



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT  
PLANNING BOARD**

**Regular Meeting Agenda**

Truist Building – McAdoo Conference Room  
201 W. Market Street, Greensboro, NC 27401

**October 8, 2025**

6:00 PM

- I. Roll Call**
- II. Agenda Amendments**
- III. Approval of Minutes:** September 10, 2025
- IV. Rules and Procedure**
- V. Continuance Requests**
- VI. Old Business**
- VII. New Business**

**Legislative Hearing Item(s)**

**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #23-09-PLBD-00064: AN AMENDMENT TO ARTICLE 2 (ADMINISTRATION), ARTICLE 3 (PERMITS AND PROCEDURES), ARTICLE 4 (ZONING DISTRICTS), ARTICLE 5 (DEVELOPMENT STANDARDS FOR INDIVIDUAL USES) ARTICLE 6 (GENERAL DEVELOPMENT STANDARDS), ARTICLE 8 (SUBDIVISIONS AND INFRASTRUCTURE STANDARDS), ARTICLE 9 (ENVIRONMENTAL REGULATIONS), ARTICLE 12 (DEFINITIONS) OF THE UDO TO ADJUST ASSIGNED ADMINISTRATIVE DUTIES AND PROCEDURES FOR DEVELOPMENT REVIEW CONSISTENT WITH NC GENERAL STATUTES 160D FOR LEGISLATIVE, QUASI-JUDICIAL, AND ADMINISTRATIVE DECISIONS**

Staff prepared text amendments to the Guilford County Unified Development Ordinance (UDO) to Article 2, Article 3, Article 4, Article 5, Article 6, Article 8, Article 9, and Article 12 (Referenced as Subsection 2, Subsection 3, Subsection 4, Subsection 5, Subsection 6, Subsection 8, Subsection 9, and Subsection 12 respectively, in the County Code of Ordinances) that adjusts the duties of the Planning

Board and Technical Review Committee (TRC) in accordance with current practice and NCGS 160D. These revisions maintain and support the multi-disciplinary TRC review process, supporting thoroughness of development reviews while improving efficiency and adding clarity in the development review process. Additionally, the amendment includes revisions to terminology (e.g., changing substantial change to major change) for consistency with NCGS 160D.

Information for **TEXT AMENDMENT #23-09-PLBD-00064** can be viewed by scrolling to the October 8, 2025 Regular Meeting Agenda Packet at <https://www.guilfordcountync.gov/government/departments-and-agencies/planning-and-development/boards-commissions/planning-board>. A copy of the proposed text amendment also is included under the **MEETING CASE INFORMATION** section at the link above.

## **VIII. Other Business**

- A.** Board Member Training: Using the recently adopted Guilford County Moving Forward Together Comprehensive Plan for development and text amendment application decisions.
- B.** Proposed 2026 Planning Board Meeting and Submittal Schedule

## **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.*



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**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT  
PLANNING BOARD  
REGULAR MEETING MINUTES**

Carolyn Q. Coleman Conference Room  
First Floor, Old Guilford County Courthouse  
301 W Market St, Greensboro, NC 27401  
**September 10, 2025  
6:00 PM**

**Call to Order**

Chair Donnelly called the meeting to order and welcomed everyone to the meeting. He asked staff to call the roll for those members present for the meeting.

**I. Roll Call**

The following members were in attendance in person for this meeting:

James Donnelly, Chair; David Craft, Vice Chair; Dr. Nho Thi Bui; Rev. Gregory Drumwright; Guy Gullick; Sam Stalder; Cara Buchanan

The following members were absent from this meeting:

Ryan Alston; Jason Little

The following Guilford County staff were in attendance in person for this meeting:

Jason Hardin; Planning and Development Deputy Director; Oliver Bass, Planning and Zoning Manager; Avery Tew, Senior Planner; Troy Moss, Planning Technician; Darby Terrell, Senior Planner; ; Andrea Leslie-Fite, County Attorney; Robert Carmon, Fire Marshal

**II. Agenda Amendments**

Jason Hardin stated that there are no amendments to the agenda this meeting.

**III. Approval of Minutes: August 13, 2025**

Chair Donnelly asked if there were any corrections or amendments to the minutes of the August 13, 2026 meeting. He found just a few typos and forwarded his comments and corrections to Mr. Bass for clarification.

Dr. Bui moved to approve the August 13, 2025 Minutes as amended, seconded by Ms. Buchanan. The Board voted unanimously (5-0) in favor of the motion. (Ayes: Donnelly, Craft, Bui, Stalder, Drumwright. Nays: None.)

**IV. Rules and Procedure**

Chair Donnelly provided information to everyone present regarding the Rules and Procedures followed by the Guilford County Planning Board.

## V. Continuance Requests

Oliver Bass stated that there were no continuance requests for this meeting.

Mr. Gullick arrived at 6:18 p.m. for the remainder of the meeting.

## VI. Old Business

### A. **CONDITIONAL REZONING CASE #25-06-PLBD-00124: CZ-HB, HIGHWAY BUSINESS (Ref. Case #10-06-GCPL-02259) AND RS-40, RESIDENTIAL TO CZ-HB AMENDED, HIGHWAY BUSINESS AMENDED: 1119 STRICKLAND COURT. (APPROVED)**

Oliver Bass stated that this request is to conditionally rezone the subject property from CZ-HB (Ref. Case #10-06-GCPL-02259) which includes an associated Sketch Plan to CZ-HB Amended (sketch plan not included in submittal) with the following conditions. Current Use Condition(s): All uses permitted in the HB zoning district, with the exclusion of the following uses: 1) junked motor vehicles; 2) recycle collections point; 3) go-cart raceway; 4) automobile repair service (major and minor); 5) automobile towing and storage services; 6) truck and utility trailer renting and leasing (light); 7) bar; 8) boat sales; 9) building supply sales (with storage yard); 10) manufactured home sales; 11) motor vehicles sales (new and used); 12) motorcycle sales; 13) truck stop; 14) construction demolition (C&D) landfill (minor); 15) land clearing and inert debris (LCID) landfill (minor); 16) radio/television/communications tower; 17) railroad terminal or yard; 18) billboards; and 19) temporary events. **Current Development Condition(s):** 1. Along the northern, eastern and southern boundaries of the subject property, the developer shall establish a 65-foot wide buffer consisting of a double row of Leland Cypress trees, staggered, and planted 15 feet apart. Buffer shall allow for emergency vehicle access as required by Guilford County Fire Marshal, storm water devices, and septic fields. 2. Entrance to the subject property shall be controlled by an electronic gate with personal code access. 3. No sign on the subject property shall exceed 6 feet in height. 4. Storage units located on the northern, eastern and southern portions of the subject property shall be accessed from the interior of the site. 5. All roofs shall be colored as opposed to bare metal. **Proposed Use Conditions:** 1) Office (General); and 2) Warehouse (Self-Storage). **Proposed Development Conditions:** 1. 30' Type B Landscape buffer along north and east property lines. This request is inconsistent with the Southwest Area Plan recommendation of Residential Single-family and Residential Multi-family. Therefore, if the request is approved, an amendment to Moderate Commercial 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. This is consistent with the Type B planting yard (min. width 25', avg. width 30', max. width 50') required between HB and RM zoned properties under the County's UDO. District Descriptions

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. Fire

Protection District: Pinecroft-Sedgefield 1.5 Miles from Fire Station. Water and Sewer Services: Private Septic Systems and Wells Within Service Wendover Avenue Off-Ramp is 13,500 vehicles per NCDOT 2023 Traffic Count. Area: City of High Point water is available. Feasibility Study or Service Commitment: No Transportation.

Strickland Court is a local street. Guilford College Road is classified as a major thoroughfare under the Greensboro MPO Thoroughfare Plan. The Average Annual Daily Traffic count of 13,500 vehicles on Guilford College Road near the W. No improvements have been proposed; an NCDOT driveway permit is required for future development. Environmental Assessment Topography: Per the USDA-NRCS Web Soil Survey, the topography of the parcel is nearly level to gently sloping. There is no regulated floodplain on the property, per FIRM map #3710782300J with effective date 6/18/2007. There are no regulated wetlands on the property, per National Wetlands Inventory. There are no mapped streams on the property, per USGS and NRCS Soil Survey Maps of Guilford County. Watershed: The property is partially within the High Point (East and West Fork Deep River) WS-IV, 3 General Watershed Area and partially within the Lower Randleman Lake (Deep River) WS-IV, General Watershed Area. Land Use Plan & Comprehensive Plan Land Use Plan: Southwest Area Plan. Residential Multi-Family and Residential Single-Family. The Residential Single-Family designation recognizes land currently zoned or recommended for future residential uses. Anticipated land uses are those permitted in the Agricultural (AG), RS-40 Residential Single-Family, RS-30 Residential Single-Family, Planned Unit Development-Residential (PD-R), and Rural Preservation (RPD) zoning districts. Residential-Multi-Family designation recognizes land currently zoned or recommended for future multi-family residential uses. Anticipated land uses are those permitted under the Guilford County Development Ordinance's Residential Multi Family (RMF) zoning districts. Public water and sewer are necessary to rezone to the Multi-Family Districts. Consistency:

This request is inconsistent with the Southwest Area Plan recommendation of Residential Single-family and Residential Multi-family. Therefore, if the request is approved, an amendment to Moderate Commercial will be required. The requested rezoning is consistent with Objective 1.5 of the Future Land Use Element of the Guilford County Comprehensive Plan, which states: • Objective 1.5: Recognize and respect the unique characteristics of Guilford County's unincorporated and emerging communities. The request to conditionally rezone the subject property from RS-40 and CZ-HB (Ref Case #10-06-GCPL-02259) to CZ-HB, Amended as conditioned, is reasonable because the potential use of the site will be limited to Office (General) and Warehouse (Self Storage). These uses are consistent with those near the intersection of Guilford College Road and Wendover Avenue. The proposed 30-foot Type B buffer along the perimeter adjacent to Greensboro city limits mirrors the County's landscape buffer required between HB-zoned and properties zoned for multi-family uses under the County's UDO. A Type A planting yard (min. width 40', avg. width 50', and max. width 75') will be required to buffer the southern boundary adjacent to RS-40 zoned properties from future development of the site. Staff recommended approval. This request is inconsistent with the Southwest Area Plan recommendation of Residential Single-family and Residential Multifamily. Therefore, if the request is approved, an amendment to Moderate Commercial will be required.

Chair Donnelly opened the Public Hearing and asked if there was anyone wishing to speak in favor of this item.

Chad Hockaday representing the developer, 7622 Bentley Road, stated that presented tonight is just self-storage and office, with conditions to develop the site. The owner of the property in the back stated that he would prefer a newer, more modern landscape than the Leyland Cypress trees described under the current conditions because that can become a problem over time. Mr. Hockaday noted that the property owner, Mr. Little, was present at the meeting. He is available for any questions the Board members may have.

Chair Donnelly asked, with the removal of the condition about access to the storage units, effectively it would still be the same, in that, the access is not going to be coming through the sides or back of the property based on the buffer. It is just being taken out as a condition, right?

Chair Donnelly clarified that when the case was originally presented there was anticipation that the property would be split zoned. He said for now this would be what it is going to be.

Mr. Hockaday stated that this is all internal for the property and there are no storage units visible from the outside. There is no gate anymore because there will be key pads at each door that is secured access for each tenant.

There being no other speakers in favor or opposed to the request, the Public Hearing was closed by acclamation.

#### **Discussion:**

Mr. Craft stated that he thinks with the changes in the roads in this area in the last 10 years, going to this type of development is probably reasonable and provides an amenity that is needed for the area. This is really not an area to have a house and a family living there.

Mr. Gullick agreed with the statements made by Mr. Craft and would support the request for the same reasons.

Ms. Buchanan stated that in the Case #25-06-PLBD-00124, CZ CZ-HB, Highway Business (Ref. Case #10-06-GCPL-02259) AND RS-40, Residential to CZHB Amended, Highway Business Amended: 1119 STRICKLAND COURT, (Guilford County Tax Parcel #152186 in Friendship Township), approximately 170 feet east of the intersection of Guilford College Road and Strickland Court and comprises approximately 4.96 acres, she moved to approve this amendment request based on the following: This approval also amends the Southwest Area Plan and the zoning map amendment and associated Southwest Area Plan amendment are based on the following changes and conditions in the Southwest Area Plan. The plan recommendation is Residential Single Family and Multi-family and it would need to be amended to moderate commercial. The amendment is reasonable because the proposed use will be limited to office and warehouse space, and those are already consistent with nearby properties, seconded by Rev.

Drumwright. The Board voted unanimously in favor of the motion. (Ayes: Donnelly, Drumwright, Bui, Gullick, Buchanan, Craft and Stalder. Nays: None.)

## VII. New Business

### Legislative Hearing Item(s)

#### A. **CONDITIONAL REZONING CASE #25-08-PLBD-00131: RS-40, RESIDENTIAL, TO CZ-AG, CONDITIONAL ZONING – AGRICULTURAL: 1804 PENNY ROAD (APPROVED)**

Avery Tew stated that the subject property was located at 1804 Penny Road (Guilford County Tax Parcel #158770 in Jamestown Township), approximately 500 feet north of the intersection of Penny Road and East Fork Road, and comprised approximately 2.67 acres. Maps of the subject property were shown for illustration. Mr. Tew said this was a request to rezone the subject property from RS-40, Residential, to CZ-AG, Conditional Zoning – Agricultural, with the following conditions, as offered by the applicant:

**Proposed Use Conditions:** All uses permitted in the AG zoning district except: (1) Two-Family Dwelling (Twin Home or Duplex); (2) Caretaker Dwelling (Accessory); (3) Manufactured (HUD)/Mobile Home Dwelling (Class A & B); (4) Boarding House, 3 - 8 Residents; (5) Batting Cages, Outdoor; (6) Country Club with Golf Course; (7) Golf Course; (8) Private Club Recreation (incl. Indoor Batting Cages); (9) Swim and Tennis Club; (10) Shooting Range, Outdoor; (11) Place of Worship; (12) Daycare Center (Not In-Home); (13) Kennels or Pet Grooming; (14) Wireless Communication Tower – Non-Stealth Design; (15) Land Clearing & Inert Debris Landfill, Major; (16) Land Clearing & Inert Debris Landfill, Minor; and (17) Turkey Shoots.

**Proposed Development Conditions:** None offered.

Mr. Tew said the proposed rezoning was consistent with the Southwest Area Plan recommendation of Residential Single-Family. Therefore, if the request was approved, no land use plan amendment would be required. He said the request was also consistent with Policies 1.1.1 and 1.4.3 of the Future Land Use Element of the Guilford County Comprehensive Plan, which state:

- Policy 1.1.1 – Planning staff will continue to utilize the future land uses depicted on citizen based Area Plans, in conjunction with the rezoning guidance matrix, as the basis for land use and policy recommendations.
- Policy 1.4.3 – Reference adopted Land Use Plans and recommended uses and densities/intensities, when applicable, in conjunction with rezoning staff reports presented to the Planning Board.

Mr. Tew concluded by saying that the request to rezone the subject property from RS-40 to CZ-AG was reasonable because the uses permitted under the proposed district would be largely compatible with development on adjoining properties and could benefit the surrounding area by enhancing access to fresh food, if used for agriculture, or by providing essential services. Many potentially incongruous uses

permitted under the AG district either (1) would be excluded from the proposed CZ-AG district through the use conditions offered by the applicant, (2) would be prohibited because the property is located in a Watershed Critical Area, or (3) would only be permitted with an approved Special Use Permit. The subject property's size, 2.67 acres, would also limit the potential scale of certain uses, such as agricultural uses, to an extent compatible with the surrounding area. Finally, the proposed CZ-AG zoning district was recognized as consistent with the future land use recommendation of Residential Single-Family within the Southwest Area Plan.

Chair Donnelly opened the public hearing and asked if there was anyone wishing to speak in favor of this item.

The applicant, Nia Cole, read a letter in support of the request. She said she could trace her roots back for over 200 years in Guilford County, and specifically to this property. In 2021, she transitioned to farming full-time to prepare to inherit this land. She said she plans to dedicate a portion of this land to creating a community garden supporting both Turners Chapel African Methodist Episcopal Church and Florence Elementary School by hosting outdoor classes that foster inter-generational learning, while also supporting the church's soup kitchen that feeds 80 to 100 families weekly. Through the training and incubation aspect of the farm, she seeks to address the current challenges facing farmers in Guilford County and across North Carolina. Ms. Cole read several letters of support from the Florence Elementary PTA, Growing High Point, TC Community Table, and Turners Chapel African Methodist Episcopal Church.

Chair Donnelly asked if there was anyone wishing to speak in support or opposition to the request, and no one came forward. There being no other speakers in support or opposition to the request, the public hearing was closed by acclamation.

#### **Discussion:**

Rev. Drumwright asked Ms. Cole how her first 4 years of farming had gone. Ms. Cole responded that it had been incredible. She had traveled all around the country supporting all kinds of farmers and farms. She felt very honored to be able to do this work. She said it had been very transformative to her as an individual and she was thankful for the ability to impact her community in so many different ways.

Mr. Gullick stated that he felt that Ms. Cole had a great presentation and he thought this was a good use of the land. He said he would support the request.

Dr. Bui stated that she was very moved to hear that Ms. Cole was using her farm to provide meals for the community. She applauded Ms. Cole for her work and support of the community residents.

Chair Donnelly stated that the Board invites applicants to reach out to the community as a part of their application. He said the level of support Ms. Cole had generated was really impressive and he appreciates her work. Clearly, the community was behind her in this important task and he thanked her for her outreach.

Rev. Drumwright stated that Ms. Cole's work was very impressive and it meant a lot to the many African-American descendants of slaves that they would be uplifted in Guilford County to have her come before the Board and continue this legacy for her family.

Rev. Drumwright moved to approve the zoning map amendment, as requested, stating that, with regard to Case #25-08-PLBD-00131, a request to conditionally rezone the subject property at 1804 Penny Road (Guilford County Tax Parcel #158770 in Jamestown Township), from RS-40, Residential, to CZ-AG, Conditional Zoning – Agricultural, the amendment was consistent with the Southwest Area Plan recommendation of Residential Single-Family, which is intended to recognize land currently zoned, or recommended for future residential uses, as well as Policies 1.1.1 and 1.4.3 of the Future Land Use Element of the Guilford County Comprehensive Plan. He said the request was reasonable because the uses permitted under the proposed district would be largely compatible with development on adjoining properties and could benefit the surrounding area by enhancing access to fresh food, if used for agriculture, or by providing essential services, among other stated reasonable uses. The motion was seconded by Ms. Buchanan. The Board voted unanimously in favor of the motion (Ayes: Donnelly, Drumwright, Bui, Gullick, Buchanan, Craft and Stalder. Nays: None.).

**B. CONDITIONAL REZONING CASE #25-08-PLBD-00130: RS-40, RESIDENTIAL & CZ-RPD, RURAL PRESERVATION DISTRICT (Ref. Case #19-11-GCPL-08684) TO CZ-RPD AMENDED, RURAL PRESERVATION DISTRICT AMENDED: 5672, 5660, 5616, & 5658 CHURCH STREET (APPROVED)**

Darby Terrell stated that this request is to conditionally rezone the subject property from RS-40 & CZ-RPD (Ref. Case #19-11-GCPL-08684) to CZ-RPD Amended with the following conditions: The amendment adds new property, an approximately 5.26 portion of Tax Parcel #139431, to the requested CZ-RPD, and revise a portion of #129264 as amended by this application. She stated all parcels will be under the amended conditions outlined below and with the rezoning sketch plan which revises the original sketch plan to include the changes of the subdivision plan. The rezoned area will be added to the current Cedar Oaks Planned Unit Development (PUD).

Ms. Terrell presented the following:

**Current Use Condition(s):** 1. Only single-family and customary accessory uses shall be allowed.

**Proposed Use Conditions:** 1. The property's use shall be limited to single-family detached homes and any customary accessory uses.

**Proposed Development Conditions:** 1. All buffer conditions as approved in Conditional Zoning Case #19-11-GCPL-08684 shall remain in full force and effect as shown on the approved Zoning Sketch Plan and Zoning Decision for said case. 2. See attached Zoning Sketch Plan.

Ms. Terrell stated the proposed Amended Conditional Zoning is consistent with the Northern Lakes Area Plan land use classification of Agricultural Rural Residential, if approved, no plan amendment would be required. The Planning Board is not limited to the proposed rezoning of these parcels and may consider substantial



changes to the proposed rezoning. Ms. Terrell noted this request is in an area that has developed primarily as single-family residential, including major subdivisions. The subject parcels are within designated watershed critical areas.

Ms. Terrell presented the Existing Land Use(s) on the Property Residential, Single Family Detached (Cedar Oaks Subdivision).

Surrounding Uses:

North: Residential (Cadence Subdivision)

South: Residential (Cedar Oaks South, under development)

East: Residential/Agricultural West: Residential/Agricultural.

Ms. Terrell stated there are no inventoried historic resources located on or adjacent to the subject properties. No cemeteries are shown to be located on or adjacent to the subject properties, but efforts should be made to rule out the potential for unknown grave sites.

Ms. Terrell presented the Public School Facilities report, for 2024-25 20th Day Enrollment Mobile Classrooms Estimated Additional. See Below:

Students Northern ES 760 622 3 18-20

Northern MS 1152 780 0 11-13

Northern HS 1370 1253 0 18-20

Remarks: (1) Elementary K-3 capacity assumes reduced class sizes per applicable classrooms; (2) Fourth grade, fifth grade, Middle and High School built capacity assumes 30 students per core academic classroom. Source: Guilford County Schools.

Ms. Terrell stated the Fire Protection District is Fire District 13, which is Approximately 2.2 miles from the Fire Station.

Ms. Terrell stated Private Well and Septic will serve the subdivision. She then presented the existing road conditions, Church Street is a major thoroughfare with 5,800 Annual Average Daily Traffic (AADT) per North Carolina Department of Transportation (NCDOT). NCDOT driveway permit has been issued to the Cedar Oaks subdivision and is currently being used.

Ms. Terrell read from the staff report, which stated the USDA Soil Survey map, the topography for parcel 139431 and the eastern portions of parcels 139425, 129264 and 129266 showed a range of slope steepness from nearly level to very steep, depending on location and soil type. The western portion of parcels 139425, 129264 and 129266 are currently covered by an active grading permit and are undergoing changes in topography based on their approved grading/sediment and erosion control plan. There is a regulated 100-year floodplain (Special Flood Hazard Area) on parcel 129264. There are mapped wetlands on parcels 139431, 129266, and 139425 per the National Wetlands Inventory. There are mapped features on all 4 properties, per the USGS Topographic and NRCS Soil Survey maps of Guilford County. All 4 properties lie within the Greensboro (Reedy Fork Creek) area.

Ms. Terrell stated staff recommends approval for the proposed Rezoning and amendment to the existing conditions are consistent with the Northern Lakes Area

Plan land use classification of Agricultural Rural Residential, if approved, no plan amendment would be required.

Chair Donnelly opened the Public Hearing and asked if there was anyone wishing to speak in favor of this item.

Amanda Hodierne, attorney representing the applicant, 804 Green Valley Road, Ste: 200, stated that she is the attorney representing the applicant(s) and finishing developer (D.R. Horton) of the project. She stated, Ryan Moates with D.R. Horton, was the Project Manager for Cedar Oaks and also Dalton Moore who is the Civil Engineer and designer who has been with this project since the beginning. They are in attendance and available to answer any questions Board members may have.

Ms. Hodierne stated this project has a unique and complicated set of factors that set it off so she would reiterate and emphasize some of those and make some of the sharper identifications. (Slides were shown for informational purposes.)

Ms. Hodierne presented where North Church Street runs north to south up and down onto the center left of the street and the project area is represented in the presentation. She stated the Cadence subdivision is in close proximity to the proposed development. Cedar Oaks, is a Planned Unit Development, under Conditional Zoning Rural Preservation district. This designation has been approved since January 8, 2020. Ms. Hodierne stated Cedar Oaks South is already built, plotted and sold and people are living there, but Cedar Oaks North is still in process. She stated zoning is aspirational and is not a mandated requirement, that means is that it sets limits, sets ceilings, like the 200 unit limit or the rezoning sketch plan that was approved in 2020. However, after this the engineer has to make sure it all works together in fine detail.

Ms. Hodierne then addressed Rev. Drumwright's question, on why there is a change in the lot counts. By stating the septic areas have changed and the number of lots that can be supported.

Ms. Hodierne stated the owner/developers are now going through the fine tuning of the project of the Cedar Oaks North area. They have carried forward with the conditions related to the buffers because they wanted to create continuity and assurances that nothing was changing there. They are seeking to add 5.26 additional acres (the sliver of a parcel) into Cedar Oaks North and Cedar Oaks South (the RPD), because they want it to be a part of all of those controls and confines development scheme that governs the rest of that 282.0 acres.

Ms. Hodierne stated the rezoning sketch plan needs to be changed as part of the zoning that runs that land, so if they need to change that, they have to come back before the Board for approval of that. There is no increase in density or adding more units. She clarified the 172 homes would be the results, if approved, that Cedar Oaks South, in totality, would be allowed to build out to under the new rezoning sketch plan. There are no changes to the adopted conditions from the 2020 case, no changes to Cedar Oaks South, no change to the remainder of Cedar Oaks North. She stated, Staff has detailed the policies from the Northern Lakes Area Plan and this request furthers those policies. Approval of this request

does not alter the use or the intensity of the land use that is already possible on the additional acreage.

Ms. Hodiernne stated thirty-eight letters were sent out to the neighboring residents explaining the plans for this project. There was also a virtual information meeting on August 28<sup>th</sup> that everyone was invited to and there was very good turnout with approximately 30 participants. There were concerns raised about the connection of Pony and Fairmont Drives and concerns about the loss of the wooded property, which is the sliver referred to previously. She stated there were also concerns voiced about the construction traffic in the area, and there is already a controlled aspect related to the erosion and grading control purposes.

Chair Donnelly asked if there was anyone wishing to speak in opposition to this item.

Idhali Cuahontem, 6300 Cadence Drive, stated that the Cadence Committee met and they submit their concerns with the proposed development and potential connection into Cadence Run. She stated traffic and pedestrian safety are concerns because the proposed connection at Pony Drive could convert their internal residential streets into through roads. The Cadence streets are intentionally narrow with no sidewalks in the daily use by the children in the area on bikes and scooters. She highlighted that if there is more traffic it would significantly increase the vehicles and speeds creating unsafe conditions for pedestrians and other livability of the neighborhood. This plan, as proposed is inconsistent with those objectives in the Ordinance. Emergency access can be present without full connections. Cedar Oaks already has two entrances and exits that serves its residents and allow emergency access.

Ms. Cuahontem stated they also want to address drainage and watershed impacts. The current drainage problems for existing Cadence homeowners, especially on Pony Drive, has a natural low point near the existing turn-around, and a new connection will direct run-off eastward worsening flooding issues that they are already experiencing. They are in the Jordan Lake Watershed District where Guilford County enforces strict stormwater and there are buffer protections. She stated the elimination of the preservation of the neighborhood and natural buffers would eliminate the privacy and reduce property values and would destroy wildlife habitat. Even a modest buffer of trees would provide meaningful mitigation. The plans to designate the green space within the Cedar Oaks community and this space will be restricted to only the residents, which is not providing any benefit or buffer to Cadence. As a result, she presented, the Cadence residents will bear a negative impact of tree loss and additional traffic without any protections or amenities. They have proposed alternative design solutions and ask consideration of the signage, which does not promote connectivity without sacrificing safety and quality of life, maintaining natural buffers along property lines, replacing the road connections with multi-use paths for pedestrians and bicycles, establishing emergency only access points for fire and rescue services. This approach meets primary objectives for multimodal connectivity while aligning with public health and safety standards.

Issac van der Merwe, 6306 Cadence Drive, near Pony Drive. He asked how much of the construction traffic would be diverted through Pony Drive? The answer they

received previously was that the construction traffic would be light and they would not be parking in any driveways. He stated this does not seem to be a conclusive answer to their question. Mr. Merwe stated it was suggested to leave construction on Pony Drive to the end so they can prevent that type of traffic from becoming an issue and they also did not get a conclusive answer to that question. With the initial development, these lots were all perpendicular and what is proposed now is property A and property B, upon elevation, looking into their back yards and the 2<sup>nd</sup> story of their houses and that would affect their privacy.

Nicole Bergen, 200 Church View Drive, which is off Church Street. This is a watershed area and she cares very much about environmental impact and would ask the Board to consider water and the environmental impact. The proposed cul-de-sac is closer to the watershed area and she wanted to know if there are differing environmental impact with this proposal.

Melissa Buroughs, 5638 N. Church Street, stated that her questions and concerns have already been shared about the watershed, about the environmental impacts in this area, and specifically, going to the stream buffer and when is that enforced? All buffers should be labeled as 50' buffers. She is a little confused about that as to whether they are referring to these buffers that were already existing in the previously approved plan or if they just apply to this new area? She would like more clarification on that. Her concern with the stream buffer is that there was vegetation and she would like to know if that vegetation would be replanted or not? Currently, that previously existing vegetation has been clean cut and she would like it to be replanted.

#### **Q&A**

Amanda Hodierne stated that she would address some of the questions and concerns raised by the speakers. Chair Donnelly stated that staff and the Board members would be interacting during the Q&A. Ms. Hodierne responded that there were questions about where the flood plain location is and how that gets applied, questions about how the stream buffers are managed and regulated, what is the watershed and environmental impact of the proposed plan, as compared to the previous plan, general size of the buffers and are they going to be as they were originally articulated as a part of the development plan, movement of the septic fields and construction traffic concerns.

Ms. Hodierne stated in addition to one of the things suggested on the call was if they could just put up a sign that they are intending construction entrance only off N. Church Street. She stated yes, they can do that and will do that. In an attempt to be very transparent and manage the expectations, she stated they are not allowed to close any of the streets for this construction. During construction, a couple of things are relevant, and they will communicate to the General Manager that this is the construction entrance, and to be used for that purpose.

Ms. Hodierne stated they also have the existing regulatory control of the approved watershed and grading permit plan that dictates where that access point has to be for those initial clearing and grading and road activities. Ms. Hodierne reiterated, no one is allowed to use Pony Drive for construction traffic and has a regulatory control technique in place. The first access point will be from North Church Street.

Ms. Hoderne clarified, in regard to the septic requirements, it was not approved until now because that part had to be approved after other processes are done. In regard to the watershed impact and increase in buffers, she asked Dalton Ward to speak to that. Mr. Ward, Hugh Creed & Associates, stated that he is the design engineer for this project. At this point, Mr. Ward stated, the rezoning sketch plan they are working with is still very preliminary. There are a lot of technical aspects to continue to go through and this revision will require another revision to the preliminary plat, as reviewed by the TRC with Guilford County and NC DOT and many other entities for their aspects of the plan. He answered with regarding the watershed buffers, all surface waters have a 50' buffer and the first 30' is undisturbed, the second 20' can be disturbed but must be revegetated once construction is complete. Mr. Ward confirmed the stream crossings are included and have been permitted by the Army Corp of Engineers and Department of Environmental Quality, as well. Mr. Ward stated the drainage indicates that it will be a better situation with a road that will contain and be able to take some of that drainage from the road and from the houses and keep it in the roadside swales, put it into designated drainage easements.

Chair Donnelly asked if it has been distinguished what is a riparian buffer and a buffer that might have been proposed as a part of the original development plan and why those are different sizes. Mr. Ward answered that the riparian buffers are on surface waters and the other buffers are undisturbed buffers adjacent to property lines.

Chair Donnelly asked if there were questions from the Board members before they got to the rebuttal period.

Dr. Bui asked if the "sliver" they are discussing is level land or is it higher or lower than the original plan? Mr. Bass responded that the high point looks like it is along where the road would be and then goes down toward Cadence in that stream from there. Some of the area in this proposed request is significantly higher than some of the property in Cadence.

In response to a question from Ms. Buchanan, Mr. Ward stated that there are elevation changes currently, there is approximately 10-12 feet of elevation change from the Lot #165. Mr. Ward answered it is traveling downhill and this topography doesn't account for the grading that's happened within Cadence, but there is topography change. However, he has already had to work out the way that these streets are going to connect and will actually have to cut the street down 6 or 8 feet in order to make the street connection acceptable by NC DOT standards.

Chair Donnelly asked if staff could speak to manage water that starts on your property and goes to someone else's property. Jason Hardin stated that there is a watershed and stormwater division that is part of the Planning and Development, and they are part of the TRC, and they review any site plan or preliminary subdivision plat that comes through for review. So, any time you are looking at new development dealing with stormwater, they will look at where the water is going to flow and whether it will require drainage, dry pond, wet pond or whatever the intensity requires. Also, erosion control is considered, mud flow and the

engineer has to submit an erosion control dedicated plan to them. All those elements are reviewed during the process.

### **Rebuttal**

Amanda Hodierne stated that there had been a question about the connection within the project concerning safety and she wanted to reiterate that this is not a condition created by this request, so when the sliver of property Parcel 139431 (5672 North Church St), comes in for development, by anyone, this concern will be triggered because the stub roads already exist and they were asked for during the TRC process that governed Cadence approval when it came through on a similar time-line in 2019. This is just that policy coming into fruition and it would have either with or without this project. Ms. Hodierne stated it certainly is not a type of connection that is going to increase trip volume or speed or type of travel through either neighborhood because it does not get to somewhere in either space to somewhere different by going through the other's neighborhood.

### **Opposition Rebuttal**

Issac van der Menca stated that he still does not understand why it is important to change the sliver of land to use as a road access.

Idhali Cuahontem stated that she is still concerned about water run-off from Cedar Oaks to her neighborhood. She is really concerned about that and the possibility of flooding her neighborhood.

Oliver Bass stated that as part of the major subdivision review, when reviewing the preliminary plat, the engineer would have to present a watershed development plan that will be reviewed by the County Stormwater Section. They are part of the TRC as well as Erosion Control and any grading plan would have to be approved by Soil Erosion Control Section of the Planning Department staff.

Chair Donnelly stated that if this plan should be approved and move forward, it will require an erosion and grading permit for this area that should address the concerns voiced by the speakers.

Jason Hardin stated that they would be glad to provide that contact information.

There being no other speakers in favor or opposed to the request, the Public Hearing was closed by acclamation.

### **Discussion**

Mr. Craft stated that he supports this request as it seems that this is a refinement of what was approved in 2020 and it seems reasonable.

Mr. Gullick stated that these cases are always hard for him, as he struggles with the same concerns other people have. It is his hope that the additional development is going to help with some of the problems that are currently having with erosion or water control. He will also support this request.

Mr. Stalder stated that he thinks with the plat that was approved in 2020, there were also some issues with that, which brought them back today, and he thinks it is important to approve so that some of the best practices will be used. He thinks it is a good revision they are using.

Chair Donnelly thanked the residents of this area for coming out today and sharing their comments and concerns. The role of the Board is to look at land use and determine if this is consistent and is it reasonable. There are a number of technical processes in place that address some of the specific concerns that have been raised, so it is often a two-part process.

Rev. Drumwright stated that he also would thank the residents for coming out tonight to make their comments and doing their due diligence in making their appeals. He really enjoyed driving around in the neighborhood and enjoying the scenery and homes in this area.

Mr. Gullick moved to approve the zoning map amendment located in Guilford County, (Guilford County Tax Parcels #139431, 139425, 129266, & 129264), from RS-40 and CZ-RPD-CZ-RPD Amended because the request for the zoning is consistent with Policies 1.1.1 and 1.4.3 of the Future Land Use Element and Goal #1 of the Housing Element for Guilford County. The request to rezone the subject property from RS-40 to CZ-RPD to CZ-RPD Amended is reasonable as it aligns with the Northern Lakes Aea Plan recommendation for AG Rural Residential Development. The proposed CZ-RPD Amended will expand housing opportunities while prohibiting uses that would conflict with the established residential character of the surrounding area. Additionally, the rezoning promotes connectivity consistent with Guilford County UDO Subsection 8.5 Major Subdivision, Section C, connectivity by link of the adjacent subdivision. The request is also consistent with the surrounding development pattern including Cedar Oaks Planned Unit Development currently under construction to the south, to which rezoning will be added, seconded by Mr. Stalder. The Board voted unanimously in favor of the motion. (Ayes: Donnelly, Drumwright, Bui, Gullick, Buchanan, Craft and Stalder. Nays: None.)

Reverend Drumwright left the meeting at 8:45 p.m.

## **VIII. Other Business**

### **A. Comprehensive Plan Update**

Jason Hardin stated that the Comprehensive Plan was adopted by the Board of County Commissioners at their meeting last week, and he thanked everyone for their role in that process. There will be some small group opportunities to talk about the new Comp Plan and how it is going to be used and how it will be shown in the staff reports and how the Board can use it in their assessments in evaluating cases.

## **IX. Adjourn**

There being no further business before the Board, the meeting was adjourned at 8:49 p.m.

*(Insert Color Paper)*



**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #23-09-PLBD-00064: AN AMENDMENT TO ARTICLE 2 (ADMINISTRATION), ARTICLE 3 (PERMITS AND PROCEDURES), ARTICLE 4 (ZONING DISTRICTS), ARTICLE 5 (DEVELOPMENT STANDARDS FOR INDIVIDUAL USES) ARTICLE 6 (GENERAL DEVELOPMENT STANDARDS), ARTICLE 8 (SUBDIVISIONS AND INFRASTRUCTURE STANDARDS), ARTICLE 9 (ENVIRONMENTAL REGULATIONS), ARTICLE 12 (DEFINITIONS) OF THE UDO TO ADJUST ASSIGNED ADMINISTRATIVE DUTIES AND PROCEDURES FOR DEVELOPMENT REVIEW CONSISTENT WITH NC GENERAL STATUTES 160D FOR LEGISLATIVE, QUASI-JUDICIAL, AND ADMINISTRATIVE DECISIONS**

**Description**

Staff prepared text amendments to the Guilford County Unified Development Ordinance (UDO) to Article 2, Article 3, Article 4, Article 5, Article 6, Article 8, Article 9, and Article 12 (Referenced as Subsection 2, Subsection 3, Subsection 4, Subsection 5, Subsection 6, Subsection 8, Subsection 9, and Subsection 12 respectively, in the County Code of Ordinances) that adjusts the administrative duties of the Planning Board and Technical Review Committee (TRC) in accordance with current practice and NCGS 160D. These revisions maintain and support the multi-disciplinary TRC review process, supporting thoroughness of development reviews while improving efficiency and adding clarity in the development review process. Additionally, the amendment includes revisions to terminology (e.g., changing substantial change to major change) for consistency with NCGS 160D.

The underlined text is text to be added, the ~~strike-through~~ text is text to be removed.

A summary of the amendments is presented below:

1. Amend Section 2.3 to remove the Board of Commissioners as the appellant body for Subdivision, Major Preliminary Plat in accordance with the amendment to Section 2.4 and 2.7 and note appeals heard as designated by special legislation.
2. Amend Section 2.4 to remove the Planning Board as the appellant body for decisions of the Technical Review Committee (TRC). The Planning and Development Director is assigned the relevant administrative authority as amended.
3. Amend Section 2.5 to adjust the duties of the Technical Review Committee and remove the TRC's decision-making authority. The TRC will serve an advisory role to the Planning and Development Director as established by the UDO for administrative procedures.
4. Amend Section 2.7 to add the Board of Adjustment as the appellant body for decisions of Site Plans – Minor and Major and Subdivisions – Minor and Major.
5. Amend Sections 3.1 and 3.2 to adjust administrative procedures to align with recent text amendments, NCGS 160D, and Special Legislation regarding procedural requirements for legislative, quasi-judicial, and administrative decisions.
6. Amend Section 3.3.J to add the UDO section that details the procedures for appeals.
7. Amend Section 3.5.C to modify the decision-making bodies to remove TRC from approving, conditionally approving, or denying applications.
8. Amend Section 3.5.O to assign the TRC an advisory role to the Planning and Development Director's decision-making authority for Major Site Plan approvals as reflected in the proposed amendment to Section 3.1. Additionally, this section will identify Appendix 2, Map

Standards, instead of the Guilford County Procedural Manual, as the source for information regarding Major Site Plans to update to current document titles.

9. Amend Section 3.5.P to update terminology used to align with current document titles and to update the included flow chart detailing the process for Minor Site Plan approval.
10. Amend Section 3.5.S to assign the TRC an advisory role to the Planning and Development Director's decision-making authority for Major Subdivision approval as reflected in the proposed amendment to Section 3.1.
11. Amend Section 3.5.T to require preliminary plat review for minor subdivisions only when new improvements (e.g., street improvements) are being constructed and retitle the section heading.
12. Amend Section 3.5.U to remove Subdivision Waivers as a relief to the minimum requirements of the subdivision regulations and reserve for future amendments as reflected in the proposed amendment to Section 3.1.
13. Amend Section 3.5.X to amend the approval body of plans that qualify for vesting rights.
14. Amend Section 4.4 to modify the approval process related to Planned Unit Developments by allowing the decision to require certain technical items to be made by the Planning and Development Director instead of the TRC.
15. Amend Section 5.4 to modify the approval body from the TRC to the Director of Planning and Development for site plans related to mobile home/manufactured home parks.
16. Amend Section 5.14 to modify the approval body from the TRC to the Director of Planning and Development for technical requirements related to stealth tower site access.
17. Amend Section 6.1.D to modify the review process for required alternative parking plans when commercial uses exceed specified percentages of minimum parking requirements to allow for approval by the Planning and Development Director instead of the TRC.
18. Amend Section 6.2.E to modify the review process for the location of required plantings to allow for approval by the Planning and Development Director instead of the TRC.
19. Amend Section 6.3.G to modify the review process for alternate lighting plans or fixtures to allow for approval by the Planning and Development Director instead of the TRC.
20. Amend Section 8.2 to modify the review process for exempt subdivisions as defined by NCGS 160D-802 and NCGS 29, Intestate Succession. Preliminary plat review of exempt subdivisions will no longer be required, expediting the review process.
21. Amend Section 8.3.B to change the approving authority for Flag Lots from the Technical Review Committee to the Planning and Development Director.
22. Amend Section 8.3.C to change the approving authority for street and utility off-site connections from the TRC to the Planning and Development Director and to remove the reference to Section 3.5.U – Subdivision Waiver.
23. Amend Section 8.4 to reflect the revised review process for minor subdivisions that apply with new infrastructure improvement and simplify the review process when no infrastructure improvements (e.g., street improvements) are required as described in the proposed amendment to Section 3.5.T described above.
24. Amend Section 8.5 to reflect the revised review process for major subdivisions as described in the proposed amendment to Section 3.5.S described above.
25. Amend Section 8.7 to assign the TRC an advisory role to the Planning and Development Director's decision-making authority for cluster development approval.
26. Amend Section 9 to remove TRC as the designated approval body on specified decisions.
27. Amend Section 12.04 to change the definition of "Waiver" to modify the approval body.

28. Amend terminology used to align with current document titles.

**SEE ATTACHED**

## **Consistency Statement**

### **Consistency with Adopted Plans:**

The proposed amendments are consistent with the Guiding Principles under the Future Land Use Framework for Sensible Growth under Guilford County's Guiding Guilford Moving Forward Together Comprehensive Plan. The Vision states that "In order to house this growth, the County needs to begin implementing measures, policies, and regulations to ensure that future development patterns are reflective of the community's Vision." This text amendment aligns the Unified Development Ordinance with this statement to streamline County procedures for reviewing development applications.

Additionally, this proposal aligns with Policy H1 of the Attainable Housing Planning Theme in the Guiding Guilford Moving Forward Together Comprehensive Plan. Policy H1 states "Enable the creation of new housing units that will provide a mix of housing types that meet the needs of residents."

## **Staff Recommendation**

### **Staff Recommendation:** Approval.

The recommended action is reasonable and in the public interest because it is consistent with the Guiding Guilford Moving Forward Together Comprehensive Plan (effective September 4, 2025). The proposed text amendment is consistent with Policy H1 of the Attainable Housing planning theme which states "Enable the creation of new housing units that will provide a mix of housing types that meet the needs of residents." The proposed text amendment seeks to reduce administrative burden on applicants and streamline application and approval processes, and in turn enable the creation of new housing, development, and redevelopment. The proposed action also adjusts procedural requirements and updates terminology used within the Guilford County Unified Development Ordinance to be consistent with NCGS 160D.

# Proposed Text Amendment

## Case #23-09-PLBD-00064

### ARTICLE 2. - ADMINISTRATION

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#### 2.3 BOARD OF COMMISSIONERS

##### A. POWERS AND DUTIES

1. The Guilford County Board of Commissioners shall have the following responsibilities in relation to the administration of this Ordinance:
  - a. Hear and decide applications for amendments to the text, schedules, and map portions of this Ordinance, which shall be processed in accordance with the provisions detailed herein, namely:
    - (1) Rezoning (Section 3.5.M)
    - (2) Text Amendments (Section 3.5.V)
  - b. Hear and decide appeals from non-quasi-judicial decisions of the Planning Board, namely:
    - (1) Rezoning (as established by resolution of the Board of Commissioners)
    - (2) Subdivision, Major Preliminary Plat, Road name and Renaming (SL 1979-283 HB 686)
    - (3) Closing of public roads and easements (SL 1979-282 HB 685)
  - c. In exercising this power, the Board of Commissioners is bound by G.S. § 153A-323, applicable special legislation, the terms of this Ordinance, and applicable court decisions in carrying out its legislative function.
  - d. Make necessary appointments to the Planning Board, Board of Adjustment, Historic Preservation Commission, and other boards set forth in this Ordinance.
  - e. Appropriate funds for the administration of this Ordinance.

# Proposed Text Amendment Case #23-09-PLBD-00064

## ARTICLE 2. - ADMINISTRATION

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### 2.4 PLANNING BOARD

#### C. POWERS AND DUTIES

The Planning Board shall have the following powers and duties:

1. To hear and decide matters in accordance with the terms of this Ordinance and, namely (See Subsec. 3 - Development Review Permits and Procedures for details of processes listed below): ...
2. ~~Reserved To hear and decide matters on appeal from the Technical Review Committee (TRC), namely:~~
  - ~~a. Site Plans - Minor and Major~~
  - ~~b. Subdivision - Minor and Major~~
3. To hear and decide matters of appeal from the Planning and Development Director, namely:
  - a. Erosion Control Plans
  - b. Watershed Development Plans (Section 9.1.F[4])
4. To provide recommendations to the Board of Commissioners with regard to any of the above matters which may be appealed; as well as:
  - a. Rezoning – Both Conventional and Conditional (Section 3.5.M)
  - b. Text Amendments
5. To develop or recommend a comprehensive plan, small area plans, and other land use plans that develop and enhance land use policy for the areas in Guilford County under its jurisdiction, as directed by the Board of Commissioners.
6. To make such other studies and plans and review such other related matters as directed by the Board of Commissioners.
7. To exercise other powers and authority provided to it by the Board of Commissioners, this Ordinance, or state law.

### 2.5 TECHNICAL REVIEW COMMITTEE

#### A. AUTHORITY

There is hereby created a planning agency, pursuant to G.S. § 160D known as the Technical Review Committee (TRC).

#### B. MEMBERSHIP

The TRC shall be composed of department or division heads or their designated representatives, ~~appointed by resolution of the Board of Commissioners.~~ Each representative shall have an alternate.

**Commentary: Departments and divisions which may serve on the TRC include the following: Planning and Development: Planning and Zoning, Soil Erosion Control, Watershed Protection and Stormwater Management, and Environmental Services; GIS – Addressing; Environmental Health; Fire Marshal's Office; Inspections Department; and NCDOT.**

# Proposed Text Amendment

## Case #23-09-PLBD-00064

### C. OFFICERS

The Planning and Development Director, or his or her designated representative, shall serve as Chair of the TRC.

### D. POWERS AND DUTIES

The TRC shall have the following powers and duties:

1. To provide for a continuing, coordinated, and comprehensive review of the technical aspects of this Ordinance and for the ~~approval~~ review of certain technical aspects of development proposals.
2. To review and provide comment on technical aspects of all development occurring within the jurisdictional area of the local government when required by this Ordinance.
3. To review ~~and approve~~ and provide comment on new or altered plans including: subdivisions, clustered or attached residential development, planned unit developments, office, commercial, and industrial developments, street and utility improvements, or any other matter as requested at the sole discretion of the Director of Planning and Development, ~~and any other proposals for development specified by this Ordinance and in ARTICLE 3.~~
- ~~4. To hear and decide appeals authorized in ARTICLE 3 - Permits and Procedures.~~
4. To ~~recommend~~ provide comments to the Planning Board concerning the closing of streets, alleys, easements, and other rights-of-way.
5. To review and provide comment on submitted watershed variance requests for mapping standards and content prior to forwarding to the Planning Board and the Board of Commissioners on all major watershed variance requests.
6. To exercise any other power and authority provided to it by the Board of Commissioners, this Ordinance and state law.

# Proposed Text Amendment

## Case #23-09-PLBD-00064

### ARTICLE 2. - ADMINISTRATION

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#### 2.7 BOARD OF ADJUSTMENT

##### A. AUTHORITY...

...

##### B. MEMBERSHIP...

1. ...

##### C. POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties (See Subsec. 3 - Development Review Procedures for details of processes listed below):

1. To decide development procedures, namely:
  - a. Variances
2. To hear and decide appeals from and review any administrative order, requirement, decision, determination, or interpretation made by an administrative official charged with enforcing this Ordinance, namely:
  - a. Interpretation of zoning provisions of this Ordinance;
  - b. Floodplain boundary, zoning boundary, or other delineated boundaries;
  - c. Address assignments; and
  - d. Decisions of the Historic Preservation Commission (Major Certificate of Appropriateness), limited to certiorari.
  - e. Site Plans - Minor and Major
  - f. Subdivision - Minor and Major
3. To hear and decide any exceptions which are specifically delegated to it by this Ordinance;
4. To determine and vary application of zoning regulations in harmony with their general purpose and intent and in accordance with general and specific rules contained therein;
5. To hear and decide appeals for variances from the zoning provisions of this Ordinance in cases where special conditions would make strict and literal interpretation and enforcement of the zoning provisions of this Ordinance result in a loss of privileges shared by other properties within the same zoning district;
6. To interpret zoning maps and pass upon disputed questions of district boundary lines and similar questions that may occur in the administration of this Ordinance;
7. To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance;
8. To determine upon application of an owner or upon referral from the Planning and Development Director whether a proposed nonconforming use is equal or less intensive than an existing, legal nonconforming use, in accordance with Subsec. 11 – Nonconformities; and
9. To hear and decide upon appeals concerning violations of the Guilford County Solid Waste Ordinance.

##### D. OATHS...

...

# Proposed Text Amendment Case #23-09-PLBD-00064

## ARTICLE 3 – PERMITS AND PROCEDURES

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### 3.1 PURPOSE AND INTENT

#### A. GENERAL

This Subsection provides clear and comprehensible procedural steps that are generally applicable to development applications under this ordinance as found in Table 3.1: Development Review Procedures, unless otherwise expressly exempted.

#### B. APPLICABILITY

The provisions of this Subsection shall be applicable to all development activity under the jurisdiction of Guilford County as described in Subsec. 1 – General Provisions of this Ordinance.

#### C. REQUIRED

No person shall undertake any development activity subject to this ordinance without first obtaining a permit from the appropriate reviewing authority.

#### D. TABLE 3.1: DEVELOPMENT REVIEW PROCEDURES

Table 3.1 identifies the authorities and procedures for reviewing and deciding permit applications. The table also identifies whether and what type of legislative or evidentiary hearing is required and references the relevant Section of the Ordinance where the procedure may be found.



# Proposed Text Amendment Case #23-09-PLBD-00064

TABLE 3.1 - DEVELOPMENT REVIEW PROCEDURES									
TABLE KEY		M = Mandatory • = Not Applicable ¹ = Notes		C = Comment R = Recommend / Advisory OR = Optional review D = (Decision) L (Legislative) A (Administrative)		P Legislative Hearing Q Evidentiary Hearing A = Appeal			
APPLICATION PROCESS	SECTION REFEREN CE	PUBLIC NOTICE LEVEL¹	PRE- APPLIC ATION CONFER ENCE	REVIEW AUTHORITIES					
				ADMINISTRATIVE		DECISION-MAKING BODIES			
				PLANNING AND DEVELOPMENT DIRECTOR (PD)²	TECHNICAL REVIEW COMMITTEE (TRC)	HISTORIC PRESERVATION COMMISSION (HPC)	PLANNING BOARD (PB)	BOARD OF COUNTY COMMISSIONERS (BCC)	BOARD OF ADJUSEMENT ADJUSTMENT (BOA)
Administrative Adjustment	3.5.B	•	•	D	•	•	•	•	A
Appeal³	3.5.C	1,2	•	Refer to individual procedures in Section 3.5 for appropriate process and Table 3.1 for appellant body. <u>Table 3.1 provides appeal information based on local legislative acts only, as noted.</u>					
Certificate of Appropriateness, Major Work	3.5.D	1,2,3	R	R	•	Q	•	•	A
Certificate of Appropriateness, Minor Work	3.5.D	•	•	D²	•	•	•	•	•
Certificate of Erosion Control Performance	3.5.E	•	•	D	•	•	•	•	•
Certificate of Floor Elevation/Floodpr oofing	3.5.F	•	•	D	•	•	•	•	•
Certificate of Occupancy	3.5.G	•	•	D	•	•	•	•	•
Temporary Event/ Use Permit	3.5.H	•	•	D	•	•	•	•	•
Floodplain Development Permit	3.5.I	•	•	D	•	•	•	•	A
Grading Permit	3.5.J	•	•	D	•	•	•	•	•
Historic Landmark Designation (Local)	3.5.L	1,2,3	M	C	•	R	•	D	•
Rezoning, Conventional & Conditional⁴	3.5.M	1,2,3	M	R	C	•	D/R⁵	D/A⁵	•

# Proposed Text Amendment

## Case #23-09-PLBD-00064

**TABLE 3.1 - DEVELOPMENT REVIEW PROCEDURES**

TABLE KEY		M = Mandatory • = Not Applicable ¹ = Notes	C = Comment R = Recommend / Advisory OR = Optional review D = (Decision) L (Legislative) A (Administrative)			P Legislative Hearing Q Evidentiary Hearing A = Appeal			
APPLICATION PROCESS	SECTION REFEREN CE	PUBLIC NOTICE LEVEL¹	PRE- APPLIC ATION CONFER ENCE	REVIEW AUTHORITIES					
				ADMINISTRATIVE		DECISION-MAKING BODIES			
				PLANNING AND DEVELOPMENT DIRECTOR (PD)²	TECHNICAL REVIEW COMMITTEE (TRC)	HISTORIC PRESERVATION COMMISSION (HPC)	PLANNING BOARD (PB)	BOARD OF COUNTY COMMISSIONERS (BCC)	BOARD OF ADJUSTMENT ADJUSTMENT (BOA)
Road Name & Renaming Changes		4,2,3	•	R	RC	•	D	A⁶	
Sign Permit	3.5.N	•	•	D	•	•	•	•	A
Site Plan, Major	3.5.O	•	M	R D	D C	•	A	•	•A
Site Plan, Minor	3.5.P	•	•	D	O/R OR	•	A	•	•A
Special Use Permit	3.5.Q	1,2,3	M	•	•	•	Q	•	•
Subdivision Exempt	3.5.R	•	•	D	•	•	•	•	•A
Subdivision, Major Preliminary Plat	3.5.S	•	M	R D	D C	•	A	•	•A
Subdivision, Major Final Plat	3.5.S	•	•	D	O/R² OR⁷	•	A	•	A
Subdivision, Minor Preliminary Plat	3.5.T	•	•	D	O/R•OR⁸	•	A	•	•A
Subdivision Waiver	3.5.U	•	•	R	D	•	A	•	•
Text Amendment	3.5.V	¹	M	R	•	•	R	D	•
Variance⁹	3.5.W	4,2,3	M	•	•	•	Q	R⁹	Q
Vested Rights	3.5.X	1,2,3	•	D	D•	D	•	•	•
Easement Closings, Right-of-Way Vacations, Road Closings¹⁰ and Easement Removals for Public Roads		• 1,3	•	R	RC	•	D	A	•

**Proposed Text Amendment  
Case #23-09-PLBD-00064**

TABLE 3.1 - DEVELOPMENT REVIEW PROCEDURES									
TABLE KEY		M = Mandatory - = Not Applicable ¹ = Notes		C = Comment R = Recommend / Advisory OR = Optional review D = (Decision) L (Legislative) A (Administrative)		P Legislative Hearing Q Evidentiary Hearing A = Appeal			
APPLICATION PROCESS	SECTION REFERENCE	PUBLIC NOTICE LEVEL¹	PRE-APPLICATION CONFERENCE	REVIEW AUTHORITIES					
				ADMINISTRATIVE		DECISION-MAKING BODIES			
				PLANNING AND DEVELOPMENT DIRECTOR (PD)²	TECHNICAL REVIEW COMMITTEE (TRC)	HISTORIC PRESERVATION COMMISSION (HPC)	PLANNING BOARD (PB)	BOARD OF COUNTY COMMISSIONERS (BCC)	BOARD OF ADJUSEMENT ADJUSTMENT (BOA)
<ol style="list-style-type: none"> <li>See also Section 3.2 and Table 3.2 for public notification procedures.</li> <li>Planning and Development Director (or his/her designee) or other County staff authorized by the Board of Commissioners (<u>BCC</u>) or the North Carolina General Statutes (e.g., Building Inspector, Fire Marshal).</li> <li>Appeals of administrative decisions are quasi-judicial. <u>Whereas, decisions based on local legislation (SL 1985-485, Rezoning: SL 1979-283, Road Naming: SL 1979-282 and SL 1981-59, Road Closings; and SL 1979-282 and SL 1981-59, Easement Closings) are legislative and not quasi-judicial decisions.</u></li> <li>Rezoning may be conventional or conditional. Conditional zoning may be a part of planned unit developments – See Subsec. 4.</li> <li>See Section 3.5.M.4.f – Voting and SL1985-485 HB651.</li> <li>Per SL 1979–283 HB 686 – Notice of appeal shall be filed within 10 days of Planning Board decision. Affected party shall notify Planning and Development Director within 10 days of decision. Board of Commissioners shall hear appeal at a regular meeting within 30 days of Notice of Appeal.</li> <li>Should the Planning and Development Department Director determine that there is more than a major deviation from the approved preliminary plat, the final plat may be forwarded to the TRC for optional review <u>and comment for efficiency and/or on the compatibility among regulatory review agencies' requirements.</u></li> <li>The Planning and Development Director, in exercising his/her duties, may forward a preliminary plat on a Minor Subdivision to the TRC for an optional review for efficiency and/or compatibility among regulatory review agencies' requirements.</li> <li>For the types of variances heard and appropriate decision-making body, see Section 3.5.W. Major buffer and watershed variances that require Environmental Management Commission decision require a recommendation from the Board of Commissioners.</li> <li>For on-system NCDOT roads, the BCC may adopt a resolution to abandon maintenance at the request of NCDOT and close the public road in certain instances. Otherwise, the Guilford County Planning Board will exercise its delegated authority to close said public road per SL 1979-282 <del>SHB685-.282, HB 685</del>. Any person aggrieved by the closing of a road or an easement by the Guilford County Planning Board may appeal the Planning Board's decision <u>to the Guilford County Board of Commissioners within 30 days after the decision to close a road or easement. The Board of Commissioners shall hear the matter de novo (anew).</u></li> </ol>									

# Proposed Text Amendment Case #23-09-PLBD-00064

## ARTICLE 3 – PERMITS AND PROCEDURES

### 3.2 PUBLIC NOTICE PROCEDURES

TABLE 3.2 – PUBLIC NOTIFICATION REQUIREMENTS				
Application Type <sup>1</sup>	Decision-Making Body	Type of Public Notification "R" = Required, "O" = Optional, [1] = see note below, ▪ = not applicable		
		Published Notice <sup>2</sup>	Mailed Notice <sup>3</sup>	Posted Notice <sup>4</sup>
<b>Appeal</b>	Varies <sup>[5]</sup>	<u>RO</u>	R	R
<b>Certificate of Appropriateness (Major)</b>	Historic Preservation Commission	<u>RO</u>	R	R
<b>Rezoning</b>	Planning Board	R	R	R
	Board of Commissioners	R	R	R
<b>Easement Closings, Right of Way Vacations, Road Closings, and Easement Removals for Public Roads</b>	Planning Board	R	R	R
<b>Road Name &amp; Renaming Changes</b>	Planning Board	▪ <u>O</u>	<u>O/R</u> <sup>[7,8]</sup>	R <sup>[6,8,9,10]</sup>
<b>Special Use Permit</b>	Planning Board	<u>RO</u>	R	R
<b>Text Amendment</b>	Planning Board	O	O	O
	Board of Commissioners	R	O	O
<b>Variance</b>	Varies <sup>[5]</sup>	<u>RO</u>	R	R
<b>Vested Rights</b>	Varies <sup>[5]</sup>	R	R	R

# Proposed Text Amendment Case #23-09-PLBD-00064

**TABLE 3.2 – PUBLIC NOTIFICATION REQUIREMENTS**

Application Type <sup>1</sup>	Decision-Making Body	Type of Public Notification "R" = Required, "O" = Optional, [1] = see note below, ▪ = not applicable		
		Published Notice <sup>2</sup>	Mailed Notice <sup>3</sup>	Posted Notice <sup>4</sup>
<div>1. Application types not listed do not require public notification.</div> <div>2. See Subsection B. of this Section regarding electronic notice legislation specific to Guilford County.</div> <div>3. Mailed notice must be deposited no less than 10 and no more than 25 days before hearing.</div> <div>4. Posted notice on site must be placed on property no less than 10 days before hearing.</div> <div>5. An appeal, variance, or vested right may be heard by multiple Boards. Specific public notice requirements also can be found in Table 3.1. Detailed appeal, variance, and vested right procedures are located within each procedure for specific applications, if applicable.</div> <div>6. <u>A notice of the resolution of intent to close a public road or easement shall be published once a week for two successive weeks per SL 1981-59 HB 139.</u></div> <div>7. <u>After naming or renaming a public road, or assigning or reassigning house and building numbers on a public road, the Planning Board shall cause notice of its action to be given to the local postmaster with jurisdiction over the road, to the board of transportation, and to any city within five (5) miles of the road (see SL 1979-283 HB 686).</u></div> <div>8. <u>Mailed notice is required only after the Planning Board decision (see footnote 9). While type of notice is not specified in SL-1979-283 HB 686, mail notice and/or e-mail notice of the Planning Board's action shall be used.</u></div> <div>9. <u><del>6-</del>At least 10 days before public hearing, a notice shall be posted in at least 3 locations along the road involved (see SL 1979- 283 HB 686).</u></div> <div>10. <u>The Planning Board also shall cause notice of its actions and of the right of any person affected by its actions to appeal to the Guilford County Board of Commissioners to be prominently posted in at least three (3) places along the road involved for 10 days (SL 1979-283 HB 686, Sec 6).</u></div>				

# **Proposed Text Amendment Case #23-09-PLBD-00064**

## **ARTICLE 3 – PERMITS AND PROCEDURES**

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### **3.3 COMMON REVIEW PROCEDURES**

#### **J. APPEAL**

1. Appeals of decisions may be made by the applicant or any party with standing as outlined in G.S. § 160D-1402, G.S. § 160D-405, G.S. § 160D-406, UDO Section 3.5.C, and in Table 3.1, Development Review Procedures.

# Proposed Text Amendment

## Case #23-09-PLBD-00064

### ARTICLE 3 – PERMITS AND PROCEDURES

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#### 3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

##### C. APPEALS

###### 1. Applicability

- a. Any appeal from a legislative or quasi-judicial decision shall be to the Guilford County Superior Court and shall be filed no later than thirty (30) days after the date the Board's decision is filed. Any appeal from a quasi-judicial decision may be made by an aggrieved party and shall be made to the Superior Court of Guilford County in the nature of certiorari. Any such petition shall be filed with the Clerk of the Superior Court within thirty (30) days after the decision of the decision-making body is filed with the County Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered or certified mail with return receipt requested.
- b. The decision-making body for an appeal may be found in Table 3.1

###### 2. Appeals Generally

- a. Decision of Planning and Development Director/~~Technical Review Committee (TRC)~~
  - (1) Appeals of the decisions of the Planning and Development Director ~~or TRC~~ shall be heard by the board of adjustment, unless there is a judicial challenge. In the event of the latter, the aggrieved party may file a petition with the Guilford County Superior Court no later than thirty (30) days after the date of the Board's decision is filed.

***Commentary: Appeals of Decision of the Planning and Development Director ~~or TRC~~ are subject to a quasi-judicial proceeding by the respective decision-making body.***

...

- e. Site Plan, Major
  - (1) Action by Planning Board. If a Major Site Plan is appealed to the Planning Board of Adjustment, it shall be scheduled, subject to filing deadlines, to be reviewed at the next available regularly scheduled meeting.
- f. Site Plan, Minor
  - (1) Action by the Planning and Development Director. If a Minor Site Plan is appealed to the Planning Board of Adjustment, it shall be scheduled, subject to filing deadlines, to be reviewed at the next available regularly scheduled meeting.
- g. Soil Erosion and Sedimentation Appeals
  - (1) See Subsec. 9 – Environmental Regulations
- h. Subdivision, Major Preliminary Plat
  - (1) If a Preliminary Plat is appealed to the Planning Board of Adjustment it shall be reviewed at the next available regularly scheduled meeting.

## Proposed Text Amendment Case #23-09-PLBD-00064

- (2) If the plat is ~~granted conditional approval, or denied, or if no action is taken within thirty (30) days by the Technical Review Committee by the Director of Planning and Development~~, the applicant may appeal the plat to the Planning Board of Adjustment within thirty (30) days.
- i. Subdivision, Minor Preliminary Plat
- (1) If a Preliminary Plat is appealed to the Planning Board of Adjustment it shall be reviewed at the next available regularly scheduled meeting.
- (2) If the plat is ~~granted conditional approval, or denied, or if no action is taken within thirty (30) days by the Technical Review Committee by the Director of Planning and Development~~, the applicant may appeal the plat to the Planning Board of Adjustment within thirty (30) days.
- j. Subdivision, ~~Minor Preliminary Plat~~ Exempt Plat
- (1) If an Preliminary Exempt Plat is appealed to the Planning Board of Adjustment it shall be reviewed at the next available regularly scheduled meeting.
- (2) If the plat is ~~granted conditional approval, or denied, or if no action is taken within thirty (30) days by the Technical Review Committee by the Director of Planning and Development~~, the applicant may appeal the plat to the Planning Board of Adjustment within thirty (30) days.



# Proposed Text Amendment Case #23-09-PLBD-00064

## ARTICLE 3 – PERMITS AND PROCEDURES

### 3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

#### O. SITE PLAN, MAJOR

##### 1. Applicability

- a. Major Site Plans are required for development, with the exception of single-family & two-family dwellings, for additions to existing developments that are:

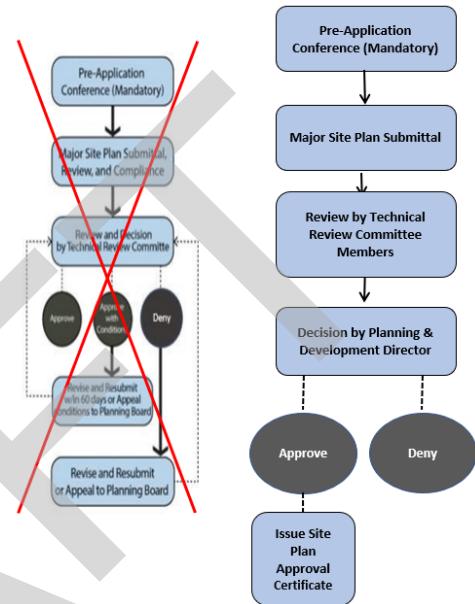
- (1) Greater than fifteen thousand (15,000) square feet of gross floor area.
- (2) Nine (9) dwelling units or more in a single building.
- (3) Open uses of land, or expansions of open uses of land involving forty thousand (40,000) square feet or more.

##### 2. Pre-Application Conference Required

##### 3. Site Plan Submittal

- a. Major Site Plans determined to be complete, shall be submitted to the Planning and Development Department for review by the Technical Review Committee ~~at least seven (7) business days prior to the next scheduled meeting unless otherwise determined by staff based on workload and schedule.~~
- b. All fees shall be submitted in accordance with Section 3.3.
- c. Major Site Plans shall contain all applicable information listed in ~~Guilford County Procedural Manual Appendix 2 – Map Standards~~. The Site Plan shall consist of separate sheets depending on the development, including:
- (1) site layout
  - (2) utility plan, including water and sewer utility plan
  - (3) conceptual landscaping plan showing planting areas, types/species of plant material (i.e. canopy trees, understory trees, shrubs), and number of plantings
  - (4) grading, erosion control and watershed development plan in accordance with ARTICLE 9. (See Appendix 2 – Map Standards for information required to be submitted on these plans).
- d. Depending on the scale or complexity of the development, any or all of the sheets may be combined.
- e. When required, street and utility construction plans for all public or private streets, and water, sanitary sewer, and storm sewer facilities shall be submitted to the Jurisdiction following conditional approval or approval of the Major Site Plan. For each phase of the Major Site Plan, street and utility construction plans shall include all improvements lying within or adjacent to that section as well as all water and sanitary sewer lines lying outside that section and being required to serve that section.

##### 4. Coordination with Other Procedures



## Proposed Text Amendment Case #23-09-PLBD-00064

- a. In certain circumstances and upon approval by the Planning and Development Director, the Major Site Plan approval process may run concurrently with construction plan review, an application for a Certificate of Appropriateness, an application for a Grading Permit, or other applications or approvals required for a particular project.

**5. Review and Decision by Technical Review Committee**

- a.** Major Site Plans submitted for developments shall be reviewed by the Technical Review Committee.
- b.** If the ~~Technical Review Committee finds deficiencies~~ are found in the Major Site Plan, ~~reasons for such deficiencies~~ shall be stated in writing and the Site Plan may be revised and resubmitted.

**Commentary: Departments and divisions which serve on the TRC typically include the following: Planning and Development; Planning and Zoning, Soil Erosion Control, Watershed Protection and Stormwater Management, and Environmental Services; GIS – Addressing; Environmental Health; Fire Marshal's Office; Inspections Department; and NCDOT.**

- ~~a. Approval of Major Site. The Major Site Plan shall be approved when it meets all requirements of this Ordinance and/or proper variances are obtained. Major Site Plans submitted for developments shall be reviewed by the Technical Review Committee.~~
- ~~b. Approval Authority:
  - (1) Major Site Plans submitted for developments shall be reviewed by the Technical Review Committee.
  - (2) If the Major Site Plan is approved, the applicant may proceed with other requirements necessary to obtain a Building Permit.
  - (3) If the Technical Review Committee finds deficiencies in the Major Site Plan, reasons for such shall be stated in writing and the Site Plan may be revised and resubmitted.
  - (4) The Technical Review Committee shall take action within thirty (30) days of reviewing the Major Site Plan. If the Major Site Plan is denied or granted conditional approval, or if no action is taken within thirty (30) days by the TRC, the applicant may appeal the decision to the Planning Board.
  - (5) The appeal may be made within thirty (30) days after denial, conditional approval, or lack of action by the Technical Review Committee.~~

**6. Decision by Planning and Development Director**

- a.** Approval of Major Site. The Major Site Plan shall be approved by the Planning and Development Director when it meets all requirements of this Ordinance and/or proper variances are obtained.
- b.** If the Major Site Plan is approved, the applicant may proceed with other requirements necessary to obtain a Building Permit, or other necessary approvals.

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### ~~6.~~ Conditional Approvals

- ~~a. If the Site Plan is granted conditional approval, the applicant shall revise and resubmit the Major Site Plan or Appeal the conditions per subsection 7 below. The Planning and Development Department shall review the revised Major Site Plan and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plan the change from conditional approval to approval. If the Major Site Plan is not revised within sixty (60) days to meet the approval conditions, or the applicant notifies the Planning and Development Department that they are unwilling to revise the Major Site Plan, it shall be deemed denied.~~

### ~~7.~~ Appeal

- ~~a. Applicable. See Section 3.5.C, Appeals.~~

### 7. ~~8.~~ Inspections

- a. Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the appropriate authority.

### 8. ~~9.~~ Soil Erosion and Sedimentation Control Devices Installation

- a. Any approved soil erosion control measures and sedimentation control device(s) may be installed prior to approval of street and utility construction plans.

### 9. ~~10.~~ Permits

- a. Upon approval of the Site Plan, the developer shall be eligible to apply for building and any other permits and authorizations as required by this Ordinance or other laws, unless otherwise provided in this Ordinance.

### 10. ~~11.~~ No Construction Without Plan Approval

- a. No improvements shall be constructed until the street and utility construction plans for such improvements have been reviewed and approved by the appropriate authority.

### 11. ~~12.~~ Expiration of Major Site Plan Approval

- a. If construction or development does not begin within two (2) years following site plan or plot plan approval; or is begun within two (2) years and then discontinued for a period greater than one hundred eighty (180) days; such approval shall expire, and a new site plan or plot plan must be submitted in accordance with the procedures in this Section.

### 12. Appeal

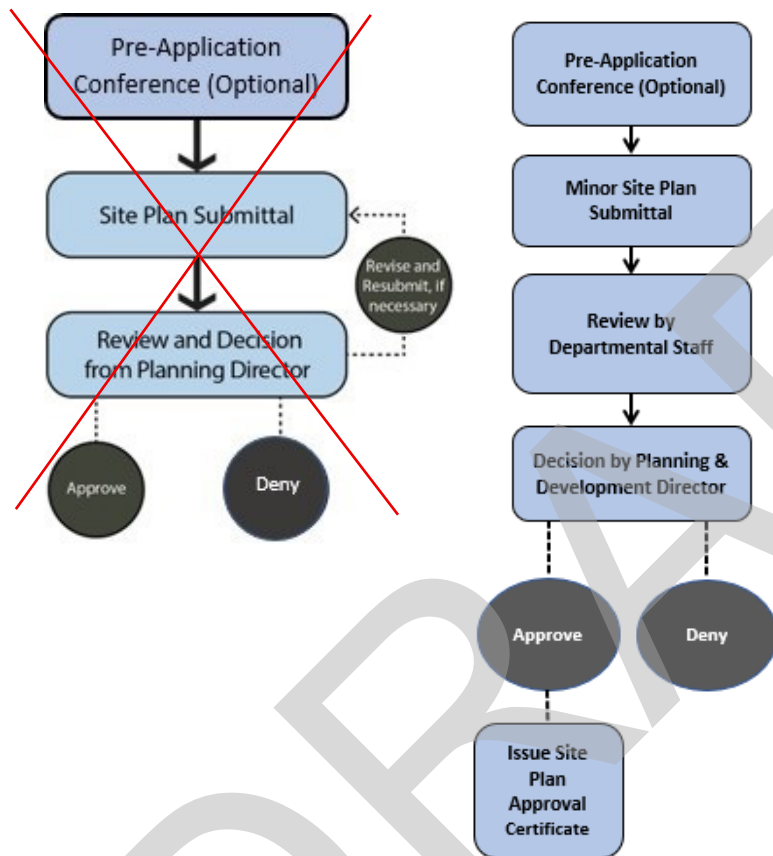
- a. Applicable. See Section 3.5.C, Appeals.

# Proposed Text Amendment Case #23-09-PLBD-00064

## ARTICLE 3 – PERMITS AND PROCEDURES

### 3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

#### P. SITE PLAN, MINOR



#### 1. Applicability

- a. Minor Site Plans submitted for development or additions to existing developments (except single-family and two-family dwelling(s)) shall be:
  - (1) Fifteen thousand (15,000) square feet or less of gross floor area.
  - (2) Eight (8) dwelling units or less in a single building.
- b. Plot Plan for Department of Environmental Health Required.
- c. Site Plan Required. No new building permit shall be issued on a lot until a Minor Site Plan, prepared in accordance with Appendix 2 – Map Standards–Guilford County Procedural Manual, has been approved for the development. Except that no new or amended Minor Site Plan shall be required if an adequate Minor Site Plan is already on file, no change in parking and no increase in built-upon area is proposed or required.

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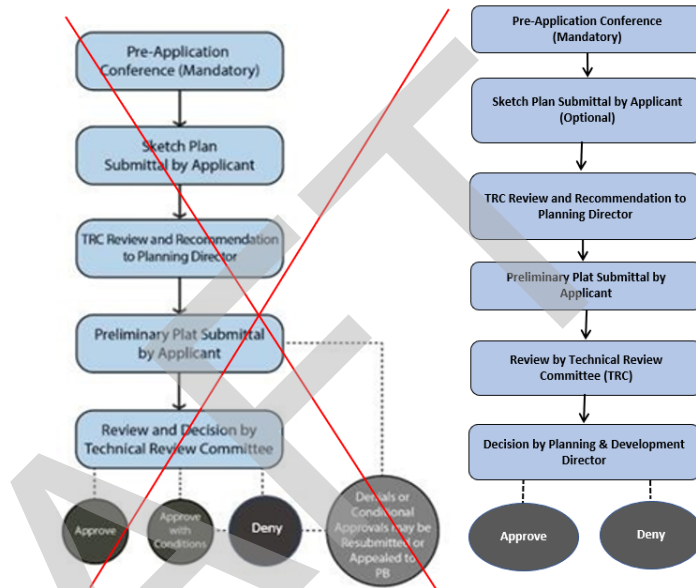
## ARTICLE 3 – PERMITS AND PROCEDURES

### 3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

#### S. SUBDIVISION, MAJOR

...

#### 3. Procedure



##### a. Pre-Application Conference.

- (1) The applicant shall attend a pre-application conference ~~at~~ with the Planning and Development Department prior to submission of a Preliminary Plat.

##### b. Sketch Plan Submittal

- (1) Technical Review Committee. A Sketch Plan is required for review by the Technical Review Committee for any subdivision of property that involves:
  - (i) More than fifty (50) lots.
  - (ii) Utilizes Off-site Sewage Treatment.
  - (iii) A Community Sewage Treatment System.
- (2) Procedures for ~~approval~~ Sketch Plan review shall correspond to the procedures found in Section 3.5.S.4, Preliminary Plat Submittal below.
- (3) Preparation. The Sketch Plan shall be prepared in accordance with all provisions of the Guilford County Unified Development Ordinance (see Appendix 2, Map Standards). ~~Guilford County Procedures Manual~~ and submitted to the Planning and Development Department.

##### c. Review and Comments

- (1) After reviewing the ~~Sketch Plan~~, the Technical Review Committee shall ~~determine comment if~~ as to whether the plan is in conformance with UDO standards and regulations.

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### 4. Preliminary Plat Submittal

#### a. Intent

1. A Preliminary Plat shall be required for all Major Subdivisions of land, including Group Developments, with the following exception:
  - (i) When existing developments are converted from multifamily residential or Group Developments to condominium unit ownership, the developer shall submit a declaration of unit ownership, and owner's association declaration.

#### b. Preparation of Plat

1. All subdivision plats shall meet the following requirements before being approved.
  - (i) All applicable standards in ARTICLE 8 – Subdivisions and Infrastructure Standards, prior applicable permits and development approvals, and all other applicable requirements of this Ordinance.
  - (ii) Zoning District Compliance. The development must be zoned correctly prior to preliminary plat approval.
  - (iii) Minor Change. Minor changes to the preliminary plat in accordance with Section 3.5.B.4a(3) may be approved by staff, as applicable.
2. The Preliminary Plat shall be prepared by a registered land surveyor, registered landscape architect, registered architect, or licensed engineer, and shall be prepared in accordance with Appendix 2, Map Standards.
- ~~2.~~ 3. When a subdivision is to be developed in phases, a master plan shall be submitted for the entire development and a preliminary plat shall be submitted for each individual phase. A final plat is submitted for individual phases as each phase is developed.

#### c. Review by Technical Review Committee (TRC)

1. Major Subdivisions must be reviewed by ~~and may be granted approval by~~ the Technical Review Committee.
2. When the application is deemed complete, the Planning and Development Director shall schedule Major Subdivision cases for the next available ~~regularly scheduled~~ Technical Review Committee meeting.
3. The Technical Review Committee shall review the Preliminary Plat for compliance with existing regulations. This review shall be made by the members of the Technical Review Committee and by any other agencies or officials by referral or as required by G.S. § 160D-803. Comments regarding the review will be provided to the Director of Planning and Development.

#### ~~d. Decision by Technical Review Committee~~

~~(4)(1) Timing. The Technical Review Committee shall take action begin review within thirty (30) days of submittal of the Preliminary Plat.~~

~~(4)(2) The Decision of TRC may include:~~

~~(i) Approval~~

~~(ii) Conditional Approval~~

- ~~i. If the Preliminary Plat is granted conditional approval, the applicant shall revise the Plat, based upon the conditions of the approval and resubmit. The Planning Director shall review the revised plat and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plat the change from conditional approval to approval.~~



# Proposed Text Amendment

## Case #23-09-PLBD-00064

~~ii. If the plat is not revised within sixty (60) days to meet the approval conditions or the applicant notifies the Planning Department that he is unwilling to revise the plat, it shall be deemed denied.~~

~~(iii) Revise and Resubmit~~

~~(iv) Denials~~

~~i. If the Preliminary Plat is denied the reasons shall be stated in writing. The applicant may revise and resubmit a plat which has been denied. Decisions of the Technical Review Committee may be appealed to the Planning Board (PB) within thirty (30) days of the Technical Review Committee decision.~~

~~e. Preliminary Plat Approvals Review~~

~~1. Major Subdivisions must be reviewed by and may be granted approval by the Technical Review Committee.~~

~~2. All subdivision plats shall meet the following requirements before being approved.~~

~~(iv) All applicable standards in ARTICLE 8 – Subdivisions and Infrastructure Standards, prior applicable permits and development approvals, and all other applicable requirements of this Ordinance.~~

~~(v) All requirements of ARTICLE 8 – Subdivisions and Infrastructure Standards.~~

~~(vi) Zoning District Compliance. The development must be zoned correctly prior to preliminary plat approval.~~

~~(vii) Minor Change. Minor changes to the preliminary plat in accordance with Section 3.5.B.4a(3) may be approved by staff, as applicable.~~

~~f. Appeals~~

~~1. Applicable. See Section 3.5.C, Appeals.~~

### 5. g. Effect of Planning and Development Director Approval Decision

~~a. If the Preliminary Plat is approved, the applicant may proceed toward installation of required improvements and with submittal of the Final Plat submittal.~~

~~(2) Approval of a preliminary plat authorizes the submittal of street and utility construction plans, and soil erosion and sedimentation control plans.~~

~~(1) (i) Street and Utility Construction Plans~~

~~(i) —i. Street and utility construction plans for all public improvements associated with the preliminary plat shall be approved prior to street and utility construction and prior to the approval of a final plat in accordance with ARTICLE 9 – Subdivisions & Infrastructure Standards.~~

~~(ii) ii. In the case of a multi-phase subdivision, street and utility construction plans shall include all improvements within a phase and all public improvements outside the phase but necessary to serve development within that phase.~~

~~(2) Grading Permit~~

~~(i) —ii. An approved Preliminary Plat authorizes the submittal of soil erosion and sedimentation control plans and the issuance of a Grading Permit. Any approved soil erosion and sedimentation control devices, and approved permanent runoff control structures may be installed prior to the approval of street and utility construction plans in accordance with this Ordinance.~~

b. Appeals

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(1) Applicable. See Section 3.5.C, Appeals.

### **6. Final Plat**

#### **a. Approval Process**

- (1) Submission. Upon approval of the Preliminary Plat and other required plans, the applicant may submit for approval of a Final Plat prepared by a Professional Land Surveyor in accordance with the Guilford County Procedural Manual Appendix 2, Map Standards. The Final Plat mylar and prints and the current specified number of prints shall be submitted to the Planning and Development Department (see Appendix 2, Map Standards).
- (2) Environmental Health Division Review. Prior to Final Plat approval, a copy of the Final Plat shall be reviewed by the Environmental Health Division. The Environmental Health Division shall determine that no changes have occurred that affect On-site, Off-site, or Community Sewage Treatment System suitability. Monuments must be set prior to Environmental Health review of the Final Plat. If changes have occurred that affect lot suitability, a new health drawing or plot plan and an improvement permit application and fee for each affected lot shall be submitted and a new evaluation shall occur. Improvements Permits for On- site and Off-site systems will be issued for approved lots recorded on the Final Plat. Areas approved for a Community Sewage Treatment System shall be clearly denoted on the mylar and each print and indicate the total processing capacity of the area and which lots may use the system.
- (3) Soil Scientist Review (Optional). Preliminary plats may be reviewed by a Soil Scientist in lieu of review by the Environmental Health Divisions. Subsequently, the Final Plat mylar and each print submitted shall contain the applicable soil suitability certification as listed in the Guilford County Procedural Manual Guilford County Unified Development Ordinance (see Appendix 2, Map Standards). Monuments must be set prior to Soil Scientist review and certification of the Final Plat. The Soil Scientist shall determine that no changes have occurred that affect suitability of a lot since the evaluation. If changes have occurred that affect lot suitability, a revised Soil Suitability Report shall be submitted with the Final Plat. After Final Plat recordation, any application for Improvements Permits must be submitted to the Environmental Health Division.
- (4) Watershed/Stormwater Review. The Final Plat and each print submitted must show required stormwater facilities and all related certifications.
- (5) Substantial Major Change. Substantial Major changes from the Preliminary Plat will require an additional review by the Technical Review Committee and comments provided to the Director of Planning and Development to ensure compliance with existing regulations.

#### **b. Required Improvements**

- (1) No Final Plat shall be approved until all required improvements have been installed and approved or appropriate surety is provided as set forth in ARTICLE 8 – Subdivisions and Infrastructure Standards.

#### **c. As-Built Plans**

- (1) As-built plans for all public improvements shall be submitted.

#### **d. Assurance of Completion of Improvements**



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- (1) Where the improvements required by this Ordinance have not been completed prior to the submission of the plat for final approval, such improvements shall be assured by the owner's filing of an approved surety bond, certified check, irrevocable letter of credit, or other acceptable legal arrangement in an amount to be determined by the Jurisdiction and for an approved period not to exceed two (2) years.
- e. Financial Guarantees
- (1) All public improvements that have not been installed by the developer and inspected and accepted by the appropriate jurisdiction shall comply with the requirements in ARTICLE 8 – Subdivisions and Infrastructure Standards prior to the recordation of a final plat.
  - (2) For the Release of Financial Guarantees
    - (i) The Planning and Development Director shall authorize the release of all or a portion of any guarantee posted as the improvements are completed. Such funds shall be released within 30 days after submittal of an improvements completion certification from a Professional Engineer and approval of applicable improvements by the Planning and Development Director.
- f. Certification of Final Plat
- (1) When the Planning and Development Director has approved a Final Plat, a signed written certificate to this effect shall be entered on the face of the plat (see Appendix 2, A-3 Map Certificates). ~~The statement can be found in the Guilford County Procedures Manual.~~

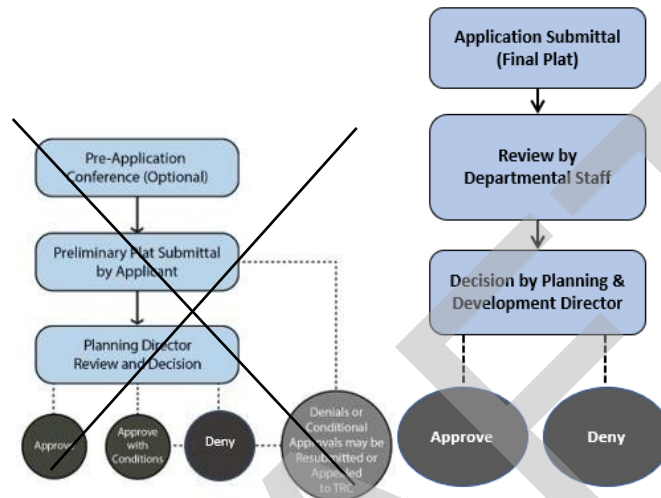
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## ARTICLE 3 – PERMITS AND PROCEDURES

### 3.5 PROCEDURES FOR SPECIFIC APPLICATIONS...

#### T. SUBDIVISION, MINOR-RESIDENTIAL



*See Section 8.4. if improvements (e.g. street improvements) are required.*

#### 1. Intent

- a. The purpose of this section is to provide a uniform means for the review and approval of divisions of land of five (5) lots or less in accordance with Subsec. 8 – Subdivisions & Infrastructure Standards, except where exempt by definition or statute. See Section 3.5.R, Subdivisions, Exempt.

#### 2. Minor Subdivision Procedure (See Section 8.4)

- a. Pre-Application Conference (optional)  
~~(1) Optional~~
- b. ~~Preliminary Plat Submittal~~ Preliminary Plat review is only required when new improvements are being constructed. If no improvements are being constructed, the Plat shall be submitted and reviewed as a Final Plat.
  - (1) Minor subdivision plats shall be submitted to the Planning and Development Director for review and processing.
  - (2) The Planning and Development Director shall ~~have up to ten (10) business days to~~ review the plat and to make the following findings:
    - (i) The application and plat qualify as a Minor Subdivision as defined in this Ordinance.
    - (ii) Other applicable Ordinance standards have been met.
- c. Planning and Development Director Review and Decision
  - (1) The Planning and Development Director, after reviewing the application and plat for consistency with the regulations of this Ordinance, may make the following decision:
    - (i) Approve the plat.
    - (ii) Revise and Resubmit.
    - (iii) Disapprove the plat.

#### 3. Recordation of Final Plat...

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## ARTICLE 3 – PERMITS AND PROCEDURES

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### 3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

#### U. SUBDIVISION WAIVER RESERVED

##### 1) ~~Intent~~

- ~~a) It is the intent of this section to provide a relief from standards in this Subsection if certain circumstances are met.~~

##### 2) ~~Waivers~~

###### ~~a) Approval Authority~~

- ~~(1) The Technical Review Committee or, on appeal, the Planning Board may approve waivers to standards in Subsec. 8 Subdivisions & Infrastructure Standards.~~

###### ~~b) Grounds for Waivers~~

- ~~(1) The Technical Review Committee may waive standards in Subsec. 8 Subdivisions & Infrastructure Standards, under the following circumstances:~~

- ~~(i) Physical Hardship: Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Subsection would cause unusual and unnecessary hardship on the subdivider; or~~
- ~~(ii) Equal or Better Performance: Where in its opinion a waiver will result in equal or better performance in furtherance of the purposes of this Ordinance; or~~
- ~~(iii) Unintentional Error: Where through an unintentional error by the applicant, his agent, or the reviewing staff, there is a minor violation of a standard in this Subsec. 8 Subdivision & Infrastructure Standards, where such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties.~~

- ~~c) Conditions. In granting waivers, the approval authority may require such conditions as will secure, insofar as practicable, the purposes of the standards or requirements waived.~~

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## ARTICLE 3 – PERMITS AND PROCEDURES

### 3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

#### X. VESTED RIGHTS

1. Applicability...

2. Establishment of a Zoning Vested Right for Site-Specific Vesting Plans...

**TABLE 3.3 - VESTED RIGHTS FOR SITE-SPECIFIC VESTING PLANS**

Plans That Qualify for Vesting	Vested Timeline	Approval Body
Minor Subdivision, Preliminary Plat	2 years	Planning and Development Director
Sketch Plan	2 years	Planning and Development Director
Minor Site Plans	2 years	Planning and Development Director
Master or Common Sign Plan	2 years	Planning and Development Director
Watershed Development Plan	2 years	Planning and Development Director
Landscaping Plan	2 years	Planning and Development Director
Major Subdivision, Preliminary Plat	2 years	<del>Technical Review Committee</del> Planning and Development Director
Major Site Plan	2 years	<del>Technical Review Committee</del> Planning and Development Director
Special Use Permit	2 years	Planning Board
Planned Development (residential or mixed) Unified Development Plan	2 years	Planning Board
Multi-phase Development Plan	Up to 7 years	<del>Technical Review Committee</del> Planning and Development Director
Development Agreements	Indefinitely	

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### ARTICLE 4 – ZONING DISTRICTS

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#### 4.4 PLANNED UNIT DEVELOPMENT DISTRICTS (PD-R, PD-M & RPD)

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##### A. SUBMITTAL REQUIREMENTS/PROCEDURES

The application for a Planned Unit Development shall contain a Unified Development Plan (UDP) with the required application for a rezoning. The Unified Development Plan (UDP) shall contain the following:

1. The approved Sketch Plan (see Appendix 2 – Map Standards) with proposed phase lines (see 4.4.B – Phased Development of Planned Unit Developments), if any;
2. Land use(s), density and a Traffic Impact Analysis (TIA);
3. Rezoning application indicating one of the following district designations:
  - a. PD-R (Planned Development-Residential); or
  - b. PD-M (Planned Development-Mixed); or
  - c. RPD (Rural Preservation District).
4. Preliminary plat(s) for the first phase(s) of development (optional);
  - a. Utilities Plan in accordance with Appendix 2 (Map Standards);
  - b. Grading/Watershed Development Plan in accordance with Appendix 2 (Map Standards); and
  - c. Landscaping Plan in accordance with Appendix 2 (Map Standards);
  - d. Common Sign Plan in accordance with Subsec. 7 – ~~Sign~~ Signs; and
  - e. Documents which specify proposed setbacks or other regulations governing building placement on the land, height restrictions, architectural controls, and other information which the Director of Planning and Development, after considering comments from the TRC, may deem pertinent to UDP approval. The applicant may use district regulations provided by this Ordinance or may propose regulations unique to the development. In no case, shall the Unified Development Plan leave any area proposed for development unregulated.
5. The Director of Planning and Development, after considering comments from the TRC, ~~Technical Review Committee~~ shall review the Unified Development Plan and determine if it meets all applicable provisions of this Ordinance and is consistent with the Sketch Plan. If ~~the Unified Development Plan is approved by the Planning Board~~ the Planning Board approves the Unified Development Plan, it shall be noted on the zoning map with the appropriate zoning district designation. Additionally, the Sketch Plan is to be recorded in the Register of Deeds within sixty (60) days of Planning Board approval. When preliminary plat(s) are submitted for review and if approved, (see Section 4 above for preliminary plat submittals), Common Signage Plan and documents specified in Section 4.e above shall be recorded in the Register of Deeds within sixty (60) days of approval.

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## D. SITE REQUIREMENTS

**TABLE 4.4-1 – PLANNED UNIT DEVELOPMENT ZONING DISTRICTS**

TABLE 4.4-1 – PLANNED UNIT DEVELOPMENT ZONING DISTRICTS			
	Planned Development Residential PD-R	Planned Development Mixed PD-M	Rural Preservation District RPD
Min. Size (Acres)	25	25	Refer to Section 4.4.A.2
Uses Allowed	All uses in any Residential District, Neighborhood Business (NB) & Limited Office (LO) Districts	All uses in any Zoning District, Except HI or AG	All uses in the Residential Single-Family (RS), Residential Multi-Family (RM), NB & LO Districts
% Commercial Acreage Allowed	20%	No Max.	10%
Parking	Refer to parking requirements in Subsec. 6 – Development Standards for the same use or uses of similar intensity. The <u>Director of Planning and Development</u> , after considering comments from the TRC, <del>Technical Review Committee</del> may reduce the parking spaces if the Unified Development Plan provides convenient pedestrian and/or bicycle access among uses. <sup>1</sup>		
Signage	The size, height setback, location, design, illumination, and number of signs shall be specified in the Unified Development Plan. All signs shall use a coordinated color, style, and lettering scheme. <sup>2</sup>		
<div>1. 4For the RPD PUD, the minimum number of parking spaces may be reduced by twenty-five percent (25%) for non-residential uses if the Unified Development Plan provides convenient pedestrian and/or bicycle access among uses.</div> <div>2. 2For the RPD PUD, street signs not installed by the Jurisdiction must be approved by the <u>Director of Planning and Development</u>, after considering comments from the TRC, <del>Technical Review Committee</del> (TRC) and shall contain reflective lettering.</div>			

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## 2. RURAL PRESERVATION DISTRICT (RPD) DEVELOPMENT STANDARDS

### a. Maximum Number of Lots/Dwelling Units:...

### h. Street Design:

- (1) Local Streets: Local streets within the development shall be located and designed to enhance the local street network and adopted thoroughfare/collector/local street plans and provide reasonable and efficient access and connections designed to reduce travel time within and through the development. Connections to existing public streets and rights of way are required. Connecting or through streets shall be public streets. Cul-de-sac, dead-ends and other non-connecting streets may be private streets.
- (2) Collector and Thoroughfare Streets: The Director of Planning and Development, after considering comments from TRC, ~~Technical Review Committee~~ may require a collector or thoroughfare street through the development in response to anticipated

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traffic generated by the development and consistency with the Thoroughfare Plan. Collector and thoroughfare streets shall be public streets.

- (3)** The internal street network shall be integrated as part of the Pedestrian and Bikeway Trail Network.

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**ARTICLE 5 – DEVELOPMENT STANDARDS FOR INDIVIDUAL USES**

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**5.4 HOUSEHOLD LIVING**

**A. MOBILE HOME/MANUFACTURED (HUD) HOME PARK (WHERE REQUIRED: RM8, RM18, RM26)**

1. General Requirements: The following requirements apply to Mobile Home Parks.
  - a. It shall be unlawful for any person to construct a new park or to make an addition or alteration to an existing park, unless a Site Plan for the park has been approved by the Director of Planning and Development, after considering comments from the TRC.  
~~Technical Review Committee.~~

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## ARTICLE 5 – DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

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### 5.14 UTILITIES AND COMMUNICATIONS

#### A. WIRELESS COMMUNICATION TOWER

##### 1. *Where Required:*

Non-stealth Design Towers shall be permitted in the following districts: AG, GB, MXU, HB, CP, LI, HI, and PI Districts. Stealth/Camouflage Design Towers shall be permitted in all districts.

##### 2. **General:**

- a. Any existing tower or any tower approved for erection on or before the effective date of this amendment is exempt from Nonconforming Use of Land and Nonconforming Structure provisions in Subsec. 11.
- b. No structure may receive a building permit until a letter of intent or executed lease has been provided from the cell carrier. Structure must be occupied with a carrier within twenty-four (24) months of permit issuance, otherwise permit is void and tower must be removed.
- c. The provisions of Section 4.10 regarding Special Purpose Lots may be applied.
- d. The tower lot shall be of sufficient size to accommodate the intended use and the planting yard if required.
- e. When adjacent to an existing residence or RM or RS zoned property, ground equipment shall be screened at a Type "A" planting rate.
- f. Access drive to any new or co-location site must be a minimum of twenty (20) feet wide constructed of an all-weather surface sufficient to handle intended vehicles accessing the site. Stealth tower site access will be evaluated by Staff and the Guilford County Fire Marshal and approved by the Director of Planning and Development, after considering comments from the TRC, Technical Review Committee (TRC) for any waiver of this provision.

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## ARTICLE 6 – GENERAL DEVELOPMENT STANDARDS

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### 6.1 PARKING STANDARDS

#### A. PURPOSE AND INTENT...

#### D. MAXIMUM NUMBER OF SPACES PERMITTED

1. If a commercial use exceeds one hundred twenty-five percent (125%) of the minimum number of parking spaces required in Table 6-1-1, but no more than one hundred seventy-five percent (175%), approval of an alternative parking plan (see Section 6.1.F Parking Credits; see Section 6.1.L Combined Parking; and/or Section 9.1.F Low-Impact Design) by the Planning Director, or designee, shall be required.
2. If a commercial use exceeds one hundred seventy-five percent (175%) of the minimum number of parking spaces required in Table 6-1-1, then an alternative parking plan (see Section 6.1.F Parking Credits; see Section 6.1.L Combined Parking; and/or Section 9.1.F Low-Impact Design) must be approved by the Planning and Development Director ~~Technical Review Committee~~.

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## ARTICLE 6 – GENERAL DEVELOPMENT STANDARDS

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### 6.2 LANDSCAPING, BUFFERING & SCREENING REQUIREMENTS

#### E. DESIGN AND MAINTENANCE STANDARDS

##### 1. Calculation of Street Planting Yards...

...

##### 15. Location

Required trees and shrubs shall not be installed in street rights-of-way. Required trees and shrubs may be placed in water quality conservation easements. Required trees and shrubs may be planted in electric utility easements below overhead lines and in drainage maintenance and utility easements by approval of the Planning and Development Director Technical Review Committee.

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## ARTICLE 6 – GENERAL DEVELOPMENT STANDARDS

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### 6.3 LIGHTING

#### A. PURPOSE AND INTENT...

...

#### G. ALTERNATE METHOD OF COMPLIANCE

Alternate lighting plans or fixtures may be approved by the Planning and Development Director ~~Technical Review Committee~~ where unreasonable or impractical situations would result from physical constraints, from other site constraints, or when Federal, State or local law prevents compliance with this Ordinance. Alternate plans or fixtures must provide equal or better performance to meet the intent and purpose of this Ordinance.

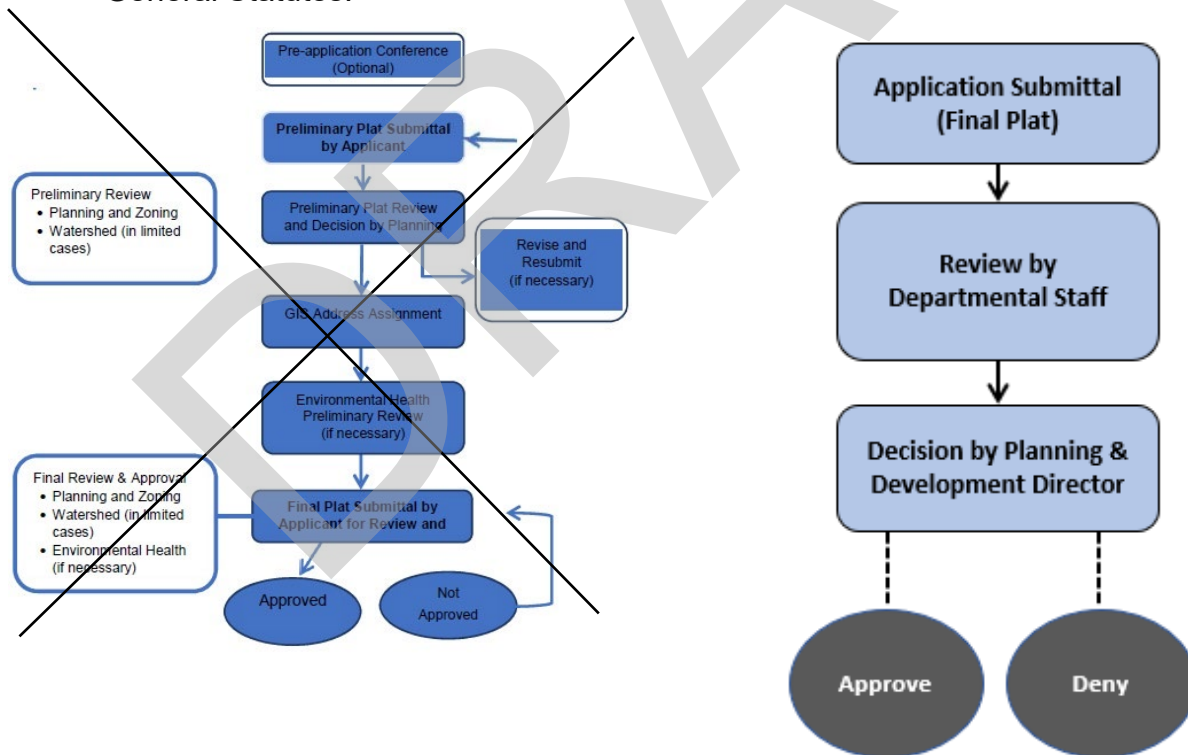
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## ARTICLE 8 – SUBDIVISIONS AND INFRASTRUCTURE STANDARDS

### 8.2 EXEMPT SUBDIVISIONS

Exempt Subdivisions are those divisions of land exempt from regulations herein as detailed in G.S. § 160D-802 and G.S. § 29, Intestate Succession, as listed below:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29, Intestate Succession, of the General Statutes.



(...)

# Proposed Text Amendment Case # 23-09-PLBD-00064

## ARTICLE 8 – SUBDIVISIONS AND INFRASTRUCTURE STANDARDS

### 8.3 APPLICABILITY (5-13) ...

#### A. TYPE OF SUBDIVISIONS...

#### B. SUBDIVISION LOT AND DIMENSIONAL STANDARDS

##### 6. Flag Lot

Flag Lots (See Flag Lot Figure below) approved by the ~~Technical Review Committee~~ Planning and Development Director shall meet the following requirements:

FLAG LOT STANDARDS				
Maximum Density	Maximum Flagpole Length	Minimum Flagpole Width	Maximum Lot Size In Area With Public Sewer	Maximum Lot Size Without Public Sewer <sup>1</sup>
One (1) Single-Family Dwelling & One (1) Accessory Dwelling Unit <sup>2</sup> . Uninhabited accessory structure(s) also allowed per Subsec. 4 – Accessory, Uses, Buildings, and Structures.	300 feet	25 feet	1 acre	3 acres
<i>1. The maximum lot size without public sewer shall be three (3) acres. For lots located in the Watershed Critical Area Tier 2 without public sewer, the minimum lot size shall be five (5) acres and the maximum shall be ten (10) acres.</i> <i>2. Environmental Health septic suitability and other applicable Ordinance requirements apply.</i>				

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#### C. GENERAL STANDARDS

The standards in this section are the minimum standards applied to all subdivisions of land in Guilford County.

##### 1. Design

All proposed subdivisions shall coordinate with existing adjacent developments and with officially adopted plans for the future development of the County with adequate streets, utilities, and building sites.

##### 2. Development Name

The name of a proposed development shall not duplicate or be phonetically similar to an existing development name in the County unless the proposed development lies adjacent to the existing development.

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### **3. Installation of Required Public Improvements**

Unless subject to a performance guarantee (see Section 8.9 - Performance Guarantees), all required public improvements shall be installed before the approval of a final plat (see Article 3 – Permits and Procedures), in accordance with the standards in this Ordinance.

### **4. Off-Site Connections**

When the Director of Planning and Development ~~Technical Review Committee~~ finds that it is necessary to connect streets or utilities off-site to adjoining streets and/or utilities, the connection will be required.

### **5. Reasonable Relationship**

All required improvements, easements, and rights-of-way (other than required reservations) shall benefit the development or bear a reasonable connection to the need for public facilities attributable to the new development.

### **6. ~~Relief from subdivision standards in Article 8 may be considered by the Technical Review Committee as outlined in Section 3.5.U – Subdivision Waiver~~**

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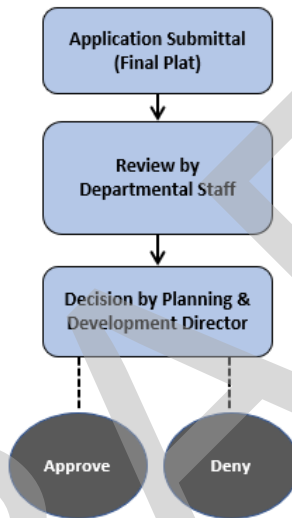
## ARTICLE 8 – SUBDIVISIONS AND INFRASTRUCTURE STANDARDS

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### 8.4 MINOR SUBDIVISIONS

Minor subdivisions are all divisions of land that do not qualify as Exempt Subdivisions (per G.S. § 160D-802 and G.S. § 29) into no more than five (5) lots. See Subdivision (Minor-Residential) in Table 4-3-1 Permitted Uses Table.

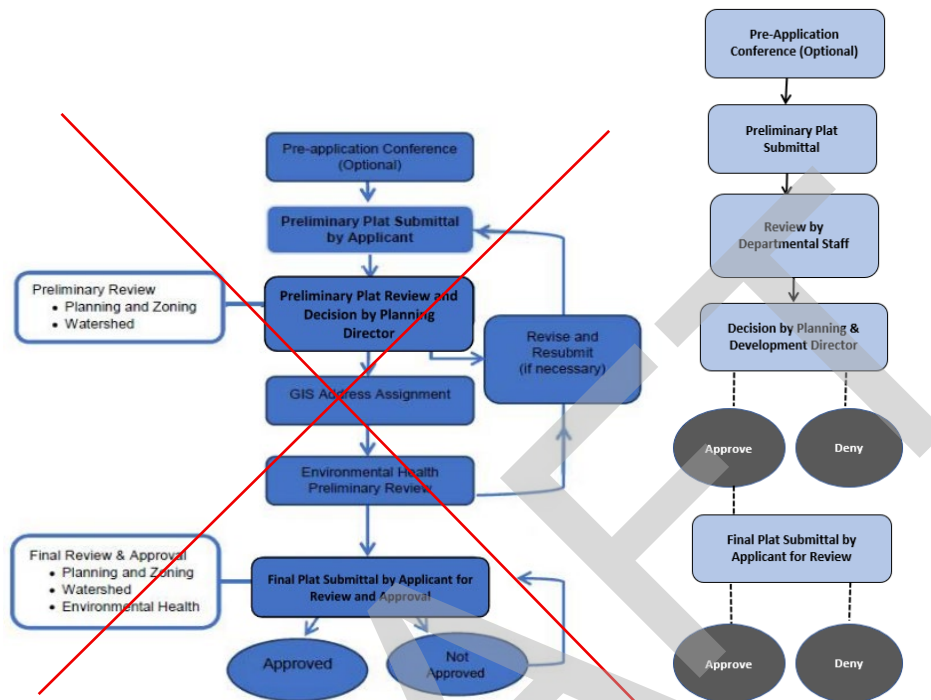
#### Minor Subdivision Process Flow Chart (if no new improvements are being constructed)





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## Minor Subdivision Process Flow Chart (if new improvements are being constructed)



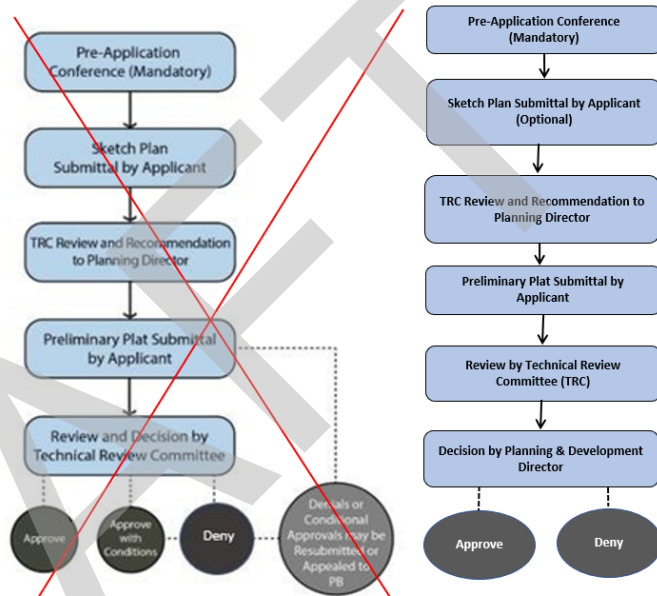
### A. STREET ACCESS STANDARDS...

# Proposed Text Amendment Case #23-09-PLBD-00064

## ARTICLE 8 – SUBDIVISIONS AND INFRASTRUCTURE STANDARDS

### 8.5 MAJOR SUBDIVISIONS

Major Subdivisions are all divisions of land into six (6) or more lots [See Subdivision (Major-Residential) in Table 4-3-1 Permitted Uses Table].



### A. STREET ACCESS AND SIDEWALK STANDARDS

(5-13.3– 5-13.6)

#### 1. Lots on Thoroughfares...

#### 6. Sidewalks

- a. Except along controlled access roadways, sidewalks shall be required on all thoroughfares, collector, sub-collector and local residential streets (except cul-de-sacs) within one (1) mile of a park/recreation facility, school, shopping center, employment center or other major pedestrian generator. Where sidewalks are installed, they shall have a minimum width of five (5) feet and be constructed on one (1) side of the street right-of-way as determined by the Director of Planning and Development, after considering comments from the TRC Technical Review Committee (TRC).
- b. Alternative provisions for pedestrian sidewalk movement meeting the intent of this Section may be used where unreasonable or impractical situations would result from application of these requirements. Such situations may result from significant vegetation, impending street widening, topography, utility easements, lot configuration or other unusual site conditions. In such instances, the Planning & Development Director may approve an alternate plan that proposes different pedestrian routes provided such that the intent of this Section is fulfilled.

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## B. STREET DESIGN STANDARDS

### 1. Conformance with Existing Plans...

### 2. Street Classification (2-1.7)

#### c. Public Street Design Criteria (5-13.3)

The minimum street design standards for the street classifications listed in this Section are listed below. Street right-of-way dedication and paving of streets in and adjacent to the subdivision shall be in conformance with the street right-of-way and pavement width requirements listed below and shall be designed in accordance with the NC Building Code – Fire Prevention Code & Appendices and the North Carolina Department of Transportation (NCDOT) Subdivision streets: Minimum Construction Standards, whichever is applicable.

MINIMUM PUBLIC STREET DESIGN STANDARDS				
Classification	Minimum Right-of-Way <sup>1</sup>	Minimum Pavement Width <sup>1, 2, 3</sup>	Stopping Sight Distance	Centerline Radius <sup>3</sup>
MAJOR THOROUGHFARE	90 – 100'	64-68'	650'	1,530'
MINOR THOROUGHFARE				
Five Lane	80'	60'	550'	1,240'
Four Lane	68'	48'	475'	955'
COLLECTOR <sup>6</sup>	60'	40'	400'	765'
SUB-COLLECTOR <sup>6</sup>	56'	36'	250'	440'
LOCAL RESIDENTIAL				
*With Ribbon <sup>4</sup>	50'	22'	200'	300'
With Curb/Gutter	50'	30'	200'	300'
RESIDENTIAL CUL-DE-SAC				
*With Ribbon <sup>4</sup>	50'	22'	200'	300'
With Curb/Gutter	50'	30' <sup>5</sup>	200'	300'
LOCAL INDUSTRIAL	60'	40'	325'	575'
INDUSTRIAL CUL-DE-SAC	60'	40'	325'	575'

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MINIMUM PUBLIC STREET DESIGN STANDARDS				
Classification	Minimum Right-of-Way <sup>1</sup>	Minimum Pavement Width <sup>1, 2, 3</sup>	Stopping Sight Distance	Centerline Radius <sup>3</sup>
<ol style="list-style-type: none"> <li>1. Recommended design standards. Exceptions may be approved by the <u>Director of Planning and Development</u>, after considering comments from the TRC due to 1) relation of design standards to existing and proposed streets, 2) topography, 3) natural features (e.g., streams and tree growth), 4) public convenience and safety, and 5) proposed land use to be served by such streets.</li> <li>2. Unless additional width required under this Section.</li> <li>3. Dimension in this column are from face of curb to face of curb, except ribbon pavement.</li> <li>4. Watershed Critical Area (WCA) only.</li> <li>5. With twenty (20) dwelling units or less, twenty-six (26) feet.</li> <li>6. Wider right-of-way and pavement width may be required to accommodate pedestrian and bicycle facilities on streets recognized on the official Greensboro Urban Area Metropolitan Planning Organization Collector Street Plan.</li> </ol>				

### d. Private Street Design Criteria (5-13.3 – 5-13.4)

Private streets shall be permitted in developments with Property Owners' Associations and group developments.

PRIVATE STREET MINIMUM DESIGN STANDARDS <sup>1</sup>			
Minimum Common Area of Obstructions	Minimum Pavement Width (face to face)	Stopping Sight Distance	Centerline Radius Minimum
40' <sup>2</sup>	24' <sup>3</sup>	150'	215'
<ol style="list-style-type: none"> <li>1. All private streets will have a standard, thirty (30) inch curb and gutter section, unless the street is located in the WCA.</li> <li>2. Common area may need to be wider when using ribbon pavement in the Watershed Critical Area (WCA).</li> <li>3. Ribbon pavement width in Watershed Critical Area is 22 ft.</li> </ol>			

- 1) The pavement design for all private streets will be equivalent to the minimum design standards for local residential streets of the NCDOT unless the developer supplies an alternate pavement design supported by an engineering study. The developer must furnish an engineer's seal and certification that the private streets have been tested and certified for the subgrade, base and asphalt. Streets located in the WCA may be twenty-two (22) feet of asphalt construction with shoulders and a ditch section. Common area may need to be widened to retain the ditch section within the common area. All turnarounds must comply with D103.1 of NC Fire Prevention Code (See chart below).
- 2) A Property Owners' Association is required to own and maintain all private streets allowed under this Ordinance. All private streets will be indicated as such on the final plat.
- 3) No through street in a residential area connecting two (2) public streets can be designated as a private street, unless approved by the Director of Planning and

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Development, after considering comments from the TRC.~~Technical Review Committee.~~

- 4) All private streets connecting with public streets require an approved driveway permit from NCDOT. Where street returns are permitted, the developer shall construct a concrete band running parallel with the public street. The width of this band shall commence at the gutter line and extend to the street right-of-way of the public street.
- e. Access & Turnaround...**
- f. Existing Substandard Streets ~~(new)~~**
- An existing private street or unimproved platted street right-of-way shall be improved to NCDOT standards if the total number of lots to be served is more than five (5) (existing, created or combination thereof).
- g. Connectivity**
- 1) **Adjacent Property(ies) ~~(new)~~**
    - (a) Where it is determined by the Director of Planning and Development, after considering comments from the TRC ~~Technical Review Committee~~ that it is desirable to provide for street access to adjoining property(ies), proposed streets shall be extended, purposed, and where appropriate, constructed to the boundary of such property(ies).
    - (b) It is the intention of this Section to promote the orderly development of a local street system that provides interconnection between developed or developing properties. These requirements may vary at the discretion of the Director of Planning and Development, after considering comments from the TRC, ~~Technical Review Committee (TRC)~~ where compliance is determined not feasible because of topography, the existence of environmentally sensitive lands, the need to preserve cultural resources, and/or other similar considerations. In general, connections shall be required where one of the following conditions exist:
      - i. Where the zoning and/or land use on the adjoining property(ies) are compatible with the proposed subdivision. For purposes of this Section, compatible land use shall mean any residential to residential land use or nonresidential to nonresidential land use.
      - ii. Where there are no natural or man-made barriers that make the street extension impractical;
      - iii. Where the street extension will result in desirable traffic flows and patterns and where inappropriate levels of through traffic are avoided; and/or
      - iv. Where the street extension will promote public safety and the overall orderly development of the area. Where required to be built, all stub streets shall be designed and constructed in accordance with the appropriate standards per Subsection e above.

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## j. **Street Trees (new)**

Street trees shall be required in accordance with the following standards:

Applicability	Location <sup>1</sup>	Timing	Configuration <sup>2</sup>	Maintenance Provision	Maximum On-Center Spacing <sup>3</sup>
All multi-family and non-residential developments within the City of Greensboro's Growth Tier I, City of High Point's Future Growth Area, or other adopted municipal growth strategies map.	Both sides of streets, a minimum of fifty (50) feet of the street centerline.	Required street trees on individual building lots shall be installed prior to occupancy of the dwelling unit on such lot.	Street trees shall be canopy trees except beneath overhead utilities or other projections into the public street right-of-way, where understory trees shall be installed instead.	Street trees shall be maintained by the individual property owners or Property Owners' Association.	Understory Trees: Twenty (20) – Thirty (30) feet on center.  Canopy Trees: Fifty (50) feet on center.
<ol style="list-style-type: none"> <li>1. <i>Street trees shall be located within fifty (50) feet of the centerline of the street they serve, and may be located within front and corner side setbacks, outside of the street right-of-way. Street trees should be located within tree easements of a sufficient size to allow access by maintenance equipment to the entirety of the expected mature tree canopy.</i></li> <li>2. <i>All trees planted along or within a NCDOT street right-of-way shall conform to NCDOT guidelines.</i></li> <li>3. <i>Spacing may be reduced to avoid driveways or sight distance triangles as approved by the <u>Director of Planning and Development</u>, after considering comments from the <u>TRC Technical Review Committee</u>.</i></li> <li>4. <i>Existing trees shall be retained to the greatest extent possible during development and may be used to meet these requirements.</i></li> </ol>					

## C. UTILITY STANDARDS

### 1. **Water and Sewer**

- a. Water and sewer lines, connections, and equipment shall be constructed in accordance with State and local regulations.
- b. Where public sewer is not available, lots shall be evaluated in accordance with "Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal 11 NCGS 130A. Approval of the Environmental Health Division, the North Carolina Department of Environment and Natural Resources, or a Certified Soil Scientist shall be obtained after Preliminary Plan approval.

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### 2. Other Utilities

- a. Electrical, television cable, and telephone utility lines installed within major subdivisions shall be underground unless the applicant, through consultation with the utility provider, demonstrates to the satisfaction of the Director of Planning and Development, after considering comments from the TRC, ~~the Technical Review Committee~~ that underground installation is inappropriate.

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## ARTICLE 8 – SUBDIVISIONS AND INFRASTRUCTURE STANDARDS

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### 8.7 CLUSTER DEVELOPMENTS

The objective of the cluster option is to locate smaller lots than would normally be permitted by the zoning district in which the development is located, and to preserve land which would otherwise have been included in private lots into public dedication or common area.

#### A. CLUSTER OPTION

Cluster development may be used in any district that permits single-family uses and where the development will be served by public sanitary sewer according to the following:

1. Minimum Tract Size
  - a. Ten (10) acres or greater; or
  - b. Less than ten (10) acres if street right-of-way in a street or highway corridor pursuant to G.S. § 136-66.10 is dedicated and the development will be served by public sanitary sewer.
2. Cluster development is allowed in Watershed Critical Area (WCA) and General Watershed Areas (GWA) of WS-III and WS-IV water supply watersheds. If the low-density option for any WCA and GWA area is chosen, the total number of lots shall not exceed the number of units allowed for single family detached developments under the low-density option as listed in Table 8.7.1 below.
3. The Fire Marshal must approve fire protection options where there is no public water.

#### B. CLUSTER REQUIRED

The Director of Planning and Development, after considering comments from the TRC, ~~Technical Review Committee~~ may require that cluster development be used if street right-of-way dedication is required pursuant to G.S. § 136-66.10 or the development lies partially or wholly within a Watershed Critical Area (WCA).

#### C. CLUSTER DEVELOPMENT STANDARDS

1. When cluster development is implemented, all lot size and other dimensional requirements for single-family dwellings are decreased to comply with a more compact, smaller-lot RS zone.  
...
6. If approved by the Director of Planning and Development, after considering comments from the TRC ~~Technical Review Committee~~, a site may be reserved for a school, civic club, recreation center or library within the area that would otherwise have been common area.
7. When the cluster option is chosen for a development type, a statement shall be provided on the subdivision Final Plat indicating such option was used along with the associated individual development requirements.



# Proposed Text Amendment

## Case #23-09-PLBD-00064

### ARTICLE 9 – ENVIRONMENTAL REGULATIONS

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#### 9.1 STORMWATER MANAGEMENT AND WATERSHED PROTECTION DISTRICTS

##### F. WATERSHED PROTECTION DISTRICTS AND PERFORMANCE STANDARDS

###### 3. Water Supply Watershed - Watershed Critical Area (WCA)

###### f. Protection of Fragile Areas:

- (1) Slopes greater than fifteen (15) percent and wetlands.
  - (a) Slopes greater than fifteen (15) percent lying adjacent and parallel to natural drainageways or streams, and wetlands shall remain in a natural and undisturbed condition except for road crossings, utilities, erosion control devices and runoff control devices.
  - (b) Recordation of these areas as Drainageway and Open Space Easements may be required wherever authorized in this Article or any other provision in local Ordinances.
  - (c) If not included in a Drainageway and Open Space Easement, a Water Quality Conservation Easement shall be recorded over such wetlands and slopes.
  - (d) Where a Water Quality Conservation Easement serves to bring two (2) or more properties into compliance with WCA requirements, ~~the Technical Review Committee~~ it may be required that the wetlands and slopes covered by such easements be held as common area by an owners' association.
- (2) Drainage.
  - (a) Drainage shall be provided by means of open channels. Piping of drainage to cross roadways is allowed.
  - (b) All open channel drainageways carrying runoff from a 6.01 acre or greater drainage basin shall have protected channels or remain in a natural and undisturbed state, except for road crossings, utilities, erosion control devices and runoff control devices.
  - (c) The undisturbed area width shall be the width as specified in Section 9.1.H (Drainage).
  - (d) Development on the best soils and terrain of any site is encouraged.
  - (e) Clustering of residential development may be required ~~by the Technical Review Committee~~ in accordance with Article 8 – Subdivisions and Infrastructure Standards.

...

###### 5. Stormwater Management Requirements

###### a. Requirements for All Projects subject to the Guilford County Stormwater Management Program

- i. Be performed by a North Carolina registered professional engineer.
- ii. Be subject to approval of the Enforcement Officer; and

# Proposed Text Amendment

## Case #23-09-PLBD-00064

- iii. The Enforcement Officer may ~~recommend, and the Technical Review Committee may require,~~ that a given runoff control structure(s) be positioned on a site such that water quality protection is improved.
  - iv. When a permanent engineered stormwater control structure or alternate measure is required for a development to comply with the requirements of this section, a North Carolina registered Professional Engineer shall prepare the plan with the Engineer's Certification of Runoff Control as set forth in the North Carolina Professional Engineer's Rules and Laws Guide affixed, signed, sealed, and dated.
  - v. In the event that new development or redevelopment has, in the opinion of the Stormwater Administrator or designee, the potential to cause downstream flooding or erosion, a structural stormwater management system will be required that does not allow stormwater runoff to leave the site in the post-development condition at a peak discharge rate greater than the pre-development peak discharge rate for the 2-year, 10-year,, and 25- year, 6-hour storm events.
- b. Redevelopment Project Requirement**
- i. When an existing SCM is proposed to treat stormwater from a new development project, the applicant shall demonstrate that the existing SCM has the capacity to treat the stormwater generated from the new impervious surface. Also, the existing SCM shall be upgraded to the standards in the latest edition of the NCDEQ MDC Stormwater Design Manual, and the Guilford County Water Quality Protection Manual to the extent practicable.
- c. Low Density Project Design Requirements**
- i. Low density projects shall be designed with a built-upon area (BUA) percentage below the threshold that pertains to the applicable stormwater program.
    - 1. All Low Density projects shall be designed to meet the requirements of the NCDEQ MDC and the Guilford County Water Quality Protection Manual.
    - 2. Minimum Design Criteria:
      - a. Dispersed Flow
      - b. Vegetated Conveyances- stormwater runoff shall be transported from the development by vegetated conveyances to the maximum extent practical, ~~as determined by the TRC.~~
      - c. Curb Outlet Systems
      - d. Vegetated Setbacks
      - e. Stormwater Outlets
      - f. Deed Restrictions and Protective Covenants

## H. DRAINAGE

- 1. General Drainage Requirement:
  - a. All watercourses which carry concentrated drainage from a public road or have a two (2)-acre or larger drainage basin, shall be treated in one or more of the four ways listed in Sections 9.1.H.2 ,3, 4, and 5 ~~which follow. The Technical Review Committee when applicable or~~ The Enforcement Officer shall approve the treatments to be used ~~when deemed compliant with the requirements of the subsections, which follow.~~ Open drainage channel requirements shall be based upon a minimum of one hundred (100)-year storm,

## Proposed Text Amendment Case #23-09-PLBD-00064

and enclosed systems shall be based upon a minimum of ten (10)- year storm. If the channel is a perennial or intermittent stream, is identified on the adopted open space plan map or drains a one hundred and twenty (120)-acre or larger basin, the determination of drainage treatment shall be made by ~~the Technical Review Committee when applicable or~~ the Enforcement Officer. In making this determination the following factors shall be considered before selecting the appropriate method(s) listed in the subsections which follow:

- (1) The type of development;
    - (2) The treatment employed by nearby developments;
    - (3) The probability of creation of drainageway and open space;
    - (4) The probability of the creation of future maintenance problems;
    - (5) The probability of erosion or flooding problems; and
    - (6) The adopted open space plan.
    - (7) NPDES Phase II requirements, stream buffer requirements, and channelization limitations for the WCA and GWA, as described in this Article.
  - b. If the channel is not a perennial or intermittent stream or is not identified on the open space plan and drains less than a one hundred and twenty (120)-acre drainage basin, the determination of drainage treatment shall be made in a manner consistent with this Section.
  - c. The design of storm drainage systems and plans, including calculations, shall clearly indicate the easements or dedicated areas required for the construction and maintenance of the drainage system.
2. Enclosed Subsurface Drainage and requirement for a Drainage or Drainage Maintenance and Utility Easement:
- a. This Section applies to enclosed subsurface drains. Profiles and enclosure standards shall be in accordance with the Guilford County Storm Sewer Design Manual.
  - b. A drainage maintenance and utility easement (DMUE) or drainage easement designed to accommodate stormwater shall be placed on a recorded plat when determined necessary by the Jurisdiction. The required easement shall be centered on the enclosure when practical, but in no case shall the outside wall of the enclosure be located less than five (5) feet from the edge of the easement. The easement shall be of a width determined necessary for maintenance purposes by the Jurisdiction based upon enclosure depth, topography and location of existing and proposed improvements, but no less than fifteen (15) feet.
  - c. The DMUE or drainage easement shall be kept free and clear of any buildings or other improvements which would interfere with the proper maintenance of the underground enclosures. The Jurisdiction shall not be liable for damages to any improvement located within DMUE area caused by maintenance of utilities located therein. Furthermore, DMUE may be used for future installations of any underground utility, provided that:
    - (1) Any underground utility to be installed by any utility provider other than the Jurisdiction shall be subject to approval;
    - (2) Any government agency, public utility, or private company installing additional underground lines after development has been completed by the owner of the property shall be responsible for the replacement of all fencing, pavement and grassed area disturbed by such installation; and

## Proposed Text Amendment Case #23-09-PLBD-00064

- (3) The Jurisdiction shall not be responsible for damages caused by installation of additional lines by any public or private utility company.
3. Open Channel Drainage in Dedicated Drainageway and Open Space Area (Public Open Space):
- a. This Section applies to an open channel in a dedicated drainageway and open space area. The drainageway and open space area shall be dedicated by a recorded plat and shall be labeled "Dedicated to Guilford County and the public for Drainageway and Open Space". This is a voluntary option available in lieu of 9.1.H.4 which enables one to utilize cluster options and reduce lot sizes when abutting public open space. The ownership of the dedicated land remains with the deeded owner, but the use is restricted. Dedication does not transfer title. The dedicated area can also be deeded to any individual or group, such as a homeowner's association or to Guilford County (with Board of Commissioner acceptance). A previously dedicated area may be considered for development ~~through approval from Technical Review Committee and re-platting.~~
  - b. The voluntarily dedicated drainageway and open space area along any stream that drains a one hundred and twenty (120)-acre or larger drainage basin shall include the land between the natural one hundred (100)-year flood contour lines as determined by FEMA or by calculations approved by the US Army Corps of Engineers. (Caution: Other Environmental Regulations or federal wetland regulations will prohibit or restrict fill placement in certain locations.) An area within the floodway fringe may be developed as permitted in Section 9.3 with a Floodplain Development Permit. The remainder shall be dedicated as indicated in this Section.
  - c. In case of severe topography, additional width may be needed to assure reasonable ease of maintenance.
  - d. Adequate access to the public open space shall be provided by means of the dedicated area abutting public right-of-way or by appropriately spaced access easements no less than twenty (20) feet in width. If existing access from adjacent areas is deemed sufficient, no new access shall be required.
  - e. The centerline of the drainage channel that drains a one hundred and twenty (120)- acre or larger drainage basin shall be located no less than fifty (50) feet from any street or property line provided that the dimensions of the drainage way and open space area conform to all other requirements of this Section.
  - f. Public open space shall be left in its natural condition or graded to a section approved by the Jurisdiction which will allow economical and efficient maintenance and shall be stabilized with permanent vegetative cover.
4. Open Channel Drainage and requirement for Drainageway and Open Space Easement (Private Open Space):
- a. This Section applies requirements to an open channel meeting one (1) or more of the descriptions in Section 9.1.H.1. At the time of plat recordation an easement for the drainageway and open space shall be provided and shall be labeled "Drainageway and Open Space Easement". The drainageway and open space easement shall include the drainage channel and the one hundred-year regulatory floodplain contour as shown on the effective Flood Insurance Rate Maps or by calculations approved by the US Army Corps of Engineers.

# Proposed Text Amendment

## Case #23-09-PLBD-00064

- b. Drainageway and open space shall be left in its natural condition or graded to a section approved by the Jurisdiction which will allow economical and efficient maintenance and shall be stabilized with permanent vegetative cover.
5. Open Channel Drainage and requirement for a Drainage Easement or Drainage Maintenance and Utility Easement:
- a. This Section applies to open channels on private property within a drainage or drainage maintenance and utility easement.
- b. At the time of plat recordation an easement for the drainage or drainage maintenance and utility easement shall be provided and shall be labeled either "Drainage Easement" or "Drainageway, Maintenance and Utility Easement".
- c. The drainage or drainage maintenance and utility easement shall be a minimum total width of no less than specified below:

TABLE 9.1.5 – DRAINAGE OR DRAINAGE MAINTENANCE AND UTILITY EASEMENT		
Drainage Basin	Required Distance from Stream Centerline	Minimum Total Easement Width
2—6 acres	15 ft.	30 ft.
6.01—25 acres	30 ft.	60 ft.
25.01 or more acres	55 ft.	110 ft.

- d. The easement width shall be centered on the drainage channel, unless ~~the Technical Review Committee when applicable or the Enforcement Officer~~ approves other easement alignments are approved because of topographic conditions. Cases in which the drainage channel flows into an impoundment, the easement shall extend over and twenty (20) feet beyond the normal water level of the impoundment or meet the minimum width as specified above, whichever is greater. Concentrated drainage from less than a two (2) acre-drainage basin, exiting a public right-of-way, shall be as conveyed into a drainage easement as specified below:
- (1) Thirty (30) feet wide for the length of channel for concentrated flow exiting public right-of-way into a defined channel;
  - (2) Minimum thirty (30) feet wide by fifty (50) feet in length for concentrated flow exiting public right-of-way onto terrain with no pronounced drainage features;
  - (3) In case of severe topography, additional width may be required to assure reasonable ease of maintenance; and
  - (4) The easement topography may be modified if permitted under other applicable local and state regulations (stream buffer, NC Division of Water Quality 401/U.S. Army Corps of Engineers 404, etc.). In such cases, the approved typical required drainage channel section shall include the necessary channel to accommodate a one hundred (100) year-flood event and be in accordance with the Guilford County Storm Sewer Design Manual. The area outside of the required drainage channel may be filled; but any resulting slope shall be no steeper than two (2) feet horizontal to one (1) foot vertical, unless the slope is protected by masonry paving, rip-rap, or other material which meets the Jurisdiction's specifications. If the channel has been altered such that the design flow cannot be contained within the recorded easement, a corrected easement shall be recorded to show the altered location and width.

**Proposed Text Amendment**  
**Case #23-09-PLBD-00064**

6. ~~If the Technical Review Committee~~ it is determined that suitable access to the easement is not otherwise provided, access shall be guaranteed by a suitably located access easement which shall be no less than twenty (20) feet in width.

DRAFT

# Proposed Text Amendment Case #23-09-PLBD-00064

## ARTICLE 12 – DEFINITIONS

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### 12.04 DEFINITIONS

#### GENERAL

**WAIVER.** Official permission as described in this ordinance from the Planning and Development Services Director or the Technical Review Committee to depart from the requirements of this Ordinance.

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*(Insert Color Paper)*



**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Planning Board  
Rezoning  
Application**

Fees: < 1 acre: \$750.00 1-4.99 acres: \$1,200.00 5-24.99 acres: \$1,500.00 25+ acres or Planned Unit Development: \$2,000.00

Date Submitted: 1/9/2025 (revised) Receipt # REC-022617-2025 Case Number 25-01-PLBD-00104

**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 Enforcement Officer. Additional sheets for tax references and signature blocks are available upon request.

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 RS-30 zoning district to the RS-20 zoning district. Said property is located At the end of John Washington Road in 04 - Madison Township; Being a total of: 31.19 acres.

Further referenced by the Guilford County Tax Department as:

Tax Parcel # 112386

Tax Parcel # \_\_\_\_\_

Tax Parcel # \_\_\_\_\_

Tax Parcel # \_\_\_\_\_

Tax Parcel # \_\_\_\_\_

Tax Parcel # \_\_\_\_\_

**Check One:**

- ☒ 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:**

- ☒ 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.

**Check One:**

- ☐ The applicant is the property owner(s)  
☐ The applicant is an agent representing the property owner(s); the letter of property owner permission is attached.  
☒ The applicant has an option to purchase or lease the property; a copy of the offer to purchase or lease to be submitted if the owner's signature is not provided (financial figures may be deleted).  
☐ The applicant has no connection to the property owner and is requesting a third-party rezoning.

*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.*

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

Submitted by

Property Owner Signature

Name

Mailing Address

City, State and Zip Code

Phone Number

Email Address

Representative/Applicant Signature (if applicable)

**Scott Krusell**

Name

**1141 Jay Lane**

Mailing Address

**Graham, NC 27253**

City, State and Zip Code

**704-467-0983**

Phone Number

**skrusell@vennterra.com**

Email Address

*Additional sheets for tax parcels and signatures are available upon request.*

# TEST REZONING CASE #25-01-PLBD-00104: RS-30, RESIDENTIAL TO RS-20, RESIDENTIAL: 5520 JOHN WASHINGTON RD

## Property Information

Located at 5520 John Washington Road (Guilford County Tax Parcel #112386 in Madison Township) at the end of John Washington Road and approximately 270 feet east of the intersection of Womack Drive and Leighann Road and comprises approximately 31.19 acres.

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

## Nature of the Request

This request is to rezone the property from RS-30, Residential, to RS-20, Residential. Agency Partners, LLC, the listed property owners, initiated the request per the Guilford County tax record.

## District Descriptions

The **RS-30, Residential** district is primarily intended to accommodate single-family detached dwellings in areas without access to public water and sewer services. The minimum lot size of this district is 30,000 square feet. Cluster development (conservation subdivisions) are permitted.

The **RS-20 Residential** district is intended for low- to moderate-density single-family detached dwellings with a minimum lot size of 20,000 sq. ft. Development shall be characterized by walkable suburban-style neighborhoods on local streets. Compact development, including conservation subdivisions, is allowed.

## Character of the Area

This subject parcel is in a primarily single-family residential area. Both streets that stub into the subject parcel serve lots in a major single-family subdivision developed under RS-30 zoning. Based on the minimum lot size allowed in the RS-30 and RS-20 districts (30,000 and 20,000 sf, respectively), the maximum density allowed will increase from 1.5 dwelling units per acre to 2.2 dwelling units per acre.

**Existing Land Use(s) on the Property:** Undeveloped tract

## Surrounding Uses:

- North: Single-family residential subdivision zoned RS-30
- South: Undeveloped parcels zoned Agricultural and RS-30-MH, RS-40
- East: Undeveloped parcels zoned Agricultural
- West: Single-family residential subdivision zoned RS-30

**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 potential grave sites.

## Infrastructure and Community Facilities

### Public School Facilities:

JOHN WASHINGTON RD- Single Family Units (@41)					
Guilford County		2024-2025 20th	Mobile	Estimated	
School Boundaries	Built Capacity	Day Enrollment	Classrooms	Additional Students	
	2024-25				
Monticello -Browns Summit ES	880	273	0	7-9	
Northeast MS	1110	677	7	5-7	
Northeast HS	966	984	19	6-8	
Remarks:					
Elementary K-3 built capacity assumes maximum reduced class sizes per applicable core academic classrooms					
Fourth grade, fifth grade, middle and high school built capacity assumes 30 students per core academic classroom.					
Source: Guilford Co. School District					

### Emergency Response:

Fire Protection District: Northeast FPSD

Miles from Fire Station: Approximately 1.2 miles

### Water and Sewer Services:

Provider: Individual Septic Systems and Wells or Community Water, Community Septic. Water and sewer systems must be evaluated during development review.

Within Service Area: No

Feasibility Study or Service Commitment: No

### Transportation:

Existing Conditions: The subject parcel is at the terminus of two local streets near Jackson School Road. Jackson School Road is a Collector Street under the 2015 Greensboro Urban Area MPO Collector Street Plan. The 2023 NCDOT annual average daily traffic count is 600 vehicles on Jackson School Road north of Turner Smith Road.

Proposed Improvements: None. Major subdivision development requires an NCDOT driveway permit to connect to a state-maintained road.

Projected Traffic Generation: Data not available

## Environmental Assessment

**Topography:** Gently sloping and steeply sloping.

**Regulated Floodplain:** There is no regulated floodplain on the property per FIRM Map No. 3710880900J with effective date 6/18/2007.

**Wetlands:** There is a Freshwater Pond on the property per the National Wetlands Inventory.

**Streams:** There are mapped streams and a pond on the property per USGS Topo Quad Map and/or Guilford County Soil Map that have a 50' Riparian Buffer per Jordan Lake Riparian Buffer rules.

**Watershed:** The property is not located in a Water Supply Watershed. NPDES Phase 2 rules apply.

## **Consistency: Land Use Plan & Comprehensive Plan**

### **Future Land Use Map Classification:** Residential (Northeast Quadrant)

The **Residential** classification 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 corridors.

**Consistency:** The requested rezoning is consistent with the Future Land Use Map. Anticipated land uses are low to medium density development, typically consisting of densities up to four dwelling units per acre. The primary use is Single-family detached or duplex, for the purpose of residential serving commercial, retail, office, civic, and public uses and services. It is near a Rural Crossroad which is an Activity Center for small commercial businesses, such as gas stations, small grocery stores, convenience stores, and restaurants.

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

**Consistency:** The requested rezoning is consistent with Policy 1 of the Attainable Housing Planning Themes, and Action Items H1.1, H1.11 and H4.5 from the Guilford County Comprehensive Plan, which state:

- **Attainable Housing Policy 1** – Enable the creation of new housing units that will provide a mix of housing types that meet the needs of residents.
- **Action H1.1** – Support residential development in and near Activity Centers, consistent with the Future Land Use Map.
- **Action H1.11** – Decrease the minimum lot size for residential development in areas identified on the Future Land Use Map as Activity Centers and Multi-Family Residential.
- **Action H4.5** – Prioritize the location of new housing in locations that are accessible to employment, schools, parks, services, and transit.

## **Reasonableness**

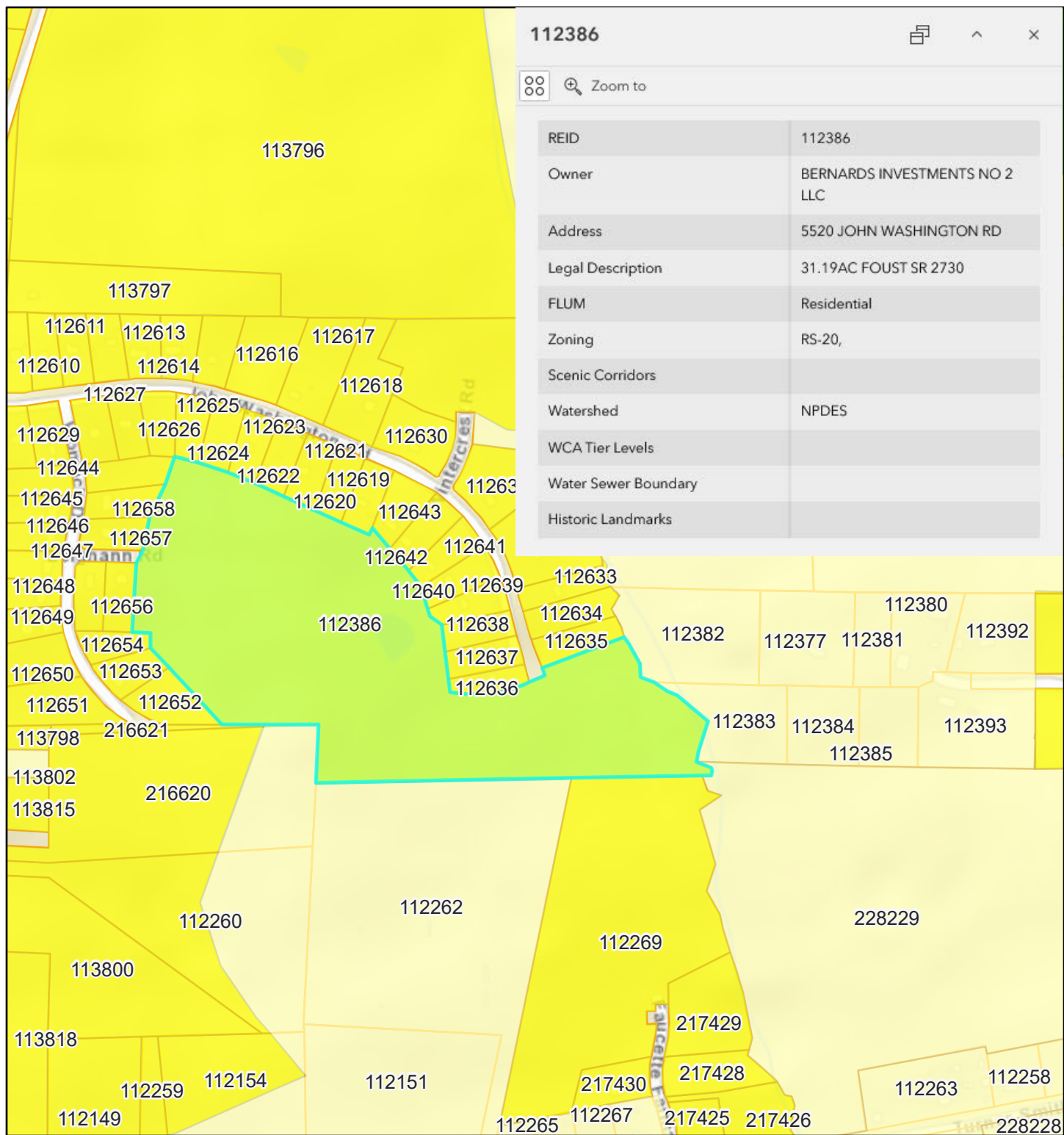
The request to rezone the subject property from RS-30, Residential, to RS-20, Residential is reasonable because it aligns with Guilford County's Comprehensive Plan's Northeast Quadrant Future Land Use Map's designation of Residential, which encourages low to medium density near Activity Centers. It also aligns with the Comprehensive Plan's Attainable Housing Policy 1 and Action Items H1.1, H1.11 and H4.5. by providing low to medium density housing with a decreased minimum lot size for residential development, while being near two Activity Centers.

## **Recommendation**

Staff Recommendation: Approval

Future Land Use Map (FLUM) Amendment Recommendation: The proposed rezoning and amendment to the existing conditions are consistent with the FLUM's designation of Residential, and with it being consistent with the Comprehensive Plan's Attainable Housing Policy 1 and Action Items H1.1, H11.1, and H4.5. If the request is approved, an amendment to the FLUM is not required.

TEST CASE 25-08-PLBD-00131: 5520 JOHN WASHINGTON ROAD



9/26/2025, 8:34:23 AM

FLUM



Rural Living



Residential



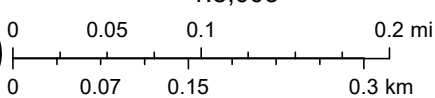
Working Farm/Agriculture



Parcels

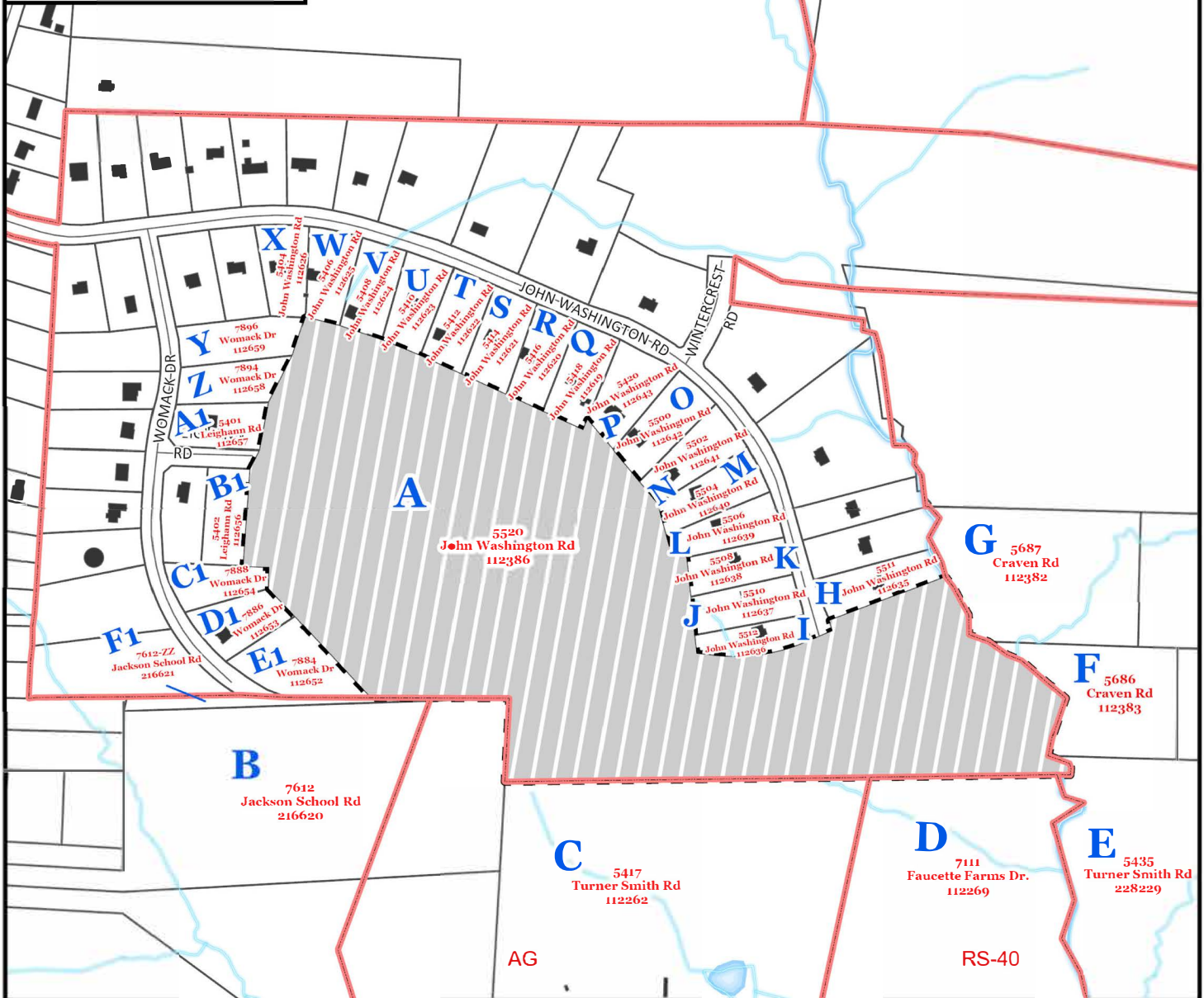
FLUM labels

Parcel Labels



State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, Intermap, NGA, USGS

**RS-30 to RS-20  
+/- 31.19 acres**



A. Agency Partners LLC  
B. Chester Milton Heirs  
C. Deana L. Donohue Revocable Trust  
D. Brenda L. & John C. Jr. Faucette  
E. Douglas Eric Shelton  
F. Jamond Jordan  
G. Rowenia Wyrick  
H. Jennifer Jones Wiseburn  
I. Lavonna M. Vaneaton

J. Eula Aiken  
K. Lucas S. Post  
L. Ronold L. & Denise A. Roberts  
M. Mary Frances Smith-Mcnair  
N. Susan Lynn Sunderman  
O. David Amir & Vernita W. Zeigler  
P. Bobby & Alison H. Apple  
Q. Janet L. Hurd  
R. Deantonie E. Price

S. Marcia McNeil  
T. Victor D. Silva  
U. Brandon Michael Dennis  
V. Christopher L. & Cheryl A. Register  
W. Kathleen Chapman  
X. Valarie Ditto  
Y. Bertha M. Gales LLC  
Z. David Wayne Beal  
A1. Derrick Overton & Nilda Flores-

Overton  
B1. Bertha M. Gales LLC  
C1. Bertha M. Gales LLC  
D1. Kirk J. & Miranda D. Whittle  
E1. Bertha M. Gales LLC  
F1. Chester Milton



Planning & Development  
Department

**Jurisdiction:**

GUILFORD COUNTY

**Case Number:**

25-01-PLBD-00104

**Case Area:**

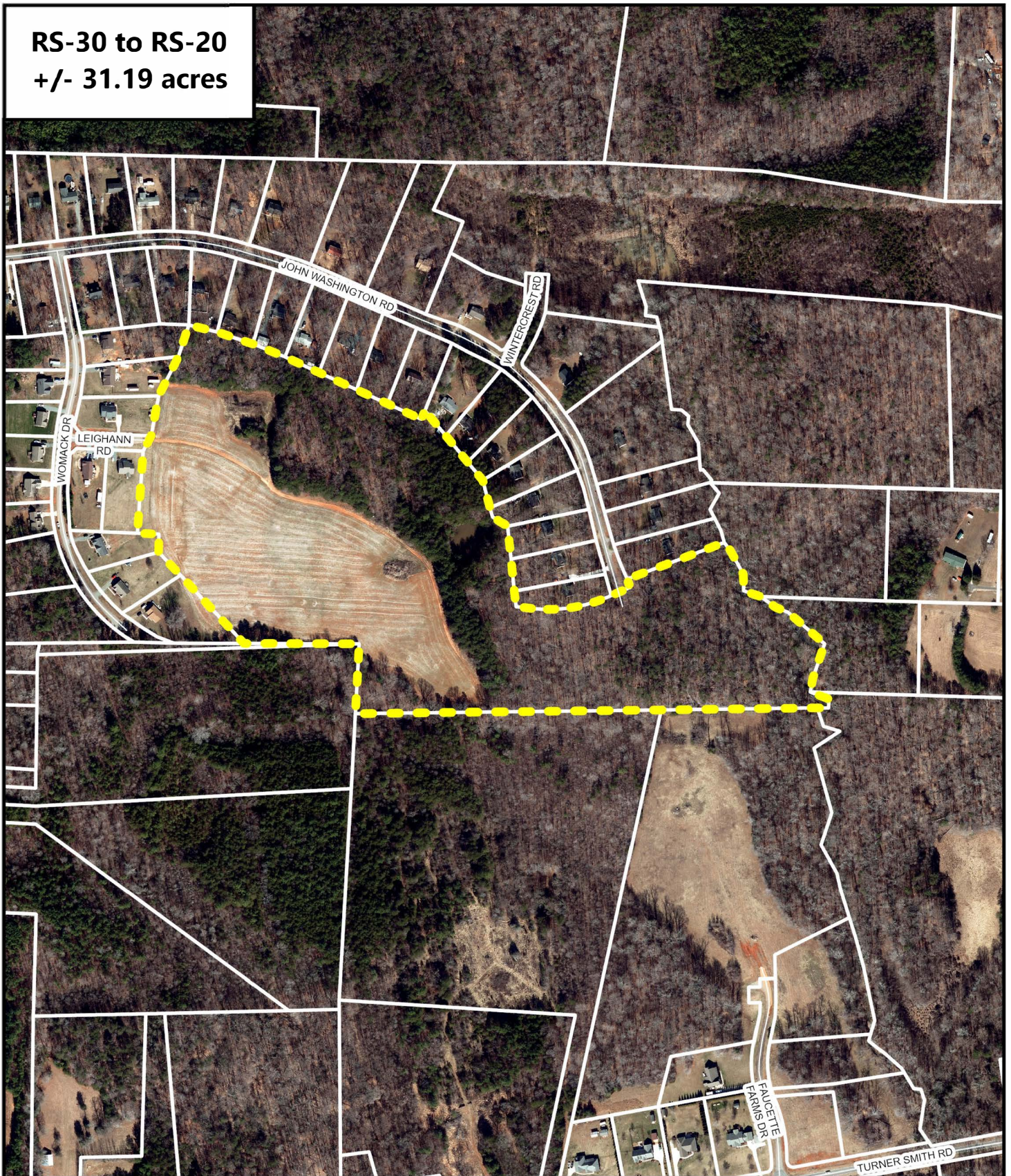
Parcel - 112386  
5520 John Washington Rd



Scale: 1" = 400'



**RS-30 to RS-20  
+/- 31.19 acres**



Planning & Development  
Department

Jurisdiction:  
GUILFORD COUNTY

Case Number:  
25-01-PLBD-00104

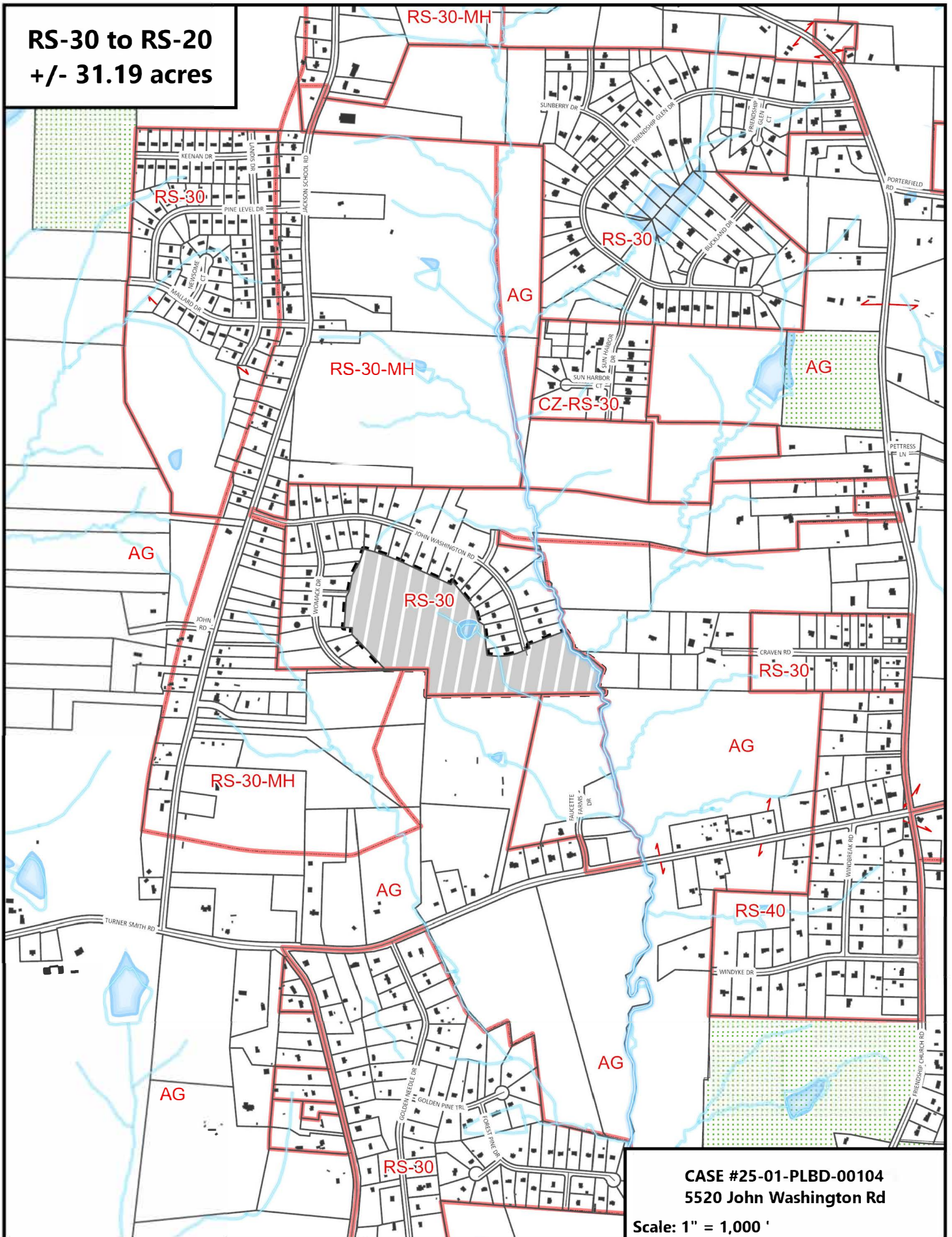
Case Area:  
Parcel - 112386  
5520 John Washington Rd



Scale: 1" = 400'

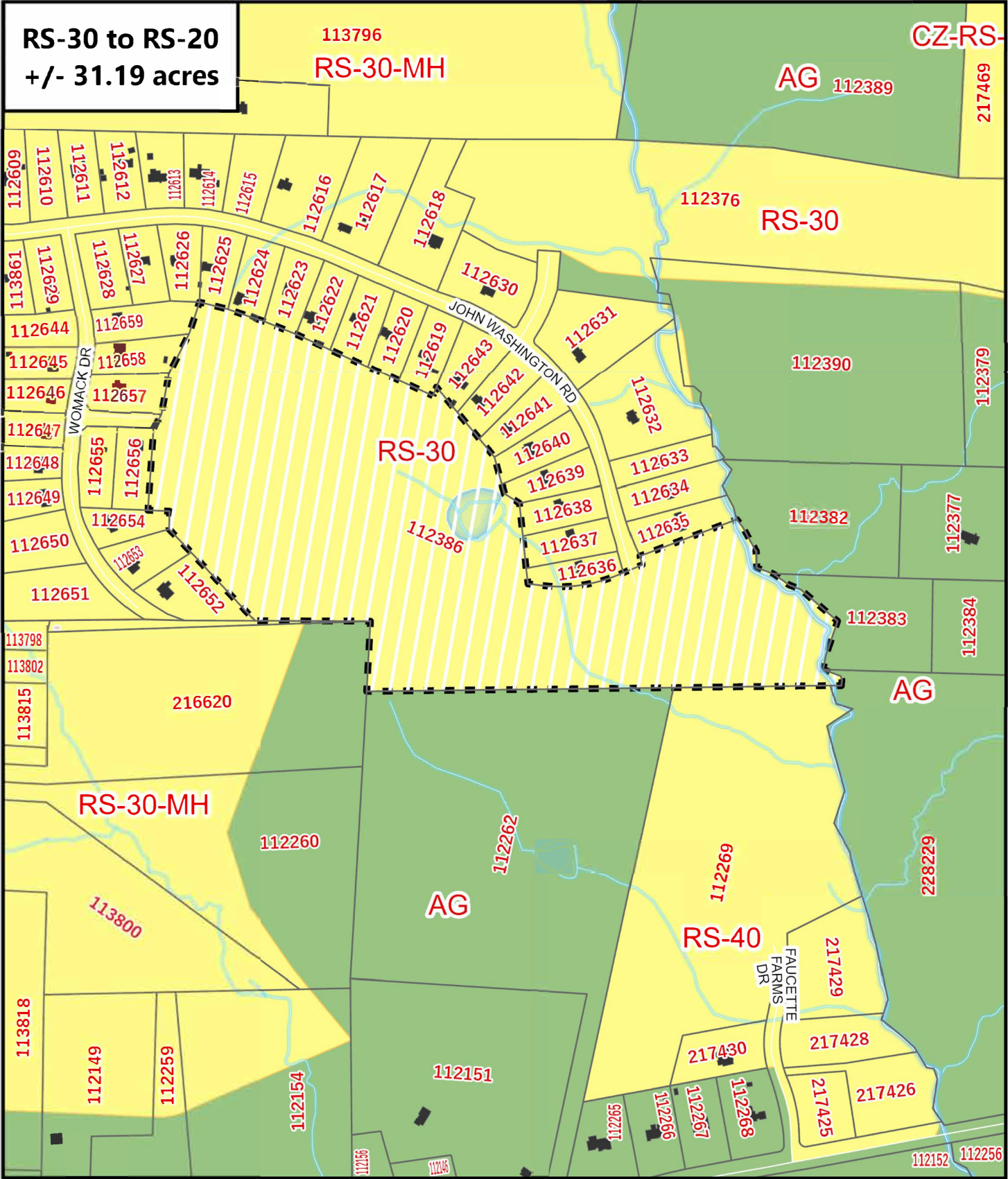


**RS-30 to RS-20  
+/- 31.19 acres**



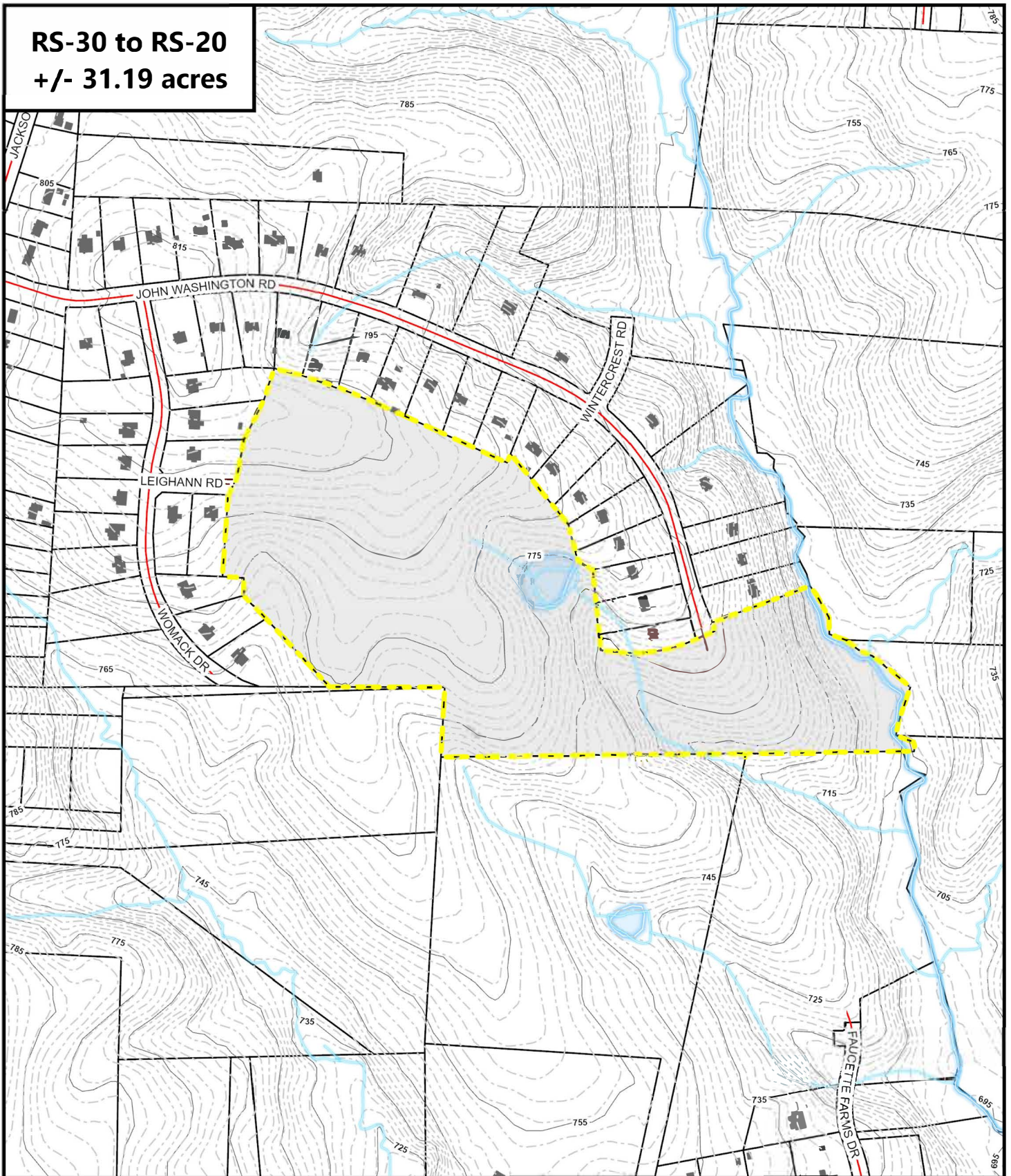
**CASE #25-01-PLBD-00104  
5520 John Washington Rd  
Scale: 1" = 1,000'**







**RS-30 to RS-20  
+/- 31.19 acres**



Planning & Development  
Department

Jurisdiction:  
GUILFORD COUNTY

Case Number:  
25-01-PLBD-00104

Case Area:  
Parcel - 112386  
5520 John Washington Rd



Scale: 1" = 400'

**TEST REZONING CASE #25-01-PLBD-00104: RS-30, RESIDENTIAL TO RS-20, RESIDENTIAL: 5520 JOHN WASHINGTON RD**

**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

**TEST REZONING CASE #25-01-PLBD-00104: RS-30, RESIDENTIAL TO RS-20, RESIDENTIAL: 5520 JOHN WASHINGTON RD**

**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 #112386 from **RS-30 to RS-20** 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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**TEST REZONING CASE #25-01-PLBD-00104: RS-30, RESIDENTIAL TO RS-20, RESIDENTIAL: 5520 JOHN WASHINGTON RD**

**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 #112386 from **RS-30 to RS-20** 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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**TEST REZONING CASE #25-01-PLBD-00104: RS-30, RESIDENTIAL TO RS-20, RESIDENTIAL: 5520 JOHN WASHINGTON RD**

**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 #112386 from **RS-30 to RS-20** because:

1. This approval also amends the **Future Land Use Map**.
2. The zoning map amendment and associated **Future Land Use Map** amendment **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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**TEST REZONING CASE #25-01-PLBD-00104: RS-30, RESIDENTIAL TO RS-20, RESIDENTIAL: 5520 JOHN WASHINGTON RD**

**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 #112386 from **RS-30 to RS-20** 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)*



**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  
08/27/2025 (amended) REC-025510-2025

Date Submitted: 08/04/2025 Receipt # REC-027933-2025 Case Number 25-08-PLBD-00131

**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 \_\_\_\_\_ zoning district to the \_\_\_\_\_ zoning district.

Said property is located at \_\_\_\_\_

in \_\_\_\_\_ Township; Being a total of: \_\_\_\_\_ acres.

Further referenced by the Guilford County Tax Department as:

Tax Parcel # \_\_\_\_\_

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) Please see attached permitted use table for all excluded uses.

2)

3)

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)

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,

[Signature]

Property Owner Signature

Name

Mailing Address

City, State and Zip Code

Phone Number

Email Address

[Signature]

Owner Representative/Applicant Signature (if applicable)

Name

Mailing Address

City, State and Zip Code

Phone Number

Email Address

Additional sheets for conditions and signatures are available upon request.

Property Summary

Tax Year: 2025

REID	158770	PIN	7812-68-9487	Property Owner	OSCAR JACKSON COLE SR TRUST;COLE, OSCAR JACKSON JR TRUSTEE
Location Address	1804 PENNY RD	Property Description	PT 60-62 PB 11-98 MACKAY PL:11-98	Owner's Mailing Address	1725 JUNIPER ST NW WASHINGTON DC 20012

Administrative Data	
Plat Book & Page	11-98
Old Map #	
Market Area	7812B12
Township	15-JAMESTOWN
Planning Jurisdiction	GU-GUILFORD COUNTY
City	
Fire District	DEEP RIVER
Spec District	DEEP RIVER FPSD
Land Class	RESIDENTIAL
History REID 1	
History REID 2	
Acreage	2.67
Permit Date	
Permit #	

Transfer Information	
Deed Date	12/5/2011
Deed Book	004664
Deed Page	00806
Revenue Stamps	
Package Sale Date	
Package Sale Price	
Land Sale Date	
Land Sale Price	

Improvement Summary	
Total Buildings	1
Total Units	0
Total Living Area	1,572
Total Gross Leasable Area	0

Property Value	
Total Appraised Land Value	\$82,500
Total Appraised Building Value	\$66,600
Total Appraised Misc Improvements Value	\$400
Total Cost Value	\$149,500
Total Appraised Value - Valued By Cost	\$149,500
Other Exemptions	
Exemption Desc	
Use Value Deferred	
Historic Value Deferred	
Total Deferred Value	
Total Taxable Value	\$149,500

Building Summary

Card 1 1804 PENNY RD

Building Details	
Bldg Type	01-SFR-CONST
Units	1
Living Area (SQFT)	1572
Number of Stories	1.00
Style	1.0 STORY
Foundation	CONTFoot
Frame	
Exterior	ASBESTOS SHINGLE
Const Type	
Heating	FORCED AIR-DUCTED
Air Cond	NONE
Baths (Full)	1
Baths (Half)	0
Extra Fixtures	0
Total Plumbing Fixtures	3
Bedrooms	3
Floor	
Roof Cover	
Roof Type	
Main Body (SQFT)	1332

Building Description			
Year Built	1952	Effective Year	1978
Additions	4	Remodeled	0
Interior Adj	STANDARD FIREPLACE (1.00)		
Other Features			

Building Total & Improvement Details	
Grade	C-5 95%
Percent Complete	100
Total Adjusted Replacement Cost New	\$116,764
Physical Depreciation (% Bad)	0%
Depreciated Value	\$66,555
Economic Depreciation (% Bad)	0%
Functional Depreciation (% Bad)	0%
Total Depreciated Value	\$66,555
Market Area Factor	1
Building Value	\$66,600
Misc Improvements Value	\$400
Total Improvement Value	\$67,000
Assessed Land Value	
Assessed Total Value	

Addition Summary			
Story	Type	Code	Area
1.00	Porch, Encl Finish	FEP0	40
1.00	Porch, Open Fin	FOP0	147
1.00	Porch, Open Unfin	UOP0	400
1.00	Attic, Finished	FAT0	200

Building Sketch

Photograph



Card #	Unit Quantity	Measure	Type	Base Price	Size Adj Factor	Eff Year	Phys Depr (%) Bad)	Econ Depr (%) Bad)	Funct Depr (%) Bad)	Common Interest (%) Good)	Value
1	16x12	DIMENSIONS	STORAGE BUILDING	\$15.00		1975	87	0	0		\$400

Land Class: RESIDENTIAL			Deeded Acres: 0		Calculated Acres: 2.67		
Zoning	Soil Class	Description	Size	Rate	Size Adj. Factor	Land Adjustment	Land Value
RS-40		0100-SINGLE FAM RES	1.00 BY THE UNIT PRICE	\$30,000		SIZE-275.00	\$82,500

	Owner Name	Deed Type	% Ownership	Stamps	Sale Price	Book	Page	Deed Date
Current	OSCAR JACKSON COLE SR TRUST/ COLE, OSCAR JACKSON JR TRUSTEE	NAME CHANGE	100	0		004664	00806	12/5/2011
1 Back	COLE, OSCAR JACKSON JR OF ENTPAKA F TRUST	WARRANTY DEED	100	0		004664	00806	3/27/1998

Building Card	Date	Line	Notes
No Data			

North Carolina - Guilford County  
The certificate (s) of \_\_\_\_\_

122792  
RECORDED  
KATHERINE LEE PAYNE  
REGISTER OF DEEDS  
GUILFORD COUNTY, NC

1 DEEDS 122792 \$6.00  
2 DEEDS ADDN PGS \$4.00

BOOK: 4664  
PAGE(S): 0806 TO 0808

03/27/1998 10:34:10

1 PROBATE FEE \$7.00

A Notary (Notaries) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time shown herein.

KATHERINE LEE PAYNE, REGISTER OF DEEDS

*Patricia Summers*  
Assistant/Deputy Register of Deeds

Excise Tax *NTC*

Recording Time, Book and Page

Tax Lot No. \_\_\_\_\_

Parcel Identifier No. \_\_\_\_\_

Verified by \_\_\_\_\_

County on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

by \_\_\_\_\_

Mail after recording to *Louise A. Maultsby, Adams Kleemeier Bagan Hannah & Fouts,*  
*P. O. Box 3463, Greensboro, NC 27402*

This instrument was prepared by *Louise A. Maultsby (w/o title exam)*

Brief description for the Index

*Sunnyvale Drive (old Williams Road)*

# NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 25 day of March, 19 98, by and between

GRANTOR

GRANTEE

**OSCAR J. COLE (single)**

**OSCAR JACKSON COLE, JR.,**  
Trustee of the Trust Agreement  
dated 3/25, 1998 between  
Oscar Jackson Cole, Sr., Grantor  
and Oscar Jackson Cole, Jr. as  
Trustee  
1725 Juniper St. NW  
Washington, DC 20012

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of **Jamestown** Township,

**Guilford**

County, North Carolina and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.



The property hereinabove described was acquired by Grantor by instrument recorded in BOOK 1106, PAGE 606 and BOOK 1048, PAGE 344 of the Guilford County Registry

A map showing a portion of the above described property is recorded in Plat Book 34 page 8

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Subject to easements, restrictive covenants and rights of way of record, if any.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

By:

President

ATTEST:

Secretary (Corporate Seal)

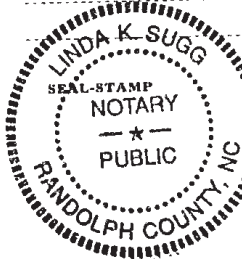
USE BLACK INK ONLY

Oscar J. Cole (SEAL)  
Oscar J. Cole

(SEAL)

(SEAL)

(SEAL)



Guilford County, NORTH CAROLINA, Oscar J. Cole

I, a Notary Public of the County and State aforesaid, certify that Oscar J. Cole, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 25 day of March, 1998.  
My Commission Expires 7-24-2000  
Linda K. Sugg Notary Public  
My commission expires:

SEAL-STAMP

NORTH CAROLINA, County.  
I, a Notary Public of the County and State aforesaid, certify that Secretary of personally came before me this day and acknowledged that he is a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by as its Secretary.  
Witness my hand and official stamp or seal, this day of 19  
My Commission Expires 7-24-2000  
My commission expires: Notary Public

The foregoing Certificate(s) of

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR COUNTY

By Deputy Assistant - Register of Deeds

## EXHIBIT A

### Tract 1

All of Lots 9, 10, 11, 12, and 13 of the Oscar Cole property as shown on that plat recorded in Plat Book 34, Page 8 in the Office of the Register of Deeds of Guilford County, North Carolina.

### Tract 2

Being the western portion of Lots 60, 61 and 62 of Map 3 of the Clarence Mackay Property as shown in Plat Book 11, Page 98 Guilford County Registry and being approximately 300 feet by 400 feet and being also identified as Tax Map No. 94-7035-A-1000-00 Lot 5 and also know as 1804 Penny Road, High Point, North Carolina.

808000

94-7035-A-1000-12

94-7035-A-1000-12

Jamestown

~~94-7035-1000-4-Sub~~

Oscar J. Cole

1106-606

1048-344

1

1965

Cole, Oscar Jackson, Jr.

4664-803

1999

1966- Cole, -Oscar J.

# 3 Oscar Cole Re-Sub

plat 34-8

NORTH CAROLINA  
GUILFORD COUNTY

TRUST AGREEMENT

THIS TRUST AGREEMENT ("Agreement") made this 25 day of March, 1998, by and among Oscar Jackson Cole, Sr., of High Point, Guilford County, North Carolina, hereinafter called the "Grantor"; and Oscar Jackson Cole, Jr., of Washington, D.C., hereinafter called the "Trustee";

WITNESSETH:

WHEREAS, the Grantor has irrevocably transferred to the Trustee certain property and may hereafter transfer additional property to the Trustee; and

WHEREAS, the Trustee has agreed to accept in trust the property transferred, as well as all additions thereto, upon the terms hereinafter provided;

NOW, THEREFORE, for and in consideration of the premises and of the mutual promises and obligations hereinafter set forth, the parties do hereby agree as follows:

1.

Trust Principal. The Grantor has this day transferred and delivered to the Trustee the property referred to in Schedule A attached hereto. The Trustee agrees to hold, administer and distribute all the property set forth on Schedule A, together with any accumulations of income and together with such additional property as may be added by the Grantor or by any other person, as the principal of the trust estate, in accordance with the terms and provisions set forth herein.

All properties transferred to the Trustee hereunder shall be held, administered and disposed of by the Trustee for the benefit of the children of the Grantor's son, Terrell, now living or hereafter born during the term of this trust, in accordance with the provisions below.

2.

Disposition of Trust Estate. During the term of this trust, the Trustee shall hold, manage, invest and reinvest the trust property and after deducting all lawful expenses incident to the administration thereof, including all costs of assessments, insurance, taxes and repairs related to any real estate held in this trust, shall hold and/or dispose of the trust property and the net income therefrom, as follows:

(a) All or any portion of the income or principal of the trust may be paid to or applied for the health (including medical, dental, and hospital), education, support and maintenance of any child of the Grantor's son, Terrell, having due regard for each beneficiary's



station in life and for all other means of provision for such needs. It is the desire of the Grantor that the Trustee be liberal in exercising his discretion to make distributions of income and principal to provide each beneficiary with funds to pay for any and all medical, dental and hospital expenses and to enable each beneficiary to attend undergraduate, graduate or professional school; however, this statement of desire is not binding upon the Trustee and is not intended to detract from the fact that distributions of trust income and principal are within the absolute discretion of the Trustee.

(b) All or any portion of the said income and additions to the principal may be accumulated and invested and held under the terms and provisions hereof to the extent to which the Trustee, in the absolute discretion of the Trustee, shall determine that such income is not necessary for the health, (including medical, dental, and hospital expenses), education, support and maintenance of each beneficiary. Any income or additions to principal so accumulated may subsequently be used in any manner authorized in the foregoing paragraph (a) of this Section 2.

(c) As of December 31, 2028, this trust shall terminate and the Trustee shall divide this trust estate into equal and separate shares, one share for each of the then living children of the Grantor's son Terrell, and one share for any deceased child of the Grantor's son Terrell who shall leave issue then surviving. Any share set aside for the issue of a deceased child of the Grantor's son Terrell shall be further divided into shares for each issue, per stirpes. Subject to Section 4 below, each share set aside for a beneficiary shall be paid over and distributed to such beneficiary, outright and free of trust.

### 3.

Declaration of Irrevocability. (a) It is the intention of the Grantor to make, and the Grantor does hereby make, an immediate, present and complete gift to the beneficiaries of the use and benefit of the property hereby transferred to the trust fund.

(b) This Agreement is hereby declared to be irrevocable and the Grantor shall have no right to alter or amend the same in any respect or particular. The Grantor hereby declares that he has been fully advised by counsel of the legal effect of this Agreement, and that he has given consideration to the question of whether the same should be revocable or irrevocable, and that he is reserving no rights with respect to the trust by declaring it to be irrevocable.

### 4.

Power to Delay Distribution. If, upon the termination of the trust created under this Agreement, any property or assets shall vest in absolute ownership in any person and, if at the time of such vesting, such person is less than twenty-one (21) years of age, then and in any such case, instead of paying, transferring and delivering the same to such person, the Trustee shall in each case be authorized to hold, administer, manage, control, preserve, invest and reinvest the property or assets to which such person is entitled as a separate and independent trust for the benefit of such person until such person reaches the age of twenty-one (21) years and the

Trustee shall be authorized, in the absolute discretion of the Trustee, to accumulate the net income therefrom and add the same periodically to the principal of such separate trust, or to use all or any part of the net income and principal of the trust for the benefit of such person in such manner (including payments made directly to such person or to the parent or person with whom such person resides) and in such amounts as the Trustee deems desirable and expedient for the care, comfort, support, maintenance, education and other reasonable needs of such person, have due regard for any other means of provision for such need. When such person attains the age of twenty-one (21) years, or sooner dies, the entire remaining properties of each separate trust held by the Trustee shall be paid to such person or his or her estate, as the case may be, absolutely and free of any trust. The authority thus granted to the Trustee to defer the payment of the trust assets to any such person shall be construed as a power only and shall not operate to suspend the absolute ownership of such trust assets by any person or prevent the absolute vesting thereof in such person.

5.

Power to Demand Distribution. (a) Notwithstanding anything hereinabove to the contrary, if, during any calendar year (including the calendar year in which this trust is executed), any transfers which are treated as gifts under the federal gift tax laws are made, either directly or indirectly, to this trust, each then living child of the Grantor's son, Terrell Keir Cole, shall thereupon have the absolute right and power (hereinafter referred to as the "demand right"), to demand an immediate distribution from the trust estate of an amount (which the Trustee may satisfy in cash or in property of equivalent fair market value or both) equal to the amount of such transfer divided by the total number of persons having a demand right under this Section.

(b) Notwithstanding the foregoing, in no event shall the annual demand right of any person with respect to property transferred by any one donor in a single calendar year exceed the donor's maximum annual federal gift tax exclusion under Section 2503(b) of the Internal Revenue Code of 1986, as it may be amended from time to time, or, if the donor is married on the date of the transfer to the trust, then the annual demand right shall not exceed twice the donor's maximum annual federal gift tax exclusion amount.

(c) Each demand right arising under this Section shall be exercisable at all times from the date the demand right comes into being until it terminates. Each demand right shall commence on the date of the transfer which is treated as a gift for federal gift tax purposes and shall terminate upon the expiration of thirty (30) days after the date of the receipt of notice of the demand right. To the extent that a demand right granted under this Section has not been exercised by a person having such right by the date of its termination, it shall thereupon lapse, and the person having the demand right shall forever cease to have any demand right with respect to such transfer made during such calendar year.

(d) Such demand right shall be exercisable by the person having such right by written notification to the Trustee, provided, that, if the beneficiary is under a legal disability of any

kind, such demand right may be exercised by the legal guardian of his estate acting solely on his behalf in making such demand. Any such distribution shall be received by such guardian solely for the benefit and use of the person having such right.

(e) Each and every time any transfer is made that would give rise to a demand right hereunder, the Trustee, upon receipt of assets which are subject to the transfer or upon receipt of written notification that such transfer has been completed, if such transfer has been made indirectly, shall promptly give written notice of such transfer to each person having a demand right or if any such person is then under any legal disability, the Trustee shall give such notice to his legal guardian, if any, or, if none, to a parent of an infant or to such other individual whom the Trustee deems appropriate. In lieu of the foregoing, the Trustee may give a single notice with respect to a particular transfer and subsequent transfers, subject to any beneficiary's written request for notice of each transfer.

(f) Upon timely receipt by the Trustee of notice from any person having a demand right that such demand right is to be exercised, such demand right shall be forthwith honored and satisfied by such Trustee as provided above, and to this end, the Trustee shall at all times while such demand right is outstanding and exercisable, retain sufficient transferrable assets in the trust, if possible, to satisfy such demand right should it be exercised.

(g) The Trustor or any other person who shall make a contribution to this trust may, by a written instrument delivered to the Trustee at the time the contribution is made, do one or more of the following: (a) exclude any beneficiary who would otherwise have a demand power from exercising that power as to such contribution; (b) increase or decrease the amount subject to any beneficiary's demand power as to such contribution; and (c) change the period during which any beneficiary's demand power as to such contribution may be exercised. No such direction may in any way alter, amend or change any beneficiary's demand power with respect to any prior contributions.

(h) For the purposes of this Section 5, any amount which is considered to be a gift received by the Trustee for federal gift tax purposes shall be considered a transfer subject to this Section 5, and the "donor" of a transfer to the Trustee shall be the person considered to be the donor for federal gift tax purposes. Unless a donor directs in writing to the contrary at the time of a transfer to the Trustee, it shall be presumed that the donor and the donor's spouse will consent to have the gift considered as made one-half by each of them in accordance with Section 2513 of the Internal Revenue Code of 1986, as amended.

6.

Limited Power of Appointment. Notwithstanding any other provision of this Agreement, if any beneficiary who would be a permissible distributee of trust principal under Section 2 above, shall die prior to the time for the termination of the trust as provided in Section 2 above, then such beneficiary shall have a limited power of appointment by Will or Codicil over a portion of the trust principal which may remain at his or her death, determined as follows: To



the extent that for any year such beneficiary had a right under Section 5 to demand a distribution of trust principal and such right exceeded the greater of Five Thousand Dollars (\$5,000.00) or Five Percent (5%) of the then market value of the net principal of the trust, taking into consideration any other powers of appointment which the beneficiary had for such year under instruments executed prior to the date of this trust, then such beneficiary shall have the limited right to appoint an amount equal to the cumulative total of such excess; it being the intention of the Trustor that, for the purpose of determining the amount subject to the limited power of appointment granted herein, the beneficiary's power of appointment under any such other trusts shall be considered, such that if the beneficiary, for any year, had a power of appointment exercisable under a different trust, the amount subject to such power of appointment shall be considered in determining whether the beneficiary's right under Section 5 of this trust exceeded the greater of Five Thousand Dollars (\$5,000.00) or Five Percent (5%) of the then market value of the trust. The limited power of appointment hereby conferred upon any such beneficiary may only be exercised in favor of any one or more of such beneficiary's then living issue, any one or more of the Grantor's other issue then living, or a trust or trusts for their benefit and the limited power of appointment must be exercised, if exercised at all, by a will or codicil which makes express and direct reference to the exercise of such power of appointment. If the death of any beneficiary occurs prior to December 31, 2028, to the extent such deceased beneficiary has not exercised this limited power of appointment in his or her Will, the amount that could have been appointed shall remain a part of the trust property, to continue to be managed, administered and distributed as provided in this Agreement. If the death of any beneficiary occurs after December 31, 2028 but prior to the time all of such deceased beneficiary's share of the trust property shall have been distributed, to the extent such deceased beneficiary has not exercised this limited power of appointment in his or her Will, the amount that could have been appointed shall be distributed to such beneficiary's then living issue, per stirpes, if any, or should there be no issue of the beneficiary then living, then to the then living issue, per stirpes, of the Grantor.

7.

Spendthrift Provision. No principal or income of the trust created under this Agreement shall be subject to anticipation or assignment by any beneficiary or to attachment by or to the interference or control of any creditors of any beneficiary or to be taken or reached by any legal or equitable process in satisfaction of any debt or liability of any beneficiary prior to its actual receipt by each respective beneficiary.

8.

Powers of Trustee. The Trustee, with respect to each trust estate established under the provisions of this Agreement, in addition to other powers of trustees under applicable laws, shall have:

(a) All of the powers (without obtaining any order of Court) set forth in Section 27 of Chapter 32 of the General Statutes of North Carolina as of the date of the execution of this

trust, (except the powers set forth in G.S. 32-27 (29)), and the powers set forth therein are hereby incorporated herein by reference, pursuant to the provisions of Section 26 of Chapter 32 of the General Statutes of North Carolina, and this incorporation by reference shall remain valid and effective notwithstanding any amendment, modification or repeal of any or all of the powers hereby incorporated by reference subsequent to the execution of this trust.

(b) The power to determine whether items should be charged or credited to income or principal, or be apportioned between income and principal, including, without limitation, the power to amortize or not to amortize any part or all of any premium or discount, to treat any part or all of any profit resulting from the sale or other disposition of any property, whether purchased at a premium or at a discount, as income or principal or apportion the same between income and principal, to apportion the sales price of any property between income or principal, including the proceeds of the sale of timber, minerals, and other natural resources, to treat any dividend or other distribution on any property as income or principal or apportion the same between income and principal, to charge any expense against income or principal or apportion the same, and to provide or not to provide a reasonable reserve against depreciation, depletion, or obsolescence on any property subject to depreciation, depletion, or obsolescence. The Trustee shall exercise his discretion in such manner as he may reasonably deem equitable and just under all the circumstances and regardless of whether such items are charged or credited to or apportioned between income and principal as provided in Chapter 37 of the General Statutes of North Carolina.

(c) Notwithstanding any other provision of this Trust Agreement, the Trustee is authorized to retain any property, whether real or personal, contributed to the trust by the Grantor. With respect to any property transferred to this trust, the Trustee shall not be required to sell or dispose of any such property for the purpose of accomplishing diversification in investments. The Grantor expressly authorizes and empowers the Trustee, at any time or times, to determine in his sole and absolute discretion, whether to diversify (as to type, quantity or quality) investments of the trust created under this Agreement and all decisions and actions made and taken by the Trustee in this respect shall be final, conclusive and binding upon all parties affected thereby.

(d) Notwithstanding any provision of law or of this Agreement to the contrary, it is specifically provided that the Trustee is empowered to hold funds of two or more trusts in one or more consolidated funds, in which the separate trusts shall each have an undivided interest. The foregoing power is granted for the purpose of allowing the Trustee the opportunity to make more advantageous investments and is intended to be in addition to the powers granted in Section 32-27(25) of the North Carolina General Statutes.

(e) The Trustee shall have the power to convey in fee simple any real property held in trust at any time as long as he obtains the written consent of the then living beneficiaries of the trust, and such conveyance may be by public or private sale and upon such terms as the Trustee in his absolute discretion may deem most appropriate.

9.

Resignation of Trustee: Appointment of Successor. In the event that Oscar Jackson Cole, Jr., should die, resign, become incapacitated, or for any other reason not act or continue to act as a Trustee, Angela Patrice Cole shall serve as successor Trustee.

Any successor Trustee serving hereunder, shall have and may exercise any and all of the powers, authority and discretion conferred herein on the Trustee as fully and to the same extent as if such successor had originally been named a Trustee herein.

10.

Bond. Neither the Trustee named herein nor any successor Trustee shall be required to give bond or other security for the faithful performance of his or her duties in any jurisdiction in which any part of the trust fund may be situated or administered, whether or not such Trustee or successor Trustee shall be a resident of such jurisdiction; and if the Trustee or any successor Trustee, may not be excused from giving bond, then such bond as may be required shall be in the lowest amount possible and without surety.

11.

Accounting. (a) The trust created hereunder shall, to the extent permitted by law, be administered free of and from the control and direction of, and without qualification, accounting or reporting to any Court, but the Trustee shall keep and maintain complete records and accounts concerning the said trust and its receipts, income, disbursements, expenditures, and other similar items, and shall, when requested to do so, render at reasonable times, a written report and account to the beneficiary of the trust, such report to include itemized statements of all receipts and disbursements, statements of the status of the principal account, and of all other important transactions in connection with the trust.

(b) No successor Trustee serving hereunder shall be required to review or audit the accounts and transactions or otherwise to inquire into any act or omission of any predecessor Trustee or to assert any claim against any such predecessor or his or her estate. Upon delivery to and acceptance by the successor Trustee of all of the trust property, if any, held by the predecessor Trustee, the predecessor Trustee shall be fully discharged from all responsibility and liability with respect to and in connection with the trust, including any liability accrued prior to such delivery and acceptance.

12.

No Duty to Inquire. When the Trustee, acting under the authority of this Agreement, shall sell, exchange, convert, transfer, assign or otherwise dispose of any or all of the property of the trust created hereunder, any person, firm or corporation involved in any such transaction or transactions, who in good faith and for a valuable consideration, shall acquire any or all of

said properties, shall be relieved of the duty, liability, obligation and necessity to inquire into or see to the proper application of any property, cash, funds or assets paid, delivered, transferred, sold, exchanged or assigned to the Trustee as a part of such transaction.

13.

Controlling Law. The Agreement shall be construed and regulated under the laws of the State of North Carolina.

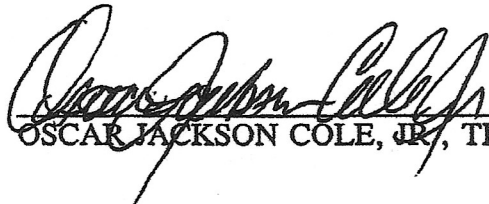
14.

Definition of Children. The terms "child" and "children" refer to lineal descendants in the first degree, whether born before or after the execution of this Will, and the term "issue" refers to lineal descendants in any degree; provided, however, that in no event shall such terms include persons who become lineal descendants by adoption, or the lineal descendants of such persons.

THIS AGREEMENT shall be effective upon the execution thereof by the Grantor and by the Trustee, and the Trustee by joining in such execution, hereby signifies his acceptance of the trust herein created.

IN WITNESS WHEREOF, the Grantor and the Trustee have hereunto set their hands and seals, the day and year first above written.

 (SEAL)  
OSCAR JACKSON COLE, SR., GRANTOR

 (SEAL)  
OSCAR JACKSON COLE, JR., TRUSTEE

SCHEDULE A

TRUST AGREEMENT

OSCAR JACKSON COLE, SR., GRANTOR  
OSCAR JACKSON COLE, JR., TRUSTEE

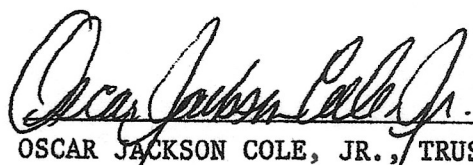
Tract 1

All of Lots 9, 10, 11, 12, and 13 of the Oscar Cole property as shown on that plat recorded in Plat Book 34, Page 8 in the Office of the Register of Deeds of Guilford County, North Carolina.

Tract 2

Being the western portion of Lots 60, 61 and 62 of Map 3 of the Clarence Mackay Property as shown in Plat Book 11, Page 98 Guilford County Registry and being approximately 300 feet by 400 feet and being also identified as Tax Map No. 94-7035-A-1000-00 Lot 5 and also know as 1804 Penny Road, High Point, North Carolina.

 (SEAL)  
OSCAR JACKSON COLE, SR., GRANTOR

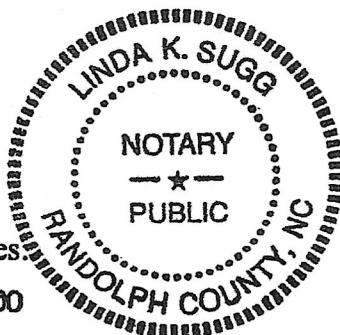
 (SEAL)  
OSCAR JACKSON COLE, JR., TRUSTEE

STATE OF NORTH CAROLINA

COUNTY OF GUILFORD

I, Linda K. Sugg, a Notary Public in and for said County and State do hereby certify that Oscar Jackson Cole, Sr., Grantor, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 25 day of March, 1998.



Linda K. Sugg  
Notary Public

My Commission Expires

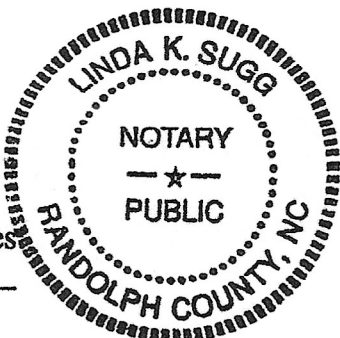
~~My Commission Expires 7-24-2000~~

STATE OF NORTH CAROLINA

COUNTY OF GUILFORD

I, Linda K. Sugg, a Notary Public in and for said County and State do hereby certify that Oscar Jackson Cole, Jr., Trustee, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 25 day of March, 1998.

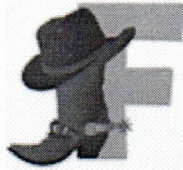


Linda K. Sugg  
Notary Public

My Commission Expires

~~My Commission Expires 7-24-2000~~





Florence Elementary PTA  
7605 Florence School Dr, High Point, NC 27265

May 4, 2025  
Guilford County Government: Guilford County Planning Board  
301 W. Market St.  
Greensboro, NC 27401

Subject: Letter of Support for Nia Cole – Agricultural Rezoning Request

Dear Members of the Zoning Commission,

My name is Sarah Cunningham, and I am the current President of the Florence Elementary School Parent Teacher Association (PTA). I am writing this letter in strong support of Ms. Nia Cole's request to have her property rezoned for agricultural use.

Ms. Cole recently returned to her roots by moving into our community and has quickly shown a deep commitment to the neighborhood and our school. She has shared plans to develop a community garden on her property that will directly benefit Florence Elementary students and families. Her vision includes offering educational opportunities tied to science, nutrition, sustainability, service-learning, and hands-on gardening experiences, all of which align with our school's goals to promote environmental awareness and healthy living. Additionally, these efforts could potentially provide food to families of Florence that experience food-insecurity.

The proposed garden(s) would provide fresh produce, support our student wellness initiatives, and serve as a valuable outdoor learning environment. As the PTA, we are excited by the prospect of collaborating with Ms. Cole to enhance our children's educational experience through this unique and generous endeavor.

We believe the rezoning of her property to agricultural use will not only support her project but also strengthen the community-school partnership and provide long-term benefits to the students and families of Florence Elementary.

On behalf of the Florence PTA, I respectfully urge you to approve Ms. Cole's rezoning application. Additionally, the PTA, Ms. Cole and Dr. Young, the principal of FES, have met; and Dr. Young appreciatively gives Ms. Cole her complete approval and blessing for this partnership.

Thank you for your time and consideration.

Warm regards,  
Sarah Cunningham  
President, Florence Elementary PTA  
ptaoffes@gmail.com  
Cell: 336-682-1317

*Sarah Cunningham* 5/4/25



May 6, 2025

To whom it may concern:

As executive director of Growing High Point, a nonprofit organization that supports urban agriculture in High Point and provides job training to urban farmers, youth employees and refugees, I want to share our organization's enthusiasm for Nia Cole's farmstead project at 1804 Penny Road, High Point.

In April, our team visited her family's historic homestead, and Nia shared her plans to continue her grandfather's farming legacy, which started on the plantation where her family was enslaved, by reclaiming the overgrown fields, tending to the orchard, repairing rundown structures, and providing a community garden to support the school and church next door.

However, she won't be able to complete this compelling story without your help. The land needs to be rezoned from RS 40 to accommodate her dream of starting a social enterprise that will lift up others and train them in agriculture. On behalf of our staff and board of directors, we ask that you approve Nia's request for rezoning.

Sincerely,

Executive Director  
Growing High Point





5/7/2025

**Guilford County Planning Board**

301 W. Market Street  
Greensboro, NC 27401

**Subject: Letter of Support for Agricultural Rezoning – Kin & Flo Farm**

Dear Members of the Guilford County Planning Board,

On behalf of **TC Community Table**, I am writing to express our strong support for the agricultural rezoning of the property designated for **Kin & Flo Farm**.

Kin & Flo Farm represents far more than a farming endeavor—it is a vital extension of our mission to nourish, serve, and build stronger community connections through shared purpose and sustainable living. The presence of the farm will allow us to deepen our impact by providing fresh, locally grown food to families in need, creating meaningful volunteer opportunities, and offering hands-on education in growing, harvesting, and stewarding the land.

For **TC Community Table**, this partnership with Kin & Flo Farm will be transformative. It aligns with our goals of addressing food insecurity and building relationships across social and economic lines. The farm will be a space of healing, learning, and hope—a place where community happens, not just where food is grown.

We kindly urge you to approve the rezoning request so that this important and life-giving work may continue and grow. We believe this farm will be a lasting asset to the county, to our congregation, and most importantly, to the people we serve.

With gratitude,

**Tiffany Gibson**

On behalf of TC Community Table

Director

336-462-8696



## Turners Chapel African Methodist Episcopal Church

Rev. Devin D. Paylor M.Div., Pastor

7615 Florence School Drive

High Point, North Carolina 27265

Church Phone: 336-454-3215

[www.turnerschapelame.org](http://www.turnerschapelame.org)

May 12, 2025

Guilford County Planning Board  
301 W. Market Street  
Greensboro, NC 27401

Subject: Letter of Support for Agricultural Rezoning – Kin & Flo Farm

To Whom It May Concern,

As the Pastor of Turners Chapel AME Church, I write on behalf of our congregation to express our full support for the proposed rezoning of the nearby property located at Kin & Flo Farm for agricultural use. We believe this initiative will be a tremendous asset to the community and aligns deeply with our mission to serve others and care for those in need.

An operational farm in close proximity to our church would provide a valuable resource in addressing food insecurity among local families. Our church currently supports many individuals facing economic hardship, and access to locally grown produce would allow us to expand our outreach through our food pantry and community meal programs. Moreover, the farm could create opportunities for education, volunteerism, and spiritual connection with the land, fostering a greater sense of community responsibility and stewardship.

This endeavor represents more than a land-use decision; it is a pathway toward sustainability, compassion, and service. We urge you to consider the many positive impacts this rezoning could bring to our neighborhood and the lives of the people we are called to love and serve. Thank you for your thoughtful consideration.

Grace & Peace,

Devin D. Paylor - Pastor

Turners Chapel AME Church – High Point, NC





# Petition to the Guilford County Planning Board



Date	:	5/10/2025
Petition Organizer	:	Nia Kiara Cole
Address	:	1804 Penny Road, High Point, NC 27265
Contact	:	404-275-8520 / nkec93@gmail.com

We, the undersigned, petition the Council to **approve the application to have the property, located at 1804 Penny Rd, rezoned from residential to agricultural.** The Cole family has been a part of this neighborhood and area for over 100 years, and **we are ecstatic to support Nia with this application as an essential step towards** accomplishing her goal of **transforming the property into a farm for and centered around the community.**

No.	Name	Address	Signature
1	Sonya Smith	2360 Bellemere St Apt 2A HP	Sonya Smith
2	Made Meebr	404 Avery Ave. H.P. NC. 27265	Made Meebr
3	Valerie Murphy	3901 Payne Rd H.P. 27265	Valerie D. Murphy
4	Gerald Barnes	312 E. Parkway Ave HP 27262	Gerald Barnes
5	Teresa Taylor	1250 Burton Ave HP 27262	Teresa L. Taylor
6	Ervin Gibson	7605 HALLDALE Rd	Ervin Gibson
7	Shemeika Fuller	3730 Admiral Dr, 1A HDNC	Shemeika Fuller
8	Latanya Pender	404 Avery Ave. H.P., NC 27265	Latanya Pender
9	James Smith	2360 Bellemere St. 2A 27263	James Smith
10	Andrew Smith	2360 Bellemere St 2A 27263	Andrew Smith
11	Pamela G. Williams	1802 Abberton Way IF 27260	Pamela G. Williams
12	Joye Pressley	1622 Lizy Lun HP 27265	Joye Pressley
13	Diane Joy	1903 Kylene Dr. 62027406	Diane Joy
14	Dianna Teasley	2121 Rivermeade Dr Highpoint 27265	Dianna Teasley
15	Everlena Diggs	3202 Cabarrus Dr. Greensboro, NC 27407	Everlena Diggs
16	Devin Taylor	1100 Alabaster Rd Highpoint NC 27265	Devin Taylor
17	Linda McCallum		Linda McCallum



# Petition to the Guilford County Planning Board



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No.	Name	Address	Signature
18	Tia Diggs	3202 Cabarrus Dr 27407	
19	Ashton Williams	318 Druid St High Point, NC 27265	
20	La-Nita Williams	"	La-Nita Williams
21	Tiffany Gibson	3207 Woodview St HP NC 27265	
22	Lucille Clauson	1646 Coopers Hawk Dr, Kernersville, NC	Lucille A. Clauson
23	Rebecca Peoples	7619 Florence Sch Dr. H. P. NC 27265	Rebecca Peoples
24	David Starnell	7549 Sunnyvale Dr H.P. 27265	
25	Ella McCallum	7544 Sunnyvale Dr. H.P. 27265	Ella McCallum
26	Joseph McCallum	7542 Sunnyvale Dr. HP 27265	Joseph McCallum
27	Robert A. Cunningham	7510 McDerr Rd. H.P. 27265	Robert A. Cunningham
28	Sarah Cunningham	7510 McDerr Rd. HP 27265	
29			
30			
31			
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33			
34			

BK: R 8668  
PG: 2436 - 2446

RECORDED:

10/11/2022

04:46:05 PM

DEPUTY-GB

BY: SETH B PARRISH

2022063013

GUILFORD COUNTY, NC

JEFF L. THIGPEN

REGISTER OF DEEDS

NC FEE \$26.00

### **CERTIFICATION OF TRUST**

Prepared by: Jill L. Peters Kaess, Lee Kaess, PLLC, 3414 Wrightsville Avenue, Wilmington, NC 28403

I, OSCAR JACKSON COLE, JR., as Trustee, hereby certify pursuant to N.C.G.S. §36C-10-1013 that:

1. I am the Trustee as designated under that certain Oscar Jackson Cole, Jr. 2022 Trust dated September 19, 2022 (referred to herein as the "Trust"), and the Trust is in existence as of the date hereof.
2. The settlor of the Trust is Oscar Jackson Cole, Jr.
3. My address is: 1725 Juniper Street NW, Washington, DC 20012.
4. Attached hereto as Exhibit A is an excerpt of the Trust describing the powers of the Trustee.
5. The trust is revocable by Oscar Jackson Cole, Jr.
6. There are no other trustees of this Trust.
7. The Trust's taxpayer identification number is: \_\_\_\_\_.  
(NOTE: This section may be left blank if the taxpayer identification number is the same as the social security number of a party to the trust instrument and this document is to be recorded in the public records.)
8. Trust assets shall be held in the name of Oscar Jackson Cole, Jr., not individually, but as Trustee of The Oscar Jackson Cole, Jr. 2022 Trust.
9. The Trust has not been revoked, amended or modified in any manner that would cause the representations herein to be incorrect.



I certify that the foregoing statements are true and correct to the best of my knowledge.

Oscar Jackson Cole, Jr.

Oscar Jackson Cole, Jr., Trustee

STATE OF MARYLAND

COUNTY OF MONTGOMERY

I certify that the following person personally appeared before me this day, acknowledging to me that she signed the foregoing document: Oscar Jackson Cole, Jr.

Today's Date: September 19, 2022



[Affix Notary Seal in Space Above]

Mary A. Nelson  
[Notary's signature as name appears on seal]

Mary A. Nelson  
[Notary's printed name as name appears on seal]

My commission expires: 7/24/2026

MARY A. NELSON  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires July 24, 2026

## EXHIBIT A

4871-7588-4569, v. 1

4871-7588-4569, v. 1

qualified beneficiary other than the Grantor's spouse pursuant to Section 19-1308.13 of the D.C. Code during the lifetime of the Grantor's spouse. In addition, the Grantor hereby waives the duty of the Trustee of any trust created under this Trust to give notice to any qualified beneficiary who is under age thirty-five (35) pursuant to Section 19-1308.13 of the D.C. Code.

#### **ARTICLE XIV** **Powers of Trustee**

**A. General Powers.** In addition to, and not in limitation of, the rights, powers, privileges and discretions vested in trustees by law, the Grantor gives to the Trustee of this Trust and of any trust created hereunder, the fullest right, power, and authority (to be exercised without application to any court, at such time or times and upon such terms and conditions as the Trustee shall, in the exercise of sole discretion, deem advisable) to do any and all acts and to execute any and all written documents with respect to any property, real or personal, held in this Trust or any trust created hereunder. Without limiting the generality of the foregoing, the Trustee shall have the following powers:

1. To purchase or otherwise acquire, and to retain, whether originally a part of the trust estate or subsequently acquired, any and all common or preferred stocks, bonds, notes or other securities, or any variety of real or personal property, whether within or without the United States, including, without limitation, foreign real estate or foreign securities, securities of a corporation in which any Trustee is a director, officer, employee or shareholder, securities of any corporate Trustee or any successor or affiliate corporation, interests in any business venture (incorporated or unincorporated), and interests in entities formed principally for the commingling of assets for investment, such as common trust funds (including, without limitation, common trust funds maintained by any corporate Trustee or by any successor or affiliate corporation), investment companies, mutual funds, real estate and other investment trusts, and interests in any partnership, limited liability company or other entity, whether or not such investments be of the character permissible for investments by fiduciaries; to make or retain any such investment without regard to the proportion any such investment or similar investment may bear to the entire trust estate, without regard to degree of diversification and without regard to whether such investment is unproductive or underproductive; to invest in interest bearing deposit accounts, or hold funds in non-interest bearing deposit accounts pending investment or disbursement thereof, in any bank, including any bank that is acting as a Trustee hereunder or any bank affiliated with any Trustee; to invest in registered mutual funds for which any Trustee hereunder, or an affiliate of any Trustee, provides investment advisory, custodial or other services for compensation paid from such mutual funds; and to execute trades or securities by, purchase from or sell securities to the dealer portfolio of, and purchase securities from the underwriting position of any affiliate of, any Trustee;



**PASTERNAK & FIDIS, P.C.**

7101 Wisconsin Avenue, Suite 1025

Bethesda, MD 20814-4805

Tel: (301) 656-8850 • Fax: (301) 656-3053

[www.pasternakfidis.com](http://www.pasternakfidis.com)

2. To sell, convey, lease, pledge, mortgage, transfer, exchange, convert or otherwise dispose of, or grant puts, calls or options with respect to, any and all property at any time forming a part of any trust estate, in any manner, at any time or times, for any purpose, for any price and upon any terms, credits and conditions; and to enter into leases which extend beyond the period fixed by statute for leases made by fiduciaries and beyond the duration of any trust;

3. To borrow money from any lender, including any corporate Trustee, for any purpose connected with the protection, preservation or improvement of the trust estate, and as security to mortgage, margin or pledge upon any terms and conditions any real or personal property forming a part of any trust estate; to lend money upon such terms and conditions as any Trustee serving hereunder may deem advisable;

4. To complete, extend, modify or renew any loans, notes, bonds, mortgages, contracts or any other obligations which may be liens or charges against the trust estate; to pay, compromise, compound, adjust, submit to arbitration, sell or release any claims or demands of any trust against others or of others against any trust upon any terms and conditions, including the acceptance of deeds to real property in satisfaction of bonds and mortgages; and to make any payments in connection therewith;

5. To vote in person or by general or limited proxy with respect to any shares of stock or other security; directly or through a committee or other agent, to oppose or consent to the reorganization, consolidation, merger, dissolution or liquidation of any corporation, or to the sale, lease, pledge or mortgage of any property by or to any such corporation; and to make any payments and take any steps proper to obtain the benefits of any such transaction;

6. To take part in the management of any business in which investment is retained or made hereunder and to delegate duties with respect to such management, with the requisite powers, to any employee, manager, partner or associate of such business, without liability for such delegation; to reduce, expand, limit or otherwise fix and change the operation or policy of any such business and to act with respect to any other matter in connection with any such business; to subject to the risks of any such business, any part or all of any trust estate, for such term or period as the Trustee, in the exercise of sole and absolute discretion, may determine; to advance money or other property to any such business; to make loans, subordinated or otherwise, of cash or securities to any such business and to guarantee the loans of others made to any such business; to borrow money for any such business, either alone or with other persons interested therein, and to secure such loan or loans by a pledge or mortgage of any part of any trust estate; to select and vote for directors, partners, associates and officers of any such business; to act as directors, general or limited partners, associates and officers of any such business either individually or through an officer or officers if any Trustee be a corporation, and to receive compensation from such business for so

**PASTERNAK & FIDIS, P.C.**

7101 Wisconsin Avenue, Suite 1025

Bethesda, MD 20814-4805

Tel: (301) 656-8850 • Fax: (301) 656-3053

www.pasternakfidis.com

acting; to enter into stockholders' agreements with corporations in which any trust estate has an interest and/or with the stockholders of such corporations; to liquidate, either alone or jointly with others, any such business or any interest in any such business; and generally to exercise any and all powers as the Trustee may deem necessary with respect to the continuance, management, sale or liquidation of any such business;

7. To manage, insure against loss, subdivide, partition, develop, improve, mortgage, lease or otherwise deal with any real property or interests therein which may form at any time a part of any trust estate; to satisfy and discharge or extend the term of any mortgage thereon; to demolish, rebuild, improve, repair and make alterations from time to time in any of the structures upon any such real property; to construct and equip buildings and other structures upon any such real property and to make any and all other improvements of any kind or character whatsoever in connection with the development and improvement thereof; to execute the necessary instruments and covenants to effectuate the foregoing powers, including the granting of options in connection therewith;

8. To form or cause to be formed, alone or with others, such corporations, partnerships, limited partnerships, limited liability companies, business trusts and other business organizations organized under the laws of any state or country and to transfer and convey to such business organizations all or any part of the assets, real or personal, of any trust estate in exchange for such stocks, bonds, notes, other securities or interest of such business organizations as the Trustee, in the exercise of sole and absolute discretion, may deem advisable;

9. Whenever no corporate trustee is acting hereunder, to place all or any part of the securities which at any time are held by any trust in the care and custody of any bank or trust company with no obligation while such securities are so deposited to inspect or verify the same and with no responsibility for any loss or misapplication by the bank or trust company; to have all stocks and registered securities placed in the name of such bank or trust company or in the name of its nominee; and to appoint such bank or trust company agent and attorney to collect, receive, receipt for and disburse any income, and generally to perform the duties and services incident to a so-called "custodian" account;

10. To employ a broker-dealer as custodian for all or any part of the securities at any time held by any trust and to register such securities in the name of such broker-dealer; to register securities in the name of a nominee with or without the addition of words indicating that such security is held in a fiduciary capacity, or to hold securities in bearer form, or in uncertificated form;

11. To drill, test, explore, maintain, develop and otherwise exploit, either alone or jointly with others, any and all property in which any trust created

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hereunder may have any rights or interests of whatsoever kind or nature with respect to oil, gas, minerals, timber or other natural resources, whether originally a part of the trust or subsequently acquired, and to pay the costs and expenses thereof, together with all delay rentals, bonuses, royalties, overriding royalties, drilling and operating expenses, taxes, assessments and other charges and burdens in connection therewith; to enter into operation, farm-out, pooling or unitization agreements in connection with any or all of such rights or interests; and to extract, remove, process, convert, retain, store, sell or exchange such rights and interests and the production therefrom, in such manner, to such extent, on such terms and for such consideration as the Trustee, in the exercise of sole and absolute discretion, may deem advisable;

12. To employ domestic employees and pay any other expenses incident to the maintenance of a household for the benefit of any one or more of the beneficiaries of a trust created hereunder, as the Trustee, in the exercise of sole and absolute discretion, may determine;

13. To permit any one or more of the beneficiaries of any trust created hereunder, as the Trustee, in the exercise of sole and absolute discretion, may determine, to occupy any real property and to use any tangible personal property forming part of the trust on such terms as the Trustee, in the exercise of sole and absolute discretion, may determine, whether for rent, rent-free, in consideration of payment of taxes, insurance, maintenance or ordinary repairs, or otherwise;

14. To divide any trust created hereunder or any property used to fund or augment any trust created hereunder into two or more fractional shares to be held as separate trusts hereunder, or to divide any trust created hereunder into one or more separate trusts for the benefit of one or more of the beneficiaries (to the exclusion of the other beneficiaries) of the trust so divided, as the Trustee, in the exercise of sole and absolute discretion, may determine and to allocate to such divided trust some or all of the assets of the trust estate for any reason including, but not limited to, enabling any such trust or trusts to qualify as an eligible shareholder of an S corporation as described in IRC Sections 1361(c)(2)(A)(i) or 1361(d), as the case may be, to provide an inclusion ratio (within the meaning of IRC Section 2642(a)) of zero for a trust to which an allocation of generation-skipping transfer tax exemption may be made, to make different tax elections (such as a marital deduction election) for each separate trust thereby created, or for any other purpose;

15. If anyone adds or is deemed to add by gift or bequest property to a trust created hereunder, in the exercise of sole and absolute discretion of the Trustee, to combine the added property with the other trust assets or to hold the added property as a separate trust with terms identical to the trust to which the addition would have been made;

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16. To make distributions in kind and to cause any distribution to be composed of cash, property or undivided fractional shares in property different in kind from any other distribution without regard to the income tax basis of the property distributed to any beneficiary or any trust;

17. To allocate receipts and expenses between income and principal as the Trustee, in the exercise of sole and absolute discretion, may determine to be appropriate;

18. To make such elections under the tax laws as the Trustee, in the exercise of sole and absolute discretion, may determine to be appropriate, regardless of the effect thereof on any interests in any trust created hereunder, and to determine whether or not any adjustment of such interests shall be made by reason of any such election;

19. Except as otherwise required by IRC Section 2056(b)(7), to make any application of principal or income for the benefit of any beneficiary by payment to such person or persons (including, without limitation, other estates or trusts, individuals and institutions) as the Trustee, in the exercise of sole and absolute discretion, may determine (including, without limitation, a trust of which any Trustee hereunder is also acting as Trustee, and whether any such trust was created pursuant to authority granted to the Trustee hereunder or otherwise); and

20. To appoint, employ and remove, at any time and from time to time, any investment counsel, accountants, depositories, custodians, brokers, consultants, attorneys, expert advisors, agents, clerks and employees, irrespective of whether any person, firm or corporation so employed shall be a Trustee hereunder or shall be an affiliate of a Trustee hereunder and irrespective of whether any firm or corporation so employed shall be one in which a Trustee hereunder shall be a partner, stockholder, officer, director or corporate affiliate or shall have any interest; and to pay the usual compensation for such services out of principal or income as the Trustee may deem advisable.

**B. Virginia Statutory Powers.** If the Grantor is a resident of the Commonwealth of Virginia at the time of the Grantor's death, or if the Grantor (or this Trust) owns real property located in the Commonwealth of Virginia at the time of the Grantor's death, the Grantor confers upon the Trustee in the administration of this Trust those powers contained in Section 64.2-105 of the Code of Virginia, as amended, which powers hereby are incorporated herein in their entirety by this reference.

**C. Delegation to Co-Trustee.** If more than one person is serving as Trustee hereunder, any such Trustee may delegate all or any part of such Trustee's powers and discretions to any other Trustee, in writing, for a set period of time or for an unlimited period of time so long as the other Trustee is not specifically prohibited hereunder from

exercising such powers. Any such delegation may be renewed and may be revoked. No Trustee shall be liable for the exercise or non-exercise of any powers and discretions delegated hereunder to any other Trustee.

**D. Delegation of Investment Authority.** The Trustee of this Trust and of any trust created hereunder shall have the power to delegate to one or more of the persons serving as Trustee at any time, or to any investment advisor or manager employed by the Trustee, full power and authority to direct the investment of funds held in such trust so long as such delegate is not specifically prohibited hereunder from exercising such powers. Any such delegation shall be in a writing delivered to the delegate and any such delegation shall remain effective for the time therein specified or until earlier revocation by a further writing similarly delivered. In making any investment or reinvestment pursuant to any such delegation, the delegate shall not be required to obtain the consent or signature of any other person during the time such delegation is effective, and everyone dealing with the Trustee or the delegate shall be protected in relying upon the certification of the Trustee as to the extent of the delegate's authority. Any person serving as Trustee who is not a delegate shall have no liability for any of the investment decisions made by the delegate.

**E. Governing Law; Change of Principal Place of Administration.** The validity, construction, and administration of this Trust and of any trust created hereunder shall be determined by reference to the laws of the District of Columbia, and all questions concerning any such trust's validity, construction, and administration shall be determined under such laws. Notwithstanding the foregoing, the Trustee of this Trust or of any trust created hereunder may change the principal place of administration of any such trust to a jurisdiction other than the initial jurisdiction if the Trustee believes it to be in the best interests of the trust and/or the current beneficiary or beneficiaries, and the Trustee may elect that the laws of such other jurisdiction shall govern the administration of the trust, but not the validity or construction of the trust, from and after the date of such change of situs.

**F. Decanting / Discretion to Terminate and Distribute.** The Trustee of any trust created hereunder (other than a Trustee who is a beneficiary of the trust) shall have the power to terminate such trust if the Trustee determines, in the Trustee's sole and absolute discretion, that:

1. The continued retention of the principal in trust is uneconomical or otherwise inadvisable;
2. The trust no longer serves any material purpose of the Grantor or of the beneficiary or beneficiaries of such trust; or
3. For any other reason, termination of the trust will be in the best interests of the beneficiary or beneficiaries.

Upon the Trustee's exercise of the power to terminate, the Trustee may (1) distribute the remaining principal and undistributed income of the trust to or in further trust for the benefit of the current beneficiary or beneficiaries of the trust as the Trustee, in the exercise of sole and absolute discretion, determines to be most consistent with the Grantor's manifested plan of distribution, or (2) purchase an annuity contract with the remaining principal and undistributed income of the trust which provides life income for the current beneficiary or beneficiaries of the trust under such terms and conditions as the Trustee, in the exercise of sole and absolute discretion, shall determine. No Trustee who exercises this power to terminate and distribute shall be liable to any beneficiary unless such power was exercised in bad faith.

**G. Merger of Trusts.** The Trustee, in the Trustee's sole discretion, may merge all or any part of the assets of any trust created hereunder with the assets of any other trust created by any person (whether during such person's lifetime or by an instrument taking effect at such person's death) and held by the same Trustee for the benefit of the same beneficiary or beneficiaries and upon substantially the same terms and conditions as those set forth herein, and, in the Trustee's sole discretion, either (1) administer the merged assets as a single trust hereunder, or (2) transfer the trust assets to that other trust, to be administered under the instrument governing that other trust, and thereafter terminate the trust hereunder as a separate entity. Notwithstanding the foregoing, under no circumstances shall a trust with a GST inclusion ratio (as defined in IRC Section 2642) of zero be merged with a trust with a GST inclusion ratio that is greater than zero.

**H. Joint Administration of Trusts.** The Trustee may, in the Trustee's sole discretion, hold jointly, for convenience of investment and administration, property constituting principal of two or more trusts created hereunder, and may make joint investments in which the separate trusts have undivided interests.

**I. Grant of General Power of Appointment.** The Trustee of any trust created hereunder (other than a Trustee who is a beneficiary of the trust) shall have, at any time and from time to time, by written notice delivered to the beneficiary of any trust created hereunder, the power to grant to such beneficiary a general testamentary power of appointment (as defined in IRC Section 2041(a)) over all or any part of any such beneficiary's share of the trust. The Trustee shall not be liable to any beneficiary or to any beneficiary's successors in interest for any reasonable exercise or non-exercise of this power. It is the Grantor's intention that the Trustee shall exercise this power if and to the extent necessary to minimize estate and/or generation-skipping transfer taxes imposed by Chapter 13 of the Internal Revenue Code and/or to reduce capital gains tax exposure by achieving a step-up in the basis of trust assets. If the Trustee of any trust created hereunder shall exercise the power to grant a general power of appointment to a beneficiary, then, upon the death of the powerholder, the Grantor directs the Trustee, prior to distributing such trust as hereinabove directed, to distribute to the beneficiary's

estate or directly to the appropriate taxing authority, as the Trustee may determine, that portion of the death taxes payable by such beneficiary's estate, if any, which is attributable to the inclusion in such beneficiary's estate of the assets of the trust for which the beneficiary had a general power of appointment. Such payment shall be equal to the amount by which (1) the total of such death taxes payable by the beneficiary's estate exceeds (2) the total of such death taxes that would have been payable if the value of the trust property had not been included in the beneficiary's estate. The amount of death taxes due hereunder shall be based upon the values in the beneficiary's estate as finally determined for federal estate tax purposes.

**J. Expanded Distribution Discretion.** With respect to any trust created hereunder for the benefit of the Grantor's spouse over which no federal marital deduction election was made, the Trustee of such trust (other than a Trustee who is the Grantor's spouse) may, at any time and from time to time, pay to or apply for the benefit of the Grantor's spouse so much (even to the extent of the whole) of the principal of such trust as such Trustee, in such Trustee's sole discretion, shall deem advisable in the best interests of the Grantor's spouse for such purposes as the Trustee may deem appropriate. The Trustee shall not be liable to any beneficiary or to any beneficiary's successors in interest for any reasonable exercise or non-exercise of this broad discretionary power. It is the Grantor's intention that the Trustee shall exercise this power if and to the extent necessary to minimize the overall income taxes and death taxes imposed on the assets of such trust.

**K. Digital Assets.** The Trustee of this Trust shall have the power and authorization to access, take control of, conduct, continue, or terminate the Grantor's accounts on any website, including any digital currency or digital currency account, social networking site, photo sharing site, micro blogging or short message service website or any email service website. All such websites may release the Grantor's log-on credentials, including username and password, to the Trustee, and the website shall be indemnified and held harmless by this Trust for any damages, causes of action or claims that may result from this disclosure. The Grantor makes specific reference to 18 U.S.C. Section 1030(a) and 18 U.S.C. Sections 2701 et seq., and hereby states that the Trustee has the Grantor's lawful consent and authorization under those federal laws and any comparable state law. The Grantor hereby specifically consents to the disclosure, to the Trustee, of the contents of the Grantor's electronic communications.

**L. Sale of Real Property.** Following the Grantor's death, the Trustee shall sell any real property or residential cooperative unit interest held in the Trust if the Trustee determines, in the Trustee's sole and absolute discretion, that such sale is necessary in order to pay the Grantor's debts, expenses of administration of the Grantor's estate or this Trust, taxes, to preserve the estate, or to effect distribution.

*(Intentionally Left Blank)*





## 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	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	*	*	*	*	*	*	*					
Agriculture/Animal Services	Agricultural Maintenance Barns		D																								
	Agricultural Tourism		S																								
	Animal Feeder/Breeder	X	D																								
	Animal Services (Livestock)		P																		P	P					
	Animal Services (Other)		P											D		D	D	D	D	P	P						
	Horticultural Specialties		P																P		P	P					
Household Living	Single-Family Detached Dwelling		P	P	P	P	P	P	P	P	P			P	P	P											
	Two-Family Dwelling (Twin Home or Duplex)		P							P	P	P		P	P	P											
	Townhouse Dwelling									P	P	P			P	P	P										
	Caretaker Dwelling (Accessory)		D										D	D	D	D	D	D	D	D	D	D					
	Multifamily Dwelling (including Condominium)*									P	P	P			P	P	P	P	P								
	Family Care Facility		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
	Home Occupation		D	D	D	D	D	D	D	D	D	D		D	D	D											
	Mfgr.(HUD)/Mobile Home Dwelling (Class A & B)		P	Z	Z						Z	Z															
	Mfgr.(HUD)/Mobile Home Dwelling Park									S	S	S															
	Accessory Apartments/ Dwelling Units		D	D	D	D	D	D	D	D	D	D		D	D												
	Subdivision (Minor) - Residential		P	P	P	P	P	P	P	P	P	P		P	P	P											
	Subdivision (Major) - Residential (6 or more lots)			P	P	P	P	P	P	P	P	P		P	P	P											
	Tiny House Developments									D	D	D															



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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	*	*	*	*	*	*	*							
	Temporary Family Healthcare Structures		D	D	D	D	D	D	D	D	D		D	D	D												
Group Living/Social Service	Boarding House, 3 - 8 Residents		S							P	P		P	P													
	Rooming House, 9 or More Residents									S	S		S	P													
	Congregate Care Facility								D	D	D	D	D														
	Group Care Facility									S	S	D		D													
	Single Room Occupancy (SRO) Residence								S	S	S	D		D													
	Nursing and Convalescent Home									S	S	P		P			P	P									
	Temporary Shelter									P	P	P					D	D			D	D					
	Homeless Shelter											D		D			D	D			D	D					
Recreation and Entertainment (Light)	Athletic Fields		S	S	S	S	S	S	S	S	S	P	D	P	D	P	P	P	P	P	P	P					
	Batting Cages, Outdoor		D									D						D	D	D							
	Club or Lodge		S	S	S	S	S	S	S	S	S	P	S	P	S	P	P	P	P								
	Country Club with Golf Course		D	S	S	S	S	S	S	S	S	D		S			D	D	D	D							
	Equestrian Facility		S	S								S															
	Golf Course		P	S	S	S	S	S	S	S	S	D		D				D	D	D							
	Paintball Field		D	S														D	D	D							
	Physical Fitness Center													P		P	P	P	P	P							
	Private Club Recreation (incl. Indoor Batting Cages)		S									D															
	Public Park or Public Recreation Facility (incl. Indoor Batting Cages)		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D					
	Swim and Tennis Club		D	S	S	S	S	S	S	S	S	D		D			D	D	D	D							



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			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	*	*	*	*	*	*				
Recreation and Entertainment (Heavy)	Adult-Oriented Establishments																						S	
	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	P	
	Elementary School		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										
	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	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	



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			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	*	*	*	*	*	*	*						
	Community or Social Service Agencies												P	P	P	P	P	P	P	P						
	Fraternity or Sorority (University or College Related)												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							
	Museum or Art Gallery												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					
	Medical or Professional Office													P	P	P	P	P	P	P	P					
	Personal Service													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	P				
	Furniture Stripping or Refinishing (including Secondary or Accessory Operations)	X																P	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			





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			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															
	Landscape and Horticultural Services	X	S																	P		P	P			
	Laundromat or Dry Cleaner	X															P	P	P	P						
	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		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 Trade	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	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			



## 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	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	*	*	*	*	*	*	*					
	Motor Vehicle, Motorcycle, RV or Boat Sales (New and Used)	X																P	P		P	P				
	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				
	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				



## 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  
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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	*	*	*	*	*	*	*					
	Equipment Repair, Light																	D	D		P	P				
	Tire Recapping																					P				
	Truck Stop	X																	D		P	P				
	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				
	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	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				
	Wireless Communication Tower – Non-Stealth Design		D												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	P	P				
	Utilities, Major		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				





## 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  
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"\*" = 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	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	*	*	*	*	*	*	*						
	Solar Collectors Principal		S										S								S	S					
	Utility Company Office													P				P	P	P	P	P					
	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					
	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					
	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					



TABLE 4.3-1 PERMITTED USE SCHEDULE

08/04/2025  
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  
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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	M	I	O	X	B	B	B	B	P	I	I	
				40	30	20	3	5	7	8	18	26			U	*	*	*	*	*	*	*		
	Warehouse (Self-Storage)																	D	D		P	P		
	Laundry or Dry Cleaning Plant	X													P	D	P	P	P	P	P	P		
	Laundry or Dry Cleaning Substation	X													P	P	P	P	P	P				
	Petroleum & Petroleum Products	X																				P		
	Welding Shops	X																			P	P		
Manufacturing	Manufacturing Heavy																					S		
	Manufacturing Light																			P	P	P		
	Animal Slaughter & Rendering	X																				S		
Mining Uses	Mining	X																				S		
	Quarrying	X																				S		
Airport	Airport and Flying Field, Commercial	X											D											
Temporary Events/Uses	Temporary Events/Uses		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D		
	Turkey Shoots		D																					

Oscar Jackson Cole, Jr.

Oscar Jackson Cole, Jr.

08/04/2025

Nia Kiara Cole

Nia Kiara Cole

08/04/2025

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# TEST CONDITIONAL REZONING CASE #25-08-PLBD-00131: RS-40, RESIDENTIAL, TO CZ-AG, CONDITIONAL ZONING – AGRICULTURAL: 1804 PENNY ROAD

## Property Information

The subject property is located at 1804 Penny Road (Guilford County Tax Parcel #158770 in Jamestown Township), approximately 500 feet north of the intersection of Penny Road and East Fork Road, and comprises approximately 2.67 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 RS-40, Residential, to CZ-AG, Conditional Zoning – Agricultural, with the following conditions:

**Proposed Use Conditions:** All uses permitted in the AG zoning district except: (1) Two-Family Dwelling (Twin Home or Duplex); (2) Caretaker Dwelling (Accessory); (3) Manufactured (HUD)/Mobile Home Dwelling (Class A & B); (4) Boarding House, 3 - 8 Residents; (5) Batting Cages, Outdoor; (6) Country Club with Golf Course; (7) Golf Course; (8) Private Club Recreation (incl. Indoor Batting Cages); (9) Swim and Tennis Club; (10) Shooting Range, Outdoor; (11) Place of Worship; (12) Daycare Center (Not In-Home); (13) Kennels or Pet Grooming; (14) Wireless Communication Tower – Non-Stealth Design; (15) Land Clearing & Inert Debris Landfill, Major; (16) Land Clearing & Inert Debris Landfill, Minor; and (17) Turkey Shoots.

**Proposed Development Conditions:** None offered.

Because the subject property is located in a Watershed Critical Area, the following uses are also prohibited: (1) Animal Feeder/Breeder; (2) Landscape and Horticultural Services; (3) Land Clearing & Inert Debris Landfill, Major.

## District Descriptions

The **RS-40, Residential district** is 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 **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.

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 consists of predominantly residential and institutional uses.

**Existing Land Use(s) on the Property:** Single-Family Detached Dwelling

### Surrounding Uses:

North: Institutional (school and place of worship) within City of High Point  
South: Residential  
East: Residential  
West: Residential within City of High Point

**Historic Properties:** A local historic landmark, the Florence Female School Boarding House, is located immediately southwest of the subject property across Penny Road. The requested rezoning is not anticipated to have any 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

**Public School Facilities:** No anticipated impact

### Emergency Response:

Fire Protection District: Deep River FPSD

Distance from Fire Station: Approximately 1.5 miles

### Water and Sewer Services:

Provider: Private Septic System and Well

Within Service Area: Public utilities may be available from the City of High Point upon annexation

Feasibility Study or Service Commitment: No

### Transportation:

Existing Conditions: Penny Road is classified as a Major Thoroughfare in the High Point Metropolitan Planning Organization's Comprehensive Transportation Plan. The Annual Average Daily Traffic for Penny Road is 19,500 vehicles per the 2023 NCDOT traffic count.

Proposed Improvements: There are currently no known planned road improvements in the area. Any new development would be subject to an NCDOT driveway permit.

Projected Traffic Generation: Not available

## Environmental Assessment

**Topography:** Per the US Soil Survey, the parcel ranges from nearly level to gently sloping, with 2% to 6% slopes.

**Regulated Floodplain:** There is no regulated floodplain on the property per FIRM Map # 3710781200J with effective date 6/18/2007.

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

**Streams:** There are no mapped streams on the property per USGS Topo Quad and Soil Survey Maps.

**Water Supply Watershed:** High Point WS-IV, Watershed Critical Area (WCA) Tier 4

## Consistency: Future Land Use Map & Comprehensive Plan

**Future Land Use Map Classification:** Residential (Southwest Quadrant)

The **Residential** land use classification 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 corridors.

**Consistency:** The requested rezoning is consistent with the Future Land Use Map classification of Residential because the uses permitted in the proposed zoning district would be compatible with the low-density residential development envisioned within this classification. Specifically, the Residential land use classification is intended to accommodate primarily single-family detached dwellings and duplexes, both of which would be permitted under the proposed rezoning.

**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:

- **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.
- **Resilient Economy**
  - **Goal Statement:** Promote a healthy, sustainable economy that fosters partnerships, supports small business, incentivizes retention of farmland, and creates an economic climate that will attract and retain both job-generating businesses and their employees.
  - **Policy 4:** Prioritize the preservation of agricultural uses and working farms as a strategic economic development incentive.
- **Protected Natural Environment & Greenspace**
  - **Action N1.1:** Continue promoting the preservation of agricultural lands, which are a declining resource in Guilford County.

## Reasonableness

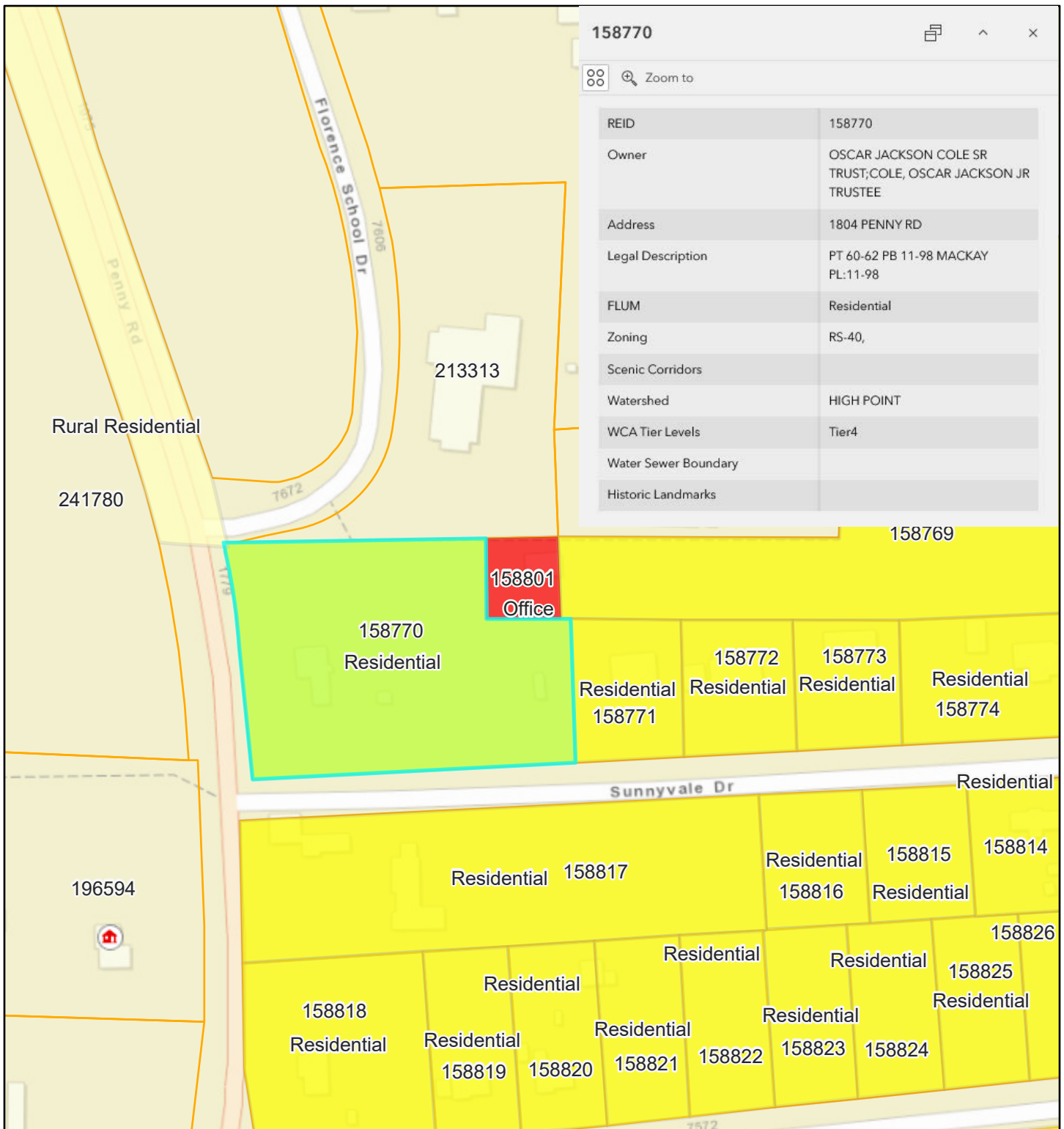
The request to rezone the subject property from RS-40 to CZ-AG is reasonable because the uses permitted under the proposed district would be largely compatible with development on adjoining properties and could benefit the surrounding area by enhancing access to fresh food, if used for agriculture, or by providing essential services. Potentially incongruous uses permitted under the AG district either (1) would be excluded from the proposed CZ-AG district through the use conditions offered by the applicant, (2) would be prohibited because the property is located in a Watershed Critical Area, or (3) would only be permitted with an approved Special Use Permit. The subject property's size, 2.67 acres, will also limit the potential scale of certain uses, such as agricultural uses, to an extent compatible with the surrounding area. Finally, the proposed CZ-AG zoning district is consistent with the Future Land Use Map classification of Residential.

## Recommendation

**Staff Recommendation:** Approval

**Future Land Use Map Amendment Recommendation:** The proposed rezoning is inconsistent with the Future Land Use Map classification of Residential. Therefore, if the request is approved a Future Land Use Map amendment to Rural Living will be required.

# TEST CASE 25-01-PLBD-00104: 1804 PENNY ROAD



9/26/2025, 8:51:14 AM

FLUM

- Rural Living
- Residential
- Commercial



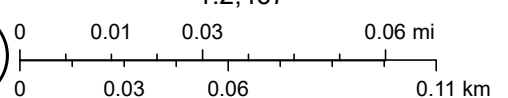
Landmark Property



Parcels

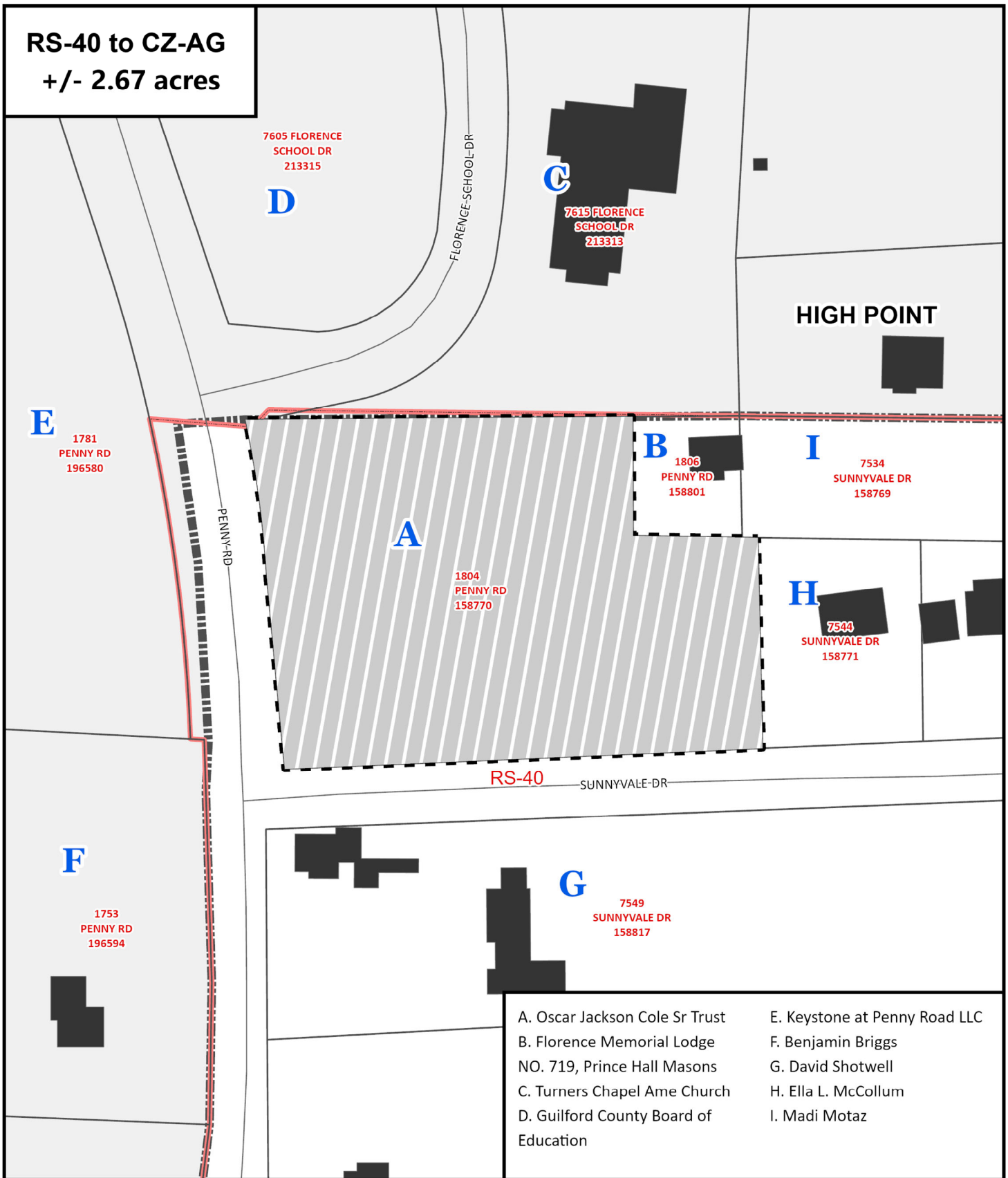
FLUM labels

Parcel Labels



State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

**RS-40 to CZ-AG**  
**+/- 2.67 acres**



Planning & Development  
 Department

**Jurisdiction:**

GUILFORD COUNTY

**Case Number:**

25-08-PLBD-00131

**Case Area:**

Parcel - 158770

1804 Penny Rd



Scale: 1" = 100'

**RS-40 to CZ-AG  
+/- 2.67 acres**



Planning & Development  
Department

Jurisdiction:  
GUILFORD COUNTY

Case Number:  
25-08-PLBD-00131

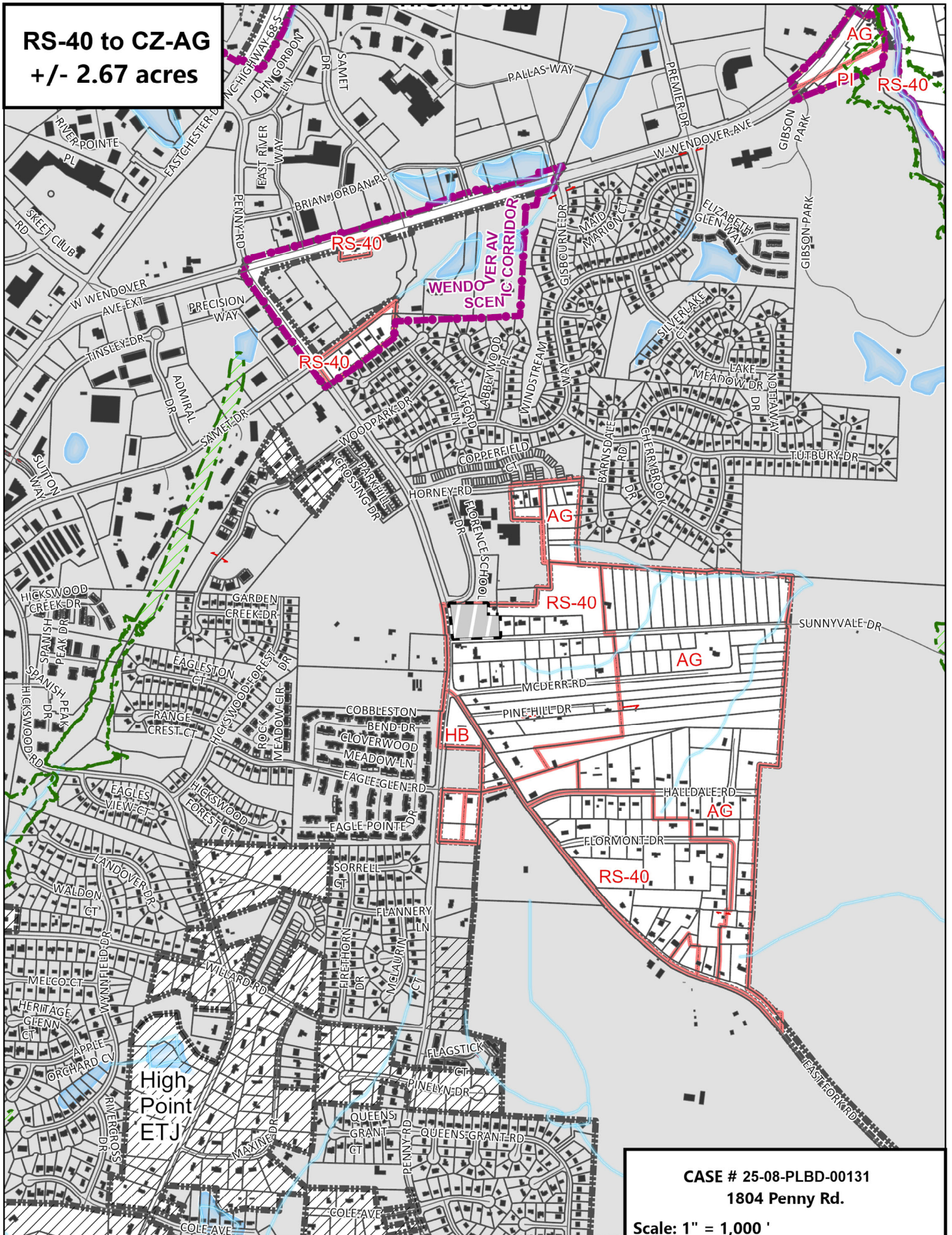
Case Area:  
Parcel - 158770  
1804 Penny Rd.



Scale: 1" = 150'



**RS-40 to CZ-AG**  
**+/- 2.67 acres**

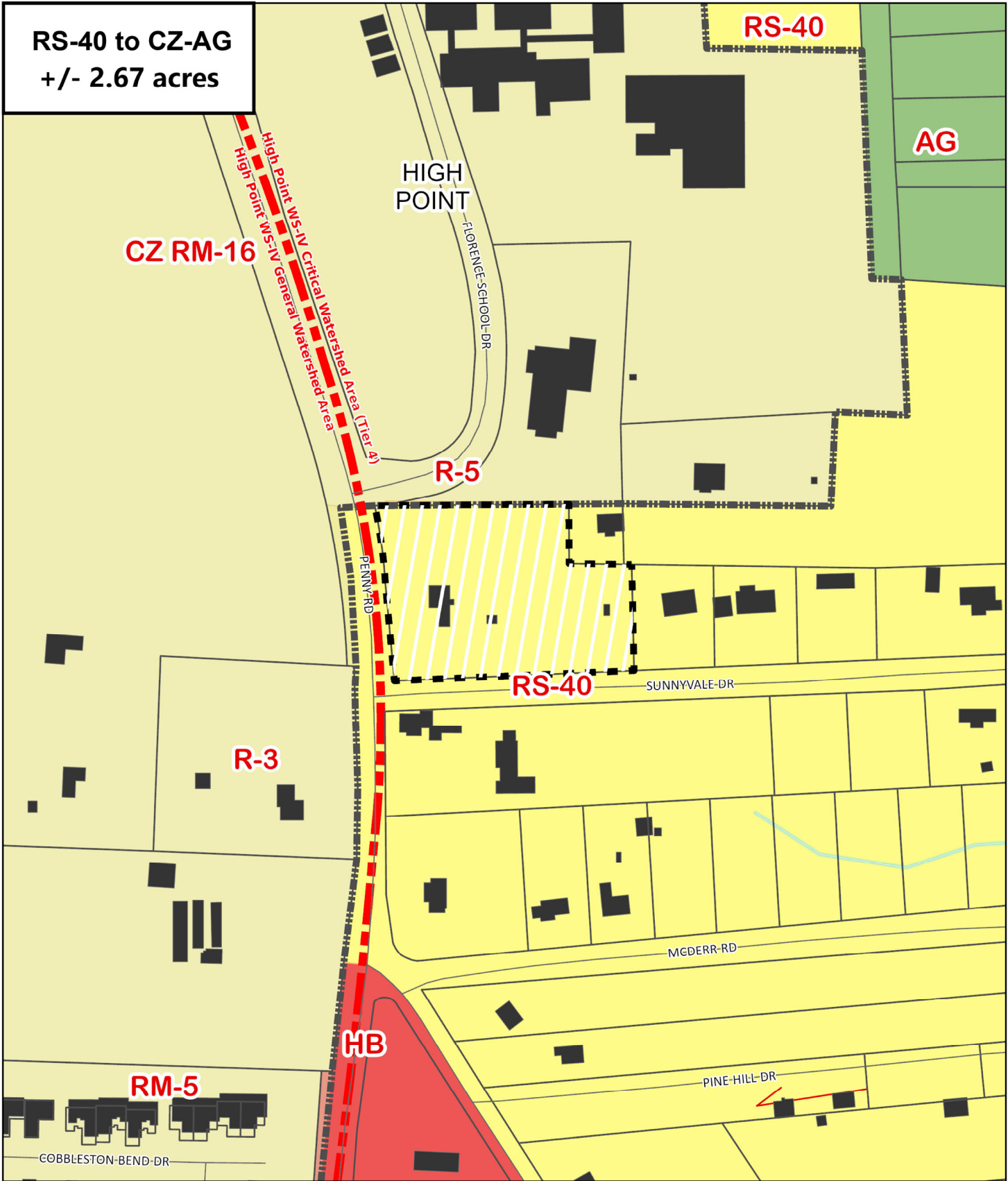


**CASE # 25-08-PLBD-00131**

**1804 Penny Rd.**

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





Planning & Development  
Department

Jurisdiction:  
GUILFORD COUNTY

Case Number:  
25-08-PLBD-00131

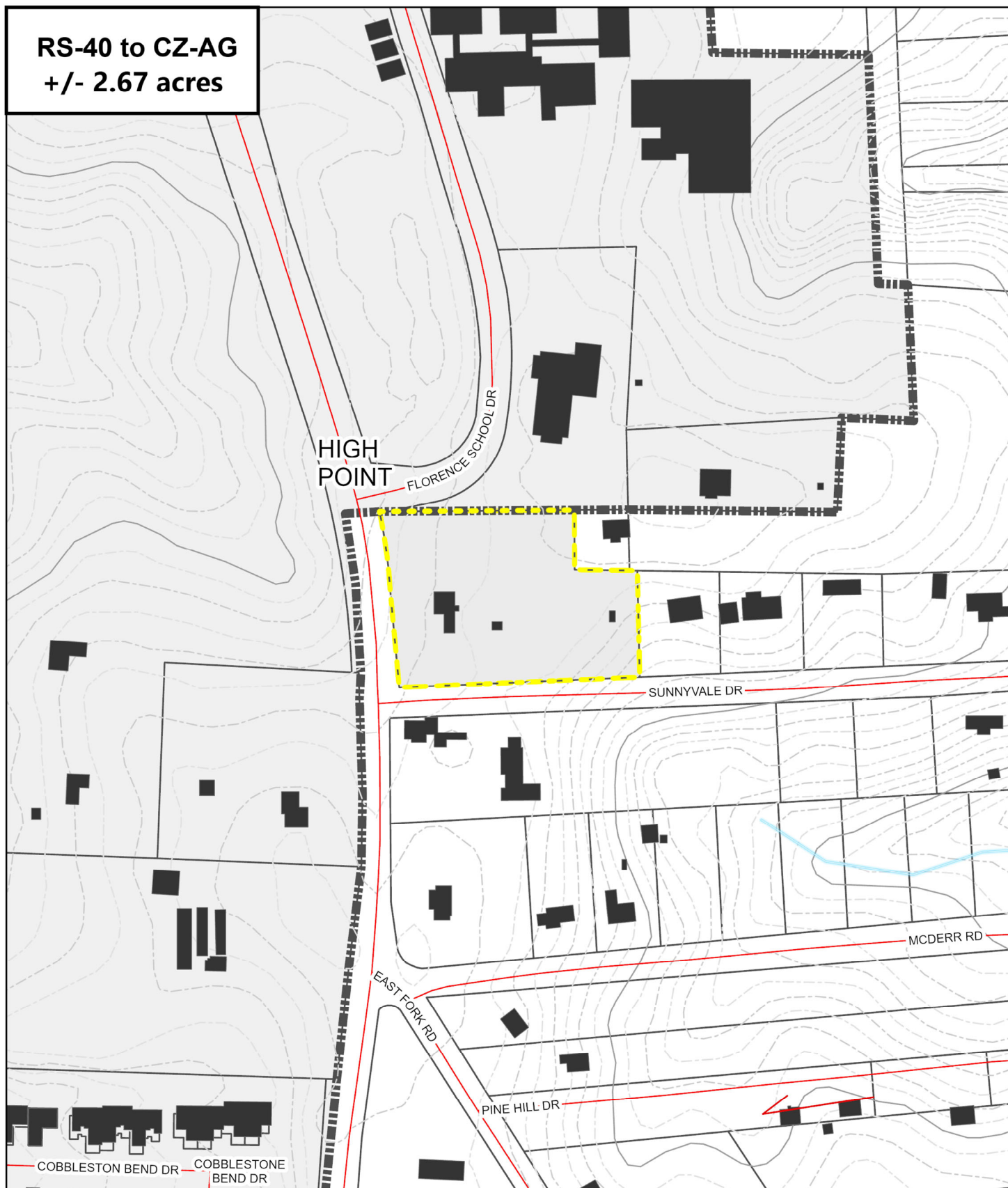
Case Area:  
Parcel - 158770  
1804 Penny Rd.



Scale: 1" = 200'



**RS-40 to CZ-AG  
+/- 2.67 acres**



Planning & Development  
Department

Jurisdiction:  
GUILFORD COUNTY

Case Number:  
25-08-PLBD-00131

Case Area:  
Parcel - 158770  
1804 Penny Rd.



Scale: 1" = 200'

**TEST CONDITIONAL REZONING CASE #25-08-PLBD-00131: RS-40,  
RESIDENTIAL, TO CZ-AG, CONDITIONAL ZONING – AGRICULTURAL: 1804  
PENNY ROAD**

**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

**TEST CONDITIONAL REZONING CASE #25-08-PLBD-00131: RS-40,  
RESIDENTIAL, TO CZ-AG, CONDITIONAL ZONING – AGRICULTURAL: 1804  
PENNY ROAD**

**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  
#158770 from **RS-40 to CZ-AG** 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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**TEST CONDITIONAL REZONING CASE #25-08-PLBD-00131: RS-40,  
RESIDENTIAL, TO CZ-AG, CONDITIONAL ZONING – AGRICULTURAL: 1804  
PENNY ROAD**

**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 #158770 from **RS-40 to CZ-AG** 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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**TEST CONDITIONAL REZONING CASE #25-08-PLBD-00131: RS-40,  
RESIDENTIAL, TO CZ-AG, CONDITIONAL ZONING – AGRICULTURAL: 1804  
PENNY ROAD**

**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 #158770 from **RS-40 to CZ-AG** because:

1. This approval also amends the **Future Land Use Map**.
2. The zoning map amendment and associated **Future Land Use Map** amendment **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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**TEST CONDITIONAL REZONING CASE #25-08-PLBD-00131: RS-40,  
RESIDENTIAL, TO CZ-AG, CONDITIONAL ZONING – AGRICULTURAL: 1804  
PENNY ROAD**

**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 #158770  
from **RS-40 to CZ-AG** 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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**GUILFORD COUNTY  
PLANNING AND DEVELOPMENT**

**Planning Board  
2026 Meeting Schedule**

<b>PLANNING BOARD Regular Meeting Schedule 6:00 PM Old Guilford Courthouse Carolyn Q. Coleman Conference Room – 1<sup>st</sup> Floor 301 W Market St., Greensboro, NC 27401</b>				
<b>Application Submittal Dates</b>	<b>Meeting Dates</b> (2 <sup>nd</sup> Wednesday of Month)	<b>End of Appeal Period</b>		
		<b>Rezoning</b>	<b>Road Naming/ Renaming</b>	<b>Road/Easement Closing</b>
December 9 January 6, 2026 February 3 March 3 April 7 May 5 June 2 July 7 August 4 September 1 October 6 November 3 December 1  <b>TIME: BY 12:00 NOON</b>	January 14, 2026 February 11 March 11 April 8 May 13 June 10 July 8 August 12 September 9 October 14 November 10* December 9 January 13, 2027	January 29, 2026 February 26 March 26 April 23 May 28 June 25 July 23 August 27 September 24 October 29 November 25 December 29* January 28, 2027	January 26, 2026 February 23 March 23 April 21 May 25 June 22 July 20 August 24 September 21 October 26 November 20 December 21 January 25, 2027	February 13, 2026 March 13 April 10 May 8 June 12 July 10 August 7 September 12 October 9 November 13 December 10 January 8, 2027 February 12, 2027

\*- Correction to Schedule for Holidays

Guilford County Planning and Development Department  
400 W. Market Street, Independence Center, 5<sup>th</sup> floor  
Greensboro, NC 27401  
336.641.3334

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