

1D 21-0416
21-074

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)

Section 1. That Section 30-2-2.2, Use of Nonconforming Lots, is hereby amended by adding a new Subsection (C), Nonconforming Lots and Structures in the Airport Overlay District, to read as follows:

(C) Nonconforming Lots in the Airport Overlay District

Nonconforming lots located within the Airport Overlay District are also subject to Section 30-2-6.

Section 2. That Section 30-2-4, Nonconforming Structures, is hereby amended by adding a new Subsection 30-2-4.4, Nonconforming Lots and Structures in the Airport Overlay District, to read as follows:

30-2-4.4 Nonconforming Structures in the Airport Overlay District

Nonconforming structures located within the Airport Overlay District are also subject to Section 30-2-6.

Section 3. That Article 2, Nonconformities, is hereby amended by adding a new Subsection 30-2-6, Nonconforming Lots and Structures in the Airport Overlay District, to read as follows:

30-2-6 Nonconforming Lots and Structures in the Airport Overlay District

Notwithstanding any other provision of this ordinance, if a residence within the Airport Overlay District was constructed, or a building permit had been issued for its construction, on or before June 15, 2021, and the residence is damaged by causes beyond the control of the owner who owned the residence at the time of such damage, the reconstruction of such residence shall not be subject to the Noise Level Reduction Design requirements of Section 30-7-8.2(B)(3)(b), regardless of the extent of the damage.

Section 4. That Subsection (2) of Section 30-4-1.4(B), Notice, is hereby amended by adding a new Subjection "(g)" to read as follows:

- (g) When a zoning map amendment request is submitted for property located within the Airport Overlay District (AOD), the airport shall be notified at least 10 but not more than 25 days before the date of the public hearing.

Section 5. That Section 30-4-8.7, AO, Airport Overlay, is hereby amended to read as follows:

30-4-8.7 –AO, Airport Overlay

(A) District Boundaries

The AO-A and AO-B overlay districts are intended to be applied to lands within the City's jurisdiction based on the noise levels related to operations at the Piedmont Triad International Airport and are as follows:

(1) Boundary of AO-A of the Airport Overlay District

AO-A of the Airport Overlay District consists of all lands within the 60 DNL Noise Contour Area around Piedmont Triad International Airport as depicted within the PART 150 Study dated November of 2007, and as delineated on the Zoning Map.

(2) Boundary of AO-B of the Airport Overlay District

AO-B of the Airport Overlay District consists of all lands north of Joseph M. Bryan Boulevard located between the boundary of AO-A established above and the 60 DNL Noise Contour Area around Piedmont Triad International Airport, as depicted within the Airport Area Plan adopted on September 12, 2002, and as delineated on the Zoning Map.

(B) Split-Zoned Tracts in AO-B of the Airport Overlay District

When a tract is split by the outer boundary of the AO-B 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 Zoning Map nor to a point within the boundary of AO-A.

(C) Modification of District Boundaries

Except as provided in (B) above, any amendment to the boundaries of the Airport Overlay district must be approved using the Zoning Map Amendment procedure of 30-4-5 and the mail notice requirements of 30-4-1.4.

Section 6. That Subsection (B) of Section 30-7-8.2, AO, Airport Overlay District, is hereby amended to read as follows:

(B) District Standards

All development within an Airport Overlay District must comply with the following:

(1) Piedmont Triad International Airport Notification

All permit applications, site plans and other plans proposing buildings, signs and other structures with a height of 50 feet or more must be accompanied by written documentation from the Piedmont Triad ~~International~~ Airport Authority indicating that the proposal complies with all applicable airport regulations. No permit or other plan approval may be granted without such written documentation.

(2) Restrictions on Residential Uses within AO-A of the Airport Overlay District

Residential uses are prohibited within AO-A with the exception of single-family detached dwellings on lots that are at least 40,000 square feet in area.

(3) Airport Overlay District - Residential Standards

Residential uses located within both AO-A and AO-B are subject to the following standards:

(a) Public Notification of Potential Aircraft Noise Impacts

Public notification of the potential aircraft noise impacts made to prospective purchasers of property within the Airport Overlay District shall be made in accordance with the following requirements.

(i) Where public notification statements are required or provided for property within the district, the following statement shall be used: "This property is located within the Airport Overlay District and is subject to both day and nighttime aircraft overflights and to aircraft noise that may increase in the future and that you may find to be objectionable dependent upon the use and location of the property."

(ii) In accordance with the N.C. Residential Property Disclosure Act in Section 47E of the North Carolina General Statutes, all landowners and their agents shall provide a public notification statement to all prospective purchasers through a written disclosure statement.

(iii) A public notification statement shall appear on the recorded final plat for all subdivisions of land within the district. In addition, the subdivision owner shall provide public notice to all prospective lot purchasers through a written disclosure statement.

(b) Noise Level Reduction Design

New residential uses shall be designed to achieve an outside to inside noise reduction level of at least 30 decibels (dB). This performance measure may be achieved by any suitable combination of building design, building materials, construction standards or other industry accepted measures so as to reduce the interior noise levels from overhead aircraft flights. Prior to the issuance of a building permit for a residential use, a qualified acoustical professional satisfactory to the Planning Department shall certify that the measures used to construct the residential use will achieve at least a 30 dB noise level reduction.

Section 7. That Section 30-13-9.2, Submission of Owners' Association Declaration, is hereby amended by adding a new Subjection "J" to read as follows:

(J) Airport Overlay District

In owners' association for subdivisions located within both AO-A and AO-B of the Airport Overlay District, the declaration must contain the following provision: "This property is located within the Airport Overlay District and is subject to both day and nighttime aircraft overflights and to aircraft noise that may increase in the future and that you may find to be objectionable dependent upon the use and location of the property."


Section 8. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 9. This ordinance shall become effective upon adoption.

THE FOREGOING ORDINANCE WAS ADOPTED
BY THE CITY COUNCIL OF THE CITY OF
GREENSBORO ON THE 15TH DAY
OF JUNE, 2021 AND WILL BECOME
EFFECTIVE UPON ADOPTION

APPROVED AS TO FORM

ANGELA R. LORD
CITY CLERK


CITY ATTORNEY