

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 Subsection a) of Section 30-3-7.5 (A) 2), Required Vote for Approval, is hereby amended to read as follows:

- a) To decide in favor of the applicant any other matter upon which the Board of Adjustment is required to pass under this ordinance;

Section 2. That Table 3-1, Summary of Review and Decision-making Authority, is hereby amended by adding a row with "Street Name Change/Assignment" in the Procedure column, "R" in the Planning Director column, "<R>" in the Planning Board column, "<D>" in the City Council column, and "30-4-23" in the Section column.

Section 3. That Subsection (B) of Section 30-4-11.8, Appeals of Modification Final Action, is hereby amended to read as follows:

- (B) Appeals of Type 2 Modification final actions by the Technical Review Committee ~~(or the Advisory Committee on Fees)~~ may be made to the Planning Board and City Council.

Section 4. That Subsections (F) and (G) of Section 30-4-12.1, Local Historic District Designation, are hereby amended to read as follows, that Subsections (H) through (M) are renumbered and the flow chart for the process amended accordingly:

(F) Historic Preservation Commission—Review and Recommendation

- 1) After completion of their investigation of an area's cultural and historic significance, Housing and Community Development staff must present the local historic district designation application along with their recommendation to the Historic Preservation Commission. Housing and Community Development staff must provide a recommendation as to whether or not the area meets the general criteria for local historic district designation in paragraph 30-4-12.1(A), above.
- 2) The Historic Preservation Commission must review the application and staff recommendation to determine if an area meets the requirements for historic district designation in paragraph 30-4-12.1 (A), above. If the Historic Preservation Commission determines that the requirements are met, they must direct that a study be conducted of the proposed district and a report prepared describing the significance of the buildings, structures, features, sites, or surroundings to be included in the proposed district. The report must contain a description of the boundaries of the proposed district. ~~The Historic Preservation Commission must submit this report to the North Carolina Department of Cultural Resources for review in accordance with Sec. 30-4-12.1(G), below.~~
- 3) The Historic Preservation Commission must submit the report to the North Carolina Department of Cultural Resources through the State Preservation Officer (SHPO) for review. The State Preservation Officer shall make a recommendation concerning the report and the description of proposed boundaries. The State Preservation Officer has 30 days to respond with a written analysis and recommendation. Failure of the State Preservation Officer to respond to the City within 30 days after receipt of the application shall relieve the City of any responsibility to await such analysis.
- 4) Following the receipt of any analysis and recommendation from the State Preservation Officer, a public hearing before the Historic Preservation Commission must be scheduled and advertised in accordance with Sec. 30-4-1.4. All property owners in the proposed district must be notified.
- 4) ~~5)~~ Following the public hearing, the Historic Preservation Commission must make a recommendation to approve or deny the application for local historic district designation.
- 5) ~~6)~~ The Historic Preservation Commission recommendation and all information relating to the application must be forwarded to the Planning Board for review and recommendation.

(G) ~~NC Department of Cultural Resources—Review and Recommendation~~

~~The report must be submitted to the North Carolina Department of Cultural Resources through the State~~

~~Preservation Officer (SHPO) for review. The State Preservation Officer shall make a recommendation concerning the report and the description of proposed boundaries. The State Preservation Officer has 30 days to respond with a written analysis and recommendation. Failure of the State Preservation Officer to respond to the City within 30 days after receipt of the application shall relieve the City of any responsibility to await such analysis.~~

Section 5. That Section 30-4-16, Construction and Utility Plans, is hereby amended by adding a new Subsection 30-4-16.8, Utility Easements, to read as follows:

30-4-16.8 Utility Easements

Easements over public utility lines needed to serve the site, which are located on-site or off-site, shall be provided in accordance with the specifications of Sec. 30-13-4.4, Utility Easements.

Section 6. That Subsection (B) of Section 30-4-17.5, Dedication of Right-of-Way and Open Space, is hereby amended to read as follows:

(B) Drainageway and Open Space

Land designated as public open space on a Final Plat can either be conveyed in fee simple or dedicated as an easement to the City in accordance with the following standards:

1) Fee Simple

- a) This is the conveyance of fee simple marketable title (unencumbered financially and environmentally) to the drainageway and open space to the City of Greensboro.
- b) The offer of fee simple marketable title to the drainageway and open space must be accepted by the City Council and then recorded with the Register of Deeds.

2) Open Space Easement

- a) This is the conveyance of fee simple marketable title to the drainageway and open space to an owners' association with a dedicated easement to the City.
- b) The offer of fee simple marketable title to the drainageway and open space must be accepted by the owner's association and then recorded with the Register of Deeds.

~~b) 3) The approval and recordation of a plat constitutes dedication to the city and the public of the drainageway and open space easement shown on such plat. The approval and recordation of a plat does not constitute acceptance of maintenance responsibility within such easement dedication. Public utilities and storm drainage facilities may be accepted for maintenance by the City Council or by the administrative officer authorized to inspect and, where appropriate, accept the dedication of such improvements.~~

~~3) 4) Until such dedication has been accepted by the City, lands so offered may be used for open space purposes by the owner or by the owners' association. Lands so offered for dedication must not be used for any purpose inconsistent with the proposed public use except as may be limited by state or federal regulations.~~

Section 7. That Subsection (B) Section 30-5-5.5, Violations Involving Tree Removal or Damage, is hereby amended and a new Subsection (C), Violations – Others, added to read as follows:

(B) Violations Involving Tree Removal or Damage

- 1) The Planning Director is authorized to issue a Civil Penalty for all violations that have resulted in the removal or damage to trees or encroachment into the tree conservation area. The Civil Penalty must be administered in accordance with the provisions of Sec. 30-5-5, except that issuance of a Notice of Violation prior to issuing the Civil Penalty shall not be required, and except as noted below.

- 2) Civil Penalties issued under this provision may not be less than \$500.00 nor exceed \$50,000.00 per violation.
- 3) In addition to any civil penalties issued under this provision, the Planning Director is authorized to require reforestation of the damaged trees or the tree conservation area as specified in Table 5-1 or Table 5-2 below, whichever is most applicable.
- 4) The penalty for the removal or damage to trees or the encroachment into the tree conservation area shall be assessed as described in Table 5-1 or Table 5-2 below, whichever is most applicable:

Table 5-1		
DBH of Tree Removed or Damaged	Civil Penalty	Reforestation Rate One 2" Caliper Minimum (Water Wise Species) or 3" Caliper Minimum (Non-Water Wise Species) per 400 sq. ft.
4 – 11.9 Inches	\$800.00	4 Caliper Inches
12 – 20.9 Inches	\$1,600.00	8 Caliper Inches
21 – 28.9 Inches	\$2,400.00	12 Caliper Inches
29 – 35.9 Inches	\$3,200.00	16 Caliper Inches
36+ Inches	\$4,000.00	20 Caliper Inches

Table 5-2
Civil Penalty \$10,000.00 per acre or portion thereof of removal or damage to trees or encroachment into the tree conservation area
Reforestation Rate One 2" caliper minimum (water-wise species) or 3" caliper minimum (nonwater-wise species) per 400 sq. Ft.
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. All reforestation plans must comply with water-wise planting techniques.

- 5) ~~The civil penalty for failure to obtain a tree disturbance permit or TRC approval prior to tree disturbing activities is \$500.00.~~
- 6) ~~The civil penalty for failure to install and maintain tree conservation devices is \$500.00 per incident.~~
- 7) ~~The civil penalty for failing to obtain a scheduled inspection is \$500.00 per incident.~~

(C) Violations – Other

The Planning Director is authorized to issue a Civil Penalty for the following violations under the provisions of Section 30-5-5, except that issuance of a Notice of Violation prior to issuing the civil penalty shall not be required.

- 1) The civil penalty for failure to obtain a tree disturbance permit or TRC approval prior to tree disturbing activities is \$500.00.
- 2) The civil penalty for failure to install and maintain tree conservation devices is \$500.00 per incident.
- 3) The civil penalty for failing to obtain a scheduled inspection is \$500.00 per incident

Section 8. That 30-5-5.9, Factors to Consider in Assessing Penalties, is hereby amended to read as follows:

The Planning Director City Manager shall formulate and publish written guidelines for zoning enforcement officers to use in assessing the civil penalties authorized by Sec. 30-5-5.4(A) 2). Section 30-5-5.5 (Tree Disturbance Penalties) shall not be subject to the provisions of this section. The guidelines must include but are not limited to the following criteria:

- ~~(A) The violator's knowledge of legal requirements;~~
- ~~(B) Whether the violator has been guilty of past violations;~~
- ~~(C) The possible profit to the violator in continuing the violation;~~
- ~~(D) The impact of the violation on the community;~~
- ~~(E) The degree of noncompliance; and~~
- ~~(F) The cost and time required to remedy the violation.~~

Section 9. That the Table located in Section 30-6-1.1, General Zoning Districts and Overlay Districts, is hereby amended by moving the entry-line for the "AG District" to the Section labeled "Special Districts."

Section 10. 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 residential, service and retail uses.

Section 11. That Table 7-1, R-3 Conventional Development Dimensional Requirements, is hereby amended by removing Footnote [7] from the table and amending Footnote [7] to read as follows:

~~[7] Maximum building height may be reduced in accordance with Sec. 30-1-1.1 (A) 1). [RESERVED]~~

Section 12. That Table 7-2, R-5 Conventional Development Dimensional Requirements, and Table 7-3, R-7 Conventional Development Dimensional Requirements, are hereby amended by removing Footnote [8] from the table and amending Footnote [8] to read as follows:

~~[8] Maximum building height may be reduced in accordance with Sec. 30-1-1.1 (A) 1). [RESERVED]~~

Section 13. That Table 7-4, RM-5 Conventional Development Dimensional Requirements, and Table 7-5, RM-8 Conventional Development Dimensional Requirements, are hereby amended by removing Footnote [9] from the table and amending Footnote [9] to read as follows:

~~[9] Maximum building height may be reduced in accordance with Sec. 30-1-1.1 (A) 1). [RESERVED]~~

Section 14. That Subsection 3) of Section 30-7-3.2 (J), Interior Setback Standards for Townhouse and Multi-family Buildings, is hereby amended to read as follows:

3) Modification of Perimeter Setback Standards in ~~RM-26 and RM-40~~ RM - Districts

- a) For townhouse and multi-family buildings located in the RM-26 and RM-40 zoning districts, the Planning Director may approve a Type 1 Modification of perimeter setback requirements in accordance with Sec. 30-4-11.
- b) For townhouse and multi-family buildings located in all other RM- districts, the Technical Review Committee may approve a Type 2 Modification of perimeter setback requirements in accordance with Sec. 30-4-11.

Section 15. That Subsection (F) of Section 30-7-5.2 District-specific Standards is hereby amended to read as follows:

(F) O, Office

1) Residential uses, except upper story residential, on property previously zoned GO-M, General Office-Moderate Intensity, and LO, Limited Office, in the Unified Development Ordinance shall comply with the dimensional standards of the RM-12 zoning district for that type of use.

2) Residential uses, except upper story residential, on property previously zoned GO-H General Office-High, in the Unified Development Ordinance shall comply with the dimensional standards of the RM-26 zoning district for that type of use.

Section 16. That Subsection (D) of Section 30-8-1.1, Accessory Uses and Structures, is hereby amended to read as follows:

(D) Accessory Uses and Structures

Accessory uses and structures are allowed as indicated in the use table, subject to any additional standards found in ~~Sec. 30-8-10.6~~ 30-8-11, Accessory Uses and Structures.

Section 17. That Table 8-1, Permitted Uses, is hereby amended by adding a "U" in the C-M column for the use categories "Townhouses," "Multi-family Dwellings" and "Multi-family (Elderly)."

Section 18. That Table 8-1, Permitted Uses, is hereby amended by removing the cross reference from the Standards column for "Twin Homes."

Section 19. That Table 8-1, Permitted Uses, is hereby amended by adding "30-8-10.1(A)" in the Standards column for "Assisted Living Facilities."

Section 20. That Table 8-1, Permitted Uses, is hereby amended by adding "30-8-10.1(C)" in the Standards column for "Fraternities and Sororities."

Section 21. That Table 8-1, Permitted Uses, is hereby amended by adding "30-8-10.1(D)" in the Standards column for "Life Care Communities."

Section 22. That Table 8-1, Permitted Uses, is hereby amended by adding "30-8-10.1(I)" in the Standards column for "Private Dormitories."

Section 23. That Table 8-1, Permitted Uses, is hereby amended by adding a "U" in the R-3, R-5, R-7, RM-5 and RM-8 columns for the use category "All community-scale cultural and community uses except as listed below."

Section 24. That Table 8-1, Permitted Uses, is hereby amended by adding a "U" in the R-3, R-5, R-7, RM-5 and RM-8 columns for the use category "Elementary/Secondary Schools, community-scale."

Section 25. That Table 8-1, Permitted Uses, is hereby amended by adding a "P" in the TN column for the use category "Medical, Dental, and Related Offices."

Section 26. That Table 8-1, Permitted Uses, is hereby amended by adding "30-7-7.3(B)" in the Standards column for "Business Incubators."

Section 27. That Table 8-1, Permitted Uses, is hereby amended by adding "30-8-10.4(E)" in the Standards column for "All personal and professional services without drive-through facilities, except as listed below."

Section 28. That Subsection (F) of Section 30-8-10.1, Residential Use Standards, is hereby amended by adding a new Subsection 18) to read as follows:

18) The Technical Review Committee may approve a Type 2 Modification of the standards within this Section in accordance with Sec. 30-4-11.

Section 29. That Subsection 1) of Section 30-8-10.1(H), Multi-family Dwellings, is hereby amended to by adding a new Subsection k) to read as follows:

k) The Technical Review Committee may approve a Type 2 Modification of the standards within this Section in accordance with Sec. 30-4-11.

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

- c) In the C-M, C-H and BP districts, no more than 33% of the gross floor area contained in a development may be devoted to multi-family dwelling units, and at no point in the build-out of a development may multi-family dwelling units exceed 33% of the gross floor area contained in the development. Floor area in multi-family units located above a ground floor nonresidential use will not be counted in calculating the amount of multi-family floor area contained on a site.

Section 31. That Subsection ii) of Section 30-8-10.1 (H) 1) j), Multi-family Dwellings, is hereby amended to read as follows:

- ii) When a sidewalk is provided along a private drive or private driveway, and the garage is front-loaded, the garage door must be set back at least 24 feet from the back of curb or, if no curb and gutter is provided, from the edge or travelway. ~~This setback may be reduced to 20 feet by TRC.~~

Section 32. That Subsection (F) of Section 30-8-10.3, Recreational Uses, is hereby amended by adding a new Subsection 9) to read as follows:

- 9) The Technical Review Committee may approve a Type 2 Modification of the standards within this Section in accordance with Sec. 30-4-11.

Section 33. That Subsection (A) of Section 30-9-4.6, Height, is hereby amended to read as follows:

(A) Residential Uses

Except as provided in this subsection, no fence or wall may exceed 4 feet in height within 15 feet of any public or private street right-of-way. On lots where the rear or side yard adjoins a major thoroughfare or a minor thoroughfare and there is no driveway access and no sight distance interference, no fence or wall may exceed 8 6 feet in height within 15 feet of the thoroughfare right-of-way. Otherwise, no fence or wall may exceed 7 feet in height.

Section 34. That Subsection (E) of Section 30-11-13.7, Authorized Alternatives, is hereby amended to read as follows:

- (E) Available on-street parking spaces (See 30-11-13.12); and

Section 35. That the graphic located at the end of Section 30-12-1.4, Conservation of Existing Trees, is hereby replaced with the graphic which has been revised relative to the type of material to be used for the sign and the elimination of uses permitted within the protected area.

Section 36. That Section 30-13-4.3, Underground Utilities, is hereby amended to read as follows:

30-13-4.3 Other Underground Utilities

Electrical, community antenna television, and telephone utility lines installed within major subdivisions must be underground unless the Technical Review Committee determines underground installation is unreasonable or infeasible.

Section 37. That Section 30-13-4.4, Utility Easements, is hereby amended to read as follows:

30-13-4.4 Utility Easements

(A) Public Water and Sewer Easements

Easements for sanitary sewer and water lines shall be exclusive to the City of Greensboro, unless otherwise determined by the Director of Water Resources. The locations and widths of such easements shall be reviewed and approved by the Director of Water Resources. Such easements shall be provided with a minimum width of 20 feet or 2 times the line depth (rounded up to the next multiple of 5 feet), whichever is greater. The locations and widths of easements containing public storm sewer pipes shall be in accordance with the Greensboro Storm Drainage Design Manual.

(A) ~~Width and Location~~

(B) Other Utility Easements

Utility easements with a maximum width of 30 feet must be provided to accommodate electric, telephone, gas, and community antenna television services; and conduits; ~~or~~ and water and sewer lines. The location and dimensional standards of such easements must be reviewed and approved by the city, with advice from utility providers, before final plat approval.

~~(B)~~ (C) No Buildings or Improvements

Utility easements must be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. In addition, outside of but alongside water and sanitary sewer easements and easements containing public storm sewer pipes, improvements that exert loads into the easement at a depth determined by the lowest point of the applicable utility line within the easement envelope and affected segment shall not be allowed. The city is not liable for damages to any improvement located within the utility easement area. In addition, foundation design of structures must account for the area of influence in case of future utility excavation in the easement.

Section 38. That Table 14-2, Standards for Freestanding Signs, is hereby amended by adding an "O" in the Zoning District column for the "MU-M, MU-H, BP, C-L" category.

Section 39. That Table 14-3, Standards for Attached Signs, is hereby amended by adding an "O" in the Zoning District column for the "MU-M, MU-H, BP, C-L" category.

Section 40. That Table 14-3, Standards for Attached Signs, is hereby amended by revising the entry in the "Max Area" column for the "RM & nonresidential districts" to read as follows:

200-100 ft. = 12 sq. ft.
101-200 ft. = 16 sq. ft.
>200 ft. = 20 sq. ft.

Section 41. That the term "Mixed Development" within Section 30-15-13, Terms Beginning with "M", is hereby amended to read as follows:

Mixed Development

A mixture of residential and permitted office and/or commercial and/or personal services uses in the ~~GB, HB, SC,~~ and ~~CP~~ C-M, C-H and BP Districts.

Section 42. That Section 30-15-13, Terms Beginning with "M", is hereby amended by adding a new entry for "Multi-Family Development (Elderly)" in alphabetical order and to read as follows:

Multi-Family Development (Elderly)

Three or more dwelling units on a single zone lot, including apartments, residential condominiums, and/or townhouses, designed for use and occupancy by individuals at least 55 years of age. Multi-Family Development (Elderly) does not include congregate care facilities, nursing homes or similar institutions devoted primarily to the care of such individuals.


Section 43. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 44. This ordinance shall become effective upon adoption.

THE FOREGOING ORDINANCE WAS ADOPTED
BY THE CITY COUNCIL OF THE CITY OF GREENSBORO
ON THE 19th DAY OF OCTOBER, 2010 AND WILL
BECOME EFFECTIVE UPON ADOPTION.

APPROVED AS TO FORM

ELIZABETH H. RICHARDSON
CITY CLERK


JANEL K. MATERN
INTERIM CITY ATTORNEY
Acting Chief Deputy