

**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.

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### 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.

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## 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. Rezonings – 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.*

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### 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.

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### 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...

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## 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.



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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	•

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**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	•

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<b>TABLE KEY</b>		<b>M = Mandatory</b> <b>= Not Applicable</b> <b><sup>1</sup> = Notes</b>		<b>C = Comment</b> <b>R = Recommend / Advisory</b> <b>OR = Optional review</b> <b>D = (Decision)</b> <b>L (Legislative)</b> <b>A (Administrative)</b>		<b>P Legislative Hearing</b> <b>Q Evidentiary Hearing</b> <b>A = Appeal</b>			
<b>APPLICATION PROCESS</b>	<b>SECTION REFERENCE</b>	<b>PUBLIC NOTICE LEVEL<sup>1</sup></b>	<b>PRE-APPLICATION CONFERENCE</b>	<b>REVIEW AUTHORITIES</b>					
				<b>ADMINISTRATIVE</b>		<b>DECISION-MAKING BODIES</b>			
				<b>PLANNING AND DEVELOPMENT DIRECTOR (PD)<sup>2</sup></b>	<b>TECHNICAL REVIEW COMMITTEE (TRC)</b>	<b>HISTORIC PRESERVATION COMMISSION (HPC)</b>	<b>PLANNING BOARD (PB)</b>	<b>BOARD OF COUNTY COMMISSIONERS (BCC)</b>	<b>BOARD OF ADJUSEMENT ADJUSTMENT (BOA)</b>
<ol style="list-style-type: none"> <li>1. See also Section 3.2 and Table 3.2 for public notification procedures.</li> <li>2. 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>3. Appeals of administrative decisions are quasi-judicial. 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.</li> <li>4. Rezoning may be conventional or conditional. Conditional zoning may be a part of planned unit developments – See Subsec. 4.</li> <li>5. See Section 3.5.M.4.f – Voting and SL1985-485 HB651.</li> <li>6. 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>7. 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>8. The Planning <u>and</u> 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>9. 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>10. 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>									

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## 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

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**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>				

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**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.

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### 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.***

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- 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.

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- (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~~.



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## 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:

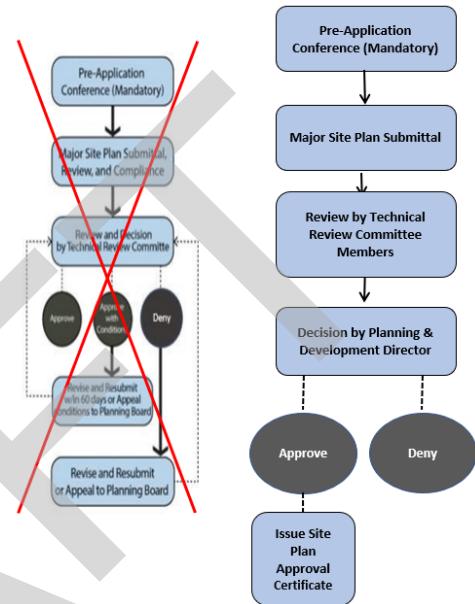
- (1) Greater than fifteen thousand (15,000) square feet of gross floor area.
- (2) Nine (9) dwelling units or more in a single building.
- (3) Open uses of land, or expansions of open uses of land involving forty thousand (40,000) square feet or more.

##### 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



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- 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

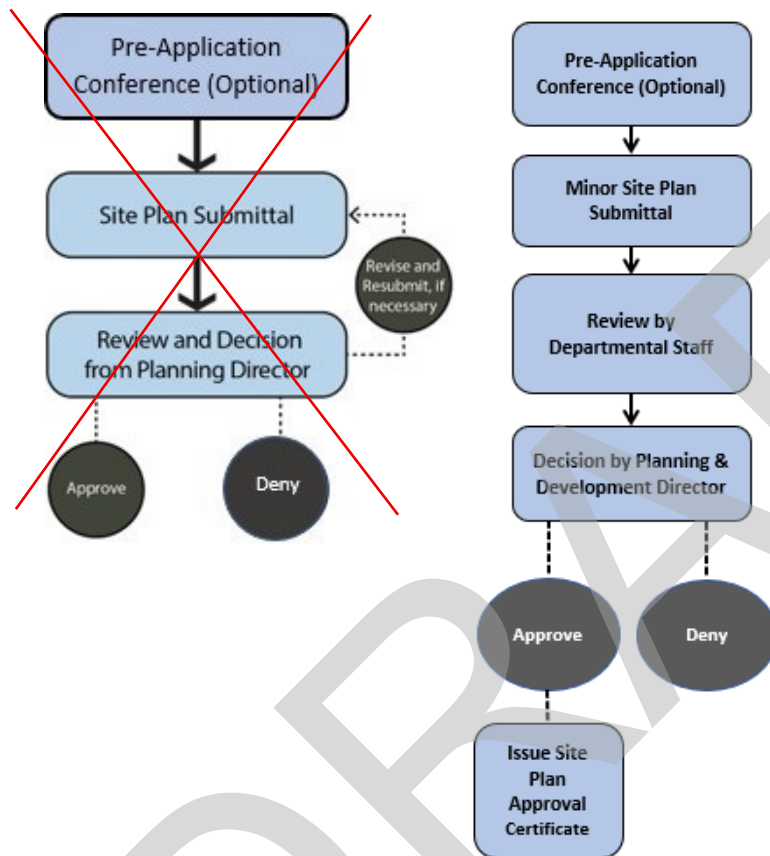
- a. Applicable. See Section 3.5.C, Appeals.

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## 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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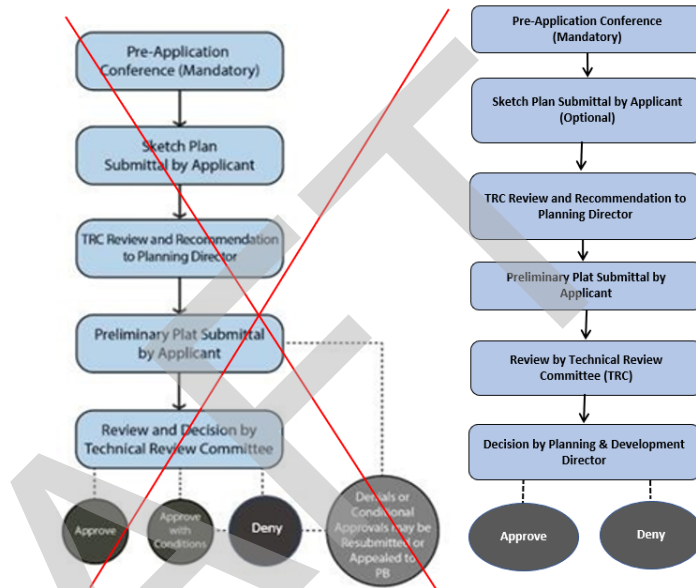
## ARTICLE 3 – PERMITS AND PROCEDURES

### 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.~~



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- ~~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. 5-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.~~

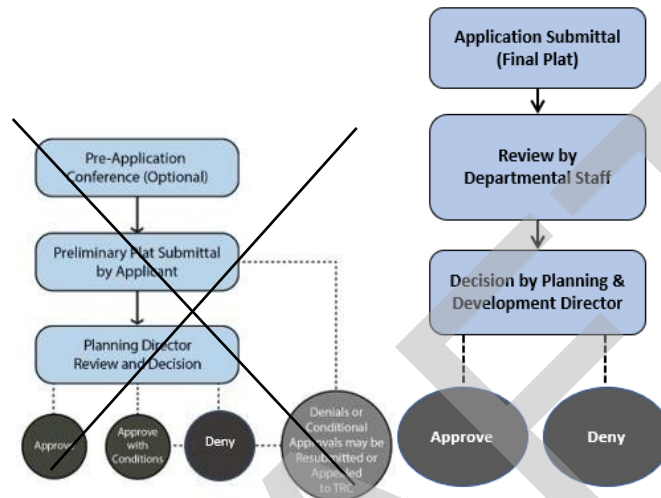
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## ARTICLE 3 – PERMITS AND PROCEDURES

### 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 – ~~Signs~~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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# Proposed Text Amendment Case #23-09-PLBD-00064

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

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

## 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.

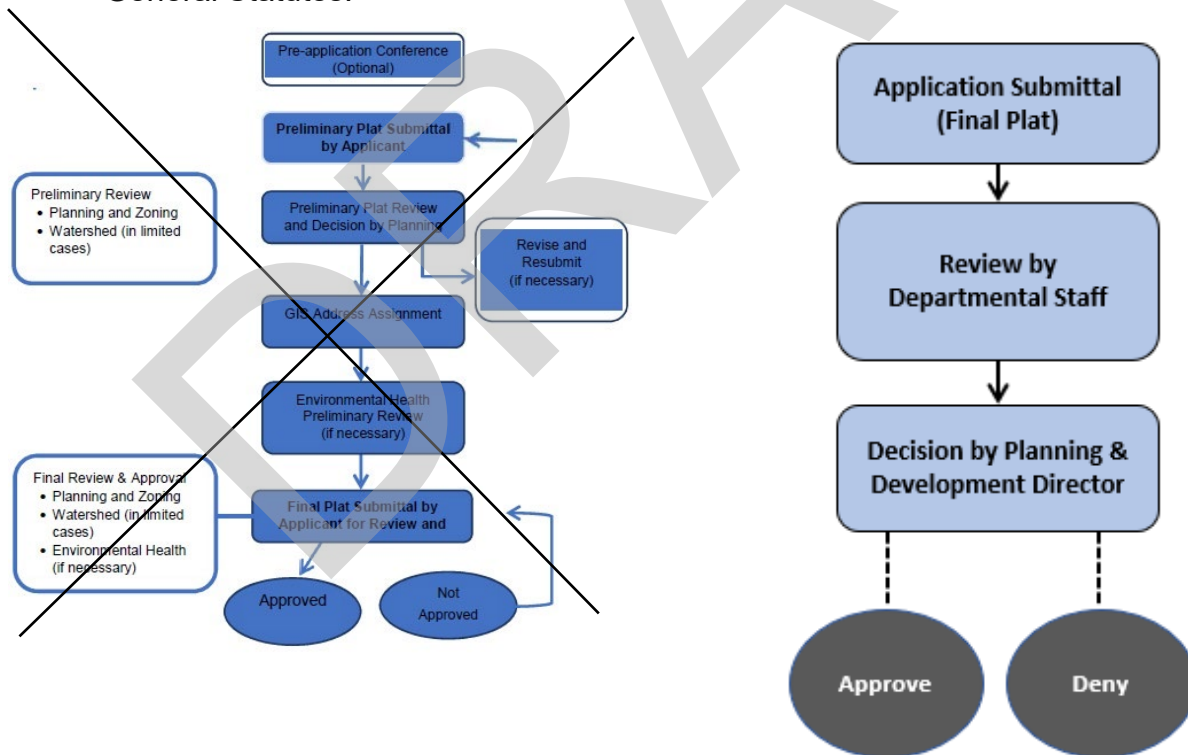
# Proposed Text Amendment Case #23-09-PLBD-00064

## 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>				

...

#### 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.

# **Proposed Text Amendment**

## **Case # 23-09-PLBD-00064**

### **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~~**

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

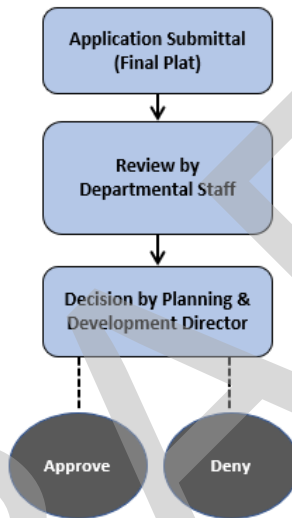
## ARTICLE 8 – SUBDIVISIONS AND INFRASTRUCTURE STANDARDS

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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.

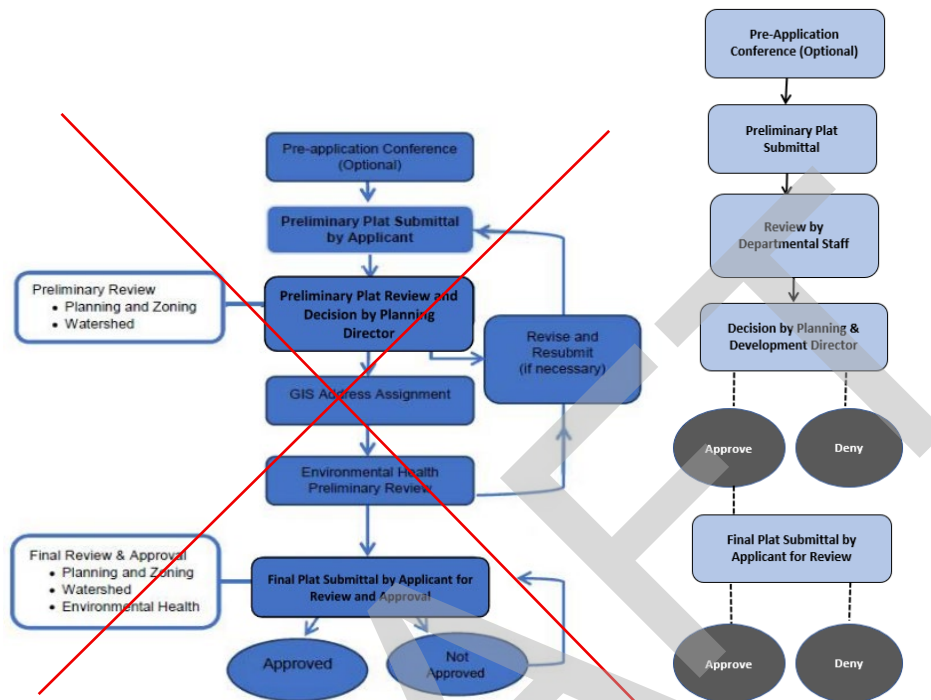
#### Minor Subdivision Process Flow Chart (if no new improvements are being constructed)





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

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



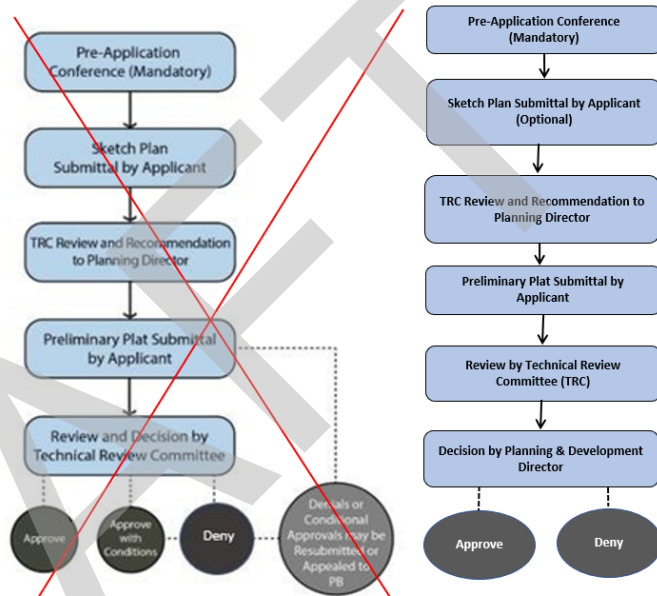
### A. STREET ACCESS STANDARDS...

# 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><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><i>All trees planted along or within a NCDOT street right-of-way shall conform to NCDOT guidelines.</i></li> <li><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><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.



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### 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.

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###### 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

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- 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,

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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

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- (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.

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- 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.

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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.

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## 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.