

AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES
WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Section 1. That Section 30-1-3, Purpose, is hereby amended by adding subsection 30-1-3.20, Neighborhood conservation overlay purposes, to read as follows:

“30-1-3.20. Neighborhood conservation overlay purposes.

The neighborhood conservation overlay regulations, adopted and prescribed in this Ordinance, are found by the City Council to be necessary and appropriate to:

- (A) Encourage development, redevelopment, and/or public projects that are consistent with a neighborhood’s livability, architectural character, and reinvestment potential.
- (B) Provide a means to modify zoning regulations and establish design standards for specific areas of the city while facilitating compatible development or redevelopment and protecting neighborhoods from incompatible development.”

Section 2. That Section 30-4-1.3, Overlay districts, is hereby amended by adding subsection 30-4-1.3(H), NCO Neighborhood Conservation District, to read as follows:

“(H) NCO Neighborhood Conservation District. The NCO, Neighborhood Conservation Overlay District establishes regulations to enhance natural, economic, and architectural resources unique to specific areas of the city while protecting neighborhoods from incompatible development. These regulations are specified in Section 30-4-4 (Overlay District Requirements).”

Section 3. That Section 30-4-4 Overlay District Requirements, is hereby amended by adding subsection 30-4-4.8, Neighborhood conservation overlay districts, to read as follows

“30-4-4.8. Neighborhood conservation overlay districts.

- (A) *Applicability:*
 - (1) The Neighborhood Conservation Overlay District regulations apply to properties located within the boundaries of a designated Neighborhood Conservation Overlay (NCO). The District may be applied in areas where the majority of the parcels are used for a residential purpose.
 - (2) A Neighborhood Conservation Overlay may not overlap a Historic District Overlay or Pedestrian Scale Overlay.

(B) *Relationship to other Regulations:* In the case of conflict between the Neighborhood Conservation Overlay District regulations and requirements contained in other sections of this Ordinance, the regulations of the Neighborhood Conservation Overlay District will govern.

(C) *Establishing or Expanding a Neighborhood Conservation Overlay District:*

(1) **Authority to Initiate Application:** Applications for a Neighborhood Conservation Overlay District designation must be filed with the Planning Department. An application may be initiated either:

(a) By a petition (provided by the Planning Department) signed by property owner(s) representing at least twenty-five percent (25%) of the land area and at least twenty-five percent (25%) of the parcels within the proposed district; or

(b) Upon request by a property owner within the proposed district, pursuant to an adopted neighborhood or other area plan that recommends a Neighborhood Conservation Overlay District; or

(c) By the City Council.

(2) **Application Requirements:** When an application (provided by the Planning Department) and boundary map are filed to establish a Neighborhood Conservation Overlay District, the Planning Director must determine the eligibility of the area for Neighborhood Conservation Overlay designation in accordance with this subsection. An area is determined eligible for a Neighborhood Conservation Overlay designation if it satisfies all of the following application criteria:

(a) Contains a minimum of one block face (all the lots on one side of a block);

(b) At least seventy-five percent (75%) of the land area in the proposed district was developed at least 25 years prior to the application, and is presently developed; and

(c) Where one or more of the following features is shared by a majority of the properties, creating a cohesive and distinctive setting, character or association:

(i) scale, size, orientation, type of construction, or exterior building materials;

(ii) spatial relationships between buildings;

- (iii) lot layouts, setbacks, street layouts, or alleys;
 - (iv) special natural or streetscape characteristics, such as creek beds, parks, greenbelts, gardens or street landscaping;
 - (v) land use patterns, including mixed or unique uses or activities; or
 - (vi) abuts or links designated historic landmarks and/or districts.
- (3) Determination of Eligibility for NCO Designation:
- (a) If, based on the criteria in subsection (C)(2) above, the Planning Director determines that the area is not eligible for a Neighborhood Conservation Overlay District designation, the applicant(s) will be notified of this fact in writing, including stated reasons for the decision. The decision of the Planning Director that an area is not eligible may be appealed to the Board of Adjustment. In considering the appeal, the sole issue shall be whether or not the Planning Director erred in the determination of eligibility using the criteria in subsection (C)(2) above.
 - (b) If the Planning Director determines that the area is eligible for designation as a Neighborhood Conservation Overlay District, the applicant(s) will be notified of this decision and a Public Informational meeting will be scheduled. The decision of the Planning Director that an area is eligible for a Neighborhood Conservation Overlay District may not be appealed.
- (4) Public Information Meeting Required: If the area is determined to be eligible for a Neighborhood Conservation Overlay District, the Planning Director must schedule a public meeting for the purpose of informing property owners in the proposed district of the nature of the pending request. The Planning Director must send notice of the date, time and place of the meeting by mail to all property owners within the proposed district and adjacent property owners. The City must initiate the preparation of a Neighborhood Conservation Plan within sixty (60) days of the Public Informational Meeting.
- (5) Neighborhood Conservation Plan: A Neighborhood Conservation Plan shall be prepared by City Staff with the assistance of representatives of the proposed district and include, at a minimum, the following information:
- (a) Statement of Purpose and Intent;
 - (b) A map that indicates the boundaries of the proposed Neighborhood Conservation Overlay District;

- (c) A description of the relevant history of the area;
- (d) A description of the existing and common characteristics of the area, including zoning, land use, development, and distinguishing features of the proposed district (e.g. architectural styles, natural features, design features, institutions); and
- (e) Design Guidelines for new construction of any building or structure, or the relocation of or addition to an existing building or structure.
 - (i) The Design Guidelines may include elements governing the common physical characteristics and features of property (public or private) existing within the proposed district. The Guidelines may also vary according to the type of land use (single family, multifamily, commercial, etc.) and may decrease or increase standards (parking, landscaping, etc.). Elements of design established for the proposed district may include, but are not limited to, the following:
 - (aa) building height, massing, and orientation;
 - (bb) principal elevation features, pattern and number of openings, building materials, and roofline and pitch;
 - (cc) dimensional requirements, setbacks, lot size, density, and floor area ratio;
 - (dd) parking and loading requirements, garage entrance location, driveways, and sidewalks;
 - (ee) landscaping, fences and walls, lighting, and signage; and
 - (ff) general site planning for both primary and accessory structures.
 - (ii) In order to accomplish the stated goals of the Plan and maintain common characteristics of the proposed district, elements of design may only consider conditions currently prevalent throughout the proposed district. Additionally, Design Guidelines established for the proposed district *shall not* regulate the following:
 - (aa) interior alterations;

- (bb) routine maintenance or repair of any structure or site feature;
 - (cc) demolition of any structure;
 - (dd) exterior paint colors; and
 - (ee) types of land uses permitted by the underlying zoning district.
 - (iii) Once the Neighborhood Conservation Overlay Plan has been approved, proposed developments within the district shall be reviewed by the Enforcement Officer to determine if they meet the adopted guidelines set forth in the Plan.
- (6) Upon completion of the proposed Neighborhood Conservation Plan, the Planning Director must schedule a public meeting for the purpose of informing property owners in the proposed Overlay District of the nature of any pending requirements. The Planning Director must send notice as provided in subsection (C)(4) above. A petition (provided by the Planning Department) indicating support for the City to proceed to public hearings must be filed with the Planning Director within six (6) months of the Public Informational Meeting. The petition to proceed must be signed by property owner(s) representing at least fifty-one percent (51%) of the land area and at least fifty-one percent (51%) of the parcels within the proposed district.
- (7) Map Amendment, and Neighborhood Conservation Plan Required:
- (a) Adoption of a Neighborhood Conservation Overlay District requires an amendment to the official zoning map; and
 - (b) A Neighborhood Conservation Plan must be approved by the City Council at the same time that the map amendment is adopted.
- (D) *Overlay District and Plan Approval:*
- (1) The Plan shall be forwarded, with the recommendations of the Planning Board and Zoning Commission following public hearings, to the City Council for approval.
 - (2) The City Council must hold a public hearing to consider adoption of both the Overlay District and the Plan.
- (E) *Amendments to an Adopted Neighborhood Conservation Overlay District:* Any proposal to amend, modify or dissolve any district boundaries or design

guidelines in an adopted Overlay District or Neighborhood Conservation Plan is subject to the following:

- (1) Any proposal to add parcels to an adopted Neighborhood Conservation Overlay District shall be the same as the application and adoption procedures set forth in Sections (C) and (D) except that a separate Neighborhood Conservation Plan will not be required. The original Neighborhood Conservation Plan for the district can be amended to incorporate the expansion.
- (2) Any proposal to subtract individual parcels or dissolve a district in its entirety from an adopted Neighborhood Conservation Overlay District requires:
 - (a) A new petition to subtract individual parcels or dissolve a district in its entirety must be signed by property owner(s) representing at least twenty-five percent (25%) of the land area and at least twenty-five percent (25%) of the parcels within the existing district; or at the request of the City Council.
 - (b) A Public Information Meeting scheduled by the Planning Director for the purpose of informing property owners in the existing district of the nature of the pending request. The Planning Director must send notice of the date, time and place of the meeting by mail to all property owners within the proposed district and adjacent property owners.
 - (c) Following the Public Informational Meeting, a petition to proceed must be signed by property owner(s) representing at least fifty-one percent (51%) of the land area and at least fifty-one percent (51%) of the parcels within the existing district.
 - (d) An amendment to the official zoning map.
 - (e) The amendment shall be forwarded, with the recommendations of the Planning Board and Zoning Commission following public hearings, to the City Council for approval.
 - (f) The City Council must hold a public hearing to consider the amendment.
- (3) Any proposal to amend a Neighborhood Conservation Plan requires:
 - (a) A new petition to amend a Neighborhood Conservation Plan must be signed by property owner(s) representing at least twenty-five percent (25%) of the land area and at least twenty-five percent (25%) of the parcels within the existing district; or at the request of the City Council.
 - (b) A Public Information Meeting scheduled by the Planning Director for the purpose of informing property owners in the existing district of the nature of the pending request. The Planning Director must send notice of the date, time and place of the meeting by mail to all property owners within the proposed district and adjacent property owners.

- (c) If the new application was initiated by a petition, then following the Public Informational Meeting a petition to proceed must be signed by property owner(s) representing at least fifty-one percent (51%) of the land area and at least fifty-one percent (51%) of the parcels within the existing district.
- (d) The amendment shall be forwarded, with the recommendations of the Planning Board and Zoning Commission following public hearings, to the City Council for approval.
- (e) The City Council must hold a public hearing to consider the amendment.”

Section 4. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 5. This ordinance shall be effective on May 1, 2007.