

AMENDING CHAPTER 30 (LDO)

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

(Editor's Note: Added text shown with underlines and deleted text shown with strikethroughs.)

Changes to Article 1 Introductory Provisions

Section 1 (page 1-2). That Section 30-1-4, Relationship to Comprehensive Plan, is hereby amended to read as follows:

30-1-4 Relationship to Comprehensive Plan

The administration, enforcement, and amendment of this ordinance will be accomplished with consideration of recommendations presented in the documents comprising the city's comprehensive plan. These documents include the following: comprehensive plan, thoroughfare plan, collector street plan, neighborhood plans, small area plans, community facilities plan, capital improvements program, economic development strategies, consolidated plan, park and recreation plan, greenways plan, open space plan, and watershed management plan, and other relevant plans. A copy of the *Comprehensive Plan* is filed with the City Clerk.

Section 2 (page 1-2). That Section 30-1-7.1, Minimum Requirements, is hereby amended to read as follows:

30-1-7.1 Minimum Requirements

In the interpretation and application of this ordinance, all provisions are considered to be minimum requirements and deemed neither to limit nor repeal any other powers granted under state statutes, unless otherwise expressly stated.

Changes to Article 2 Nonconformities

Section 3 (page 2-3). That Subsection (B) of Section 30-2-3.4, Change of Use, is hereby amended to read as follows:

(B) Change to Another Nonconforming Use

The Board of Adjustment may allow a nonconforming use to be changed to another nonconforming use that is in the same use category, as per Sec. 30-8-3, or to another functionally similar use or less intensive use, if the Board of Adjustment determines that the proposed use will have no greater adverse impacts on the surrounding area. To make a determination, the Board of Adjustment must consider all of the criteria of Sec. 30-2-3.2.

Section 4 (page 2-7). That Subsection (B) of Section 30-2-5.5, Nonconforming Outdoor Advertising Signs, is hereby amended to read as follows:

(B) Replacement and Relocation Generally

Outdoor advertising signs, except for those in ~~outside-the~~ CB overlay district and subject to Subsection (C), may be replaced with signs that comply with the following standards. Outdoor advertising signs constructed in compliance with these standards will be deemed conforming

outdoor advertising signs and the nonconforming sign regulations of this section will no longer apply to such signs.

Changes to Article 3 Administration

Section 5 (page 3-2). That Subsection (F) of Section 30-3-1.2, Organization, is hereby amended to read as follows:

(F) Temporary Disqualification for Conflict of Interest

A member of a board, commission, or City Council charged with making ~~quasi-judicial~~ decisions may not participate in any vote on a matter that would violate an applicant's right to an impartial decision maker. Common conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, communications outside of an advertised public hearing dealing with the subject matter (for quasi-judicial), a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members of the Board must by majority vote rule on the objection.

Section 6 (page 3-3). That Subsection (C) of Section 30-3-1.4, Terms, is hereby amended to read as follows:

(C) Filling of Vacancies

Vacancies created by resignation or other causes must be filled by a new member or an alternate member appointed to serve for the remainder of the unexpired term. Such service is not counted towards the maximum serving of 2 consecutive terms, unless it is greater than half the term.

Section 7 (page 3-3). That Subsections 1), 9) and 11) of Section 30-3-2.2 (B), Final Approval, is hereby amended to read as follows:

1) Comprehensive Plan Amendments (Sec. 30-4-3), except in accordance with Sec. 30-4-5.6 (D)2);

9) Street Name Changes (Sec. 30-4-23);

11) Design manuals for overlay zoning districts (Sec. 30-4-8).

Section 8 (page 3-4). That Section 30-3-3.3, Quorum, is hereby amended to read as follows:

30-3-3.3 Quorum

Five or more ~~regular or alternate~~ members of the Planning Board constitutes a quorum.

Section 9 (page 3-4). That Subsections 1), 3), and 4) of Section 30-3-3.4(A), Powers and Duties, is hereby amended to read as follows:

(A) Review and Recommendation

- 1) Comprehensive Plan Amendments (Sec. 30-4-3) except when processed concurrently with Zoning Map Amendments, as specified in the Sec. 30-4-5.6(D)2;
- 3) Design manuals for overlay zoning districts (Sec. 30-4-8);
- 4) Street Name Changes (Sec. 30-4-23);

Section 10 (page 3-5). That Subsection (B) of Section 30-3-4.2, Membership, is hereby amended to read as follows:

(B) These members are designated ~~appointed by and serve at the pleasure of~~ their respective department heads.

Section 11 (page 3-5). That Section 30-3-4.3, Quorum, is hereby amended as follows:

30-3-4.3 Quorum

Four or more ~~regular or alternate~~ members of the Technical Review Committee constitutes a quorum.

Section 12 (page 3-6). That Subsections 4), 5) and 6) of Section 30-3-4.5(A), Review and Recommendation, is hereby amended to read as follows:

- 4) Street Name Changes (Sec. 30-4-23);
- 5) Unified Development Plans (Sections 30-4-6 and 30-4-15.5(B)); and
- 6) TN Development Plans (Sec. 30-4-7).

Section 13 (page 3-7). That Section 30-3-5.2, Membership, is hereby amended to read as follows:

30-3-5.2 Membership

The Design Review Team shall be composed of ~~8~~7 members with one representative from each of the following city departments or divisions: Planning and Community Development Department – ~~Development services~~ Current Planning Division, Planning and Community Development Department – ~~Comprehensive~~ Long Range Planning Division, Field Operations Department, ~~Housing and Community Development Department~~, Transportation Department, Water Resources Department, and Engineering and Inspections Department and a citizen design professional ~~affiliated with downtown~~. City staff members shall be designated by ~~appointed by and serve at the pleasure of~~ their respective department heads.

Section 14 (page 3-7). That Section 30-3-5.3, Officers, is hereby amended to read as follows:

30-3-5.3 Officers

The Planning Director or the Directors designated representative shall serve as Chair of the Design Review Team.

Section 15 (page 3-7). That Section 30-3-6.3, Quorum, is hereby amended to read as follows:

30-3-6.3 Quorum

Five or more ~~regular or alternate~~ members of the Zoning Commission constitutes a quorum.

Section 16 (page 3-8). That Subsection (B) of Section 30-3-6.4, Powers and Duties, is hereby amended to read as follows:

(B) Final Action

The Zoning Commission has final decision-making authority (subject to appeal) for the following:

- 1) Zoning Map Amendments, other than those processed concurrently with Comprehensive Plan Amendments (Sections 30-4-5 through 30-4-8);
- 2) Zoning Map Amendments with Comprehensive Plan Amendments (Sec. 30-4-5.6(D)2)); and
- 2) 3) Special Use Permits (Sec. 30-4-10).

Section 17 (page 3-8). That Subsections (C), (D), (E) and (F) of Section 30-3-6.5, Voting, are hereby amended to read as follows:

(C) When an application is accompanied by a Comprehensive Plan Amendment and receives a unanimous vote of approval by the Zoning Commission, it shall be deemed approved (Sec. 30-4-5(D)2)).

~~(D)~~ (D) When an application receives a tie vote or a majority unfavorable vote from the Zoning Commission, the application is deemed denied.

~~(E)~~ (E) All decisions of the Zoning Commission may be appealed to the City Council (Sec. 30-4-5.6(E)).

~~(F)~~ (F) The Chair votes as any other Commission member.

Section 18 (page 3-8). That Section 30-3-7.3, Quorum, is hereby amended to read as follows:

30-3-7.3 Quorum

Four or more regular or alternate members of the Board of Adjustment present and eligible to vote constitutes a quorum.

Section 19 (page 3-8). That Subsection (3) of Section 30-3-7.4(A), Final Action, is hereby amended to read as follows:

- 3) Changes of Use for Nonconforming Uses (Sec. 30-2-3.4) or Alterations of Nonconforming Uses (Sec. 30-2-3.2(D)).

Section 20 (page 3-9). That Subsection 1) and introductory text of subsection 2) of Section 30-3-7.5(A), Required Vote for Approval, is hereby amended to read as follows:

- 1) An affirmative vote of 4 members is required to reverse or modify any order, requirement, decision, determination, or interpretation of an appeal of an administrative officer charged with enforcing this ordinance.

2) An affirmative 4/5 majority vote of members present and voting is required:

Section 21 (page 3-10). That Subsection (1) of Section 30-3-8.4(A), Review and Recommendation, is hereby amended to read as follows:

- 1) Designation of local ~~and National Register~~ Historic District overlay district ~~and Sites (See 30-4-12)~~; including design guidelines and zoning map amendments(see Historic District Preservation Manual and Design Guidelines);

Section 22 (page 3-10). That Subsection (C) of Section 30-3-8.4, Powers and Duties, is hereby amended to read as follows:

(C) Nonregulatory

In addition to the specific powers and duties required in the enforcement and application of, the Historic Preservation Commission has the following nonregulatory authority:

- 1) review proposed nominations of National Historic Districts and Sites;
~~2) to undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance;~~
~~3) to acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established historic districts or to any such properties designated as landmarks; to hold, manage, preserve, restore, and improve the same; and to exchange or dispose of the property by public or private sale, lease, or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property;~~
~~4) to restore, preserve, and operate historic properties;~~
~~5) to conduct an educational program with respect to historic properties and districts within its jurisdiction;~~
~~6) to prepare and recommend adoption of a preservation 'plan;~~
~~7) to negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation when such action is reasonably necessary or appropriate;~~
~~8) to cooperate with the State, federal, and local governments in historic preservation activities. The City Council or the Historic Preservation Commission when authorized by the City Council may contract with the state of federal government or with any other organization, provided the terms are not inconsistent with state or federal law;~~
~~9) to enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the Historic Preservation Commission may enter any private building or structure without the express consent of the owner or occupant thereof; and~~
~~10) to exercise other powers and authority provided to it by the City Council, this ordinance, and State law.~~

Section 23 (page 3-12). That Subsection (B) and the introductory text of Subsection (C) of Section 30-3-9.5, Powers and Duties, are hereby amended to read as follows:

(B) Final Action

The Guilford County Joint Historic Preservation Commission has final decision-making authority for Certificates of Appropriateness for a designated Landmark.

~~4) Landmark Designation; and~~

(C) Nonregulatory

The Guilford County Joint Historic Preservation Properties-Commission has the following nonregulatory powers and duties:

Section 24 (page 3-14). Subsection (B) of Section 30-3-10.2, Membership, is hereby amended to read as follows:

(B) Composition

Members must be composed of:

1) one of the following:

a. certified arborist,

b. a registered forester with a minimum of 3 years experience, or

c. a tree care professional with the following:

i. a minimum of a bachelor's degree in forestry or urban forestry and 3 years experience, or

ii. an associate's degree with a minimum of 5 years experience);

2) one of the following:

a. registered landscape architect with a minimum 3 years experience, or

b. landscape designer with a bachelor's degree in landscape architecture with a minimum 5 year's experience;

3) one horticulturist or botanist with a bachelor's degree in horticulture or botany and a minimum 3 years experience;

4) two members of the land development (builder/contractor/developer) community with a minimum 3 years experience;

5) one civil engineer with a minimum 3 years experience;

6) two active members of a recognized environmental group; and

7) one individual who has demonstrated an interest in conservation and natural resources.

Section 25 (page 3-14). Subsection (C) of Section 30-3-10.4, Powers and Duties, is hereby amended to read as follows:

(C) Appeals

The Advisory Commission on Trees is also authorized to hear and decide appeals of decisions made by the Planning Director in enforcement (i.e. fines and penalties) of the tree conservation regulations of this ordinance (Sec. 30-4-28).

Section 26 (page 3-16). That Subsections 11) and 12) of Section 30-3-12.1(A), Review and Recommendation, are hereby amended to read as follows:

~~11) Temporary Event Permits; Tank Permits; and~~

~~12) Tank Permits~~ Other permits and certificates as per this ordinance.

Section 27 (page 3-18). That Section 30-3-13.21, under Floodplain Administrator, is hereby amended to read as follows:

30-3-13.21

maintain a current map repository to include, but not be limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Sec. 30-12-2.1(F), including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State of North Carolina and FEMA of mapping needs.

Changes to Article 4 Review and Approval Procedures

Section 28 (page 4-6). That Subsection 2) of Section 30-4-2.1(B), Appeal, is hereby amended to read as follows:

- 2) Appeals of administrative official interpretations of all other portions of this ordinance may be appealed to the BOA in accordance with the appeal procedures of Sec. 30-4-27.

Section 29 (page 4-7). That Subsection (B) of Section 30-4-3.1, Applicability, is hereby amended to read as follows:

- (B) The City Council may also consider amendments to the Comprehensive Plan when Zoning Map Amendment applications are in direct conflict with the Comprehensive Plan, as determined by the Planning Director. Such plan amendments shall only be heard by the City Council. Council may also establish policy guidelines as to what amendments constitute a direct conflict and require an amendment.

Section 30 (page 4-7). That Subsection 3) of Section 30-4-3.5(A), Comprehensive Plan Amendment Without Zoning Map Amendment, is hereby amended to read as follows:

- 3) The applicant or a representative of the applicant ~~must~~ is encouraged to appear at the meetings to explain why the Comprehensive Plan should be changed.

Section 31 (page 4-9). That Section 30-4-5.2, Authority to File, is hereby amended to add a new subsection (C) to read as follows:

(C) RM-40 Zoning Districts

A proposal to amend the zoning map to the RM-40 zoning district may only be initiated in designated Activity Centers or along major thoroughfares (see Section 30-6-2.2(F))

Section 32 (pages 4-12 and 4-13). That Subsections (A), (C) and (G) of Section 30-4-5.5, Conditions-Conditional District, are hereby amended to read as follows:

- (A) In a conditional district, conditions may specify the location on the property of the proposed use; the number of dwelling units; the location and extent of supporting facilities such as parking lots, driveways, and access streets; design elements of the proposed use; the location and extent of buffer areas and other special purpose areas; the timing of development; the location and extent of rights-of-way and other areas to be dedicated for

public purposes; the alteration of streets to mitigate traffic and environmental impacts; use limitations; and other matters the applicant proposes as conditions upon the request.

(C) In approving a conditional district, the Zoning Commission or City Council may, with agreement of the applicant, impose more restrictive requirements than would otherwise be required by this ordinance and those in the application, as deemed necessary to ensure that the purposes and intent of this ordinance are met.

(G) The Planning Director may remove from the application any condition deemed unenforceable or unclear.

Section 33 (page 4-13). That Subsection (C) of Section 30-4-5.6, Zoning Commission –Review and Recommendation/Decision, is hereby amended to read as follows:

(C) The Planning Department must present the zoning map amendment application to the Zoning Commission, together with the Planning Department’s recommendations, at the first regularly scheduled meeting following proper filing and notice of the application, unless the case is continued (as per Section 30-4-5.16).

Section 34 (pages 4-13 and 4-14). That Subsection 2) of Section 30-4-5.6(D), Zoning Commission – Review and Recommendation/Decision, is hereby amended to read as follows:

2) Zoning map amendment applications that are accompanied by comprehensive plan amendments must be heard by the City Council unless the Zoning Commission approves the application by unanimous vote and that action is not appealed. If the accompanying zoning map amendment is given final approval by the Zoning Commission and that action is not appealed, the comprehensive plan amendment will also be deemed approved. Likewise, if a zoning map amendment that is accompanied by a comprehensive plan amendment is denied and that action is not appealed, the proposed plan amendment will also be deemed to have been denied.

Section 35 (page 4-15). That Subsections 1) and 2) of Section 30-4-5.8(A), Applicability, are hereby amended to read as follows:

- 1) The protest petition provisions of this subsection apply to all zoning map amendments heard by City Council, except zoning map amendments that establish a property original city zoning designation (original zoning) and those described in subsection 2) below.
- 2) Protest petitions are only applicable to an amendment to an adopted conditional district when such amendment:
 - a) changes the ~~type of~~ uses categories that are permitted in accordance with Article 8;
 - b) increases the approved density for residential development;
 - c) increases the total approved size of nonresidential development; or
 - d) reduces the size of any buffers or screening.

Section 36 (page 4-15). That Subsection 2) of Section 30-4-5.8(B), Standards of Sufficiency, is hereby amended to read as follows:

- 2) 5% or more of the area of a 100-foot wide buffer (“base area”) extending along the entire boundary of each discrete or separate area proposed to be rezoned, as described below in subsection (C).

Section 37 (pages 4-18 and 4-19). That Subsection 1) of Section 30-4-5.10(A), Substantial Changes, is hereby amended to read as follows:

- 1) A change will be deemed substantial if it:
 - a) decreases the number or extent of mixed-use features, including combinations of different land uses, integrated site design, strong pedestrian and vehicle connectivity, and strong orientation of buildings to streets (sidewalks);
 - b) decreases use of compatible design features, including architectural styles and materials, signage and lighting, and site layout, among both internal development and with appropriate adjacent external development; or
 - c) decreases pedestrian features, including added sidewalks, crosswalks, bus stops, pedestrian amenities, small block site layout or internal and external pedestrian connections.
 - d) changes the ~~type of~~ uses category permitted as per Table 8-1 within any portion of the development.

Section 38 (page 4-18). That Subsection (B) of Section 30-4-5.12, Conditional District-Amendments and Modifications, is hereby amended to read as follows:

- (B) The Planning Board may approve Type 3 Modifications in accordance with Sec. 30-4-11 for all other changes, provided that the modification does not change or amend the ~~types of~~ uses category, as per Table 8-1, allowed in the conditional district.

Section 39 (page 4-19 and 4-20). That Subsections (A) and (B) of Section 30-4-6.3, Concept Plan, are hereby amended to read as follows:

- (A) The general location and amount of land proposed for single-family residential, multi-family residential, office, commercial, industrial, open space/recreation, mixed use, and street use;
- (B) the maximum number of dwelling units or gross floor area and the acreage of each tract or area shown on the concept plan;

Section 40 (page 4-20). That Section 30-4-6.6, Amendments and Modifications, is hereby amended to read as follows:

30-4-6.6 UDP Approval, Amendments and Modifications

- (A) The Planning Board may approve and make ~~a~~ substantial changes or amendments to a unified development plan. For amendments, the Board shall use the criteria in Sec. 30-4-5.10, by

following the same procedure as that required for the original approval of the unified development plan.

- (B) The Technical Review Committee may approve Type 2 Modifications in accordance with Sec. 30-4-11 for all other changes.

Section 41 (page 4-21). That Subsection 3) of Section 30-4-7.5(A), TN Development Plan Submission Elements, is hereby amended as follows:

- 3) list of project-specific site design and development standards, which may include standards (including any general development standards which are not being modified) building setbacks, street and right-of-way types and widths.

Section 42 (pages 4-23 and 4-24). That Section 30-4-8.1, -ACO, Activity Center Overlay District, is hereby amended to read as follows:

30-4-8.1 -ACO, Activity Center Overlay District

(A) ~~(B)~~ Master Plan Required

Before an Activity Center Overlay district is established for any particular area, the Planning Department must prepare a plan describing the conditions and boundaries of the Activity Center Overlay district. At minimum, the plan must address the following elements:

- 1) statement of purpose and intent;
- 2) a map that indicates the boundaries of the proposed activity center overlay district;
- 3) a description of the type of activity center being created;
- 4) a description of use limitations for the proposed activity center including location of various uses (if applicable); and
- 5) design manual with guidelines for new construction of any building ~~or structure~~ and site improvements, or for ~~the relocation of or addition~~ improvements to existing buildings ~~or structures and sites~~.

(B) ~~(C)~~ Plan Approval

~~The plan must be approved using the Comprehensive Plan Amendment procedure of Sec. 30-4-3 and the mail notice requirements of Sec. 30-4-1.4.~~

(C) Plan and Design Manual Adoption

The plan must be approved using the Comprehensive Plan Amendment procedure of Sec. 30-4-3 and the mail notice requirements of Sect. 30-4-1.4. The Planning Board must ~~adopt~~ review and recommend a design manual for the overlay district plan specifying design standards for each major element. Standards may address new use restrictions, building bulk or location requirements, on or off-street parking, landscaping and buffering, signs and lighting, and other site design and improvements elements.

(D) ~~(E)~~ Initiating Adoption of Overlay Zoning

The new Activity Center Overlay district must be reviewed and approved using the Zoning Map Amendment procedure of Sec. 30-4-5. The ordinance adopting the Overlay must contain the following:

- 1) A description of the type of activity center being established;
- 2) A statement adopting the activity center master plan if one has been developed;
- 3) Any use limitations imposed by the overlay district; and
- 4) ~~Any~~ A design manual, including any dimensional and other development standards imposed by the overlay district.

(E) (A) Creating an Activity Center Master Plan

1) Who May Initiate

Application to develop an activity center master plan may be initiated by the City Council, Planning Director, or by petition from any owner of property in or near an area designated as an Activity Center on the Comprehensive Plan's Generalized Future Land Use Map.

2) Application Requirements

Applications for creation of an activity center master plan must be filed with the Planning Director in accordance with Sec. 30-4-1.3.

Section 43 (page 4-25). That Subsection 1) of Section 30-4-8.4(C), Determination of Eligibility for NCO Designation, is hereby amended to read as follows:

- 1) If, based on the criteria in subsection (B) above, the Planning Director determines that the area is not eligible for a Neighborhood Conservation Overlay district designation, the applicants 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 accordance with Sec. 30-4-27.

Section 44 (page 4-26). That Subsection 5) of Section 30-4-8.4(E), Neighborhood Conservation Plan, is hereby amended to read as follows:

- 5) Design guidelines for new construction of any building or structure site, ~~or the relocation of or addition~~ improvements to an existing building or structure site.

Section 45 (page 4-30). That Section 30-4-8.7, -AO, Airport Overlay, is hereby amended to read as follows:

(A) District Boundaries

The Airport Overlay District consists of all lands within the 60 DNL Noise Contour Area around Piedmont Triad International Airport, as delineated on the ~~Generalized Future Land Use Map in the Comprehensive Plan and on the Airport Area Plan~~ Zoning Map.

(B) Split-Zoned Tracts

When a tract is split by the boundary of the airport overlay district, development on that entire tract is considered exempt from the provisions of this overlay district. In this case, the overlay district boundary will be considered as following along the property line of the tract that is fully inside the overlay district. However, in no case should the shifting of the overlay boundary to a property line have the effect of moving it more than 600 feet from the boundary location as indicated on the ~~City's Official~~ Zoning Map

Section 46 (page 4-30). That Section 30-4-8.8, -MHO, Manufactured Housing Overlay, is hereby amended to read as follows:

30-4-8.8 -MHO, Housing Overlay

- (A) In requesting the establishment of a Manufactured Housing Overlay District, the applicant must present factual information to ensure, in the opinion of the Zoning Commission and the City Council, that property values of surrounding properties are protected, that the character and integrity of the neighborhood are adequately safeguarded, and the purposes of the overlay district are met.
- (B) To ensure acceptable similarity in exterior appearance between proposed manufactured dwellings and dwellings that have been constructed on adjacent or nearby lots, an applicant may, ~~for illustrative purposes, present~~ choose to attach general examples of the types and design of such proposed dwellings.

Section 47 (page 4-30). That Section 30-4-8.9, -CBO, Central Business Overlay and Section 30-4-8.10, -VCO, Visual Corridor Overlay are hereby amended to read as follows:

30-4-8.9 -CBO, Central Business Overlay

~~RESERVED~~ Use standards for Ordinance Text Amendments of Section 30-4-4.

30-4-8.10 -VCO, Visual Corridor Overlay

~~RESERVED~~ Use standards for Ordinance Text Amendments of Section 30-4-4.

Section 48 (page 4-30). That new Sections 30-4-8.11, 30-4-8.12 and 30-4-8.13 are added to read as follows:

30-4-8.11 -GWA, General Watershed Overlay

Use standards for Ordinance Text Amendments of Section 30-4-4.

30-4-8.12 -WCA, Watershed Critical Area Overlay

Use standards for Ordinance Text Amendments of Section 30-4-4.

30-4-8.13 -OWOA, Other Watershed Area Overlay

Use standards for Ordinance Text Amendments of Section 30-4-4.

Section 49 (page 4-33). That Section 30-4-10.10, Violation of Permit Restrictions, is hereby amended to read as follows:

Section 30-4-10.10 Violation of Permit Restrictions

Any violation of a restriction in an approved special use permit must be treated the same as any other violation of this ordinance, subject to the same remedies and penalties as any such violation. The Zoning Commission or City Council may, after a hearing, revoke such permit on all or part of a development if it finds that the violation was intentional, was continued for an unreasonable time, or was substantially inconsistent with the purpose and intent of the zoning district permit.

Section 50 (page 4-38). That Subsection (C) of Section 30-4-11.5, Review and Decision-Making Bodies, is hereby amended to read as follows:

(C) Planning Board

- 1) The Planning Board has final decision-making authority on all Type 3 Modifications. Standards and regulations eligible for modification through the Type 3 Modification procedure are expressly identified in the text of this ordinance.
- 2) The Planning Board also reviews and makes recommendations on all Type 4 and Type 5 Modifications.

Section 51 (page 4-38 and 4-39). That Subsection (A) of Section 30-4-11.7, Modification of Water Supply Watershed Standards, is hereby amended to read as follows:

(A) Type 5 Modifications – Modifications that are Major in Nature”

Recognizing that modifications to Watershed standards are only approvable in unique circumstances on a case-by-case basis by the North Carolina Environmental Management Commission pursuant to the North Carolina Administrative Code 15A, North Carolina Administrative Code 02B, 0104(r) of the North Carolina Department of Environment and Natural Resources (NCDENR) “Redbook,” the City Council hereby designates the North Carolina Environmental Management Commission as the final decision-making body for Type 5 modifications. The approval procedure is the same as in subsection 30-4-11.5(D), ~~except that the Planning Board and City Council must make recommendations to the North Carolina Environmental Management Commission, which must approve or deny Type 5 modification requests.~~

Section 52 (page 4-39). That Subsection (A) of Section 30-4-11.8, Appeals of Modification Final Action, is hereby amended to read as follows:

- (A) Appeals of Type 1 Modification final actions by the ~~Planning Director~~ appropriate director may be made to the Technical Review Committee and subsequently to the Planning Board and the City Council.

Section 53 (pages 4-40 and 4-41). That Subsections 5) and 6) of Section 30-4-12(F), Historic Preservation Commission – Review and Recommendation, are hereby amended to read as follows:

- 5) ~~Following the public hearing, t~~The Historic Preservation Commission holds a public hearing and must makes a recommendation to approve or deny the application for local historic district overlay designation.

- 6) The Historic Preservation Commission recommendation and all information relating to the application must be forwarded to the Planning Board and Zoning Commission for review and recommendation.

Section 54 (page 4-41). That Subsection (G) of Section 30-4-12, Local Historic District and Landmarks, is hereby amended to read as follows:

(G) Planning Board–Review and Recommendation

The Planning Board must hold a public hearing concerning the local historic district overlay designation report along with comments from the ~~State Preservation Officer~~ SHPO (if applicable) and the Historic Preservation Commission. The Planning Board may not review or comment on the proposed overlay district boundaries. Following the public hearing, the Planning Board must make a recommendation to the Zoning Commission to approve or deny the application.

Section 55 (page 4-41). That Subsection (H) of Section 30-4-12, Local Historic District and Landmarks, are hereby amended to read as follows:

(H) Zoning Commission–Review and Recommendation

The Zoning Commission must hold a public hearing concerning the local historic overlay district designation report to review only the proposed boundaries of the historic district overlay. The Zoning Commission may receive any applicable comments from the Historic Preservation Commission or SHPO. ~~along with comments from the State Preservation Officer (if applicable) the Historic Preservation Commission, and the Planning Board.~~ Following the public hearing, the Zoning Commission must make a recommendation to the City Council to approve or deny the ~~application~~ overlay district zoning map amendment.

Section 56 (page 4-41). That Subsection 2) of Section 30-4-12(I), City Council – Final Action, are hereby amended to read as follows:

- 2) ~~Following the hearing, t~~The City Council holds a public hearing and takes final action on the application report and Zoning Map Amendment for local historic overlay district designation.

Section 57 (page 4-42). That Subsections 1) and 2) of Section 30-4-12(L), Historic District Design Guidelines, are hereby amended to read as follows:

- 1) ~~Before the provisions of this section become effective, t~~The Historic Preservation Commission must adopt G~~guidelines for each of the new historic districts.~~ These guidelines may be the existing City of Greensboro Historic District Program Manual and Design Guidelines, and/or separate guidelines for the new historic district.
- 2) ~~The Historic District Design~~ Guidelines should take into account the historic, architectural, and visual elements of the district.

Section 58 (page 4-43 and 4-44). That Subsections 3) and 4) of Section 30-4-12.2(A), Designation Procedure, are hereby amended to read as follows:

- 3) The applications must be considered by the Historic Preservation Commission at a public hearing. The Commission must review the application and may designate the sign as a

Landmark Sign, deny the designation, or request additional information in order to make a decision. ~~A nonconforming sign that is denied a designation will still be considered a nonconforming sign.~~

- 3) If the sign is designated as a Landmark Sign, a copy of the application must be submitted to the Engineering and Inspections Department. After designation, the applicant has 60 days to bring any signs that pose a hazard into a structurally safe condition. Failure to assure that signs are safe and do not pose a hazard will result in loss of the Landmark Sign designation. The Engineering and Inspections Department must certify that the sign is found to be structurally safe. Landmark Signs must conform to all other provisions of this ordinance not in conflict with the privileges of the landmark designation and be kept in good repair.

Section 59 (page 4-44). That Subsection (A) of Section 30-4-12.3, Zoning Map Amendments in Historic Districts, is hereby amended to read as follows:

(A) The Planning and Community Development Department must refer such requests to the Historic Preservation Commission for review at the next regular meeting. The Historic Preservation Commission must make its recommendation to the Zoning Commission ~~within 45 days of receiving the application from the Planning Department.~~

Section 60 (page 4-46). That Subsection 1) of Section 30-4-12.4(E), Notification, is hereby amended to read as follows:

- 1) ~~Housing~~ Planning and Community Development staff will send mailed notice to ~~make a reasonable attempt to identify and notify~~ the owners of surrounding property ~~likely to be affected by the application for a~~ within 100 feet of the site of the Certificate of Appropriateness.

Section 61 (page 4-46). That Subsection 1) of Section 30-4-12.4(G), Historic Preservation Commission – Final Action, is hereby amended to read as follows:

- 1) The Historic Preservation Commission must consider applications for Certificates of Appropriateness at a public hearing at the next regularly scheduled meeting.

Section 62 (page 4-47). That Subsection 1) of Section 30-4-12.4(I), Dimensional Regulations and Exceptions, is hereby amended to read as follows:

- 1) Structures within a historic district must comply with the ~~regulations~~ requirements of the underlying zoning district and this ordinance, ~~except as follows:~~ Structures erected in a historic district may use the contextual street setback of structures on the same side of the street in accordance with Sec. 30-7-3.3(F)1).

Section 63 (page 4-48). That Subsection 2) of Section 30-4-12.5(A), Applicability, is hereby amended to read as follows:

- 2) Significant structures are designated in the historic report ~~defined as having significance based on architectural survey records on file in the Housing and Community Development Department, and~~ as shown on maps contained in the designation report for each historic district.

Section 64 (page 4-54). That the introductory text of Subsection (A) of Section 30-4-13.5, General Variance Findings of Fact, is hereby amended to read as follows:

- (A) In order to grant a variance request, ~~the~~ Board must make the following findings of fact:

Section 65 (page 4-55). That Subsection 2) of Section 30-4-13.6(D), Granting of Variances, is hereby amended as follows:

- 2) Variances shall not be granted when the variance will ~~make~~ cause the structure to be in violation of other ~~F~~State, or local laws, regulations, or ordinances.

Section 66 (page 4-57). That Section 30-4-13.9, Appeal, is hereby amended to read as follows:

30-4-13.9 Appeal

Board of Adjustment final decisions may be appealed within 30 days to the Guilford County Superior Court who must hear the appeal on the record.

Section 67 (page 4-59). That Subsection (C) of Section 30-4-15, Plot Plans and Site Plans, is hereby amended to read as follows:

~~(C) Unified Development Plans~~

~~The Unified Development Plan is a special form of Site Plan that is required for a Planned Unit Development.~~

Section 68 (page 4-59 and 4-60). That Subsections (A) and (D) of Section 30-4-15.4, Coordination with Other Procedures, are hereby amended to read as follows:

(A) General

Site plan review may proceed concurrently with a building plan review, an application for a Certificate of Appropriateness, or may follow submittal of an application for a grading permit, or other applications for approvals required for the particular development; except as providing in Section 30-4-26. When a watershed development plan approval, stormwater management plan, approval in accordance with the Airport Overlay district is required or development plans requiring review by the Development Review Team, that approval must be obtained prior to or concurrent with site plan approval.

(D) Sketch Plan

- 1) A sketch plan is a plan prepared in advance of formal submittal for purposes of receiving informal staff comments. Although there are no minimum requirements for the content of a sketch plan, applicants are encouraged to provide as much detail as possible. Staff will distribute such sketch plans received and convey comments to the applicant in a timely manner.
- 2) A sketch plan is required for subdivisions of 50 lots or more and encouraged for all other subdivisions development.

Section 69 (pages 4-60, 4-61 and 4-63). That Subsection (B) of Section 30-4-15.5, Site Plan Filing, Subsection (B) of Section 30-4-15.6, Review and Approval, and Section 30-4-15.8, Recordation of Approved Unified Development Plan are hereby moved to Section 30-4-6.6.

Section 70 (page 4-63). That Section 30-4-15.12, Landscape Plan, is hereby amended as follows:

30-4-15.12 Landscape Plan

A landscape plan must be prepared in accordance with the requirements of this ordinance and with the Landscaping and Tree Conservation Manual design review application (published by the Planning Department) and approved before installation of plant material.

Section 71 (page 4-69). That Section 30-4-21.1, Sketch Plan, Section 30-4-21.2, Preliminary Plat, and Section 30-4-21.3, Final Plat, are hereby moved to Section 30-4-17, Subdivision, and renumbered as 30-4-17.4, 30-4-17.5 and 30-4-17.6 respectively.

Section 72 (page 4-69). That newly renumbered Section 30-4-17.4, Sketch Plan, is hereby amended to read as follows:

- (A) A sketch plan is a plan prepared in advance of formal submittal for purposes of receiving informal staff comments. Although there are no minimum requirements for the content of a sketch plan, applicants are encouraged to provide as much detail as possible. Staff will distribute such plans and return comments in a timely manner.
- (B) A sketch plan submittal is required for subdivisions of 50 lots or more and encouraged for all other subdivisions.

Section 73 (page 4-70). That Subsection 3) of newly renumbered 30-4-17.5(B), Filing, and Subsection 6) of newly renumbered Section 30-4-17.5(D), Preliminary Plat, are hereby amended as follows:

- 3) A Transportation Impact Study, if required, must be submitted to the Transportation Department, in accordance with Sec. 30-4-5.4, a minimum of 21 days prior to Preliminary Plat submittal.
- 6) Preliminary Plats approved by the Technical Review Committee may proceed toward Final Plat approval.

Section 74 (page 4-72). That Subsection 2) of newly renumbered Section 30-4-17.6(H), Recordation and Duration of Final Plats, is hereby amended to read as follows:

2) The preliminary plat becomes void and must be resubmitted to the Technical Review Committee if a final plat is not recorded within 2 years after preliminary plat approval or if there is a lapse of more than 2 years between the recordings of phases or sections.

Section 75 (page 4-72). That Section 30-4-24, Withdrawal of Dedications, is hereby amended to read as follows:

30-4-24 Withdrawal of Dedications

Any unopened, dedicated right-of-way in existence for 15 years or more may be eligible for withdrawal of dedication, as authorized in Section 136-96 of the NCGS, as an alternate to Sec. 30-4-22.

Section 76 (page 4-74). That Subsection (A) of Section 30-4-25.5, Duration, is hereby amended to read as follows:

(A) A zoning right that has been vested as provided in this section remains vested for a period of up to 2 years. This vesting period may not be extended by any changes or amendments to a Site Specific Development Plan.

Section 77 (page 4-75). That Section 30-4-25.7, Violations, is hereby amended to read as follows:

30-4-25.7 Violations

Any violation of a term or condition involved in the granting of a zoning vested right will be treated the same as a violation of this ordinance and is subject to the same remedies and penalties as any such violation in accordance with Article 5. In addition, the Planning Board may, after public hearing, revoke any zoning vested right for failure to abide by any such term or condition.

Section 78 (page 4-76 and 4-77). That Subsection 1) of Section 30-4-26.1(F), Order of Issuance, and Subsection (H) of Section 30-4-26.1, General Application Requirements, are hereby amended to read as follows:

(F) Order of Issuance

1) Permits Issued Prior to Site Plan or Subdivision Preliminary Plat Approval

The Engineering and Inspections Director may issue permits for temporary construction trailers, safety structures, and other customary construction structures prior to Site Plan or Subdivision Preliminary Plat approval and in accordance with Sec. 30-4-26.2(A)2.

H) Phasing of Projects

Projects may be developed in phases as long as compliance with this ordinance is achieved in each phase.

Section 79 (page 4-77). That Subsection (1) of Section 30-4-26.2(A), Applicability, is hereby amended to read as follows:

- 1) Unless exempted below, a grading permit must be obtained prior to commencement of any land-disturbing activity. The grading permit may be obtained through the procedures established by the Engineering and Inspections Director in accordance with applicable state law, requirements of this ordinance, and the Soil Erosion and Sedimentation regulations of Sec. 30-12-6. The grading permit must be posted in a prominent place on the site of the land-disturbing activity at all times it is in effect. A Certificate of Erosion Control Performance is required in accordance with Sec. 30-4-26.9.

Section 80 (page 4-78 through 4-80). That Subsections (A), (C)1) and the introductory text of (C)2), (D), (E) and (F) of Section 30-4-26.3, Tree Disturbance Permit, are hereby amended to read as follows:

(A) Applicability

A tree disturbance permit is an official authorization that must be issued by the City prior to any tree-disturbing activities. Tree-disturbing activities include the cutting and/or damage to the critical root zone of live trees with a diameter at breast height of 4 inches or greater on sites not accompanied by a development plan, except as expressly exempted pursuant to Sections 30-4-26.3(D) 30-12-1.2 and 30-12-1.3.

(C) Tree Conservation Plan Approval

1) General

Approval of a tree conservation plan is required for all applicable and nonexempt developments and activities in accordance with Sections 30-12-1.2 and 30-12-1.3. The tree conservation plan must be submitted along with all other required information to the Technical Review Committee. Tree conservation plan information must be included on all grading plans, erosion control plans and tree disturbance permit applications.

2) Plans

Tree conservation plans must identify locations for the following items:

~~(D)~~ Applicability and Exemptions

~~See Sec. 30-12-1.2 and Sec. 30-12-1.3.~~

~~(E)~~ (D) Timing

Tree disturbance permits must be issued in advance of or simultaneous with all other permits and approvals including watershed development plans and grading permits.

~~(F)~~ (E) Permit Duration and Renewal

Section 81 (page 4-81 and 4-82). That Subsection (A) of Section 30-4-26.5, Sign Permits, Subsection 2) of Section 30-4-26.5(B), Temporary Sign Permits, and Subsection 2) of Section 30-4-26.5(C), Pole Mounted Banner, are hereby amended as follows:

(A) Basic Permanent Sign Permit

1) Applicability

~~If required by Article 12(14?), Unless exempted below,~~ a sign permit must be obtained prior to commencement of any sign construction activity. The sign permit may be obtained through the Planning Director.

2) Lapse of Use

A sign permit becomes null and void lapses automatically if the corresponding business activity on the premises is discontinued for a continuous period of 90 days or more in accordance with Sec.30-14-13.4.

3) Permit Duration

If the work authorized by a sign permit has not been completed within 180 days from the date of issuance, the permit is null and void.

4) Exemptions

~~Sign permits are not required for signs exempted by Article 12, Sign Regulations.~~

5) 4) Assignment and Transfer

A current and valid sign permit is freely assignable to a successor as owner of the property or holder of a privilege license for the same premises, subject only to filing such application as the Planning Director may require. The assignment is accomplished by filing and does not require approval.

(B) Temporary Sign Permit

2) Application Requirements

In addition to the general requirements in Sec. 30-4-26.1, applications for temporary sign permit must include the following:

- a) A map showing the limits of all applicable streets to be closed and all sign locations.
- b) A certificate of fire retardancy and samples of the material must be submitted to the ~~fire prevention bureau~~ Fire Department for approval.
- c) If a sign is to be attached to or erected from any pole owned by the utility company or attached to any building owned by the property owner, a signed letter of permission from the proper utility company and/or property owner, holding the city harmless.

(C) Pole-Mounted Banner

2) Application Requirements

- a) Pole-mounted banner applications must be submitted by non-profit, governmental, civic, fraternal, neighborhood, social, and service organizations.
- b) An application fee is not required for banners in the Central Business District.
- c) The application must be accompanied by the following:
 - i. Map showing location of banners;

- ii. Verification that the banner's construction is able to withstand the average prevailing winds during the ~~month~~ time displayed;
- iii. Approval by both the Building Inspector and the Fire ~~Inspector~~ Chief; and
- iv. Letter of permission from the proper utility company and/or property owner, holding the city harmless, if a banner is being attached to or erected from any pole owned by the utility company.
- v. A certificate of fire retardancy and samples of the material shall be submitted to the ~~fire prevention bureau~~ Fire Department for approval.

Section 82 (page 4-85). That Subsection (B) of Section 30-4-26.8, Temporary Certificate of Occupancy, is hereby amended to read as follows:

(B) Duration

A Temporary Certificate of Occupancy may be issued for a time period the Engineering and Inspections Director in consultation with the appropriate officials deems appropriate to complete the work but not to exceed 180 days, except as specified in Sec.30-4-15.13(B).

Section 83 (page 4-88). That Section 30-4-27.8, Appeal of Board of Adjustment Decision, is hereby amended to read as follows:

30-4-27.8 Appeal of Board of Adjustment Decision

Board of Adjustment final decisions may be appealed to the Guilford County Superior Court who must hear the appeal on the record, in accordance with the provisions of Sec.30-4-1.7.

Section 84 (page 4-88). That Subsection (A) of Section 30-4-28.1, Applicability, is hereby amended to read as follows:

- (A) An appeal by any person aggrieved by a decision or an interpretation of the Planning Director ~~or administrative official authorized to make decisions~~ in regards to the tree conservation requirements may be taken to the Advisory Commission on Trees.

Section 85 (page 4-89). That Section 30-4-28.3, Deadline for Submission of Application, is hereby amended to read as follows:

30-4-28.3 Deadline for Submission of Application

An appeal must be filed with the Planning Director within 15 days of the date the appealing party receives actual or constructive notice of the decision from which the appeal is taken. ~~from the date of the decision or interpretation being appealed.~~

Section 86 (page 4-89). That Subsections (E) and (F) of Section 30-4-28.6, Action by the Advisory Commission on Trees, is hereby amended to read as follows:

- (E) When reviewing the appeal of the administrative decision, ~~acting in administrative review,~~ the Advisory Commission on Trees must consider the Landscaping regulations of Article 10 and the Tree Conservation regulations of Sec. 30-12-1. The Advisory Commission on Trees may reverse or affirm, in whole or in part, or may modify the order, requirement, decision,

determination or interpretation appealed from, and shall make any order, requirement, decision, determination, or interpretation that in the Commission's opinion ought to be made under the circumstances. To this end the Advisory Commission on Trees has all the powers of the official from whom the appeal is taken.

- (F) Within 15 days of notice being given on the Advisory Commission on Tree's original decision, an applicant may request a re-hearing on any matter upon the filing of a written petition for a re-hearing. The Advisory Commission on Trees may allow a re-hearing if it finds that that the applicant has presented substantive new evidence that was not available or able to be discovered at the time of the original hearing. The re-hearings will then be held at the next regularly scheduled meeting of the Advisory Commission on Trees. ~~It is the policy of the Advisory Commission on Trees to require a substantial showing of new evidence prior to granting such a re-hearing.~~ Only one re-hearing may be had by an applicant on the same question. A petition for a re-hearing does not extend the time for filing an appeal of the decision of the Commission.

Section 87 (page 4-90). That Section 30-4-28.8, Re-Appeal After Denial by the Advisory Commission on Trees, is hereby amended to read as follows:

30-4-28.8 ~~Re-Appeal~~ Successive Appeal After a Denial by the Advisory Commission on Trees

If an appeal has been ~~dismissed~~ withdrawn or denied for a particular piece of property, no subsequent appeal may be made for the same decision of the Planning Director or other official for one year. When the Advisory Commission on Trees has ruled adversely upon a petition that asks for an interpretation of this ordinance, no applicant may re-apply for the same interpretation unless the Advisory Commission on Trees finds, in its opinion, that different factual circumstances exist to warrant a re-petition.

Changes to Article 5 Enforcement

Section 88 (page 5-2). That Section 30-5-3, Enforcement Procedure, is hereby amended to read as follows:

30-5-3 Enforcement Procedure

When any city employee charged with enforcement of the provisions of this ordinance investigates an alleged violation and determines that ~~finds~~ a violation of this ordinance has occurred, he must notify the owner and/or occupant of the land, building, structure, sign, or use of the violation. Where applicable, ~~t~~The owner and occupant must remedy the violation at the earliest reasonable date ~~immediately~~.

Section 89 (page 5-2). That Section 30-5-3.1, Notice of Violation, is hereby amended to read as follows:

30-5-3.1 Notice of Violation

- (A) that the land, building, structure, sign, or use is in violation of this ordinance;
- (B) the nature of the violation, and citation of the section of this ordinance violated;

(C) the measures necessary to remedy the violation and the time period in which the violation must be corrected, if applicable; ~~and~~

(D) that penalties or remedies may be assessed; and

(E) that the party cited has the right to appeal the Notice within 15 days (see Sec. 30-5-3.2)

Section 90 (page 5-3). That Section 30-5-3.3, Notice of Decision, is hereby amended to read as follows:

30-5-3.2 Notice of Appeal Decision

The decision of the Board of Adjustment on a filed appeal may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested. Otherwise, notice is presumed to be given at the day and time of the hearing, if such party is present.

Section 91 (page 5-3). That Section 30-5-3.5, Additional Enforcement Procedures, is hereby amended to read as follows:

30-5-3.5 Additional Enforcement Procedures

Departments may publish and amend from time to time enforcement ~~procedure~~ manuals that provide more detailed guidance on enforcement matters, such as in Sec. 30-5-5.9.

Section 92 (page 5-5). That Section 30-5-5.2, Notice, is hereby amended to read as follows:

30-5-5.2 Notice

Civil penalties may not be assessed until the person alleged to be in violation has been notified in accordance with Sec. 30-5-3.1. If after receiving a notice of violation under Sec. 30-5-3.1, the owner or other violator fails to take corrective action or file an appeal, a civil penalty may be imposed under this section in the form of a citation. The citation shall be served in the same manner as a Notice of Violation. The citation shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within 15 days of the date of the citation.

Section 93 (page 5-5). That Subsection 2) of Section 30-5-5.4(A), General, is hereby amended to read as follows:

2) Any person who violates any provision of this ordinance will be subject to assessment of a civil penalty in the amount of \$50.00 for the first violation, \$100.00 for the second violation, \$200.00 for the third violation, and \$500.00 for the fourth and each succeeding violation. These amounts may be modified in accordance with Sec. 30-5-5.9. See Sec. 30-5-5.5 for penalties for tree disturbance violations and Sec. 30-5-5.4(D) for penalties for Temporary Off-Site Real Estate Directional Signs.

Section 94 (page 5-7). That Subsection 3) of Section 30-5-5.4(C), Effect Repairs, is hereby amended to read as follows:

3) Effect Repairs

a) If the owner fails to comply with an order to repair, the City may cause the building to be repaired. The City may not cause the repair of the property in question until the Historic Preservation Commission has, by resolution or other decree, ordered the City to proceed to make the necessary repairs to property which have been found to be in need of correction of deterioration to prevent demolition by neglect as set forth in this section.

b) If an owner refuses to pay this cost, ~~t~~The amount of the cost of such repairs, alterations and improvements will be a lien against the real property upon which such cost was incurred; said lien must be filed, have the same priority and be collected or foreclosed upon in the same manner as is provided for assessments for local improvements.

c) The property owner has the option of paying for the cost of such repairs, alterations and improvements either in cash or in 5 equal annual installments with such installments bearing interest at the rate of 6% per year from the date of the filing of the lien. If any cost is not paid in cash, the first installment, with interest, is due 30 days after the date of the filing of the lien, and one subsequent installment and interest will be due on the same day of the month in each successive year until the cost is paid in full.

d) If any installment with interest is not paid when due, it will be subject to the same penalties as are now prescribed by law for unpaid assessments, in addition to the interest herein provided for, and, in addition, all of the installments remaining unpaid will at once become due and payable and the property may be sold in the same manner as now prescribed by law for the sale of land for unpaid taxes. The whole cost of such repairs, alterations and improvements may be paid at the time of paying any installment by payment of the principal and all interest accrued to that date.

Section 95 (page 5-8). That the Notes for Tables 5-1 and 5-2 in Section 30-5-5.5, Tree Disturbance Penalties, is hereby amended to read as follows:

Notes to Table 5-1 and 5-2: all reforestation requirements shall be approved by the Planning Director. The species of trees selected for reforestation shall be appropriate to the site conditions and be selected from the approved plant list located in the ~~appendix~~ Landscaping and Tree Conservation Manual. All reforestation plans must comply with water-wise planting techniques.

Changes to Article 6 Zoning Districts

Section 96 (page 6-2). That the Subsection of the table labeled “Overlay Districts” of the table within Section 30-6-1.1, General Zoning Districts and Overlay Districts, is hereby amended to read as follows:

Overlay Districts (Suffix appended to base district)		
ACO	-Activity Center Overlay	New district
-AO	-Airport Overlay	AO, Airport Overlay
-CBO	-Central Business Overlay	New district <u>Central Business Overlay</u>
-DDO	-Downtown Design Overlay	New district
-HDO	-Historic District Overlay	HO, Historic Overlay
-MHO	-Manufactured Housing Overlay	MH, Manufactured Housing Overlay
-NCO	-Neighborhood Conservation Overlay	New Overlay district <u>Neighborhood Conservation Overlay</u>
-PSO	-Pedestrian Scale Overlay	PSOD, Pedestrian Scale Overlay
-SCO -SCO-1 -SCO-2 -SCO-3 -SCO-4	-Scenic Corridor Overlay	SCOD, Scenic Corridor Overlay SCOD-1 SCOD-2
-VCO	Visual Corridor Overlay	New district <u>Visual Corridor Overlay</u>

Section 97 (page 6-3). That Subsection (F) of Section 30-6-2.2, RM, Residential Multi-family Districts, is hereby amended to read as follows:

(F) RM-40, Residential Multi-family 40 District

The RM-40, Residential Multi-family district is intended to accommodate ~~mixed use and~~ multi-family ~~and other~~ residential development, only in Activity Centers (see Generalized Future Land Use Map), ~~transit centers, and or~~ along major thoroughfares. Single-family homes and duplexes, and twin homes are not permitted.

Section 98 (page 6-4). That Section 30-6-3, Mixed Use District Intent Statements, is hereby amended to read as follows:

30-6-3 Mixed Use District Intent Statements

The MU districts are intended to accommodate a rich mixture of complimentary land uses that include housing, retail, offices, commercial services, and civic uses, to create economic vitality,

encourage the linking of trips, and emphasize pedestrian activity travel over the automobile. Individual buildings, as well as overall developments should be designed to provide commercial and mixed use areas that are safe, comfortable, and attractive to pedestrians and include an integrated network of sidewalks, trails, and other paths. The district is intended to include buildings oriented toward the street to encourage transit, pedestrian and bicycle travel; parking lots that are secondary on the site; and reduced parking requirements if certain criteria are met. Uses and developments oriented primarily towards the automobile are discouraged. Mixed use zoning should provide transitions between areas of higher intensity and traffic and lower intensity residential neighborhoods.

Section 99 (page 6-4). That Section 30-6-4.1, PI, Public and Institutional District, is hereby amended to read as follows:

30-6-4.1 PI, Public and Institutional District

The PI, Public and Institutional district is intended to accommodate mid- and large-sized (over 5 acres) public, quasi-public, and institutional uses which have a substantial land use impact or traffic generation potential. It is not intended for smaller public and institutional uses customarily found within residential areas.

Section 100 (page 6-5). That Section 30-6-5.6, O, Office District, is hereby amended to read as follows:

30-6-5.6 O, Office District

The O, Office district is primarily intended to accommodate ~~moderate to high intensity office,~~ and institutional, uses and supporting service and retail other uses.

Section 101 (page 6-5). That Section 30-6-6.1, BP, Business Park District, is hereby amended to read as follows:

30-6-6.1 BP, Business Park District

The BP, Business Park district is primarily intended to accommodate office, ~~complexes,~~ warehouse, research and development, ~~and assembly~~ and other uses on larger sites in a planned, ~~campus-like~~ setting that emphasizes natural characteristics and landscaping. The district may also contain retail, ~~and service~~ and higher density residential uses which customarily locate within or adjacent to planned employment centers. Design and the orientation and operation of uses should ensure compatibility with adjacent residential uses. Standards are intended to foster originality and flexibility.

Section 102 (page 6-6). That Subsection (D) of Section 30-6-7, AG, Agricultural District, is hereby amended to read as follows:

(D) To discourage scattered agricultural related commercial and industrial land uses.

Section 103 (page 6-6). That Section 30-6-7, PUD, Planned Unit Development Districts, is hereby amended to read as follows:

30-6-7 PUD, Planned Unit Development Districts

- (A) PUD, Planned Unit Development districts are intended to allow a diverse mixture of residential and/or nonresidential uses and structures that function as cohesive and unified projects. The districts encourage innovation by allowing flexibility in permitted use, design, and layout requirements in accordance with a Unified Development Plan. This should ~~reduce travel times~~ provide benefits by providing opportunities for employment and services closer to residences.
- (B) Planned Unit Development districts are intended to reduce housing and infrastructure costs by promoting smaller lot sizes and the corresponding linear footage of streets, water lines, and sanitary and storm sewers. This should reduce the amount of site ~~preparation~~ grading.
- (C) Planned Unit Development districts are primarily ~~to be used~~ in areas which have underutilized or vacant land near major streets and utility lines ~~but may be experiencing little or no development~~, or where the applicant proposes a high-quality development that is compatible with the surrounding environment area (natural and built) but may require modifications to the basic standards of the underlying zoning district. This should protect water quality and preserve wildlife habitats and other natural features such as streams, lakes, wetlands, and trees.

Section 104 (page 6-7). That Section 30-6-8, Conditional District Intent Statement, is hereby amended to read as follows:

30-6-8 Conditional District Intent Statement

~~Conditional districts are zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A Conditional district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the surrounding area and on the entire community or there are circumstances where allowing such a use by right would not be appropriate for a particular property even though the uses itself could, if properly planned, be appropriate for the property and the surrounding community. Conditional districts are primarily intended to allow for the zoning and development of property, subject to both underlying district standards and additional conditions, to help development fit better with the site and surrounding properties.~~

Section 105 (page 6-7). That Section 30-6-9, Overlay District Intent Statements, is hereby amended to read as follows:

30-6-9 Overlay District Intent Statements

Standards applied to certain areas in addition to base district standards to help development fit better with the site and surrounding properties. Where specified, overlay district standards modify base district standards.

Section 106 (page 6-7). That Subsection (A) of Section 30-6-9.1, ACO, Activity Center Overlay, is hereby amended to read as follows:

(A) Activity centers are existing or anticipated future concentrations of uses that function as destinations or hubs of activity for the surrounding area. Typically located in areas of mixed use shown on the Generalized Future Land Use Map, activity centers are intended to include features such as a mix of higher intensity uses (~~housing~~ residential, retail, office, etc.), compact development patterns, urban open spaces, pedestrian and transit linkages. Activity centers must be served by a ~~rich~~ network of alternative transportation options, including walking routes, bike lanes, and rail (if available).

Section 107 (page 6-7). That Section 30-6-9.2, -AO, Airport Overlay, is hereby amended to read as follows:

30-6-9.2 -AO, Airport Overlay

The -AO, Airport Overlay District is intended to be limited to industrial ~~uses~~ and other uses that are compatible with support airport operations, and to limit residential uses to very low densities near the Piedmont Triad International Airport in order to minimize the negative effects of aircraft noise on homes. The overlay district also ~~and~~ prohibits the erection of structures which would, by virtue of their height, interfere with operations at the airport.

Section 108 (page 6-8). That Section 30-6-9.6, -MHO, Manufactured Housing Overlay, is hereby amended to read as follows:

30-6-9.6 -MHO, Manufactured Housing Overlay

The -MHO, Manufactured Housing overlay district is intended to help provide ~~alternative~~, affordable housing opportunities for ~~low- and moderate-income~~ residents in residential areas by allowing for the use of manufactured dwellings; establish requirements designed to ~~assure~~ insure acceptable similarity compatibility in exterior appearance between manufactured dwellings and other single-family dwellings that have been or might be constructed on adjacent or nearby lots; and protect property values and preserve the character and integrity of the community or individual neighborhoods within the community.

Section 109 (page 6-8). That Section 30-6-9.8, -PSO, Pedestrian Scale Overlay, is hereby amended to read as follows:

30-6-9.8 -PSO, Pedestrian Scale Overlay

The -PSO, Pedestrian Scale overlay district is intended to accommodate neighborhood serving commercial, office, and residential, ~~and neighborhood business~~ uses as infill development along thoroughfares. Standards encourage consistency between new development and existing development within built-up areas and help provide safe, walkable, attractive, pedestrian-oriented areas.

Section 110 (page 6-8). That Section 30-6-9.9, -SCO, Scenic Corridor Overlay, is hereby amended to read as follows:

30-6-9.9 -SCO, Scenic Corridor Overlay

The -SCO, Scenic Corridor overlay district is intended to preserve and enhance the appearance and operational characteristics of certain designated roadways; and address development issues of special concern with specific requirements which relate to land use, traffic movement, access, environment, signs, preservation of vegetation, landscaping, visual quality, and aesthetics. ~~The SCO 1 and SCO 2 Overlay districts are intended to be applied to lands located along the Urban Loop upon annexation into the City.~~

Section 111 (page 6-9). That Section 30-6-9.11, -OWAO, Other Watershed Area Overlay, is hereby amended to read as follows:

30-6-9.11, -OWAO, Other Watershed Area Overlay

~~The Other Watershed Area Overlay district establishes regulations for protecting a watershed other than a water supply. These regulations are specified in Sec. 30-12-3, Sec. 30-12-5 and Sec. 30-12-4.~~

See Sec. 30-12-3.2 for purpose and intent

See Sec. 30-6-1.1 for table of districts

See Sec. 30-4-8, 30-7-8.12 and 30-12-3.3 for process to establish

Section 112 (page 6-9). That Section 30-6-9.12, WCA, Watershed Critical Area Overlay, is hereby amended to read as follows:

30-6-9.12, -WCA, Watershed Critical Area Overlay

~~The WCA, Watershed Critical Area overlay district establishes regulations for protecting the portion of a water supply watershed adjacent to a water supply intake or reservoir. These regulations are specified in Sec. 30-12-3 and Sec. 30-12-4.~~

See Sec. 30-12-3.2 for purpose and intent

See Sec. 30-6-1.1 for table of districts

See Sec. 30-4-8, 30-7-8.12 and 30-12-3.3 for process to establish

Section 113 (page 6-9). That Section 30-6-9.13, -GWA, General Watershed Area Overlay, is hereby amended to read as follows:

30-6-9.13 -GWA, General Watershed Area Overlay

~~The GWA, General Watershed Area overlay district establishes regulations for protecting the portion of a water supply watershed outside the watershed critical area (-WCA). These regulations are specified in Sec. 30-12-3 and Sec. 30-12-5.~~

See Sec. 30-12-3.2 for purpose and intent

See Sec. 30-6-1.1 for table of districts

See Sec. 30-4-8, 30-7-8.12 and 30-12-3.3 for process to establish

Changes to Article 7 District Standards

Section 114 (page 7-2 and 7-3). That Section 30-7-1.3, Lot Types, is hereby deleted and Subsections (A) Corner Lots, (B) Interior Lots and (C) Through Lots are moved to Section 30-15-12, Terms Beginning with “L”.

Section 115 (page 7-4). That Subsections 1) and 3) of Section 30-7-1.5(A), Street Setbacks, is hereby amended to read as follows:

1) Front

Any setback from a street right of way line other than a side street setback. A through lot has 2 front street setbacks. The property owner shall designate the front and side setback on a corner lot.

3) Thoroughfare

Thoroughfare (major or minor) setback is the setback required for any portion of a lot abutting a thoroughfare right of way line.

Section 116 (pages 7-5 and 7-6). That Subsections 2) and 9) of Section 30-7-1.5(C), Encroachments into Required Setbacks, is hereby amended to read as follows:

- 2) Pet shelters; at-grade patios; play equipment; outdoor furniture; ornamental entry columns and gates; flagpoles; lampposts; address posts; HVAC equipment; mailboxes; outdoor fireplaces; public utility lines, poles, pumps, and boxes; wells; fences (see Sec. 30-9-4); and similar structures.
- 9) Retaining walls; except in single-family street setbacks ~~no~~ where they are not permitted to be more than 4 feet in height.

Section 117 (page 7-6). That Subsection (A) of Section 30-7-1.6, Build-To Line, is hereby amended to read as follows:

(A) The build-to line is an imaginary line running parallel to the existing or proposed (if one exists) right-of-way line along the subject lot's primary street frontage. The build-to line establishes the maximum distance from the right-of-way that a building façade can be built, except as described in the following section.

Section 118 (page 7-22). That Subsection (L) of Section 30-7-3.2, Conventional Development, is hereby amended to read as follows:

(L) Lot Reductions when Adjoining Public Open Space

- 1) Conventional single-family developments with public sewer service that abut a dedicated public drainageway and open space area or common elements open space that is at least 30 feet in width may be developed with reduced lot size and rear setback requirements as provided below:

- a. The minimum required lot size may be reduced in area to 40% below the base single-family requirement to a minimum of 5,000 square feet when abutting open space.
 - b. Rear setbacks may be reduced to 15 feet when abutting open space.
 - c. Side setbacks may be reduced to 3 feet when abutting open space.
- 2) A note must be placed on the Final Plat stating: “Lots have been reduced in size in accordance with Sec.30-7-3.2(L), but all other dimensional requirements of the City of Greensboro Land Development Ordinance apply.”

Section 119 (page 7-23). That Subsection (D) of Section 30-7-3.3, Cluster Development, is hereby amended to read as follows:

(D) Cluster Required

The Technical Review Committee may require that cluster development be used if street right-of-way dedication is required by the Greensboro Master Transportation Thoroughfare and Collector Street Plans (~~see NCGS 136-66.10~~) or the development lies partially or wholly within a Watershed Critical Area.

Section 120 (pages 7-28 and 7-29). That Table 7-13 of Section 30-7-4.1, General Dimensional Standards, is hereby amended to read as follows:

Remove note [6] from all columns on the row “Distance from edge of street right of way (ft.)” under the Build-To Line subheading and add a new note [6] on the row “Percentage of façade that must be located on or in front of the build-to line” under the Build-To Line subheading
 Change the word “Residential” on the row “Adjacent to Residential Districts” under the Bulk (maximum) subheading to “R-”

Amend note [7] as follows: “Maximum height without additional setbacks. Building height may be increased up to a maximum of 80 feet provided that one foot of additional setback is provided for each foot of building height above 50 feet.”

Section 121 (page 7-29). That Subsection 5) of Section 30-7-4.2(A), Residential Component, is hereby amended to read as follows:

- 5) For development projects smaller than 3 acres, the Planning Director may approve a Type 1 Modification of the residential component standard if the Planning Director determines that the project ~~includes~~ exceeds the mixed-use design elements of this section.

Section 122 (page 7-30). That Subsections 3), 4) and 5) of Section 30-7-4.2(B), Nonresidential Component, is hereby amended to read as follows:

- 3) For development projects smaller than 3 acres, the Planning Director may approve a Type 1 Modification of the minimum non-residential component standard if the Planning Director determines that the project ~~includes~~ exceeds the mixed-use design elements of this section.
- 4) The residential component requirement is waived in vertical mixed use buildings of at least 4 stories in height if the street frontage of the first floor is entirely occupied by eating and drinking establishments, personal and professional services or retail sales and service uses. However, penetrations for access to parking, utilities and the residential component are allowed.
- 5) In order to encourage the concealment of parking structures (wrapped garages or liner buildings), the floor area of levels of a parking structure completely obscured from view at ground level of a ~~from~~ public street by enclosed areas designed and constructed for commercial, office, or residential use and occupancy may be counted towards the nonresidential component requirement. In order to be credited toward the requirement, the following conditions must be met:

Section 123 (page 7-34). That Subsections (B), (C), (D) and (E) of Section 30-7-5.1, District-specific Standards, is hereby amended to read as follows:

(B) C-L, Commercial-Low

- 1) The maximum gross floor area per building is 40,000 square feet. Office or residential dwelling units located above the ground floor of the building are not counted toward the gross floor area when the ground floor is occupied by nonresidential uses.
- 2) See Sec. 30-9-5, Outdoor Display and Storage.

(C) C-M, Commercial-Medium

See Sec. 30-9-~~4~~5, Outdoor Display and Storage.

(D) C-H, Commercial-High

~~[Reserved]~~ See Sec. 30-9-5, Outdoor Display and Storage.

(E) CB, Central Business

- 1) See Sec. 30-7-8.5(Downtown Design Overlay District)
- 2) See Sec. 30-9-5, Outdoor Display and Storage.

Section 124 (page 7-34). That Table 7-15 of Section 30-7-6.1, General Dimensional Standards, is hereby amended to read as follows:

Amend Note [3] to read as follows: “Maximum height without additional setbacks. Building height may be increased up to a maximum of 80 feet provided that one additional foot of setback is provided for each foot of building height above 50 feet.”

Section 125 (page 7-35). That Subsections (A) and (B) of Section 30-7-6.2, Specific Zoning District Standards, are hereby amended to read as follows:

(A) BP, Business Park

- 1) Outside manufacturing or processing is prohibited.
- 2) ~~Loading areas and outside storage facilities may not be located between the front of a building and a public street or in any required setback.~~
- 3) ~~2)~~ Loading areas must be setback at least 50 feet from residentially zoned areas.
- 3) See Sec. 30-9-5, Outdoor Display and Storage.
- 4) ~~Outside storage facilities shall not occupy an area greater than 50% of the ground level gross floor area of the principal building.~~

(B) LI, Light Industrial

- 1) Outside manufacturing or processing is prohibited.
- 2) See Sec. 30-9-5, Outdoor Display and Storage.

Section 126 (pages 7-36 and 7-37). That Subsections (A) and (B) of Section 30-7-7.1, AG, Agricultural District, are hereby amended as follows:

Delete item 14) under subsection (A) and replace item 4) of subsection B) with the following wording: 4) Accessory Uses and Structures (customary), subject to Sec. 30-8-11.1.

Section 127 (pages 7-38 and 7-39). That Subsection (C) of Section 30-7-7.1, AG, Agricultural District, is hereby amended to read as follows:

(C) Special Uses

The following uses are allowed if approved through the Special Use Permit procedures of Sec. 30-4-10. Special uses are subject to all other applicable requirements in this ordinance, including any use standards identified in Sec. 30-8-10, except where expressly modified by the City Council as part of the Special Use Permit approval.

- 1) ~~Manufactured Dwelling Home Parks, subject to any applicable additional use standards of Sec. 30-8-10.1(F)~~
- 2) Rural Family Occupations , subject to Sec. 30-8-11.6
- 3) Athletic Fields, subject to ~~any applicable additional use standards of Sec. 30-8-10.3(D)~~
- 4) ~~Retreat Centers, subject to any applicable additional use standards of Sec. 30-8-10~~
- 5) Land Clearing and Inert Debris Landfills, subject to any applicable additional use standards of Sec. 30-8-10 .5(C)
- 6) Airports or Air Transportation Facilities (~~NAICS Code 4500~~), ~~subject to any applicable additional use standards of Sec. 30-8-10~~

- 7) Amusement or Water Parks, Fairgrounds (~~NAICS Code 7996~~) , subject to any applicable additional use standards of Sec. 30-8-10.3(A)
- 8) Asphalt Plants (~~NAICS Code 2951~~) , subject to any applicable additional use standards of Sec. 30-8-10.5(A)
- 9) Boarding and Rooming Houses (9 or less) (~~NAICS Code 7021~~) , subject to any applicable additional use standards of Sec. 30-8-10.1(J)
- 10) Clubs or Lodges (~~NAICS Code 8640~~) , subject to any applicable additional use standards of Sec. 30-8-10.3(B)
- 11) Correctional Institutions (~~NAICS Code 9223~~) , ~~subject to any applicable additional use standards of Sec. 30-8-10~~
- 12) Day Care Centers, Adult (6 or more) (~~NAICS Code 8322~~) , subject to any applicable additional use standards of Sec. 30-8-10.2(D)
- 13) Day Care Centers, Child (16 or more) (~~NAICS Code 8351~~), subject to any applicable additional use standards of Sec. 30-8-10.2(D)
- 14) Go-cart Raceways (~~NAICS Code 7999~~) , subject to any applicable additional use standards of Sec. 30-8-10.3(D)
- 15) Golf Course Driving Ranges, Country Club (~~NAICS Code 7999~~), subject to any applicable additional use standards of Sec. 30-8-10.3(C)
- 16) Heliports (~~NAICS Code 4522~~) , ~~subject to any applicable additional use standards of Sec. 30-8-10~~
- 17) Landscape and Horticultural Services (~~NAICS Code 0780~~) , ~~subject to any applicable additional use standards of Sec. 30-8-10~~
- 18) Logging and Wood, Raw Materials (Forestry) (~~NAICS Code 2411~~) , ~~subject to any applicable additional use standards of Sec. 30-8-10~~
- 19) Mining and Quarrying (~~NAICS Code 1000~~) , subject to any applicable additional use standards of Sec. 30-8-10 .5(D)
- 20) Orphanages (~~NAICS Code 8361~~), subject to any applicable additional use standards of Sec. 30-8-10.2(H)
- 21) ~~Private Clubs or Recreation~~ Facilities, (other) (~~NAICS Code 7997~~) , subject to any applicable additional use standards of Sec. 30-8-10.3(D)

- 22) Recreational Vehicle Parks or Campsites (~~NAICS Code 7033~~), subject to any applicable additional use standards of Sec. 30-8-10.3(F)
- 23) Riding Stables (~~NAICS Code 7999~~), subject to any applicable additional use standards of Sec. 30-8-10.3(G)
- 24) ~~Salvage Yards, Auto Parts (NAICS Code 5015), subject to any applicable additional use standards of Sec. 30-8-10~~
- 25) Salvage Yards, Junk Yards, Scrap Processing (~~NAICS Code 5093~~), subject to any applicable additional use standards of Sec. 30-8-10.5(F)
- 26) Shooting Ranges, Indoor (~~NAICS Code 7999~~), subject to any applicable additional use standards of Sec. 30-8-10.3(H)
- 27) Shooting Ranges, Outdoor (~~NAICS Code 7999~~), subject to any applicable additional use standards of Sec. 30-8-10.3(I)
- 28) Soil Preparation and Crop Services (~~NAICS Code 0700~~), ~~subject to any applicable additional use standards of Sec. 30-8-10~~
- 29) Solid Waste Disposal (nonhazardous) (~~NAICS Code 4953~~), ~~subject to any applicable additional use standards of Sec. 30-8-10~~
- 30) Sports Instructional Schools (~~NAICS Code 7999~~), ~~subject to any applicable additional use standards of Sec. 30-8-10~~
- 31) Swim and Tennis Clubs (~~NAICS Code 7997~~), subject to any applicable additional use standards of Sec. 30-8-10.3(K)
- 32) Theaters, Outdoor (~~NAICS Code 7833~~), subject to any applicable additional use standards of Sec. 30-8-10.3(D)
- 33) Tourist Homes (Bed & Breakfast) (~~NAICS Code 7011~~), subject to any applicable additional use standards of Sec. 30-8-10.4(Q)

Section 128 (page 7-40). That Subsection 4) of Section 30-7-7.1(D), Minimum Street Setbacks, is hereby amended to read as follows:

4) Minimum Street Setbacks

Minimum street setbacks are as follows:

- a) Front setback from local or collector street: 40 feet
- b) Street side setback from local or collector street: 40 feet
- c) Street setback from minor thoroughfare: 45 feet from ROW line ~~or 80 feet from street centerline, whichever is greater.~~

- d) Street setback from major thoroughfare: 50 feet from ROW line ~~or 95 feet from street centerline, whichever is greater.~~

Section 129 (page 7-41). That Subsection 7) of Section 30-7-7.2(E), District Standards, is hereby amended to read as follows:

7) Maximum Height

Within 50 feet of any R- district, the maximum height of a building may not exceed 50 feet or 3 stories except along the right-of-way of a railroad or a street right-of-way that is already constructed or is being constructed as part of the planned unit development. Provisions governing maximum height ~~may be waived~~ are established by the Unified Development Plan for all other portions of the development.

Section 130 (page 7-42). That the table within Subsection 12) of Section 30-7-7.2(E), District Standards, is hereby amended to read as follows:

Predominant Use in Section of PUD	No Less Restrictive than
Residential areas	RM-12
<u>Public/Civic/Recreation/Office</u>	<u>PI</u>
Office areas <u>All other non-residential</u>	<u>MU-L-C-L</u>
Commercial areas	<u>CL</u>
Industrial/Manufacturing areas	<u>BP</u>

Section 131 (page 7-43). That Subsection 1) of Section 30-7-7.3(B), Standards Applicable to Business Incubators, is hereby amended to read as follows:

- 1) Business incubators are intended to accommodate retail sales and service, office, personal and professional service, and research and development uses. Certain light industrial uses may be allowed provided the external impacts are no greater than impacts of the ~~intended~~ other permitted uses.

Section 132 (page 7-47). That Subsection (B) of Section 30-7-8.6, -HDO, Historic District Overlay, is hereby amended to read as follows:

(B) Development and construction activity within a historic district overlay must conform to the adopted district report and the design guidelines for the subject district Historic District Program Manual and Design Guidelines. Furthermore, a Certificate of Appropriateness may be required. See Sec. 30-4-12.4 for applicability and exceptions.

Section 133 (page 7-49). That Subsection (B) of Section 30-7-8.8, -NCO, Neighborhood Conservation Overlay Districts, is hereby amended to read as follows:

(B) Conformance with District Design Guidelines

Development and construction activity within a Neighborhood Conservation overlay district must conform to the adopted design guidelines for the subject district, as follows:

- 1) Westridge Road Design Manual

Section 134 (page 7-49). That Subsection (B) of Section 30-7-8.9, -PSO, Pedestrian Scale Overlay Districts, is hereby amended to read as follows:

(B) Conformance with District Design Guidelines

Development and construction activity within a Pedestrian Scale Overlay District must conform to the adopted design guidelines for the subject district, as follows:

- 1) East Market Street Design Manual
- 2) Spring Garden Street Design Manual

Section 135 (page 7-49). That the heading for Subsection 2) a) of Section 30-7-8.10(A), Establishment of a Scenic Corridor Overlay, is hereby amended to read as follows:

- a) SCO-NC Highway 68 Scenic Corridor Overlay District

Section 136 (page 7-50). That the introductory text of Subsections 2) b) i) and ii) of Section 30-7-8.10(A), Establishment of a Scenic Corridor Overlay, are hereby amended to read as follows:

b) Urban Loop

i) SCO-1 Scenic Corridor Overlay District-1

The Scenic Corridor Overlay District is bounded by all land within 1,000 feet on either side of the centerline of the highway. The following controlled access highways or portions thereof are included in the SCO-1 District:

ii) SCO-2 Scenic Corridor Overlay District-2

The Scenic Corridor Overlay District is bounded by all land within 1,000 feet on either side of the centerline of the highway. The following controlled access highways or portions thereof are included in the SCO-2 District:

Section 137 (page 7-51). That Subsection (A) of Section 30-7-8.10, -SCO, Scenic Corridor Overlay Districts, is hereby amended to add a new number 3) to read as follows:

- 3) The SCO-1, SCO-2 and SCO-NC 68 overlay districts are intended to be applied to lands located along the Urban Loop and NC 68 within the City's jurisdiction.

Section 138 (page 7-51). That Subsection (B) of Section 30-7-8.10, -SCO, Scenic Corridor Overlay Districts, is hereby amended to read as follows:

(B) Conformance with District Design Guidelines

Development and construction activity within a Scenic Corridor Overlay District must conform to the adopted design guidelines for the subject district. Such guidelines can be found in the Scenic Corridor Overlay Districts Design Manual.

Section 139 (page 7-52). That Subsection (B) of Section 30-7-8.11, -VCO, Visual Corridor Overlay, is hereby amended to read as follows:

(B) New Outdoor Advertising Signs Prohibited

No new outdoor advertising signs may be established within the Visual Corridor Overlay district, except as provided for in Sec.30-2-5.5.

Changes to Article 8 District Use Requirements

Section 140 (page 8-1). That Section 30-8-1, Permitted Use Table, is hereby amended to read as follows:

Table 8-1 shows a listing of principal uses, what districts they are allowed in, and any special standards or approvals required. Accessory uses with use standards are also included.

Section 141 (page 8-2). That Subsection (D) of Section 30-8-1.1, Use Table Key, is hereby amended to read as follows:

(D) Accessory Uses and Structures

Accessory uses ~~and structures~~ are permitted in this ordinance if they meet the “use, accessory” definition. The following Table 8-1 does not show most permitted accessory uses. Accessory uses are allowed as indicated in the use table, subject to any additional standards found in Sec. 30-8-10.611 Accessory Uses and Structures.

Section 142 (page 8-3 to 8-9, to be numbered). That Table 8-1, Permitted Uses, is hereby amended to read as follows:

Add note at beginning of table to See Sec.30-7-7.3 for TN district uses

Change the letter “P” in the R-3, R-5, R-7, RM-5, RM-8, RM-12, RM-18, RM-26, MU-L, MU-M and O columns to the letter “U” for the use category “Single Family Detached Dwellings, Zero Lot Line”

Amend the reference in the Standards column to 30-8-10.2(C) for the use category “Cemeteries”

Remove the letter “S” from the MU-M, MU-H, O, C-M, CB, BP, LI, HI and PI columns for the use category “TV/HDTV/AM/FM Broadcast Facilities”

Amend the use category Shooting Ranges, ~~Archery, Skeet~~ and remove the reference “30-8-10.3(H)” in the Standards column for this use category.

Move the use category “Retreat Centers” from the “Office” subgroup to the “Educational Facilities” subgroup.

Remove the reference “30-8-10.5(A)” in the Standards column from the use category “Rubber and Plastics (raw)”

Add the reference “30-8-12.1” in the Standards column for the use category “Temporary Craft Sales from Clubhouse or Community Center Bldg.”

Add the reference “30-8-12.2” in the Standards column for the use category “Temporary Land Clearing & Inert Debris Landfills, Minor”

Amend the reference 30-8-12.4~~3~~ in the Standards column for the use category “Portable Storage Units”

Amend the reference 30-8-12.2~~4~~ in the Standards column for the use category “Temporary Construction Office, Construction Equipment Storage, Real Estate Sales and Rental Offices”

Section 143 (page 8-5). That Subsection (B) of Section 30-8-3.1, Approach to Categorizing Uses, is hereby amended to read as follows:

(B) Any use not specifically listed in the use category in this section is prohibited, unless the Planning and Community Development Director determines that the use is similar to a permitted use in that district. Where any similar permitted use is subject to additional use standards or special ~~exception~~ use permit approval, the proposed use is also subject to those standards or approval.

Section 144 (page 8-6). That Section 30-8-3.5, Typical Uses, is hereby amended as follows:

30-8-3.5 Typical Uses

The "Typical Use Types" portion of each use category lists principal uses common to that use category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself. Many accessory uses that are often found with such principal uses are not shown on these lists.

Section 145 (page 8-8). That Subsection (B) of Section 30-8-5.1, Household Living, is hereby amended to read as follows:

(B) Excluded Use Types

- 1) Assisted living facility (see Group Living)
- 2) Tourist Homes (Bed and breakfast)~~establishment~~, hotel, motel, inn, extended-stay lodging (see Overnight Accommodations)
- 3) Rooming and Boarding House, ~~Group Home~~ (see Group Living)
- 4) Group care facility (see Social Service Facilities)
- 5) Nursing and convalescent home (see Group Living)

Section 146 (page 8-8). That Section 30-8-5.2, Group Living, is hereby amended to read as follows:

- 1) Typical Use Types
 - a) Assisted living facility
 - b) Fraternity, sorority
 - c) Hospice
 - d) Life care community
 - e) Monastery, convent
 - f) Nursing and convalescent home
 - g) Private dormitory
 - h) Rooming and boarding house

- 2) Excluded Use Types
 - a) Alternative and post-incarceration facility (see Social Service Institutions)
 - b) Tourist Home (Bed and breakfast) establishment, hotel, motel, inn, extended-stay lodging (see Overnight Accommodations)
 - c) Group care facility (see Social Service Facilities)
 - d) Membership club and lodge (see Indoor Recreation)
 - e) Orphanage, shelter (see Social Service Facility)

Section 147 (page 8-11). That Subsection (A) of Section 30-8-6.6, Governmental Facilities, is hereby amended as follows:

(A) Typical Use Types

- 1) City, county, regional, state, and federal or other government office
- 2) Correctional facility, including jail and prison
- 3) Emergency service, including EMS facility, fire station, and neighborhood police station
- 4) Post office

Section 148 (page 8-11). That Section 30-8-6.8, Passenger Terminals, is hereby amended to read as follows:

Facilities for the takeoff and landing of airplanes and helicopters, services to passengers and terminals for taxi, rail and bus service. All passenger terminals are prohibited in WCA. (See Sec. 30-12-4)

A) Typical Use Types

- 1) Airport and related facilities
- 2) Bus Terminal
- 3) Heliport (as a principal use)
- 4) Rail Passenger Terminal

Section 149 (page 8-12). That the introductory text and Subsection (A) of Section 30-8-6.10, Social Service Facilities, are hereby amended to read as follows:

30-8-6.10 Social Service Facilities

Uses that primarily provide treatment of or services to those with psychiatric, alcohol, ~~and drug~~ or other conditions ~~problems~~; orphanages, and transient housing related to social service programs.

A) Typical Use Types

- 1) Group care more than alternative and post-incarceration) ~~facilities~~ for more than 9 ~~any number of~~ residents; and care and treatment for psychiatric, alcohol, ~~and drug~~ and other conditions ~~problems~~, where patients are residents and more than 9 patients are housed
- 2) Orphanage
- 3) Shelter for the homeless and transient lodging
- 4) Shelter, temporary or emergency
- 5) Soup kitchen and food bank

Section 150 (pages 8-14 and 8-15). That Subsection (A) of Section 30-8-7.3, Outdoor Recreation, is hereby amended to read as follows:

(A) Typical Use Types

- 1) Amusement and water parks, fairgrounds
- 2) Batting cage, miniature golf facility, swimming pool and other similar outdoor entertainment activity
- 3) Campground and recreational vehicle (RV) park
- 4) Commercial amphitheater
- 5) Go-cart raceway
- 6) Golf course, golf driving range, country clubs, ~~swim and tennis club~~
- 7) Marina, boating facility
- 8) Riding stable
- 9) Shooting range such as rifle range, archery range, handgun, skeet shooting, and paintball facilities
- 10) Skateboard and BMX bicycle park
- 11) Sporting and recreational camp (Sporting and recreational camps include boys and girls camps, fishing camps, dude ranches and summer camps; but do not include hunting camps or nudist camps. Establishments primarily engaged in operating sports instructional camps such as basketball, baseball, football, karate camps, etc. are classified as “Sports Instructional Schools” and are not considered sporting and recreational camps)
- 12) Sports instructional school (e.g. baseball, basketball, football, karate camps, etc.)
- 13) Swim and/or tennis clubs

Section 151 (page 8-17). That Subsection 1) of Section 30-8-8.5(A), Typical Use Types, is hereby amended to read as follows:

1) Personal Service

- a) Barber shop, beauty shop, massage therapist, tanning salon
- b) Bulk mailing service
- c) Dry cleaning pick-up/drop-off station
- d) Funeral home, mortuary, crematorium
- e) Kennel

- f) Laundromat (prohibited in WCA; See Sec. 30-12-4)
- g) Pet grooming
- h) Photography studio
- i) Physical fitness center
- Ⓜ) Shoe repair and shoeshine shop
- Ⓜ) Tailor, milliner, upholsterer
- Ⓜ) Taxidermist
- Ⓜ) Veterinary service and animal hospital

Section 152 (pages 8-18 and 8-19). That Subsection 1) of Section 30-8-8.6(A), Typical Use Types, is hereby amended to read as follows:

1) Sales-Oriented

- a) Advertising service, outdoor
- b) Artisans and crafts, including musical instruments, jewelry, and silverware (no plating), ~~and~~ leather and leather products (no tanning) and other fine arts
- c) Building supply sales
- d) Convenience store (with fuel pumps) (prohibited in WCA; See Sec. 30-12-4)
- e) Convenience store (without fuel pumps)
- f) Drug store
- g) Flea market (indoor and outdoor)
- h) Food products
- i) Garden center, garden supplies, nursery
- j) Manufactured and modular home sales
- k) Retail sales of bulk merchandise (i.e. sales of related and/or unrelated products frequently in a warehouse setting), including membership warehouse clubs, that is differentiated from general retail sales by any of the following characteristics:
 - i. many items for sale are not divided into parts or packaged in separate units;
 - ii. many items are large and heavy such as appliances and building materials;
 - iii. many items are stored or stacked in large containers in the retail sales area; and
 - iv. many items may require delivery by the retail establishment.
- l) Pawn shop
- m) Sexually oriented business
- n) Stores selling, leasing, or renting consumer, house, and business goods including alcoholic beverages, antiques, appliances, art supplies, auto parts and supplies, baked goods, bicycles, books and periodicals, cameras, candles, candies, carpet and floor coverings, cellular telephones, collectables, cosmetics, crafts, clothing and shoes, computers, dairy products, dry goods, electronic equipment, fabric, flowers, furniture, gasoline (prohibited in WCA; See Sec. 30-12-4), general stores, gifts, groceries, hardware and tools, home furnishings, home improvement equipment and products, household products, jewelry, luggage and leather goods, medical supplies, musical instruments, optical goods, outdoor farmers market, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, printed materials, produce, sporting goods, stationery, tires, tobacco and related products, and videos
- o) Truck stop (prohibited in WCA; See Sec. 30-12-4)

Section 153 (page 8-20). That Subsection (A) of Section 30-8-8.8, Vehicle Sales and Services, is hereby amended to read as follows:

(A) Typical Use Types

- 1) Automobile, boat, and motorcycle repair service
- 2) Automobile towing and storage service
- 3) Boat sales, leasing and rental
- 4) Car wash
- 5) Motor vehicle sales (new and used), leasing, and rental; light truck and utility trailer sales, rental and leasing, motorcycle sales, leasing, and rental
- 6) RV sales, leasing and rental
- 7) Service station (fuel)

Section 154 (page 8-27). That Subsection (B) of Section 30-8-10.1, Residential Use Standards, is hereby amended to read as follows:

(B) Family Care Homes

- 1) To increase housing alternatives available to resident persons and fully integrate them into the community mainstream by allowing them to live in typical homes in typical neighborhoods, no new family care home may be located within one-half mile of an existing family care home (property separation as defined in Sec. 30-7-1.2), unless a Special Exception is granted by the Board of Adjustment for reduced separation. To approve a Special Exception (see Sec. 30-4-14), the Board of Adjustment must find that a reduced separation will not promote the clustering of homes which could lead the resident persons to cloister themselves and not interact with other members of the community.
- 2) In R- Residential Single-family Districts, a family care home may have up to 6 resident persons.
- 3) In O, RM-, MU-L, MU-M and MU-H and MU- districts, a family care home may have up to 9 resident persons.

Section 155 (page 8-28). That Subsection 8) of Section 30-8-10.1(F), Manufactured Home Park, is hereby amended to read as follows:

8) Landscaping

Landscaping must be provided in accordance with Sec. 30-10-2 and throughout the park with ample trees and shrubs to provide shade and break up open areas. All banks and open areas must be grassed.

Section 156 (page 8-33). That Subsection 1) j) iii) of Section 30-8-10.1(H), Multi-family Dwellings, is hereby amended to read as follows:

- iii) Except as provided in (i) and (ii) above, or stated elsewhere in this ordinance, buildings must be set back from private drives, private driveways and parking lots by a distance of at least 10 feet, as measured from the back of curb or, if no curb and gutter is provided, from the edge of the pavement.

Section 157 (page 8-34). That Subsection 4) of Section 30-8-10.1(K), Townhouse, is hereby amended to read as follows:

- 4) Regulations governing the maximum number of units per building in townhouse developments apply only to developments approved after June 30, 2010. All townhouse developments in existence on or approved by June 30, 2010 are deemed conforming in regard to such regulations.

Section 158 (page 8-37). That Subsection 1) a) of Section 30-8-10.2(D), Day Care Facilities, is hereby amended to read as follows:

- i. Child day care homes (15 or fewer attendees) must be operated as a home occupation subject to the development standards for a home occupation. (see Sec. 30-8-11.5)
- ii. Child day care homes must meet the minimum requirements of the North Carolina Department of Human Resources, Child Development Division.

Section 159 (page 8-37). That Subsection (E) of Section 30-8-10.2, Public and Civic Use Standards, is hereby amended to read as follows:

(E) Group Care Facilities

- 1) A group care facility may not be located within one-half mile (property separation as defined in Sec. 30-7-1.2) of an existing group care facility or a social service facility.
- 2) A group care facility is limited to a maximum of 30 residents in the RM-18, RM-26, O, and any mixed use district, and 40 residents in a CBD or PI District.

Section 160 (page 8-38). That Subsection 2) of Section 30-8-10.2(G), Public Assembly Uses, is hereby amended to read as follows:

2) Community-scale Public Assembly Uses

- a) In the ~~R-3, R-5, R-7, RM-5 and RM-8~~ R- districts, vehicular access to the lot on which the community-scale public assembly use is located must come from a ~~collector or~~ thoroughfare or collector street, unless alternative access is approved as a Type 2 Modification.
- b) The building and any improvements may not encroach into the buffer planting yard.

Section 161 (page 8-40). That Subsection 3) of Section 30-8-10.2(K), Wireless Telecommunications Facilities (WTFs), is hereby amended to read as follows:

3) Principal Use of Land

- a) In all residential, TN, O and C-N districts the property upon which a WTF is located must be primarily developed with governmental, institutional and recreational uses or right-of-way for a cross-country utility transmission distribution structure. Examples include: fire stations, schools, churches, parks with recreational facilities, libraries, water tanks, 911 facilities, athletic fields, golf courses, clubs or lodges, swim and tennis clubs and cemeteries/mausoleums. WTFs are not permitted on vacant land in these districts.

- b) In all RM- districts the property upon which a WTF is located must have a minimum of 100 dwelling units, or the property must be primarily used for a land use listed in a) above. WTFs are not permitted on vacant land in these RM- districts.

Section 162 (page 8-42). That Subsection 2) of Section 30-8-10.3(C), Golf Courses, Driving Ranges, Country Clubs, is hereby amended to read as follows:

2) Minimum Dimensions

a) Area for Country Club with Golf Course

The site must be at least 2 acres in area (in addition to any golf course areas). ~~When located in the TN district or included as part of a common area within a development, the minimum size is one acre.~~

b) Driving Ranges

Tees must have at least 1,000 feet to the end of any open-air driving area. The Planning Director may reduce this requirement if the end of the driving area is controlled by netting or other measures to control golf balls.

Section 163 (page 8-43). That Subsection 1) of Section 30-8-10.3(E), Parks and Open Areas, is hereby amended to read as follows:

1) Parking and Access

a) Unless located in the TN district, all facilities greater than 10 acres must take primary access from a collector or thoroughfare street. This requirement may be waived with the approval of a Type 2 Modification (see Sec. 30-4-11, Modifications).

b) The site plan must show all parking facilities (~~regular required~~ and ~~overflow non-required~~). ~~Overflow~~ All parking must be kept available to handle all traffic from special events such as softball tournaments and outdoor concerts.

Section 164 (page 8-44). That Subsection (H) of Section 30-8-10.3, Recreational Uses, is hereby amended as follows:

- 1) The range must be located at least 200 feet from the property line of any of the following uses: existing dwelling residential or ~~property holding a valid building permit for a dwelling~~, school, day care, or place of religious assembly.
- 2) The range must be located within a fully enclosed and soundproofed building.
- 3) Gunfire associated with the range must not be audible from any property line.

Section 165 (page 8-44). That Subsection (I) of Section 30-8-10.3, Recreational Uses, is hereby amended to read as follows:

I) Shooting Ranges, Archery, Skeet - Outdoor

- 1) The range must be set back at least 300 feet from any property line.
- 2) Access to the firing area must be controlled to prevent unregulated entry.
- 3) A security fence at least 8 feet in height must be provided around the perimeter of the range (see Sec. 30-9-4).

- 4) Berms of sufficient height and thickness to stop all rounds must be provided downrange. Elevation control is required along the shooting stands to prevent rounds from being fired over the berm.

Section 166 (page 8-45). That Subsection (J) of Section 30-8-10.3, Recreational Uses, is hereby amended to read as follows:

1) ~~Uses~~

- a) ~~Sporting and recreational camps include boys and girls camps, fishing camps, dude ranches and summer camps; but do not include hunting camps or nudist camps.~~
- b) ~~Establishments primarily engaged in operating sports instructional camps such as basketball, baseball, football, karate camps, etc. are classified as "Sports Instructional Schools" and are not considered sporting and recreational camps.~~

2) ~~Standards~~

- a) ~~1) Ten acres is required to establish a camp.~~
- b) ~~2) All buildings and other structures, lighted athletic fields and courts, and swimming pools must be set back at least 50 feet from residentially zoned property~~

Section 167 (pages 8-46 and 8-47). That Subsection (F) of Section 30-8-10.4, Office, Retail and Commercial Uses, is hereby amended as follows:

(F) Bars, Nightclubs, and Brewpubs

1) Separation

a) Establishments on Tracts of 5 Acres or Less

No bar, nightclub or brewpub establishment located on a tract of 5 acres or less in area may be located within 200 feet of a place of religious assembly, elementary or secondary school, public park or residentially zoned property.

b) Establishments on Tracts Greater than 5 Acres

Bars, nightclubs and brewpubs on tracts greater than 5 acres in area must meet one of the following requirements:

i) Property Separation

No such establishment may be located within 200 feet of property for a church ~~church~~ place of religious assembly, elementary or secondary school, public park or residentially zoned property.

OR

ii) Property and Establishment Separation

b. Property Separation: No such establishment may be located within 200 feet of a ~~church~~ place of religious assembly, elementary or secondary school, or public park; and

c. Establishment Separation: No such establishment may be located within 400 feet of a lot containing a residential use or a lot that is residentially zoned.

2) Frontage

The main entrance ~~of the building~~ to the establishment, located on tracts of 5 acres or less in area, must be toward a street zoned predominantly for nonresidential uses.

3) Screening

A minimum ~~of 6~~ foot high opaque fence must be erected adjacent to the property line abutting any residence~~estial~~ uses, for tracts 5 acres or less in size.

4) Parking

Parking areas related to the establishment must be located no closer than 30 feet to the property line of abutting any residence~~estial~~ uses.

Section 168 (page 8-47). That Subsection 6) of Section 30-8-10.4, Office, Retail and Commercial Uses(H), is hereby amended to read as follows:

6) Parking lot and perimeter lighting levels measured at the edge of the property may not exceed 2 foot-candles. (see Sec.30-9-6.6 for additional standards)

Section 169 (page 8-50). That Subsection 3) d) of Section 30-8-10.4(K), Park and Ride Facilities, is hereby amended to read as follows:

3) In Nonresidential Districts

d) All designated park and ride areas are for short-term (less than 24 hours) parking for commuters of any carpooling, vanpooling, or ~~public~~ transit program.

Section 170 (page 8-51). That Subsection 2) c) of Section 30-8-10.4(L), Residential-Office Conversion, is hereby amended to read as follows:

2) Standards

- c) At least 2 off-street parking spaces must be provided per 1,000 square feet of gross floor area.
 - i) All vehicular parking must be located ~~occur~~ on-site and may not be located ~~occur~~ between the structure and the street. Parking areas must be completely screened from adjacent properties by an evergreen hedge (or a combination of plantings and structural elements) that is at least 4 feet in height.
 - ii) For on-street parking allowance, see Sec. 30-11-13.12.

Section 171 (page 8-51). That Subsection 2) of Section 30-8-10.4(M), TN Districts, is hereby amended to read as follows:

2) TN Districts

~~RESERVED~~ (see Sec.30-7-7.3)

Section 172 (pages 8-51 and 8-52). That Subsections 1) and 5) of Section 30-8-10.4(N), Sexually Oriented Uses, are hereby amended to read as follows:

(N) Sexually Oriented Businesses

1) Use Description

Sexually Oriented Businesses include: adult arcades, adult bookstores or adult video stores, adult cabarets, adult massage parlors, adult motels, adult motion picture theaters, adult theaters, escort agencies, nude model studios, sexual encounter centers, or any combination of these uses. ~~These may be primary or accessory uses.~~ All sexually oriented business uses are considered principal uses.

5) Restriction of Uses on the Same Property or in the Same Building

There shall not be more than one ~~(1)~~ sexually oriented business in the same building, structure, or portion thereof. No other principal ~~or accessory~~ use may occupy the same building, structure, property, or portion thereof with any sexually oriented business.

Section 173 (page 8-52). That Subsection (O) 5) of Section 30-8-10.4, Office, Retail and Commercial Uses, is hereby amended to read as follows:

Newly constructed facilities in the MU-Districts are exempt from the lot area per dwelling unit requirements of the base district. The residential capacity of a facility will be determined by provisions of the NC Building Code in conjunction with the applicable setbacks, minimum landscaping, ~~and~~ minimum off-street parking and other requirements of this ordinance.

Section 174 (page 8-52). That Subsection 1) of Section 30-8-10.4(P), Special Events Facilities, is hereby amended to read as follows:

1) Property Separation

Special events facilities must be separated from any place of religious assembly, elementary or secondary school, or public park by at least 200 feet. This distance is measured long a straight line from property line to property line at the closest point.

Section 175 (page 8-54). That Subsection 2) b) of Section 30-8-10.5(C), Land Clearing and Inert Debris Landfills, Major, is hereby amended to read as follows:

2) Standards

b) Use Separation - The landfill site may not be located within 300 feet of a residential ~~structure~~ use.

Section 176 (page 8-55). That the heading for Subsection (D) of Section 30-8-10.5, Industrial and Manufacturing Uses, is hereby amended to read as follows:

D) Resource Extraction ~~(as a principal use)~~

Section 177 (page 8-56). That Subsections (A) and (B) of Section 30-8-10.6, Agricultural Uses, are hereby amended to read as follows:

A) Agricultural Operations

- 1) All structures, buildings, mechanical equipment, or enclosed areas used for the operation shall be a minimum of 100 feet from all property lines.
- 2) Equipment producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence located on adjoining properties.
- 3) All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
- 4) Security fencing, a minimum of 6 feet in height, shall be provided around all outside areas in which farm chemicals and fertilizers are stored.

B) Animal Feeder/Breeder

- 1) All structures, buildings, or enclosed areas used for housing poultry, hogs, cattle, or other livestock shall be a minimum of 100 feet from all property lines.
- 2) Any violation of County Health Department regulations concerning the operation of the feeder/breeder shall be considered a violation of this ordinance.
- 3) Mechanical equipment producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence located on adjoining properties.

Section 178 (page 8-56). That Subsection 1) of Section 30-8-11.1(A), Size and Proportion, is hereby amended to read as follows:

- 1) The sum of all accessory uses may not exceed 30% of the principal use's gross sales, volume, floor area, land area, or any other appropriate measure of usage as determined by the Planning Director.

Section 179 (page 8-58). That Subsection (D) of Section 30-8-11.2, Accessory Dwelling Units, is hereby amended as follows:

- (D) The accessory dwelling may be located within the primary dwelling; ~~otherwise it~~ however, if it is detached it must meet the location and dimensional requirements of the principal structure.

Section 180 (page 8-61). That Subsection 5) of Section 30-8-11.3(B), Setbacks and Density on Smaller Lots, is hereby amended to read as follows:

5) Setbacks and Density on Smaller Lots

The following setback and density regulations apply to animals/colonies located on lots between 7,000 square feet and 12,000 square feet in area:

a) Setback

Coops, shelters and colonies for such animals shall be not less than 25 feet from any property line and not less than 50 feet from any principal building located on an abutting lot.

b) Maximum Density for Poultry

No more than one animal over 6 months of age shall be permitted for every 3,000 square feet of lot area. In no case shall the total number exceed 4 animals over 6 months of age.

c) Maximum Density for Bees

No more than one colony shall be permitted for every 2,000 square feet of lot area. In no case shall the total number of colonies exceed 6.

Section 181 (page 8-62). That Subsection 6) of Section 30-8-11.5(C), Operation, is hereby amended to read as follows:

6) Except in the TN District or in child day care homes in any district, persons who are not occupants of the dwelling may not: ~~be employed in connection with the home occupation provided they:~~

- a) ~~do not~~ work at or on the site of the dwelling;
- b) ~~do not~~ report to work at or near the dwelling;
- c) ~~do not~~ go by the dwelling to pick up orders, supplies, or other items related to the home occupation;
- d) ~~do not~~ report to the dwelling for pay;
- e) ~~do not~~ associate with the dwelling in any manner that could be interpreted as part of a normal employer/employee relationship.

Section 182 (page 8-63). That Subsections (A) and (D) of Section 30-8-11.6, Rural Family Occupations, are hereby amended to read as follows:

30-8-11.6 Rural Family Occupations (RFO)

(A) Rural family occupations are allowed in the AG district, subject to the regulations of this section and Sec.30-7-7.1(c) Special Uses.

(D) No more than 5 persons, other than those residing on the property, shall be employed on site.

Section 183 (pages 8-63 and 8-64). That Section 30-8-11.7, Junked Motor Vehicles, is hereby amended to read as follows:

(A) Description

~~A junked motor vehicle is any vehicle that does not display a current license plate and meets any of the following criteria:~~

- 1) ~~The vehicle is partially dismantled or wrecked;~~

- ~~2) The vehicle cannot be self-propelled or moved in the manner in which it originally was intended to move; or~~
- ~~3) The vehicle is more than 5 years old and appears to be worth less than \$100.00.~~
- ~~(B) However, any motor vehicle used on a regular basis for business or personal use will not be removed or disposed.~~
- ~~(C) Standards~~
 - ~~1)(A) In any residential or multi-family district, any vehicle meeting the definition of “Junked Motor Vehicle” must be located in a fully enclosed structure.~~
 - ~~2)(B) In all other districts, any vehicle meeting the definition of “Junked Motor Vehicle” must be fully screened from view from any street and/or from any adjacent residentially or PI zoned property.~~

Changes to Article 9 General Development Standards

Section 184 (page 9-3). That Subsection (B) of Section 30-9-3.9, Cross-access, is hereby amended to read as follows:

(B) Cross access is required in the following circumstances:

All new commercial, industrial, and office developments; or additions to existing developments of over 3,000 square feet of gross floor area; all uses of land without buildings involving more than 40,000 square feet; and all nonresidential subdivisions, including group developments and integrated multiple use developments that front thoroughfares and collectors must be designed to provide cross-access to above mentioned developments.

Section 185 (9-12) . That Section 30-9-6.6, Light Trespass, is hereby amended to read as follows:

30-9-6.6 Light Trespass

All outdoor lighting must be located, angled, shielded or limited in intensity so as to cast no direct light or glare exceeding one footcandle at any abutting residentially used property line or on adjacent streets ~~or property.~~

Section 186 (page 9-12). That Subsection (A) of Section 30-9-6.8, Exterior Lighting Plan, is hereby amended to read as follows:

(A) All site plans must indicate, at a minimum, fixture type, pole height and any fixture shielding. In addition, a note must be included on the site plan indicating that the proposed development complies with the outdoor lighting standards of this ordinance, including compliance with the light trespass requirement in Sec. 30-9-6.6.

Section 187 (page 9-15). That Subsection (D) of Section 30-9-7.4, Dumpster Standards, is hereby amended to read as follows:

- 1) Dumpsters must be screened by using an opaque wall or fence. Chain-link fencing with woven slats of opaque material is not acceptable for screening dumpsters, on either the gates or enclosure sides.
- 2) The opaque screening material or structure must have a minimum height of 8 feet, and

- 3) screening is not required in the HI district, unless the dumpster is located within 100 feet of a residential land use.

Section 188 (page 9-15). That Section 30-9-8, Street Naming and Addressing, is hereby amended to read as follows:

30-9-8 Street Naming and Addressing

Streets that will be in alignment must bear the same name. Street names may not duplicate or be so phonetically similar that it is reasonable to conclude that the names will cause confusion.

Section 189 (page 9-16). That Subsection (C) of Section 30-9-9.2, Applicability, is hereby amended to read as follows:

(C) The applicant is not required to install the transit shelter pad when:

- 1) there are no existing sidewalks, ~~in that location,~~
- 2) sidewalks are not required to be installed as part of the development, or
- 3) there is no city standard curb and gutter.

Changes to Article 10 Landscaping

Section 190 (page 10-2). That Section 30-10-1.4, Other Landscaping Standards, is hereby amended to read as follows:

30-10-1.4 Other Landscaping Standards

More specific landscaping standards are established for some zoning districts, such as the CB, CN, ~~TN~~, MU-M, MU-H and some overlay districts. See Sec. 30-10-3. For the TN district see Sec. 30-4-7.5.

Section 191 (page 10-2). That Section 30-10-2.1, Applicability, is hereby amended to add a new subsection (C) to read as follows:

(C) For the CB zoning district, see the Downtown Greensboro Design Manual for applicable guidelines.

Section 192 (page 10-2). That Section 30-10-2.2, Street Planting Yards, is hereby amended to add a new subsection (C) to read as follows:

(C) Some changes to these standards are permitted as found in Sections 30-10-2.5 and 30-10-5.

Section 193 (page 10-3). That Subsection 1) of Section 30-10-2.3(A), Type of Buffer Planting Yard Required, is hereby amended to read as follows:

- 1) To determine the type of buffer planting yard required, first identify the class of the proposed (new, changed, or expanded) use and then identify the class of each existing use on adjacent sites (See ~~30-10-2.3 (A)4~~ Table 10-2). Then using Table 10-1, the intersection of the row associated with the proposed use and the column associated with the adjacent use

shows the type of planting yard required. Staff will determine the location of planting to provide for the maximum visual buffer effect.

Section 194 (page 10-7). That Subsections (B) and (D) of Section 30-10-2.5, Street Planting Yard and Buffer Planting Yard Flexibility, are hereby amended to read as follows:

(B) Understory trees shall be substituted for canopy trees at the rate of 2 understory trees for every canopy tree when planted within 20 feet of an overhead utility line as measured from the utility pole. (See ~~Tree Preservation and~~ Landscaping and Tree Conservation Manual)

(D) Canopy trees from required planting yards may be relocated to the street right-of-way if all of the following conditions are met and if approved by the Planning Director:

- 1) The proposed landscape plan complies with all provisions of Sec. 30-10-2;
- 2) The entire street cross-section is being constructed as part of the development or the street is existing with the abutting lots devoid of street trees;
- 3) Sidewalks are existing or are being installed as part of the development;
- 4) There are no overhead utilities parallel to the right-of-way line; and the Engineering and Inspections Director certifies that planting would not conflict with utility maintenance and public service functions;
- 5) The right-of-way width and street width complies with applicable city standards; and
- 6) GDOT (or NCDOT) has determined that there is no proposed street widening or turn-lane construction along the lot frontage or other transportation infrastructure or operations issues that would conflict with the plantings.

Section 195 (page 10-9). That Section 30-10-2.7, Tree Conservation and Parking Lot Plantings, is hereby amended to read as follows:

30-10-2.7 Tree Conservation and Parking Lot Plantings

For new, expanded, or rebuilt parking lots where trees are being preserved adjacent to the parking lot in order to meet the parking lot planting requirements, trees preserved in a ~~TCA~~ Tree Conservation Area (TCA) and within 8 feet of the parking lot may be used to satisfy up to 50% of the required number of parking lot trees. Tree conservation areas that are “notched into” corners or edges of a parking lot are deemed to be within the parking lot, not adjacent to it. Trees in the adjacent TCA counted toward planting yard requirements may not also be counted for required parking lot trees. Extra trees in such locations may be de counted. It is the landowner’s option to save trees within the parking lot. In order to do so, the critical root zone must be preserved. Credits for preserving parking lot trees are determined by the critical root zone preserved for the tree being saved (See ~~Sec. 30-12-4~~ Article 12). One tree for every 400 square feet of critical root zone preserved may be used to satisfy up to 50% of the required number of parking lot trees.

Section 196 (page 10-9). That a new Section 30-10-2.8 is hereby added and amended to read as follows:

Some changes to these standards are permitted as found in Sections 30-10-2.5 and 30-10-5.

Section 197 (page 10-9). That Section 30-10-3.1, Applicability, is hereby amended to read as follows:

30-10-3.1 Applicability

Multi-family, nonresidential and mixed-use development in RM-40, MU-M, MU-H, and C-N and CB districts are subject to the urban landscaping requirements of this section. ~~The landscaping requirements of the DDO, Downtown Design Overlay, apply within the Downtown Design Overlay district.~~

Section 198 (pages 10-9 and 10-10). That Section 30-10-3.3, Vehicular Use Area Screening, is hereby amended to read as follows:

30-10-3.3 Vehicular Use Area Screening

(A) The perimeter of all vehicular use areas must be screened from any abutting residentially zoned property. Such screening must consist of one ~~or a combination~~ of the following 2 options:

- 1) A 4-foot-high masonry wall; or
- 2) A planting yard with a minimum width of 5 feet, a 100% sight-obscuring fence with a height of at least 6 feet and at least one evergreen understory tree per 30 linear feet of planting yard (planted on the outside of the fence).

(B) The perimeter of all vehicular use areas containing 10 or more parking spaces or 400 square feet or more paved area must be screened from all abutting rights-of-way. Such screening must consist of one ~~or a combination~~ of the following 2 options:

- 1) A minimum 5-foot wide planting yard and enough evergreen shrubs to form a continuous visual screen at least 2.5 feet in height and a maximum of 3.5 feet in height; or
- 2) A minimum 5-foot wide planting yard with a combination of vegetation and open decorative fencing at least 2.5 feet in height and a maximum of 3.5 feet in height.

Section 199 (page 10-10). That Subsection 1) of Section 30-10-4.1(A), General, is hereby amended to read as follows:

- 1) Plant species used in required planting yards must be native species or species of a locally adapted nature. Other species may be approved by the Planning Director. Refer to the ~~Tree Preservation and Landscaping~~ and Tree Conservation Manual, which includes drought-tolerant species and species to be planted within 20 feet of overhead utilities.

Section 200 (page 10-12). That Subsection (B) of Section 30-10-4.7, Encroachments in Required Planting Yards, is hereby amended to read as follows:

Pet shelters; at-grade patios play equipment; outdoor furniture; ornamental entry columns and gates; flagpoles; lampposts; address posts; HVAC equipment; mailboxes; outdoor fireplaces; public utility ~~wires lines, and poles, pumps, and boxes;~~ wells; fences (see Sec. 30-9-4); retaining walls that can accommodate required landscaping; and ~~or~~ similar structures.

Section 201 (page 10-12). That Section 30-10-4.8, Setback Less than Planting Yard Width, is hereby amended to read as follows:

30-10-4.8 Setback Less than Planting Yard Width

If the required building, though setback is less than the required planting yard width, the minimum required building setback governs, reducing the required planting yard width only alongside the building. The planting rate of the required planting yard still applies, though location may be modified in accordance with Sec.30-10-5.

Section 202 (page 10-13). That Subsection (D) of Section 30-10-4.11, Planting in Easements, is hereby amended to read as follows:

(D) 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 Technical Review Committee. Trees to be placed below overhead utility lines may not exceed a mature height of 20 feet. (See ~~Tree Preservation and Landscaping~~ and Tree Conservation Manual).

Section 203 (page 10-13). That Subsections (B) and (D) of Section 30-10-4.12, Maintenance of Planting Yards, are hereby amended to read as follows:

(A) Responsibility

The landowner is responsible for maintaining all required plant materials and planting areas in good health and appearance. Any dead, unhealthy, or missing plants (whether preserved or installed) must be replaced with new plant material equal in quantity and quality to the plant material required to be preserved or installed. Replacement plant material must be replanted within 180 days of the date of owner notification. The obligation for continuous maintenance is binding on any subsequent owners of the property or any other parties having a controlling interest in the property.

(D) Pruning

All required trees must be allowed to reach their mature size and must be maintained at their mature size. Trimming and pruning must be conducted in strict compliance with the American National Standards Institute. Topping is not an acceptable pruning practice. Topping is the reduction of a tree's size using heading cuts that shorten limbs or branches back to a predetermined crown limit. The Planning Director may require the removal and replacement of any trees that have been topped or excessively trimmed to where the health of the trees are significantly impacted.

Section 204 (page 10-14). That ~~Subsection (E)~~ of Section 30-10-4.13, Credit for Preservation of Existing Trees, is hereby amended by deleting Subsection (E) in its entirety.

Changes to Article 11 Off-Street Parking and Loading

Section 205 (page 11-2). That new Sections 30-11-4.7 and Sections 30-11-4.8 are hereby added to read as follows:

30-11-4.7 Exemption/Reduction in Historic Districts

Parking in any historic district overlay district shall comply with the requirements of Sec. 30-4-12.4(I).

30-11-4.8 Reduction/Maximum in Other Overlays

Parking in other overlay districts with parking standards shall comply with the requirements of the appropriate design manual.

Section 206 (page 11-6). That Subsection (A) of Section 30-11-6.3 Establishment of Other Parking Ratios, is hereby amended to read as follows:

(A) Upon receipt of an application for a use for which no parking ration is established in Sec. 30-11-5, the Planning and Community Development Director is authorized to apply the parking ratio that applies to the most similar use or establish a different minimum parking requirement on the basis of parking demand data provided. ~~by the applicant and the Planning Department.~~

Section 207 (page 11-7). That Subsection 30-11-9.4 of Section 30-11-9, Use of Required Parking Areas, be hereby amended to read as follows:

30-11-9.4 Off-street parking in residential districts is intended to ~~may~~ be used solely for the parking of passenger motor vehicles. No trucks may be parked in residential districts, except for vehicles actively being used for deliveries and trucks that are less than 30 feet in length.

Section 208 (page 11-8). That the introductory text of Subsection 30-11-11.3 of Section 30-11-11, Parking for Single-family and Duplex Dwellings, is hereby amended to read as follows:

30-11-11.3 No more than 40% of the front yard area (of a lot occupied by a detached single-family dwelling or duplex) may be a defined parking area ~~paved~~ unless the Technical Review Committee grants a Type 2 Modification.

Section 209 (page 11-9). That Subsection (C) of Section 30-11-12.4, Surface Material, is hereby amended to read as follows:

(C) Required parking ~~must be paved except for:~~ may be constructed with gravel or other comparable all-weather surface for:

- 1) parking facilities used on an irregular basis for churches, private clubs, or other similar nonprofit organizations.
- 2) parking facilities for residential uses where 6 or fewer spaces are required, provided they are constructed with gravel or other comparable all-weather surface.
- 3) parking areas for agricultural uses.
- 4) parking areas in the HI district, or for manufacturing and industrial uses in the LI district., ~~provided they are constructed with gravel or other comparable all-weather surface.~~

5) parking areas for tracked heavy construction equipment, skid-mounted equipment, and similar equipment., ~~provided they are constructed with gravel or other comparable all-weather surface.~~

[add new text to this section as follows:]

6) parking areas for residential-office conversions where 5 or fewer spaces are required (Sec. 30-8-10.4(L)).

Section 210 (page 11-9). That a new Subsection (D) is hereby added to Section 30-11-12.4, Surface Material, to read as follows:

(D) Non-required parking areas for any use.

Section 211 (page 11-10). That Section 30-11-12.8, Wheel Guards, is hereby amended to read as follows:

All parking spaces must be provided with wheel guards or curbs located so that no part of a parked vehicle will extend beyond the property line or encroach more than 2 feet into a required planting area. If no wheel guards are provided, vehicle encroachment is considered as 2 feet beyond the curb.

Section 212 (page 11-10). That Section 30-11-12.9, Refuse Containers, is hereby amended to read as follows:

30-11-12.9 Solid Waste Collection Facilities ~~Refuse Containers~~

~~Concrete pads for stationary refuse containers, constructed in accordance with the standards of the city, must be located beneath and in the approach to each container. See also Sec. 30-9-7.~~

Section 213 (page 11-10). That Section 30-11-13.1, Scope, is hereby amended to read as follows:

30-11-13.1 Scope

This section authorizes several options for meeting ~~alternatives to strict compliance with~~ the parking standards of this article.

Changes to Article 12 Natural Resources

No technical amendments in this article.

Changes to Article 13 Subdivision Standards

Section 214 (page 13-1). That Section 30-13-1.5, Development Name, is hereby amended to read as follows:

30-13-1.5 Development Name

The name of a proposed subdivision or development may not duplicate or be so similar to the name of an existing subdivision or development that it is reasonable to conclude that the name will cause confusion for public safety and other parties. Proposed subdivisions or developments

may have the same or similar name if they are an extension of an existing subdivision or development with the same or similar name. The Planning Director has final authority to approve subdivision and development names.

Section 215 (page 13-2). That Subsection (D) of Section 30-13-2.4, Street System Layout, is hereby amended to read as follows:

- (D) The use of an interconnected street system must be used to broadly disperse internal traffic and provide maximum reasonable alternatives for access to property. The street connectivity policy ~~of~~ referenced in Sec. 30-13-2.5 applies.

Section 216 (page 13-4). That Subsection (B) of Section 30-13-2.9, Public Street Design Criteria, is hereby amended to read as follows:

- (B) Right-of-way dedication and paving of streets in and adjacent to the subdivision must be in conformance with the right-of-way and pavement width requirements of the Street Design Standards Manual, both within the city and in and adjacent to developments provided with city water or sewer service pursuant to the ~~City and County Water and Sewer Service Agreement (WSSA)~~ City Policy for Water and Sewer Extensions Outside the Corporate Limits.

Section 217 (page 13-5). That Subsection 1) of Section 30-13-2.10(B), Minimum Design and Construction, is hereby amended to read as follows:

- 1) The minimum street design standards for private streets are the same as for public streets and apply both within the city and in and adjacent to developments provided with city water or sewer service pursuant to the ~~City and County Consolidated Water and Sewer Line Agreement~~ City Policy for Water and Sewer Extensions Outside the Corporate Limits.

Section 218 (page 13-6). That Subsections 1) and 3) of Section 30-13-2.12(B), Minimum Design and Construction, are hereby amended to read as follows:

- 1) The minimum drive design standards are outlined in the City's Street Standards Design Manual. These standards apply both within the city and in and adjacent to developments provided with city water or sewer service pursuant to the ~~City and County Consolidated Water and Sewer Line Agreement~~ City Policy for Water and Sewer Extensions Outside the Corporate Limits.
- 3) The developer must furnish an engineer's seal and certification that the private drives have been tested and certified for meeting City standards for the subgrade, base, and asphalt.

Section 219 (page 13-8). That Subsection (B) of Section 30-13-3.1, General, is hereby amended to read as follows:

(B) The Technical Review committee may grant a Type 2 Modification to the Subdivision Standards of this section in accordance with Sec. 30-4-11, except as expressly unless otherwise provided in this ordinance.

Section 220 (page 13-9). That Subsections 2) and 3) of Section 30-13-3.9(B), Flag Lots, are hereby amended to read as follows:

- 2) The flagpole section of the lot may not exceed 300 feet in length.
- 3) The flagpole section of the lot must have a width of at least 20 feet.

Section 221 (page 13-10). That Section 30-13-4.1, Public Water and Sewer Construction Requirements is hereby amended to read as follows:

30-13-4.1 Public Water and Sewer Construction Requirements

Water and sewer lines, connections, and appurtenances must be constructed in accordance with state and city regulations within the city and within and in conjunction with developments provided with city water or sewer service pursuant to the ~~City and County Water and Sewer Service Agreement (WSSA) and designated according to the Water Line and Sewer Line Construction Manual~~ City Policy for Water and Sewer Extensions Outside the Corporate Limits.

Section 222 (page 13-12). That Subsection 1) of Section 30-13-5.2(C), Maintenance Responsibilities, is hereby amended to read as follows:

- 1) been covered by an Engineer's Certification of Stormwater Control Completion (see Sec.30-4-15.6(C)5);

Changes to Article 14 Sign Regulations

Section 223 (page 14-4). That Subsection (G) of Section 30-14-6.1, Types, is hereby amended as follows:

(F) window signs painted on; ~~or~~ attached to or inside a window; and

Section 224 (pages 14-4 and 14-5). That Table 14-1 within Section 30-14-6.2, Standards for Signs Allowed Without a Permit, is hereby amended as follows:

Revise text in the "Directional" row as follows: A sign with no commercial message and located off site that indicates the direction to churches, hospitals, colleges, and similar institutional uses.

Revise text in the "Flags, Emblems, Insignia" row as follows: A piece of fabric or other flexible material containing only distinctive colors, patterns, standards, words, or emblems used as a

symbol of corporate, political, professional, fraternal, civic, religious or educational organizations ~~an organization or entity, including but not limited to political jurisdictions, such as the United States of America.~~

Revise text in the “Temporary Real Estate, Yard Sale and Construction” row to read as follows:

Standards

1. Only one temporary real estate, yard sale or construction sign is allowed per lot frontage.
2. Temporary real estate, yard sale or constructions signs in RM and nonresidential zoning districts ~~Such signs~~ may not exceed 100 square feet in area or 12 feet in height.
3. Temporary real estate, yard sale or constructions signs in all other zoning districts may not exceed 36 square feet in area or 6 feet in height.
- ~~3- 4.~~ Such signs may not be Illuminated.

Section 225 (page 14-9). That Subsection 5) of Section 30-14-7.3(B), General Standards, is hereby amended to read as follows:

5) Poles or pylons used to support freestanding signs are subject to the following standards:

- a) When 2 or more supports ~~poles~~ are used to support a freestanding sign no ~~pole~~ covering or special ~~pole~~ design is required.
- b) When a single pole is used to support a freestanding sign, the pole must be square or rectangular and have the same depth as the sign cabinet or the pole must be wrapped or covered with materials comparable to materials fused on principal buildings on the site. Such covering must be at least 25% of the width of the sign face.
- c) Single poles over 30 feet in height are not required to be covered or wrapped.
- d) Single “I” beams may not be used as freestanding sign supports unless they are wrapped or covered with materials comparable to materials fused on principal buildings on the site. Such covering must be at least 25% of the width of the sign face.

Section 226 (page 14-9). That Subsection (C) of Section 30-14-7.3, Freestanding Signs, is hereby amended to add new subsections 1) and 2) to read as follows:

- 1) temporary banners (see Sec.30-14-10)
- 2) auditoriums, coliseums and stadiums (see Sec.30-8-10.2(B))

Section 227 (page 14-10). That Table 14-2 of Subsection (C) of Section 30-14-7.3, Freestanding Signs, is hereby amended to remove footnote [10].

Section 228 (page 14-11). That Subsection 1) of Section 30-14-7.3(E), Pole-Mounted Banners, is hereby amended to read as follows:

1) Applicability

~~A pole-mounted banner may not be erected until a sign permit has been approved in accordance with see Sec. 30-4-26.5. Pole-mounted banner applications must be submitted by non-profit, governmental, neighborhood association, civic, fraternal, social, or service organizations.~~

Section 229 (page 14-13). That Subsection (C) of Section 30-14-7.4, Attached Signs, is hereby amended to add new subsections 1) and 2) to read as follows:

- 1) temporary banners (see Sec.30-14-10)
- 2) auditoriums, coliseums and stadiums (see Sec.30-8-10.2(B))

Section 230 (page 14-14). That Subsection 7) of Section 30-14-7.4(D), Projecting Signs, is hereby amended to read as follows:

- a) If externally illuminated, the light source must be directed toward the sign face in a way that does not cause light trespass onto other property or cause glare for motorists or pedestrians.
- b) Back-lit, halo illumination, ~~and~~ reverse channel letters with halo illumination, ~~and~~ cut out lettering are permitted. Exposed neon tubing is permitted if it does not blink or flash.

Section 231 (page 14-14). That Table 14-4 within Section 30-14-8.1, Area, Hold Time, Hours and White Area, is hereby amended as follows:

Change footnote [7] in the headings “Off Hours” and “Max. White/Bright” to “[6]”

Delete current footnote [6] and all associated text and renumber footnote [7] as [6].

Remove the last row of the table “C-M, LI and HI (outdoor adv. signs only)”

Section 232 (page 14-18). That Subsection 2) of Section 30-14-10.3(A), Applicability, is hereby amended to read as follows:

- 2) A pedestrian-oriented commercial area consists of buildings that abut the sidewalk, ~~and~~ with the sidewalk ~~is~~ wide enough to allow for at least ~~6~~5 feet of unimpeded width (clear space) for pedestrian movement with the sandwich board sign in place.

Section 233 (page 14-21). That Section 30-14-12.8, Interference with Warning or Instructional Sign, is hereby amended to read as follows:

30-14-12.8 Interference with ~~Warning or Instructional~~ Certain Signs

Sign location and installation may not interfere with the viewing of any existing warning, governmental or instructional sign.

Section 234 (page 14-21). That Section 30-14-13.5, Unsafe Signs, is hereby amended to read as follows:

30-14-13.5 Unsafe Signs

Any sign that is deemed by the city to be unsafe or unsecured, or a menace to the public shall be considered a violation of this ordinance and must be removed by the owner after due notice has been given by the Planning Director.

Changes to Article 15 Definitions

Section 235 (pages 15-2 through 15-4). That Section 30-15-2, Terms Beginning with “A”, is hereby amended to read as follows:

Accessory Use

See “Use, Accessory”

Athletic Field

An outdoor site, often requiring equipment, designed for ~~formal~~ athletic activity and competition in field sports (e.g. softball, soccer, football).

Attached (accessory building or structure)

~~An accessory building~~ or structure that is structurally attached to and is an integrated part of (by location, materials, and/or architectural design) the principal building.

Section 236 (pages 15-4 through 15-6). That Section 30-15-2, Terms Beginning with “B”, is hereby amended to read as follows:

Banner

A sign of lightweight fabric or similar material that is mounted to a pole or a building by a rigid or semi-rigid frame or other durable means in accordance with the standards of Sec. 30-14-10. National flags, state or municipal flags, or the official flag of any institution or business are not considered banners.

Bar

An establishment primarily engaged in the retail sale of beer, ~~or wine,~~ and alcoholic beverages for consumption on the premises. Such establishment must obtain an ABC license for on-premises ~~beer or wine~~ beverage consumption only.

Block Face

A specific side of a block that is referenced in relationship to the setback, or bulk, of buildings.

Build-To Line

The line at which construction of a building is to ~~occur~~ meet or cross on a lot. A build-to line runs parallel to the street right-of-way and is established to create a generally consistent building line along a street. It is also known as a maximum setback line.

Business Day

Regular working days of the City of Greensboro, excluding Saturdays, Sundays and City-observed holidays. See Sec. 30-1-7.3(c).

Business Incubator

The aggregation of one or more small, start-up firms in the same location with some or all of affordable office space, business equipment and services, planning assistance and counseling services, for the purpose of encouraging neighborhood-based business growth and stability through job creation, economic diversification, rehabilitation and reuse of existing buildings, and enhancement of a neighborhood's image as a center for innovation and entrepreneurship. A business incubator typically limits the length of tenancy so that there are continuous opportunities for new firms to participate in the business incubator environment.

Section 237 (page 15-7). That Section 30-15-4, Terms Beginning with “C”, is hereby amended to read as follows:

Club or Lodge

The use of a building or parcel by a not-for-profit organization that restricts access to its facility to bona fide, annual dues-paying members and their occasional guests. The facility may also be made available to other parties on a non-regular basis.

Section 238 (page 15-16). That Section 30-15-8, Terms Beginning with “G”, is hereby amended to read as follows:

Group Care Facility

A facility (by whatever name it is called, other than "Family Care Home" as defined by this ordinance), with support and supervisory personnel that provides room and board, personal care, or habilitation services in a family environment for more than 9 but not more than 30 people in a residential or office district and for not more than 40 people in any other district.

Section 239 (page 15-18). That Section 30-15-11, Terms Beginning with “J” and “K”, is hereby amended to read as follows:

Junked Motor Vehicle

See “Motor Vehicle, Junked”

Section 240 (page 15-20). That Section 30-15-12, Terms Beginning with “L”, is hereby amended to read as follows:

Lot, Interior

All lots that are not corner lots.

Section 241 (pages 15-22 and 15-23). That Section 30-15-13, Terms Beginning with “M”, is hereby amended to read as follows:

Marquee

Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather and which may include signage on its front or side faces.

Maternal Care Home

A home for 9 or fewer individuals with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for resident females who are pregnant or have recently given birth. For regulatory purposes, children less than one year in age will not be counted as individuals. Is a type of family care home.

Modification

Specified technical exceptions that may be approved without going through the Variance process. Approval is limited to the specified exceptions and adjustments expressly authorized when general criteria have been met. See Sec. 30-4-11.

Motor Vehicle, Business And Personal Use Of

A motor vehicle used for transportation on a regular basis, e.g. at least once every 7 days.

Section 242 (pages 15-23 through 15-25). That Section 30-15-14, Terms Beginning with “N”, is hereby amended to read as follows:

National Geodetic Vertical Datum (NGVD)

The vertical control used as a reference for establishing varying elevations within the floodplain, as shown below. [definition applies to Flood Damage Prevention regulations (Sec. 30-12-2) only]

Nonconforming Sign

~~A sign that was lawfully established in compliance with the applicable laws and ordinances in effect on the date of placement, installation, or construction, but by reason of its size, height, location, design, or construction is no longer in compliance with the requirements of Article 12 (Sign Regulations).~~ See Sign, Nonconforming

Nude Model Studio

Any place where a person who appears nude or semi-nude, or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. Nude Model Studio shall not include an educational institution for which nude modeling is a legitimate part of the curriculum of the institution; and should not be held a proprietary school licensed by the State of North Carolina or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- A. that has ~~no~~ any sign visible from the exterior of the structure and ~~no~~ any other advertising that indicates a nude or semi-nude person is available for viewing; and
- B. where in order to participate in a class a student ~~must~~ may enroll ~~at least~~ less than 3 days in advance of the class; and
- C. where ~~no~~ more than one nude or semi-nude model is on the premises at any one time.

Section 243 (page 15-25). That Section 30-15-15, Terms Beginning with “O”, is hereby amended to read as follows:

Open Space

An outdoor area that is often not covered by buildings or pavement and typically containing grassy areas, natural plants and/or trees, and pedestrian areas.

Section 244 (pages 15-27 and 15-28). That Section 30-15-16, Terms Beginning with “P”, is hereby amended to read as follows:

Planned Unit Development

An area of land under unified ownership or control to be developed and improved as a single entity under the PUD district, with a Unified Development Plan, in accordance with and subject to the requirements of this ordinance.

Plat, Final

The final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements, and any other information required in ~~Appendix 2 (Map Standards)~~ Sections 30-4-1.3 and 30-4-15.7, presented for local government approval and subsequent recordation in the Office of the County Register of Deeds.

Plat, Preliminary (Preliminary Plan)

A map indicating the proposed layout of the subdivision showing lots, streets, water, sewer, storm drainage, and any other information required in ~~Appendix 2 (Map Standards)~~ Sections 30-4-1.3 and 30-4-15.6.

Section 245 (page 15-32). That Section 30-15-17, Terms Beginning with “Q” and “R”, is hereby amended to read as follows:

Rural Family Occupation

An accessory use that allows the operation of a business on the same property as one’s residence in an agricultural district, with approval of a Special Use Permit. It does allow such occupations to be conducted within accessory buildings, allows product assembly and manufacture for sale off-site, and does not allow retail and wholesale operations that bring products on site for resale. Examples include: welding, small engine repair, horticultural specialties, cabinet making, and septic tank services.

Rural Family Services

Services carried out in conjunction with a Rural Family Occupation.

Section 246 (pages 15-34 through 15-42). That Section 30-15-18, Terms Beginning with “S”, is hereby amended to read as follows:

Salvage Yard, Scrap Processing

~~Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5093. Also, a~~Any land or area used, in whole or in part, for the storage, keeping, or accumulation of scrap or waste materials, including scrap metals, waste paper, rags, building materials, machinery, or other scrap materials. Can include processing operations, including heat or chemical processes.

Shelter, Temporary or Emergency

A facility that provides temporary lodging during times of life-threatening weather conditions or disasters for indigent individuals and/or families with no regular home or residential address or for those temporarily relocated by disasters.

Sign, Directional

An off-premise sign with no commercial message that indicates the direction to religious assemblies, hospitals, colleges and similar institutional uses.

Sign, Flashing

A sign that contains an intermittent, blinking, scintillating, or flashing light source, or that includes the illusion of intermittent or flashing light, or an externally mounted intermittent light source. ~~An electronic message board is not a flashing sign. In addition, or~~ reflective materials that give the illusion of intermittent or flashing light ~~are not allowed.~~ An electronic message board is not a flashing sign.

Sign, Nonconforming

A sign that was lawfully constructed but does not conform to current size, height, location, design, construction, or other requirements of this ordinance. ~~The nonconformity may result from adoption of this ordinance or any subsequent amendment.~~

Special Promotion

An advertising activity or circumstance of a business which is not part of its daily activities or normal routine and in which the display and/or sale of merchandise, wares, or other tangible items is the sole purpose for the promotion. Special promotions include grand openings or closeout sales but do not include reoccurring sales advertisements or other similar publicity. Such promotions may last no more than 30 days and occur no more than 2 times per calendar year. See Sec.30-14-6.1. Different from Temporary Event.

Stock-in-Trade

The equipment, merchandise or materials necessary to be used in a trade or business.

Subdivision, Minor

A subdivision involving not more than 6 lots fronting on an existing improved public street, not requiring any new public street for access to interior property, not requiring extension of public sanitary sewer or water line, and not requiring a modification or variance of any requirement of this ordinance. Any subdivision that is not major.

Section 247 (page 15-43). That Section 30-15-19, Terms Beginning with "T", is hereby amended to read as follows:

Temporary Event

An activity sponsored by a governmental, charitable, civic, educational, religious, business, or trade organization which is infrequent in occurrence and limited to no more than 30 days in duration unless it can be documented by the applicant that the period needs to be extended. Examples include arts and crafts shows, athletic events, community festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, outdoor religious events, and other similar activities. Different from special promotion.

Section 248 (page 15-47). That Section 30-15-21, Terms Beginning with "W", is hereby amended to read as follows:

Watershed Manual

This shall mean the ~~Guilford County Water Quality Protection Manual, dated March, 1990, until such time as the adopted City of Greensboro Stormwater Management Manual is adopted; thereafter it shall mean the Greensboro manual.~~

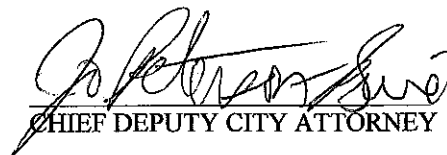
Section 249. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 250. This ordinance shall become effective upon adoption.

THE FOREGOING ORDINANCE WAS ADOPTED
BY THE CITY COUNCIL OF THE CITY OF GREENSBORO
ON THE 7th DAY OF JUNE, 2011 AND WILL
BECOME EFFECTIVE UPON ADOPTION.

APPROVED AS TO FORM

ELIZABETH H. RICHARDSON
CITY CLERK


CHIEF DEPUTY CITY ATTORNEY