain Development Permit), 3.5.W (Variance), 9.3 (Flood Damage Prevention), and 12 (Definitions). See the full summary of updates below. The proposed amendment also formally adopts the updated Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs, also referred to as Flood Maps) for Guilford County, and aligns the UDO with the 2021 North Carolina Model Flood Damage Prevention Ordinance for Non-Coastal areas (NC Model FDPO).

The current and proposed updated Flood Maps for Guilford County are available to be viewed on the North Carolina Department of Public Safety (NCDPS) Flood Risk Information System (FRIS) Website at: <https://fris.nc.gov/>.

On December 10, 2025, the Federal Emergency Management Agency (FEMA) issued a Letter of Final Determination (attached) to Guilford County (FEMA Community ID # 370111) notifying the County that the new FIS and associated Flood Maps for our community will become effective on June 10, 2026. The County must adopt the updated FIS and Flood Maps before the June 10, 2026, effective date as required by FEMA and Title 44 of the Code of Federal Regulations (CFR) Part 60.3(d) to maintain its NFIP community status. As a participant in the NFIP, the County is required to keep the Flood Damage Prevention provisions of its ordinance and its regulatory Flood Maps and flood study current. Doing so helps to ensure property owners remain eligible for flood insurance through the NFIP and supports regulations that help reduce flood risks.

On December 10, 2025, the Federal Emergency Management Agency (FEMA) issued a Letter of Final Determination to Guilford County (FEMA Community ID # 370111) notifying the County that the new FIS and associated Flood Maps for our community will become effective on June 10, 2026. The County must adopt the updated FIS and Flood Maps before the June 10, 2026, effective date as required by FEMA and Title 44 of the Code of Federal Regulations (CFR) Part 60.3(d) to maintain its NFIP community status. As a participant in the NFIP, the County is required to keep the Flood Damage Prevention provisions of its ordinance and its regulatory Flood Maps and flood study current. Doing so helps to ensure property owners remain eligible for flood insurance through the NFIP and supports regulations that help reduce flood risks.

To support the FIS and Flood Maps update, Guilford County staff helped coordinate and implement a public Community Outreach Meeting on July 25, 2023 with City of Greensboro, City of High Point, other local jurisdictions, and NC Department of Public Safety (NCDPS). This process was conducted in an effort to inform the public and provide an opportunity for property owners to meet community officials and NCDPS to discuss and ask questions about the flood map changes, reason for the change, how properties could be affected, and explain the appeals process if owners

desired to contest the findings of the updated Flood Maps. The County advertised the public meeting on the Guilford County Electronic Legal Notices website (as allowed per S.L. 2017-210), Guilford County main webpage, Planning & Development Department webpage, and the Floodplain Management webpage. In addition, letters with information regarding Flood Map changes and advertisement of the public meeting were sent to property owners for which GIS analysis indicated a structure on the property was added to the floodplain. The County also created a Flood Mapping and Updates informational website regarding the FIS and Flood Map updates, which was advertised in the above public meeting announcements, letters and at the meeting.

FEMA published a notice regarding the proposed flood hazard determinations (preliminary FIS and Flood Maps) in the Federal Register on October 7, 2024. FEMA issued a letter on December 4, 2024 to Guilford County and other local jurisdictions to provide notice of the 90-day appeal period for the proposed FIS and FIRM that began on December 18, 2024 and ended on March 18, 2025. The appeal period offered property owners an opportunity to contest the results of the new flood study if they disagreed with the findings (i.e. whether the property is located in a regulated floodplain) FEMA also published public notifications regarding the appeal period and process in the Greensboro News and Record on December 11, 2024 and December 18, 2024. FEMA did not receive any appeals during the appeal period as noted in the December 10, 2025 Letter of Final Determination.

As a supplemental note, Guilford County participates in FEMA's Community Rating System (CRS) and has a CRS rating of Class 7, which enables property owners in our community to receive a 15% discount on flood insurance premiums for policies purchased through the NFIP. The County must adopt the new FIS and Flood Maps to maintain its CRS rating.

The proposed text amendment includes provisions to automatically adopt future FISs & Flood Maps, helping to ensure continued compliance with federal and state requirements. This approach streamlines the process for incorporating mandated updates while preserving the community's ability to appeal map determinations. Additional revisions improve formatting, language, clarity, and definitions to better align the County's Flood Damage Prevention provisions with the NC Model FDPO and enhance overall clarity and consistency.

The underlined text is text in the attached amendment is to be added; the ~~strikethrough text~~ is text to be removed.

A summary of the proposed amendment is below:

- Amend Subsection 2.8 Floodplain Administrator to include formatting improvements, revised language to align with the NC Model FDPO, and added cross-references to Subsection 9.3 to provide clarity and a more user-friendly reading of the requirements.
- Amend Subsections 3.5F, 3.5.I, and 3.5.W regarding Procedures for Specific Applications for Floodplain Development Permits, Certificates, and Variances for Flood Damage Prevention to remove duplicate information on Flood Damage Prevention requirements and to direct readers to Subsection 9.3 where the requirements are consolidated to reduce conflict and confusion.
- Amend Subsection 9.3 Flood Damage Prevention to align with the NC Model FDPO. Changes include adoption of the new FEMA FIS and FIRM (i.e., flood study and flood maps) effective June 10, 2026 in Subsection 9.3.D.2, addition of automatic-adoption language for future FEMA flood maps and flood studies, updates to cross-references to

latest NC General Statutes (e.g., NCGS 160-D), updates to cross-references to other subsections of the ordinance, and technical formatting edits. Outdated language is also removed or modified for clarification.

- Amend Subsection 12 Definitions to add missing terms, definitions, and acronyms, and combine or remove duplicate definitions, and align the definitions with the NC Model FDPO. Notes are added to indicate when specific terms apply only to the Flood Damage Prevention regulations.

## SEE ATTACHED TEXT AMENDMENT

### Consistency: Land Use Plan & Comprehensive Plan

**Comprehensive Plan:** Guiding Guilford Moving Forward Together (adopted September 4, 2025)

**Consistency:** The proposed text amendment is consistent with the Planning Theme for Protected Natural Environment & Greenspace in the Guilford County Guiding Guilford Moving Forward Together Comprehensive Plan. Policy 2 seeks to “Safeguard the environmental integrity of Regional Water Sources and Recreational Water Bodies.” Action Item N2.3 states to “Expand on existing watershed management policies to set goals and priorities for protecting, restoring, and improving the county’s environmental resources.” Action Item N2.5 “Continue to coordinate and cooperate with other local, regional, and state agencies and organizations, such as the NC Division of Water Quality, on joint watershed planning and management.” Policy 3 Protect Natural Features and Sensitive Areas (Riparian Areas, Floodplains, Vegetation/Tree Cover).

Additionally, the amendment maintains Guilford County’s consistency with State and Federal floodplain regulations and helps ensure county residents maintain access to vital flood insurance.

### Staff Recommendation

**Staff Recommendation:** Approval.

# Proposed Text Amendment

## Case #25-12-PLBD-00152

### SUBSEC. 2 – ADMINISTRATION

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#### 2.8 FLOODPLAIN ADMINISTRATOR

##### A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

1. The Planning Director or his/her designee shall serve as the Floodplain Administrator and shall administer and implement the Flood Damage Prevention provisions of this Ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement the Flood Damage Prevention provisions of this Ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the Flood Damage Prevention provisions of this Ordinance.
2. The Planning Director and the Floodplain Administrator may assign or designate other staff persons to carry out in whole or in part powers and duties of the Floodplain Administrator, including but not limited to the Floodplain Administrator's powers to enforce state and local laws related to flood damage prevention, including but not limited to Subsec. 9.3 – Flood Damage Prevention and N.C.G.S. Chapter 143, Article 21, Part 6.

##### B. POWERS AND DUTIES

1. ~~The Planning Director or his/her designee shall serve as the Floodplain Administrator and shall administer and implement the provisions of this Ordinance.~~ The Floodplain Administrator shall perform, but not be limited to, the following duties:
  - a. ~~To review~~ Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of Subsec. 9.3 – Flood Damage Prevention and other Subsections of this Ordinance referenced therein have been satisfied.
  - b. ~~To advise~~ Advise permittees that additional federal or state permits (Sections 401 & 404 of the Clean Water Act for impacts to U.S. Waters, Streams, Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required. Copies of such permits shall be provided and maintained on file with the Floodplain Development Permit.
  - c. ~~To notify~~ Notify adjacent communities and the North Carolina Department of ~~Crime Control and Public Safety~~, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
  - d. ~~To assure~~ Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
  - e. ~~To prevent~~ Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of ~~Subsec. 9 – Environmental Regulations~~ Subsec. 9.3.S – Floodways and Non-encroachment Areas are met.
  - f. ~~To obtain~~ Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new ~~or~~ and substantially improved structures, in accordance with ~~Subsec. 9 – Environmental Regulations~~ Subsec. 9.3.L.3 – Certification Requirements.

## Proposed Text Amendment

### Case #25-12-PLBD-00152

- g. ~~To obtain~~ Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with ~~Subsec. 9 – Environmental Regulations~~ Subsec. 9.3.L.3 – Certification Requirements.
- h. ~~To obtain~~ Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with ~~Subsec. 9 – Environmental Regulations~~ Subsec. 9.3.L.3 – Certification Requirements.
- i. When floodproofing is utilized for a particular structure, ~~to obtain~~ certifications from a registered professional engineer or architect, in accordance with ~~Subsec. 9 – Environmental Regulations~~ Subsec. 9.3.L.3 – Certification Requirements and Subsec. 9.3.P.2.b – Non-Residential Construction.
- j. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (-e.g., where there appears to be a conflict between a mapped boundary and actual field conditions), ~~to make~~ the necessary interpretation. ~~The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Subsection.~~
- k. When Base Flood Elevation (BFE) data has not been provided in accordance with ~~Subsec. 9 – Environmental Regulations~~ Subsec. 9.3.D.2 – Basis for Establishing the Special Flood Hazard Area, ~~to obtain~~, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to ~~Subsec. 9 – Environmental Regulations~~ Subsec. 9.3.Q – Standards for Floodplains Without Established Base Flood Elevations, in order to administer the Flood Damage Prevention provisions of this Ordinance.
- l. When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with ~~Subsec. 9 – Environmental Regulations~~ Subsec. 9.3.D.2 – Basis for Establishing the Special Flood Hazard Area, ~~to obtain~~, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the Flood Damage Prevention provisions of this Ordinance.
- m. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation (BFE), ~~to advise~~ the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. A copy of the Letter of Map Amendment (LOMA) issued by FEMA shall be kept in the Floodplain Development Permit file.
- n. ~~To permanently maintain~~ Maintain all records that pertain to the administration of the Flood Damage Prevention provisions of this Ordinance in accordance with applicable record retention requirements, including permanently when required, and make these records available for public inspection in accordance with public record laws.
- o. ~~To make~~ Make on-site inspections of work in progress. As the work pursuant to a Floodplain Development Permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the Flood Damage Prevention provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the

## Proposed Text Amendment

### Case #25-12-PLBD-00152

community at any reasonable hour for the purposes of inspection or other enforcement action.

- p. ~~To issue~~ Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of the Flood Damage Prevention provisions of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- q. ~~To revoke~~ Revoke Floodplain Development Permits as required. The Floodplain Administrator may revoke and require the return of the Floodplain Development Permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any Floodplain Development Permit mistakenly issued in violation of an applicable state or local law also may be revoked.
- r. ~~To make~~ Make periodic inspections throughout all Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- s. ~~To follow~~ Follow through with corrective procedures of Subsec. 9.3.N – Corrective Procedures and Subsec. 10 – Enforcement.
- t. ~~To review~~ Review, provide input, and make recommendations for variance requests.
- u. ~~To maintain~~ Maintain a current map repository to include, but not limited to, the historical and effective Flood Insurance Study (FIS) Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with Subsec. 9 – Environmental Regulations of this Ordinance the provisions of Subsec. 9.3.D.2 – Basis for Establishing the Special Flood Hazard Area, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- v. ~~To coordinate~~ Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).
- w. ~~To maintain~~ Maintain and administer the County's Community Rating System (CRS) program.
- x. Appeals from final administrative decisions of the Floodplain Administrator may be made by any party with standing and are governed by Subsec. 3.5.C. – Appeals, N.C.G.S. 160D-405, N.C.G.S. 160D-406, and N.C.G.S. 160D-1402, as they may be amended. For purposes of Subsec. 3.5.C. – Appeals, decisions of the Floodplain Administrator are treated as decisions of the Planning Director. Such appeals are deemed filed when received by the Planning Director in his or her role as Clerk to the Board of Adjustment.

# Proposed Text Amendment

## Case #25-12-PLBD-00152

### SUBSEC. 3 – PERMITS AND PROCEDURES

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#### 3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

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#### F. CERTIFICATE OF FLOOR ELEVATION/FLOODPROOFING

##### 1. See Subsec. 9.3.L – Floodplain Development Application, Permit and Certification Requirements

##### ~~1. Purpose and Intent~~

~~a. This section sets out the procedures for the issuance of a Certificate of Floor Elevation/Floodproofing in Guilford County.~~

~~b. See Subsec. 9 – Environmental Regulations for additional requirements.~~

##### ~~2. Certificate of Floor Elevation/Floodproofing Applicability and Procedure~~

~~a. An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a Certification of Elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit.~~

~~b. An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall because to issue a stop work order for the project.~~

~~c. A final as-built Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.~~

##### ~~3. Floodproofing Certificate~~

~~a. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data and an operational plan, is required prior to the actual start of any new construction.~~

## Proposed Text Amendment

### Case #25-12-PLBD-00152

- ~~b. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level.~~
  - ~~c. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.~~
  - ~~d. The Floodplain Administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.~~
  - ~~e. If a manufactured home is placed within Zone A, AE, AH, AO or A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Subsec. 9 – Environmental Regulations.~~
  - ~~f. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a Floodplain Development Permit.~~
- ~~4. Certification Exemptions~~
- ~~a. The following structures, if located within Zone A, AE, AH, AO or A99, are exempt from the elevation/floodproofing certification requirements specified in items (A) and (B) of this subsection:
    - ~~(1) Recreational Vehicles meeting requirements of Subsec. 9 – Environmental Regulations.~~
    - ~~(2) Temporary Structures meeting requirements of Subsec. 9 – Environmental Regulations.~~
    - ~~(3) Accessory Structures less than 150 square feet meeting requirements of Subsec. 9 – Environmental Regulations.~~~~

# Proposed Text Amendment

## Case #25-12-PLBD-00152

### SUBSEC. 3 – PERMITS AND PROCEDURES

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#### 3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

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#### I. FLOODPLAIN DEVELOPMENT PERMIT

1. See Subsec. 9.3.L – Floodplain Development Application, Permit and Certification Requirements
  2. See Subsec. 3.3 for Common Review Procedures. (Note: Floodplain Development Permits are reviewed and approved by the Floodplain Administrator. Accordingly, for purposes of Floodplain Development Permits, references to the Planning Director in Subsec. 3.3 – Common Review Procedures shall be taken to refer to the Floodplain Administrator.)
- ~~1. Floodplain Development Permit Procedure~~
    - ~~a. Floodplain Development Permits are reviewed and approved by the Floodplain Administrator. Refer to Section 3.3 for Common Review Procedures.~~
    - ~~b. See Subsec. 9 – Environmental Regulations for additional standards or requirements.~~
  - ~~2. Application Requirements~~
    - ~~a. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a Floodplain Development Permit:~~
      - ~~(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:~~
        - ~~(a) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;~~
        - ~~(b) The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in this section, or a statement that the entire lot is within the Special Flood Hazard Area;~~
        - ~~(c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map;~~
        - ~~(d) The boundary of the floodway(s) or non-encroachment area(s);~~
        - ~~(e) The Base Flood Elevation (BFE) where provided;~~
        - ~~(f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;~~
        - ~~(g) Certification of the plot plan by a registered land surveyor or professional engineer.~~
      - ~~(2) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:~~
        - ~~(a) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;~~
        - ~~(b) Elevation in relation to mean sea level to which any non-residential structure in Zone AE or A will be flood-proofed; and~~

## Proposed Text Amendment

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- ~~(c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;~~
  - ~~(3) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.~~
  - ~~(4) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:
    - ~~(a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);~~
    - ~~(b) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with this Ordinance when solid foundation perimeter walls are used in Zones A, AE, AH, AO, and A99;~~~~
  - ~~(5) Usage details of any enclosed areas below the regulatory flood protection elevation.~~
  - ~~(6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;~~
  - ~~(7) Copies of all other Local, State and Federal permits required prior to Floodplain Development Permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)~~
  - ~~(8) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure the applicable sections of this Ordinance are met.~~
  - ~~(9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.~~
- ~~b. Permit Requirements~~
- ~~(1) The Floodplain Development Permit shall include, but not be limited to:
    - ~~(a) A description of the development to be permitted under the Floodplain Development Permit.~~
    - ~~(b) The Special Flood Hazard Area determination for the proposed development per available data.~~
    - ~~(c) The regulatory flood protection elevation required for the reference level and all attendant utilities.~~
    - ~~(d) The regulatory flood protection elevation required for the protection of all public utilities.~~
    - ~~(e) All certification submittal requirements with timelines.~~
    - ~~(f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.~~
    - ~~(g) The flood openings requirements, if in Zones A, AE, AH, AO, or A99.~~~~

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~~(h) Limitations of below BFE enclosure uses (if applicable) (i.e., Parking, Building Access and Limited Storage only).~~

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### SUBSEC. 3 – PERMITS AND PROCEDURES

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#### 3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

...

#### W. VARIANCE

...

##### 6. Procedures for Specific Variances

###### a. Watershed/Stormwater (Major & Minor)

(1) See Subsec. 9 – Environmental Provisions

###### b. Flood Hazard Variance-Flood Damage Prevention

(1) See Subsec. 9.3.0 – Variances to Flood Damage Prevention

~~(1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.~~

~~(2) Functionally dependent facilities if determined to meet the definition as stated in Subsec. 12 – Definitions of this Ordinance, provided provisions of this Section have been satisfied, and such facilities are protected by methods that minimize flood damages.~~

~~(1) Any other type of development provided it meets the requirements stated in this Section.~~

~~(3) A written report addressing each of the above factors shall be submitted with the application for a variance.~~

~~(4) Upon consideration of the factors listed above and the purposes of this Ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.~~

~~(5) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to twenty five dollars (\$25.00) per one hundred dollars (\$100.00) of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.~~

~~(6) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.~~

~~(7) Conditions for Variances:~~

~~(a) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.~~

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- ~~(b)~~ Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
- ~~(c)~~ Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- ~~(d)~~ Variances shall only be issued prior to development permit approval.
- ~~(e)~~ Variances shall only be issued upon:
  - ~~i.~~ A showing of good and sufficient cause;
  - ~~ii.~~ A determination that failure to grant the variance would result in exceptional hardship; and
  - ~~iii.~~ A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- ~~(8)~~ A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met:
  - ~~(a)~~ The use serves a critical need in the community.
  - ~~(b)~~ No feasible location exists for the use outside the Special Flood Hazard Area.
  - ~~(c)~~ The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
  - ~~(d)~~ The use complies with all other applicable federal, state, and local laws.
  - ~~(e)~~ The County of Guilford has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

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### SUBSEC. 9 – ENVIRONMENTAL REGULATIONS

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#### 9.3 FLOOD DAMAGE PREVENTION

##### A. STATUTORY AUTHORIZATION ~~AND LEGAL STATUS PROVISIONS~~

###### 1. Statutory Authorization:

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; ~~Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A~~ of the North Carolina General Statutes, delegated to local governmental units the ~~responsibility authority~~ responsibility authority to adopt regulations designed to promote the public health, safety, and general welfare ~~ordinances to regulate uses in flood hazard areas and grant permits for the use of flood hazard areas that are consistent with the requirements of Part 6, Article 21 of Chapter 143 of the North Carolina General Statutes.~~

Therefore, the governing body of Guilford County, North Carolina, does ordain as follows:

###### ~~2. Legal Status Provisions:~~

###### ~~a. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance:~~

~~This Ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted on November 19, 1990, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this Ordinance shall not affect any action, suit or proceeding instituted or pending.~~

###### ~~b. Effect upon Outstanding Floodplain Development Permits:~~

~~Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this Ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this Ordinance.~~

###### ~~c. Effective Date: These provisions shall become effective upon adoption.~~

##### B. FINDINGS OF FACT

1. The flood prone areas within the jurisdiction of unincorporated Guilford County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

##### C. STATEMENT OF PURPOSE

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1. It is the purpose of this Ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:
  - a. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
  - b. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
  - c. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
  - d. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
  - e. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

### D. GENERAL PROVISIONS

1. Lands to Which ~~this Section~~ Subsec. 9.3 – Flood Damage Prevention Applies:

This ~~Section~~ Subsection shall apply to all Special Flood Hazard Areas (SFHA) within unincorporated Guilford County. Bona fide farms are not exempt from the provisions of this ~~Section~~ Subsection regulating development in floodways and floodplains as required for participation in the National Flood Insurance Program.

2. Basis for Establishing the Special Flood Hazard Areas (SFHAs):

The ~~Special Flood Hazard Areas~~ SFHAs are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated ~~November 17, 2017~~ June 10, 2026 for Guilford County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this Subsection, and all subsequent revisions thereto ~~Future revisions to the FIS and DFIRM panels that do not change flood hazard data~~ within the jurisdictional authority of Guilford County are also adopted by reference and declared a part of this Subsection. ~~Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within three (3) months.~~

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## Zone AE (Includes Floodway and Fringe)

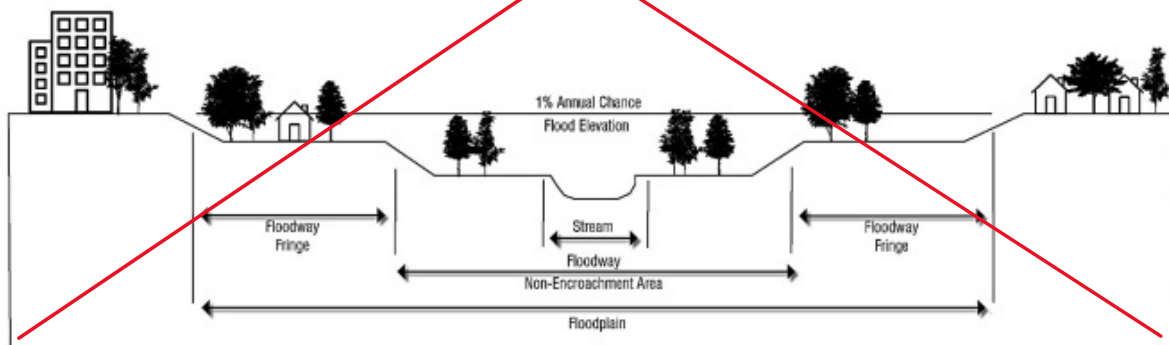
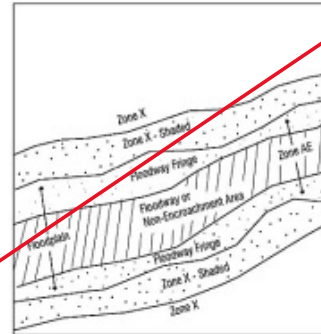
- 1% Annual Chance Floodplain
- Floodway or Non-Encroachment Area - No structures or filling permitted.
- Floodway Fringe - Finished floor elevation of buildings must be two (2) feet above base flood line elevation.
- Fill material must be placed in the fringe as long as it does not encroach on the FLOODWAY.

## Zone X (Shaded)

- .2% Annual Chance Floodplain
- This area is not regulated by the flood hazard section of this Ordinance.

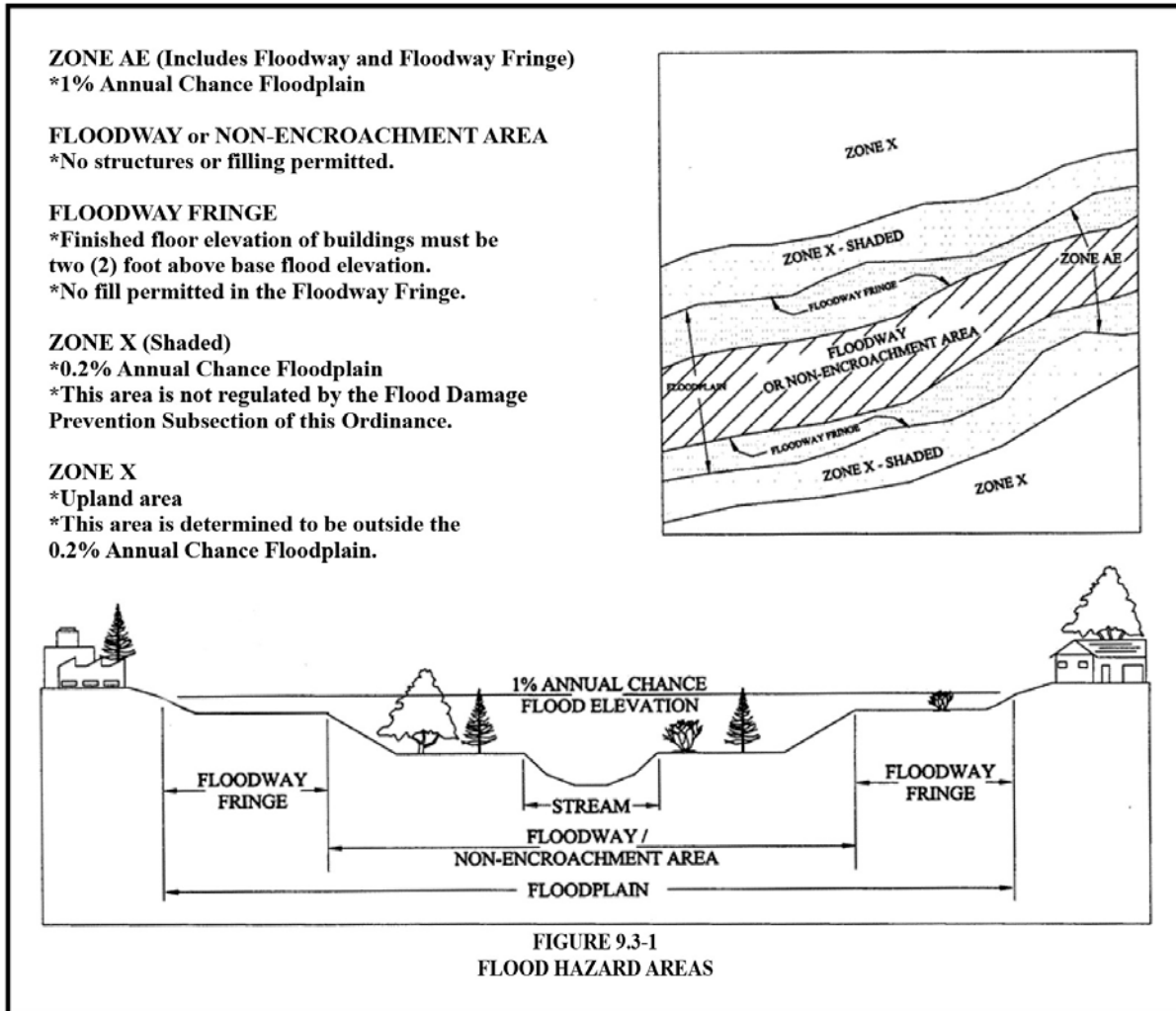
## Zone X

- Upland area
- This area is determined to be outside the .2% Annual Chance Floodplain



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## E. OBJECTIVES

1. The objectives of this ~~Section~~ Subsection are to:
  - a. ~~(a)~~ — Protect human life, safety, and health.
  - b. ~~(b)~~ — Minimize expenditure of public money for costly flood control projects.
  - c. ~~(c)~~ — Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
  - d. ~~(d)~~ — Minimize prolonged business losses and interruptions.
  - e. ~~(e)~~ — Minimize damage to public facilities and utilities (i.e., water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas.
  - f. ~~(f)~~ — Minimize damage to private and public property due to flooding.

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- ~~g.~~ ~~(g)~~ — Make flood insurance available to the community through the National Flood Insurance Program.
- ~~h.~~ ~~(h)~~ — Maintain the natural and beneficial functions of floodplains.
- ~~i.~~ ~~(i)~~ — Help maintain a stable tax base by providing for the sound use and development of flood prone areas.
- ~~j.~~ ~~(j)~~ — Ensure that potential buyers are aware that property is in a Special Flood Hazard Area (SFHA).

### F. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

- 1. A ~~floodplain development permit (Subsec. 3, — Permits and Procedures), Floodplain Development Permit (See Subsec. 9.3.L)~~ shall be required in conformance with the provisions of ~~this Subsection—Subsec. 9.3 Flood Damage Prevention~~ prior to the commencement of any development activities within Special Flood Hazard Areas (SFHA) determined in accordance with ~~this Subsection—Subsec. 9.3.D.2 Basis for Establishing the SFHA.~~

### G. COMPLIANCE

- 1. No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Subsection and other applicable regulations.

### H. ABROGATION AND GREATER RESTRICTIONS

- 1. This Subsection is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Subsection and another conflict or overlap, the more stringent restrictions shall prevail.

### I. INTERPRETATION

- 1. In the interpretation and application of this Subsection, all provisions shall be:
  - a. Considered as ~~the~~ minimum requirements.
  - b. Liberally construed in favor of the governing body.
  - c. Deemed neither to limit nor repeal any other powers granted under State ~~statutes~~ statutes.

### J. WARNING AND DISCLAIMER OF LIABILITY

- 1. The degree of flood protection required by this Subsection is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Subsection does not imply that land outside the Special Flood Hazard Areas (SFHA) or uses permitted within such areas will be free from flooding or flood damages. This Subsection shall not create liability on the part of Guilford County or by any officer or employee thereof for any flood damages that result from reliance on this Subsection or any ~~administrative~~ decision lawfully made hereunder.

### K. PENALTIES FOR VIOLATION

- 1. Violation of the provisions of this Subsection or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NCGS § 143-215.58. Any person who violates this Subsection or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall

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be considered a separate offense. Nothing herein contained shall prevent Guilford County from taking such other lawful action as is necessary to prevent or remedy any violation.

### L. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS

#### 1. Application Requirements

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas (SFHA). See Subsec. 3.1 Table 3.1 for Development Review Procedures and Subsec. 3.3 for Common Review Procedures (Note: Floodplain Development Permits are reviewed and approved by the Floodplain Administrator. Accordingly, for purposes of Floodplain Development Permits, references to the Planning Director in Subsec. 3.3 Common Review Procedures shall be taken to refer to the Floodplain Administrator.). The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- a. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
  - (1) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
  - (2) The boundary of the SFHA as delineated on the FIRM or other flood map as determined in Subsec. 9.3.D.2, or a statement that the entire lot is within the SFHA;
  - (3) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Subsec. 9.3.D.2;
  - (4) The boundary of the floodway(s) or Non-Encroachment Area(s) (NEA) as determined in Subsec. 9.3.D.2;
  - (5) The Base Flood Elevation (BFE) where provided as set forth in Subsec. 9.3.D.2; Subsec. 2.8; or Subsec. 9.3.Q;
  - (6) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
  - (7) The certification of the plot plan by a registered land surveyor or professional engineer.
- b. Proposed elevation, and method thereof, of all development within a SFHA including, but not limited to:
  - (1) Elevation in relation to Mean Sea Level of the proposed reference level (including basement) of all structures;
  - (2) Elevation in relation to Mean Sea Level to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and
  - (3) Elevation in relation to Mean Sea Level to which any proposed utility systems will be elevated or floodproofed.
- c. If floodproofing, a Floodproofing Certificate (FEMA Form FF-206-FY-22-153, as it may be revised/updated) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

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- d. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
  - (1) The proposed method of elevation, if applicable (i.e., solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
  - (2) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Subsec. 9.3.P.2.d – Elevated Buildings when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
- e. Usage details of any enclosed areas below the lowest floor.
- f. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- g. Copies of all other Local, State and Federal permits required prior to Floodplain Development Permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.).
- h. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Subsec. 9.3.P.2.f & g – Recreational Vehicles & Temporary Non-Residential Structures of this ordinance are met.
- i. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

### **2. Permit Requirements**

The Floodplain Development Permit shall include, but not be limited to:

- a. A complete description of all the development to be permitted under the floodplain development permit (e.g., house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- b. The SFHA determination for the proposed development in accordance with available data specified in Subsec. 9.3.D.2 – Basis for Establishing the SFHA.
- c. The Regulatory Flood Protection Elevation (RFPE) required for the reference level and all attendant utilities.
- d. The RFPE required for the protection of all public utilities.
- e. All certification submittal requirements with timelines.
- f. A statement that no development shall encroach into the floodway or NEA of any watercourse unless the requirements of Subsec. 9.3.S – Floodways and NEAs have been met.
- g. The flood openings requirements.
- h. Limitations of below RFPE enclosure uses (if applicable) (i.e., parking, building access and limited storage only).
- i. A statement, that all materials below RFPE must be Flood-Resistant Materials.

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### 3. Certification Requirements

#### a. Elevation Certificates

- (1) An Elevation Certificate for Construction Drawings (FEMA Form FF-206-FY-22-152 formerly 086-0-33, as it may be revised/updated) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to ~~NAVD 1988~~ Mean Sea Level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a ~~floodplain development permit~~ Floodplain Development Permit.
- (2) An Elevation Certificate for Building Under Construction (FEMA Form FF-206-FY-22-152 formerly 086-0-33, as it may be revised/updated) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to ~~NAVD 1988~~ Mean Sea Level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a ~~stop-work~~ stop-work order for the project.
- (3) A final Finished Construction Elevation Certificate (FEMA Form FF-206-FY-22-152 formerly 086-0-33, as it may be revised/updated) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within ninety (90) days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in ~~this~~ Section A of the form. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

#### b. Floodproofing Certificates

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- ~~(1) — A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.~~
- ~~(2) — If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of this ordinance.~~
- (1) If non-residential floodproofing is used to meet the RFPE requirements, a Floodproofing Certificate (FEMA Form FF-206-FY-22-153 formerly 086-0-34, as it may be revised/updated), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to Mean Sea Level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- (2) A final Finished Construction Floodproofing Certificate (FEMA Form FF-206-FY-22-153 formerly 086-0-34, as it may be revised/updated), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to Mean Sea Level. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the

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certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

c. If a manufactured home is placed within Zones A, AE, AH, AO, or A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Subsec. 9.3.P.2.c – Manufactured Homes.

d. ~~c.~~ If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

e. ~~d.~~ Certification Exemptions.

The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements of this subsection:

- (1) Recreational Vehicles meeting requirements of this Ordinance Subsec. 9.3.P.2.f.(1) – Recreational Vehicles – Temporary Placement;
- (2) Temporary Structures meeting requirements of this Ordinance Subsec. 9.3.P.2.g – Temporary Non-Residential Structures; and
- (3) Accessory Structures that are less than 150 square feet or less or \$3,000 or less and meeting requirements of this Ordinance Subsec. 9.3.P.2.h – Accessory Structures.

4. ~~e.~~ Determinations for Existing Buildings And Structures. **Determinations for Existing Building and Structures.**

~~(1)~~ For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- a. ~~(a)~~ Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- b. ~~(b)~~ Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- c. ~~(c)~~ Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- d. ~~(d)~~ Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

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### M. ~~FLOOD PLAN ADMINISTRATION~~ FLOODPLAIN ADMINISTRATOR DESIGNATION, POWERS AND DUTIES

See Subsec. 2.8 – Floodplain Administrator for designation and specific duties.

### N. ~~ORDER OF CORRECTIVE ACTION~~ CORRECTIVE PROCEDURES

~~If upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in violation of this Ordinance, the Board of Adjustment shall make an order in writing to the owner or occupant affirming the violation and ordering compliance.~~

#### 1. ~~Corrective Procedures.~~ a) – Violations to be Corrected:

~~When the Floodplain Administrator finds violations of applicable state and/or local laws; related to flood damage prevention, including but not limited to Subsec. 9.3 and N.C.G.S. Chapter 143, Article 21, Part 6, it shall be his or her duty to enforce those laws regardless of whether a complaint has been received. The Floodplain Administrator may proceed, without limitation of any other lawful procedure or remedy, in accordance with the procedures and remedies contained in or made available by this Subsec. 9.3, Subsec. 10 – Enforcement, N.C.G.S. 143-215.58, N.C.G.S. Chapter 160K, Article 4, and/or N.C.G.S. 153A-123, including but not limited to ordering corrective action. notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the such violations of law cited in such notification.~~

~~b) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:~~

~~i. That the building or property is in violation of the floodplain management regulations;~~

~~ii. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and~~

~~iii. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.~~

~~2. Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than least one hundred and eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.~~

#### 2. ~~3. Appeal:~~ Appeal:

Appeals from final administrative decisions of the Floodplain Administrator (including but not limited to notices of violation and orders to take corrective action) may be made by any party with standing and are governed by Subsec. 3.5.C. – Procedures for Specific Applications – Appeals, N.C.G.S. 160D-405, N.C.G.S. 160D-406, and N.C.G.S. 160D-1402, as they may be amended. For purposes of Subsec. 3.5.C., decisions of the Floodplain Administrator are treated

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~~as decisions of the Planning Director. Such appeals are deemed filed when received, with the required fee, by the Planning Director in his or her role as Clerk to the Board of Adjustment. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.~~

~~3. 4. Failure to Comply with Order: *Failure to Comply with Order:*~~

~~Without limitation of Subsec. 9.3.K – Penalties for Violation or any other available remedy or penalty, if the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body Board of Adjustment following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.~~

### O. **FLOOD HAZARD VARIANCES TO FLOOD DAMAGE PREVENTION**

~~Authority:~~ The Board of Adjustment, as established by Guilford County, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of ~~this Ordinance~~ Subsec. 9.3 – Flood Damage Prevention.

1. Any person aggrieved by the decision of the appeal board who has standing may appeal such decision to the Court, as provided in N.C.G.S. 160D-406(k) and N.C.G.S. 160D-1402, as they may be amended. Chapter 7A of the North Carolina General Statutes.
2. Variances may be issued for:
  - a. ~~a)~~ — The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
  - b. ~~b)~~ — Functionally dependent facilities if determined to meet the definition in ~~this ordinance~~ Subsec. 12 – Definitions, provided the Conditions for Variances (b), (c), and (e) of Subsec. 9.3.O.8 have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
  - c. ~~c)~~ — Any other type of development provided it meets the requirements of this ~~Section~~ Subsection.
3. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other subsections of ~~this ordinance~~ Subsec. 9.3, and:
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger to life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity to the facility of a waterfront location as defined under Subsec. 12 – Definitions of this ordinance as a functionally dependent facility, where applicable;

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- f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- g. The compatibility of the proposed use with existing and anticipated development;
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

### Granting of Variances:

- ~~a.~~ ~~The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.~~
  - ~~b.~~ ~~Functionally dependent facilities if determined to meet the definition as stated in Section 2-1.6 of this Ordinance, provided provisions of this ordinance have been satisfied, and such facilities are protected by methods that minimize flood damages.~~
  - ~~c.~~ ~~Any other type of development, provided it meets the requirements stated in this Section.~~
4. A written report addressing each of the above factors shall be submitted with the application for a variance.
  5. Upon consideration of the factors listed above and the purposes of ~~this Ordinance~~ Subsec. 9.3, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of ~~this Ordinance~~ Subsec. 9.3.
  6. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the ~~Base Flood Elevation~~ BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the ~~Base Flood Elevation~~ BFE may result in increased premium rates for flood insurance up to twenty-five dollars (\$25.00) per one hundred dollars (\$100.00) of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
  7. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
  8. Conditions for Variances:
    - a. ~~a)~~ ~~—~~Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
    - b. ~~b)~~ ~~—~~Variances shall not be issued within any designated floodway or ~~non-encroachment area~~ Non-Encroachment Area (NEA) if the variance would result in any increase in flood levels during the base flood discharge.

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- ~~c. e)~~ — Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - ~~d. d)~~ — Variances shall only be issued prior to development permit approval.
  - ~~e. e)~~ — Variances shall only be issued upon:

    - ~~(1) i.~~ — A showing of good and sufficient cause;
    - ~~(2) ii.~~ — A determination that failure to grant the variance would result in exceptional hardship; and
    - ~~(3) iii.~~ — A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
9. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas (SFHA) provided that all of the following conditions are met.
- ~~a. a)~~ — The use serves a critical need in the community.
  - ~~b. b)~~ — No feasible location exists for the use outside the Special Flood Hazard Area.
  - ~~c. c)~~ — The reference level of any structure is elevated or ~~flood proofed~~ floodproofed to at least the Regulatory Flood Protection Elevation (RFPE).
  - ~~d. d)~~ — The use complies with all other applicable Federal, State and local laws.
  - ~~e. e)~~ — The County of Guilford has notified the Secretary of the North Carolina Department of ~~Crime Control and~~ Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.
10. The procedural provisions of Subsec. 3.5.W. – Procedures for Specific Applications – Variances (but not its substantive standards governing the grant or denial of a variance) shall apply to variances from the requirements of Subsec. 9.3 – Flood Damage Prevention to the extent that those procedural provisions are consistent with Subsec. 9.3.O.1 through 9.3.O.9.
- P. PROVISIONS FOR FLOOD HAZARD REDUCTION**
1. General Standards:
- In all Special Flood Hazard Areas (SFHA), the following provisions are required:
- a. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
  - b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, as it may be revised/updated ~~FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements~~.
  - c. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
  - d. All new electrical, heating, ventilation, plumbing, air conditioning ~~equipment~~, duct systems, and other building utility systems, equipment, and other service facilities shall must be located at or above the RFPE Regulatory Flood Protection Elevation (RFPE) and/or designed and installed to prevent water from entering or accumulating within the

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components and resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of the base flood flooding to the RFPE. These Utility systems, equipment, and service facilities include, but are not limited to, HVAC equipment, water softener units, bath/kitchen plumbing fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, fuel tanks, and electric outlets/switches.

- (1) Replacements part of a substantial improvement, ~~electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment~~ shall must also meet the above provisions.
  - (2) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements ~~only~~ comply with the standards for new construction consistent with the code and requirements for the original structure.
- e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
  - f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
  - g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
  - h. Nothing in the Flood Damage Prevention provisions of this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the original effective date of the Flood Damage Prevention provisions of this Ordinance and located totally or partially within the floodway, ~~non-encroachment area~~ Non-Encroachment Area (NEA), or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation RFPE in the floodway, ~~non-encroachment area~~ NEA, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Ordinance.
  - i. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in ~~this Ordinance~~ Subsec. 9.3.O – Variances to Flood Damage Prevention. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a ~~Special Flood Hazard Area~~ SFHA only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation RFPE and certified according to ~~Subsec. 3 – Permits and Procedures of this Ordinance~~ Subsec. 9.3.L.3 – Certification Requirements.
  - j. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
  - k. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
  - l. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

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- m. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- n. When a structure is partially located in a ~~Special Flood Hazard Area~~ SFHA, the entire structure shall meet the requirements for new construction and substantial improvements.
- o. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.
- p. Fill is prohibited in the SFHA, including construction of buildings on fill.
  - (1) This includes not approving Conditional Letters or Letters of Map Revision - Based on Fill (CLOMR-F or LOMR-F).
  - (2) Exclusions:
    - (a) Minor filling where needed to protect or restore natural floodplain functions, such as part of a stream channel restoration project. To meet this exclusion, the project must utilize only the minimum amount of fill necessary to ensure that the targeted area is restored to full ecological functionality. The applicant/requester must obtain all required state and local permits, provide documentation demonstrating compliance with the Endangered Species Act, and when required, obtain a CLOMR and LOMR with FEMA's concurrence on the impacts of the project to flood risk and endangered species.

#### 2. Specific Standards:

In all Special Flood Hazard Areas (SFHA) where Base Flood Elevation (BFE) data has been provided, as set forth in ~~this Ordinance~~ Subsec. 9.3 – Flood Damage Prevention, the following additional provisions are required also apply:

##### a. *Residential Construction*:-

New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation (RFPE), as defined in Subsec. 12 – Definitions of this Ordinance.

##### b. *Non-Residential Construction*:-

New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the ~~Regulatory Flood Protection Elevation~~ RFPE, as defined in Subsec. 12 – Definitions of this Ordinance. Structures located in A, AE<sub>1</sub>, AH, AO, A99 Zones may be floodproofed to the ~~Regulatory Flood Protection Elevation~~ RFPE in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the ~~Regulatory Flood Protection Elevation~~ RFPE are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with ~~this Section~~ Subsec. 9.3.T – Standards for Areas of Shallow Flooding (Zone AO). A registered professional engineer or architect must certify that the floodproofing standards of the subsection are

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satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Subsec. 9.3.L.3 – Certification Requirements, along with the operational plan and the inspection and maintenance plan.

~~c.~~ A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Subsec. 2 – Permits and Procedures, Section 2.8 along with the operational plan and the inspection and maintenance plan. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Subsec. 3, along with the operational and maintenance plans.

~~c.~~ ~~d.~~ Manufactured Homes *Manufactured Homes:*

(1) New ~~or~~ and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the ~~Regulatory Flood Protection Elevation~~ RFPE, as defined in Subsec. 12 – Definitions of this Ordinance.

(2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by ~~engineer certification~~ certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

(3) All enclosures or skirting below the lowest floor shall meet the requirements of ~~this Section~~ Subsec. 9.3.P.2.d – Elevated Buildings.

(4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.

~~d.~~ ~~e.~~ Elevated Buildings *Elevated Buildings:*

(1) Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

(a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

(b) Shall not be temperature-controlled or conditioned;

(c) Shall be constructed entirely of ~~flood resistant materials~~ Flood-Resistant Materials at least to the Regulatory Flood Protection Elevation: RFPE; and

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- (d) Shall include, ~~in Zones A, AE, AH, AO, A99~~ flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
- (i) A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding.
  - (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
  - (iii) If a building has more than one (1) enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit.
  - (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade.
  - (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
  - (vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
- (e) Fill/Grading
- (i) Fill is prohibited in the SFHA. See ~~Section~~ Subsec. 9.3.P.1.p.
- (f) Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space; Guilford County will have the right to inspect the enclosed area. Guilford County will conduct annual inspections. This agreement shall be recorded with the Guilford County Register of Deeds and shall transfer with the property in perpetuity.
- (g) Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.
- ~~f. [SECTION RESERVED]~~
- ~~e. g. Additions/Improvements~~ Additions/Improvements:
- (1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
    - (a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more ~~non-~~ conforming-non-conforming than the existing structure.
    - (b) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than

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installing a doorway, both the existing structure and the addition must comply with the standards for new construction.

- (2) ~~(i)~~ Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (3) ~~(ii)~~ Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

  - (a) ~~(c)~~ —Not a substantial improvement: The addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.
  - (b) ~~(d)~~ —A substantial improvement: ~~both~~ Both the existing structure and the addition and/or improvements must comply with the standards for new construction.

    - (i) Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.
- (4) ~~h.~~ Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-year (1-year) period, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one-year (1-year) period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of the Flood Damage Prevention provisions of this Ordinance. Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

  - (a) ~~(1)~~ —Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
  - (b) ~~(2)~~ —Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

f. ~~i.~~ Recreational Vehicles. Recreational Vehicles:

Recreational vehicles shall either:

(1) Temporary Placement.

- (a) Be on site for fewer than one hundred and eighty (180) consecutive days; or

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~~(b) and be~~ Be fully licensed and ready for highway use. ~~(a) recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)~~~~;~~~~or~~

(2) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

~~g. j. Temporary Non-Residential Structures.~~ Temporary Non-Residential Structures:

Prior to the issuance of a Floodplain Development Permit for a temporary structure, the applicant must submit to the Floodplain Administrator ~~a plan~~ an Emergency Action Plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be included in the plan and submitted in writing to the Floodplain Administrator for review and written approval;

- (1) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
- (2) The name, address, email address, and phone number of the individual responsible for the removal of the temporary structure;
- (3) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
- (4) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- (5) Designation, accompanied by documentation, of a location outside the ~~Special Flood Hazard Area~~ SFHA, to which the temporary structure will be moved.

~~h. k. Accessory Structures.~~ Accessory Structures:

When accessory structures (sheds, detached garages, etc.) are to be placed within a ~~Special Flood Hazard Area~~ SFHA, the following criteria shall be met:

- (1) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (2) Accessory structures shall not be temperature-controlled;
- (3) Accessory structures shall be designed to have low flood damage potential;
- (4) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (5) Accessory structures shall be firmly anchored in accordance with Section 9.3.P.1.a.
- (6) All service facilities such as electrical shall be installed in accordance with Section ~~9.3.P.1.a~~ 9.3.P.1.d; and
- (7) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below ~~Regulatory Flood Protection Elevation~~ RFPE in conformance with ~~Section 9.3.L.2.d~~ Subsec. 9.3.P.2.d.(1)(d); and
- (8) An accessory structure with a footprint less than one hundred and fifty (150) square feet ~~or that and~~ satisfies the criteria outlined above ~~does not require an elevation or that is a minimal investment of Structure \$3,000 or less and satisfies the criteria~~

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~~outlined above~~ is not required to meet the elevation or floodproofing standards of ~~Section of this Ordinance~~ Subsec. 9.3.P.2.b – Non-Residential Construction. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Subsec. 9.3.L.3 – Certification Requirements.

~~(9) Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 9.3.Q.2,~~

~~i. l. Tanks.~~ Tanks:

When gas and liquid storage tanks are to be placed within a ~~Special Flood Hazard Area SFHA~~, the following criteria shall be met:

- ~~(1) Underground tanks.~~ Underground Tanks: Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- ~~(2) Above ground tanks, elevated.~~ Above-Ground Tanks, Elevated: Above-ground tanks in flood hazard areas shall be elevated to or above the ~~Regulatory Flood Protection Elevation RFPE~~ on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- ~~(3) Above ground tanks, not elevated.~~ Above-Ground Tanks, Not Elevated: Above-ground tanks that do not meet the elevation requirements of ~~Section 9.3.Q-Subsec. 9.3.P.2.b – Non-Residential Construction~~ this Subsection shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
- ~~(4) Tank inlets and vents.~~ Tank Inlets and Vents: Tank inlets, fill openings, outlets and vents shall be:
  - ~~(i) At or above the Regulatory Flood Protection Elevation RFPE~~ or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
  - ~~(ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.~~

~~j. m. Other Development~~ Other Development:

- ~~(1) Fences in regulated floodways and or non-encroachment areas~~ Non-Encroachment Areas (NEA) that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of ~~Section 9.3.Q.10 and Table 9.3.6 of this Subsection~~ Subsec 9.3.S – Floodways and NEAs.

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- (2) Retaining walls, sidewalks and driveways in regulated floodways ~~and or~~ NEAs shall meet the limitations of ~~Section 9.3.S of this Subsection~~ Subsec 9.3.S – Floodways and NEAs.
- (3) Roads and watercourse crossings in regulated floodways ~~and or~~ NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways or NEAs shall meet the limitations of ~~Section 9.3.S of this Subsection~~ Subsec 9.3.S – Floodways and NEAs.
- (4) Commercial storage facilities are not considered “limited storage” as noted in the Flood Damage Prevention provisions of this Ordinance, and shall be protected to the RFPE as required for commercial structures.

### Q. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

~~1-~~ Within the Special Flood Hazard Areas (SFHA) designated as Approximate Zone A and established in ~~Section 9.3~~ Subsec. 9.3.D.2 – Basis for Establishing the SFHA, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Subsec. 9.3.P.1 – General Standards, Section 9.3.S.(1) and (2), shall apply:

1. ~~a-~~ No encroachments, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five (5) times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. The BFE used in determining the Regulatory Flood Protection Elevation (RFPE) shall be determined based on ~~one (1) of the following criteria set in priority order:~~
  - a. ~~When Base Flood Elevation (BFE) BFE~~ data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Ordinance and shall be elevated or floodproofed in accordance with standards in ~~this Subsection~~ Subsec. 9.3.P.1 & 2 – General & Specific Standards.
  - b. When floodway or Non-Encroachment Area (NEA) data is available from a Federal, State, or other source, all new construction and substantial improvements within floodways or NEAs shall also comply with the requirements of Subsec. 9.3.P.2 – Specific Standards and Subsec. 9.3.S – Floodways and NEAs.
  - c. All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with Subsec. 9.3.D.2 – Basis for Establishing the SFHA and utilized in implementing the Flood Damage Prevention provisions of this Ordinance.
  - d. When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (non-residential) to or above the RFPE, as defined in Subsec. 12 – Definitions. All other applicable provisions of Subsec. 9.3.P.2 – Specific Standards shall also apply.
- ~~b-~~ ~~All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) BFE~~ data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such ~~Base Flood Elevation (BFE) BFE~~

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~~data shall be adopted by reference per Section 9.3.P.2 to be utilized in implementing this Subsection.~~

- ~~c. When Base Flood Elevation (BFE) BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation RFPE, as defined in Section 12 – Definitions.~~
- ~~d. When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Section 9.3.S.~~

### R. STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

1. Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor ~~non-encroachment areas~~ Non-Encroachment Areas (NEA) are identified for a Special Flood Hazard Area (SFHA) on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:
  - a. Standards outlined in Section 9.3.P.1 Subsec. 9.3.P.1 & 2 – General & Specific Standards; and
  - b. Until a regulatory floodway or ~~non-encroachment area~~ NEA is designated, no encroachments, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point ~~within the community~~.

### S. FLOODWAYS AND NON-ENCROACHMENT AREAS

1. Areas designated as floodways or ~~non-encroachment areas~~ Non-Encroachment Areas (NEA) are located within the Special Flood Hazard Areas (SFHA) established in Section 9.3.D.2 Subsec. 9.3.D.2 – Basis for Establishing the SFHA. The floodways and ~~non-encroachment areas~~ NEAs are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Section 9.3.P.1 Subsec. 9.3.P.1 & 2 – General & Specific Standards, ~~and~~ shall apply to all development within such areas:
  - a. No encroachments, new construction, substantial improvements and other developments shall be permitted unless ~~it has been demonstrated that~~:
    - (1) ~~The it has been demonstrated that the~~ proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of Floodplain Development Permit, or
    - (2) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six (6) months of completion ~~upon completion~~ of the proposed encroachment.

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- b. If ~~Section-Subsec. 9.3.S.1.a~~ is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ~~Subsection-Ordinance~~.
- c. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
  - (1) The anchoring and the elevation standards of ~~Section 9.3.P.2.d(2)~~ Subsec. 9.3.P.2.c – Manufactured Homes; and
  - (2) The ~~no-encroachment standard-standards~~ of ~~Section-Subsec. 9.3.S.1.a~~.
- d. ~~Permitted Uses:~~ Permitted Uses: The following uses shall be permitted within the floodway zone or NEA to the extent that they are otherwise permitted by this Ordinance and provided that they do not employ structures or fill except as specified herein:
  - (1) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, quarrying, wildlife and related uses.
  - (2) Ground level loading areas, ground level automobile parking areas, rotary aircraft ports and other similar industrial and commercial uses.
  - (3) Tractor-trailer parking, provided that no trailers shall be detached from tractors;
  - (4) Lawns, gardens, play areas, and other similar uses.
  - (5) Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, swimming pools, hiking or horseback riding trails, open space and other similar private and public recreational uses.
  - (6) Streets, bridges, utility lines, storm drainage facilities, sewage or waste treatment facilities, water supply facilities, and other similar public or private utility uses, but only if the proposed activity combined with the allowable encroachment of the floodway fringe and with any previously placed or previously approved encroachment in the floodway zone or NEA complies with the provisions of ~~Section Subsec. 9.3.S.1.a~~.
  - (7) Temporary facilities such as displays, circuses, carnivals, or similar transient amusement enterprises.
  - (8) Boat docks, ramps, piers, or similar water-dependent structures.
  - (9) Grading, but no fill, as it complies with the provisions of ~~Section-Subsec. 9.3.S.1.a~~; and
  - (10) Cantilevered portions of structures, provided that foundation and supports are located outside the floodway zone and NEA, and the underside of the cantilevered portion is at least two (2) feet above Base Flood Elevation.
- e. ~~Prohibited Uses:~~ Prohibited Uses: Storage or processing of materials that are flammable, corrosive, toxic, or explosive, or which could otherwise be injurious to human, animal or plant life in time of flood is prohibited in the floodway zone and NEA.

### T. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

- 1. Located within the Special Flood Hazard Areas (SFHA) established in ~~Section 9.3.D-Subsec. 9.3.D.2 – Basis for Establishing the SFHA~~ are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet

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where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to ~~Section 9.3~~ Subsec. 9.3.P.1 & 2 – General & Specific Standards, all new construction and substantial improvements in these areas shall meet the following requirements:

- a. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade if no depth number is specified.
- b. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in ~~Section 9.3.L~~ Subsec. 9.3.T.1.a so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with ~~Section 9.3.L.2.c~~ Subsec. 9.3.L.3 – Certification Requirements and Subsec. 9.3.P.2.b – Non-Residential Construction.
- c. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

#### U. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH)

1. Located within the Special Flood Hazard Areas (SFHA) established in ~~Section 9.3.D~~ Subsec. 9.3.D.2 – Basis for Establishing the SFHA, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations ~~are~~ derived from detailed hydraulic analyses are shown in this zone. In addition to ~~Section 9.3~~ Subsec. 9.3.P.1 & 2 – General & Specific Standards, all new construction and substantial improvements shall meet the following requirements:
  - a. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

#### V. LEGAL STATUS PROVISIONS

1. Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Ordinance-:
  - a. This Ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinances ~~enacted insert adoption date of the community's initial Flood Damage Prevention Ordinance on May 19, 1980 and November 19, 1990, respectively,~~ as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this Ordinance shall not affect any action, suit or proceeding already instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Guilford County enacted on May 19, 1980 and November 19, 1990, respectively, as amended, which are not reenacted herein are repealed.
2. Effect Upon Outstanding Floodplain Development Permits-:
  - a. Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a ~~floodplain development permit~~ Floodplain Development Permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this Ordinance; provided,

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however, that when construction is not begun under such outstanding permit within a period of ~~six (6) months~~ one (1) year subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this Ordinance.

**3. Effective Date:**

- a. These provisions shall become effective upon adoption.**

**4. Severability:**

- a. If any section, clause, sentence, or phrase of the Subsection is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Subsection.**

**~~W. SEVERABILITY~~**

- ~~**1. If any section, clause, sentence, or phrase in this Subsection is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Subsection.**~~

**W. DEFINITIONS AND ACRONYMS**

- 1. See Subsec. 12 – Definitions.**

(File No. 21-08-GCPL-07440, 11/04/2021; File No. 21-10-GCPL-09184, 01/20/2022)

Effective on: 1/20/2022

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### SUBSEC. 12 – DEFINITIONS

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#### 12.01 GENERAL

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#### 12.03 ACRONYM ABBREVIATIONS

ADU – Accessory Dwelling Unit

BFE – Base Flood Elevation

BUA – Built Upon Area

CLOMR – Conditional Letter of Map Revision

DBH – Diameter at Breast Height

DFIRM – Digital Flood Insurance Rate Map

FEMA – Federal Emergency Management Agency

FIRM – Flood Insurance Rate Map

FIS – Flood Insurance Study

GFA – Gross Floor Area

HAG – Highest Adjacent Grade

LAG – Lowest Adjacent Grade

LOMA – Letter of Map Amendment

LOMC – Letter of Map Change

LOMR – Letter of Map Revision

LOMR-F – Letter of Map Revision Based on Fill

MHP – Mobile Home Park

NCDEQ – The North Carolina Department of Environment Quality

NCGS or GS - North Carolina General Statutes

NCDOT - North Carolina Department of Transportation

NAVD – North American Vertical Datum

NEA – Non-Encroachment Area

NFIP – National Flood Insurance Program

NGVD - National Geodetic Vertical Datum

RFPE – Regulatory Flood Protection Elevation

RV – Recreational Vehicle

SCM – Stormwater Control Measures

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SFHA – Special Flood Hazard Area

WSE – Water Surface ~~elevation~~ Elevation

### 12.04 DEFINITIONS

#### BUILDINGS AND STRUCTURES

...

**BUILDING.** See definition for “structure” in Subsec. 12.04 Definitions – Buildings and Structures. ~~definition.~~

...

**STRUCTURE.** The term “structure” shall mean any of the following:

- Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, commercial, agricultural, or other purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, sewage treatment plants, sheds, barns and similar accessory construction.
- For the purpose of the Flood Damage Prevention ~~provision~~ provisions of this ordinance, a ~~structure~~ “structure” shall mean a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

...

#### DRAINAGE AND WATERSHED PROTECTION

...

**DEVELOPMENT.** The term “development” shall mean any of the following:

- Construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- The excavation, grading, filling, clearing, or alteration of land.
- The subdivision of land as defined in N.C.G.S. 160D-802 $\frac{1}{2}$ .
- The initiation or substantial change in the use of land or the intensity of use of land.
- For the purpose of the Flood Damage Prevention provisions of this ordinance, “development” shall mean any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

...

#### FLOOD DAMAGE PREVENTION

# Proposed Text Amendment

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**ACCESSORY STRUCTURE (APPURTENANT STRUCTURE).** A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms and may or may not be located on the same parcel as the farm dwelling or shop building (This definition applies only with respect to Flood Damage Prevention regulations).

**ADDITION (TO AN EXISTING BUILDING).** An extension or increase in the floor area or height of a building or structure.

~~**ADMINISTRATOR, FLOODPLAIN.** The individual appointed to administer and enforce the floodplain management regulations.~~

**ALTERATION OF A WATERCOURSE.** A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

~~**APPEAL.** A request for a review of the Floodplain Administrator's interpretation of any provision of this Ordinance. (This definition applies only with respect to flood hazard regulations. Flood Damage Prevention regulations).~~

**AREA OF FUTURE-CONDITIONS FLOOD HAZARD.** The land area that would be inundated by the 1-percent-annual-chance (100-year) flood based on future-conditions hydrology.

**AREA OF SHALLOW FLOODING.** A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

~~**BASEMENT.** Any area of the building having its floor subgrade (below ground level) on all sides. (This definition applies only with respect to flood hazard regulations.)~~

**BASE FLOOD.** The flood having a one percent (1%) chance of being equaled or exceeded in any given year. (File No. 21-08-GCPL-07440, 11/04/2021)

Effective on: 11/4/2021

**BASE FLOOD ELEVATION (BFE).** A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal, or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

~~**BASEMENT.** See definition for "basement" in Subsec. 12.04 Definitions – General.~~

~~**BUILDING.** See definition for "structure" in Subsec. 12.04 Definitions – Buildings and Structures.~~

**CHEMICAL STORAGE FACILITY.** A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

~~**DESIGN FLOOD.** See definition for "Regulatory Flood Protection Elevation (RFPE)" in Subsec. 12.04 Definitions – Flood Damage Prevention.~~

~~**DEVELOPMENT.** See definition for "development" in Subsec 12.04 Definitions – Drainage and Watershed.~~

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**DEVELOPMENT ACTIVITY.** Any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

**DIGITAL FLOOD INSURANCE RATE MAP (DFIRM).** The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

**DISPOSAL.** As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

**ELEVATED BUILDING.** A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**ENCROACHMENT.** The advance or infringement of uses, fill, excavation, buildings, ~~permanent~~-structures or development into a floodplain Special Flood Hazard Area, which may impede or alter the flow capacity of a floodplain. (This definition applies only with respect to ~~flood hazard regulations.~~ Flood Damage Prevention regulations).

**EXISTING BUILDING AND EXISTING STRUCTURE.** Any building and/or structure for which the “start of construction” commenced before the effective date of the Flood Damage Prevention regulations adopted by the community (This definition applies only with respect to Flood Damage Prevention regulations).

**EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the ~~floodplain management~~ Flood Damage Prevention regulations adopted by the community.

**FACILITY, CHEMICAL STORAGE.** A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

**FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland or tidal waters; and/or (b) the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOOD BOUNDARY AND FLOODWAY MAP (FBFM).** An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM)

**FLOOD HAZARD BOUNDARY MAP (FHBM).** An official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

**FLOOD INSURANCE.** The insurance coverage provided under the National Flood Insurance Program.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

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**FLOOD INSURANCE STUDY (FIS).** An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

**FLOODPLAIN.** Any land area susceptible to being inundated by water from any source.

**FLOODPLAIN ADMINISTRATOR.** The individual appointed to administer and enforce the Flood Damage Prevention regulations.

**FLOODPLAIN DEVELOPMENT PERMIT.** Any type of permit that is required in conformance with the Flood Damage Prevention provisions of this Ordinance, prior to the commencement of any development activity.

**FLOODPLAIN MANAGEMENT.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**FLOODPLAIN MANAGEMENT REGULATIONS.** This Ordinance Subsec. 9.3 – Flood Damage Prevention and referenced Subsections therein and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

**FLOOD PRONE AREA.** See definition for “floodplain” in Subsec. 12.04 Definitions – Flood Damage Prevention.

**FLOODPROOFING.** Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

**FLOOD-RESISTANT MATERIAL.** Any building product (material, component or system) capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood resistant. Refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements* available from FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

**FLOODWAY.** The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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**FLOODWAY ENCROACHMENT ANALYSIS.** An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed professional engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

**FLOOD ZONE.** A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

**FREEBOARD.** The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater ~~that~~ than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".

**FUNCTIONALLY DEPENDENT FACILITY.** A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

**HAZARDOUS WASTE MANAGEMENT FACILITY.** As defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste (This definition applies only with respect to Flood Damage Prevention regulations).

**HIGHEST ADJACENT GRADE (HAG).** The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

**HISTORIC STRUCTURE.** See definition for "historic structure" in Subsec. 12.04 Definitions - General.

**LETTER OF MAP CHANGE (LOMC).** An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

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**LIGHT DUTY TRUCK.** Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

(This definition applies only with respect to Flood Damage Prevention regulations.)

**LOWEST ADJACENT GRADE (LAG).** The lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

**LOWEST FLOOR.** ~~Lowest~~ The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the Flood Damage Prevention provisions of this Ordinance.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle"- (This definition applies only with respect to ~~flood hazard regulations.~~ Flood Damage Prevention regulations).

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale- (This definition applies only with respect to ~~flood hazard regulations.~~ Flood Damage Prevention regulations).

**MAP REPOSITORY.** The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOOD.NC.GOV/NCFLOOD/>) is the map repository.

**MARKET VALUE.** The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

**MEAN SEA LEVEL.** For purposes of this Ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

**NEW CONSTRUCTION.** Structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures- (This definition applies only with respect to ~~flood hazard regulations.~~ Flood Damage Prevention regulations).

# Proposed Text Amendment

## Case #25-12-PLBD-00152

**NON-CONVERSION AGREEMENT.** A document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed.

**NON-ENCROACHMENT AREA (NEA).** The channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

**POST-FIRM.** Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

**PRE-FIRM.** Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

**PRINCIPALLY ABOVE GROUND.** That at least fifty-one percent (51%) of the actual cash value of the structure is above ground.

(File No. 21-08-GCPL-07440, 11/04/2021)

Effective on: 11/4/2021

**PUBLIC SAFETY AND/OR NUISANCE.** Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin (This definition applies only with respect to Flood Damage Prevention regulations).

**RECREATIONAL VEHICLE (RV).** A vehicle, which is:

- Built on a single chassis;
- Four hundred (400) square feet or less when measured at the largest horizontal projection;
- Designed to be self-propelled or permanently towable by a light duty truck;
- Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use; and
- Is fully licensed and ready for highway use.

(This definition applies only with respect to Flood Damage Prevention regulations.)

**REFERENCE LEVEL.** The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, or A99 A, AE, AH, AO, or A99.

**REGULATORY FLOOD PROTECTION ELEVATION (RFPE).** The "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of Freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

## Proposed Text Amendment Case #25-12-PLBD-00152

**REMEDY A VIOLATION.** To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development. (This definition applies only with respect to ~~flood hazard regulations.~~ Flood Damage Prevention regulations).

**RIVERINE.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**SALVAGE YARD.** Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery (This definition applies only with respect to Flood Damage Prevention regulations).

**SOLID WASTE DISPOSAL FACILITY.** Any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35) (This definition applies only with respect to Flood Damage Prevention regulations).

**SOLID WASTE DISPOSAL SITE.** As defined in NCGS 130A-290(a)(36), any place at which solid waste is disposed of by incineration, sanitary landfill, or any other method (This definition applies only with respect to Flood Damage Prevention regulations).

**SPECIAL FLOOD HAZARD AREA (SFHA).** The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in ~~Section 7-5.3(B) of this Ordinance~~ Subsec. 9.3 – Flood Damage Prevention.

(File No. 21-08-GCPL-07440, 11/04/2021)

Effective on: 11/4/2021

**START OF CONSTRUCTION.** ~~Substantial~~ Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building. (This definition applies only with respect to ~~flood hazard regulations.~~ Flood Damage Prevention regulations).

**STRUCTURE.** ~~A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground. (This definition applies only with respect to flood hazard regulations.)~~ See definition for “structure” in Subsec 12.04 Definitions – Buildings and Structures.

## Proposed Text Amendment Case #25-12-PLBD-00152

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred- (This definition applies only with respect to ~~flood hazard regulations.~~ Flood Damage Prevention regulations).

(File No. 21-08-GCPL-07440, 11/04/2021)

Effective on: 11/4/2021

**SUBSTANTIAL IMPROVEMENT.** Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one (1)-year period for which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Subsec 9.3 – Flood Damage Prevention.

(This definition applies only with respect to ~~flood hazard regulations~~ Flood Damage Prevention regulations.)

(File No. 21-08-GCPL-07440, 11/04/2021)

Effective on: 11/4/2021

**TECHNICAL BULLETIN and TECHNICAL FACT SHEET.** A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations (Note: It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.).

**TEMPERATURE CONTROLLED.** Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

**VARIANCE.** See definition for "variance" in Subsec 12.04 Definitions – General.

# Proposed Text Amendment

## Case #25-12-PLBD-00152

**VIOLATION.** The failure of a structure or other development to be fully compliant with the community's ~~floodplain management~~ Flood Damage Prevention regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in ~~Sections 3-3.5 and 7-5.8~~ Subsec. 3.5.1 and Subsec. 9.3.1 is presumed to be in violation until such time as that documentation is provided. (This definition applies only with respect to ~~flood hazard regulations.~~ Flood Damage Prevention regulations).

**WATER SURFACE ELEVATION (WSE).** The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**WATERCOURSE.** A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

### GENERAL

...

**BASEMENT.** The term “basement” shall mean any of the following:

- A story of a building or structure having one-half (½) or more of its clear height below grade.
- Any area of the building having its floor subgrade (below ground level) on all sides (This definition applies only with respect to Flood Damage Prevention regulations).

...

**HISTORIC STRUCTURE.** Any structure that is: 1) listed individually in the National Register of Historic Places (a listing maintained by the US Secretary of Interior), or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; 2) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a National Register historic district, or a district preliminarily determined by the Secretary of Interior to qualify as a National Register historic district; 3) individually listed on a state inventory of historic places; or 4) individually listed on a local inventory of historic places in communities with Certified Local Government preservation programs as determined by the Secretary of Interior.;

...

**VARIANCE.** The term “variance” shall mean any of the following:

- An application reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with this ordinance.
- For the purpose of the Flood Damage Prevention provisions of this ordinance, “variance” means the grant of relief from the requirements of Subsec. 9.3 – Flood Damage Prevention.

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# UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #26-03-PLBD-00016: AN AMENDMENT TO SUBSECTION 10.06 (CIVIL PENALTIES – ASSESSMENT AND PROCEDURES) TO ESTABLISH SPECIFIC CIVIL PENALTY AMOUNTS FOR VIOLATIONS OF UDO REGULATIONS

## Description

The proposed text amendment to Guilford County Unified Development Ordinance (UDO) Subsection 10.06: Civil Penalties – Assessment and Procedures establish specific civil penalties (monetary) for violations of the UDO that do not currently have a specified civil penalty amount.

The UDO establishes specific civil penalties (monetary) for some violations, including parts of Subsection 9.1: Stormwater Management and Watershed Protection Districts (see Subsection 9.1.F.5(d)(iv)(5)), Subsection 9.2: Soil Erosion and Sedimentation Control (see Subsection 10.07), and Subsection 9.4: Illicit and Illegal Discharges (see Subsection 9-4.12). This text amendment would apply specific civil penalties (monetary) for all other violations of the UDO including, but not limited to, all zoning and subdivision violations.

UDO Subsection 10.06.A currently refers to G.S. 160D-404(c), which enables counties to enforce development regulations by any of the remedies provided in G.S. 153A-123. NCGS 153A-123 enables counties to assess civil penalties for ordinance violations.

Per this text amendment, civil penalties are as follows: \$50.00 for the first offense, \$100.00 for the second offense, \$200.00 for the third offense, and \$500.00 for the fourth and each succeeding offense.

NOTE: UDO Subsection 10.03.C specifies that “every calendar day an offense is not remedied after being served a Notice of Violation shall be considered a separate offense.”

The Planning Board is not limited to the proposed language of the text amendment. It may consider substantial changes to the proposed text amendment.

Staff conducted a review of the civil penalty amounts assessed by neighboring jurisdictions of comparable size (table attached). The proposed amounts are consistent with the civil penalties assessed by both the City of Greensboro and the City of High Point.

**SEE ATTACHED TEXT AMENDMENT**

## Consistency: Comprehensive Plan

**Comprehensive Plan:** Guiding Guilford Moving Forward Together (adopted September 4, 2025)

**Consistency:** The proposed text amendment is consistent with the following elements of the Comprehensive Plan:

- **Planning Theme:** Community Character
  - **Goal Statement:** Celebrate Guilford County’s unique sense of place by balancing agricultural preservation with desired development patterns, context-sensitive site design and placemaking.

- **Planning Theme:** Attainable Housing
  - **Policy 4:** Encourage the preservation, maintenance, and development of high-quality and safe housing.

The proposed text amendment is consistent with Comprehensive Plan goals related to preserving community character and emphasizing safe neighborhoods as it furthers the County's ability to ensure compliance with the UDO and obtain correction of violations. Additionally, the purpose of the UDO is to promote the health, safety, and general welfare of the residents of Guilford County and the proposed text amendment aligns with this purpose.

## Staff Recommendation

**Staff Recommendation:** Approval

DRAFT

<b>Jurisdiction Comparison: Civil Penalties</b>			
	<b>Guilford County (Proposed)</b>	<b>City of Greensboro</b>	<b>City of High Point</b>
Civil Penalty Fees	\$50.00 for the first offense, \$100.00 for the second offense, \$200.00 for the third offense, and \$500.00 for the fourth and each succeeding offense.	\$50.00 for the first violation, \$100.00 for the second violation, \$200.00 for the third violation, and \$500.00 for the fourth and each succeeding violation.	\$50.00 for the first violation, \$100.00 for the second violation, \$200.00 for the third violation, and \$500.00 for the fourth and each succeeding violation.
UDO Section	10.06.A - Proposed	30-5-5.4.A.2	9.9.5
Notes	Sec. 10.03.C: "Every calendar day an offense is not remedied after being served a Notice of Violation shall be considered a separate offense." (Current Language)	Sec. 30-5-5.3: "For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty."	Sec. 9.9.2: "For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty."

**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT  
CASE #26-03-PLBD-00016: AN AMENDMENT TO SUBSECTION 10.06  
(CIVIL PENALTIES – ASSESSMENT AND PROCEDURES) TO  
ESTABLISH SPECIFIC CIVIL PENALTY AMOUNTS FOR VIOLATIONS**

**SUBSECTION 10 – ENFORCEMENT...**

**10.03 VIOLATIONS...**

**C. CONTINUED VIOLATIONS**

Every calendar day an offense is not remedied after being served a Notice of Violation shall be considered a separate offense.

...

**10.06 CIVIL PENALTIES – ASSESSMENT AND PROCEDURES**

- A. Violation of this Ordinance subjects the violator to civil penalties ~~for each offense~~ in the amount of \$50.00 for the first offense, \$100.00 for the second offense, \$200.00 for the third offense, and \$500.00 for the fourth and each succeeding offense. If the offender fails to remedy the violation and pay any civil penalty within fifteen (15) working days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than fifteen [15] working days), the civil penalty may be recovered in a civil action in the nature of a debt, as provided in G.S. § 160D-106; 404(c).
- B. The Enforcement Officer shall make written or in-person demand for payment, delivered by certified mail, return receipt requested, upon the person(s) responsible or their agents and assigns, and shall set forth in detail the violation for which the penalty has been invoked.
- C. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is received, the County may refer the matter to the County Attorney for the institution of a civil action in the nature of debt in the name of Guilford County in the appropriate division of the General Court of Justice in Guilford County for recovery of the penalty and any equitable remedy available to the County.
- D. The violator may be responsible for any and all related legal or administrative fees associated with an offense.

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