



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT
PLANNING BOARD**

Regular Meeting Agenda

NC Cooperative Extension – Agricultural Center
3309 Burlington Road, Greensboro, NC 27405

July 10, 2024

6:00 PM

- I. Roll Call**
- II. Agenda Amendments**
- III. Approval of Minutes:** June 12, 2024
- IV. Rules and Procedures**
- V. Continuance Requests**
- VI. Old Business**

Adopt Order Approving Special Use Permit Case #23-07-PLBD-00057:

Pursuant to N.C.G.S. 160D-406(j), adopt Order Approving a Special Use Permit for a Major Utility (Electric Substations) under Case #23-07-PLBD-00057 for property at 1813 Youngs Mill Road, heard by the Planning Board on November 8, 2023.

Legislative Hearing Item(s)

None

VII. New Business

Non-Legislative Hearing Item(s)

None

Legislative Hearing Item(s)

A. CONDITIONAL REZONING CASE #24-06-PLBD-00085: AG, AGRICULTURAL AND RS-40, RESIDENTIAL TO CZ-MXU, CONDITIONAL ZONING-MIXED USE: 5618 LIBERTY ROAD AND 5805 METHODIST ROAD

Located at 5618 Liberty Road and 5805 Methodist Road (Guilford County Tax Parcels #122310 and #122325 in Clay Township) immediately south of the Liberty Road–Methodist Road intersection. The two subject parcels comprise approximately 61.54 acres in total

This is a request to conditionally rezone the subject properties from AG, Agricultural and RS-40, Residential to CZ-MXU, Conditional Zoning-Mixed Use, with the following conditions:

Use Conditions – (1) The following uses shall NOT be permitted: (a) Animal Services (Other); (b) Temporary Family Healthcare Structures; (c) Boarding House, 3-8 residents; (d) Rooming House, 9 or more residents; (e) Congregate Care Facility; (f) Group Care Facility; (g) Single Room Occupancy Residence; (h) Nursing and Convalescent Home; (i) Homeless Shelter; (j) Athletic Fields; (k) Club or Lodge; (l) Country Club with Golf Course; (m) Place of Worship; (n) Vocational, Business or Secretarial School; (o) Daycare Centers in Residence (In-Home) (12 or Less); (p) Community or Social Service Agencies; (q) Fraternity or Sorority (University or College Related); (r) Hospital; (s) Bed and Breakfast Home for 8 or Less Guest Rooms; (t) Cemetery or Mausoleum; (u) Funeral Home or Crematorium; (v) Beneficial Fill Area; (w) Courier Service Substation; (x) Heliport; (y) Communication or Broadcasting Facility; (z) Wireless Communication Tower – Non-Stealth Design; (aa) Radio or TV Station; (bb) Utility Company Office; (cc) Construction or Demolition Debris Landfill, Minor; (dd) Land Clearing & Inert Debris Landfill, Minor.

Development Conditions – (1) A minimum of 40% of the total developable land area (i.e., excluding required setbacks, buffers, open space, etc., and outside of any regulated floodplain or wetlands) shall be of residential use.

The proposed rezoning is conditionally consistent with the recommendation of Mixed Use and generally consistent with the recommendation of Moderate Commercial Node within the Alamance Creek Area Plan, and is consistent with the following goals and objectives and policies of the Liberty Road / Woody Mill Road Vicinity Small Area Plan:

- Goal C: The Liberty Road / Woody Mill Road Vicinity will develop with an integrated mix of uses, including commercial (retail and services), office/employment, institutional, and residential.
- Objective C.2: Encourage new residential units at appropriate locations and densities.
- Objective D.1: Spur redevelopment of vacant and underutilized sites.

Therefore, if the requested rezoning is approved, no amendment to the Alamance Creek Area Plan or the Liberty Road / Woody Mill Vicinity Small Area Plan will be required.

Information for **CONDITIONAL REZONING CASE #24-06-PLBD-00085** can be viewed by scrolling to the July 10, 2024 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>.

B. UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #24-05-PLBD-00078 TO AMEND CHAPTER 15, ARTICLE 3 (PERMITS AND PROCEDURES), SUBSECTION 3.5 (B) PROCEDURES FOR SPECIFIC APPLICATIONS, ADMINISTRATIVE ADJUSTMENT, SUBSECTION 3.5 (M) REZONING (CONVENTIONAL & CONDITIONAL) / MAP AMENDMENT, AND SUBSECTION 3.5 (Q) SPECIAL USE PERMIT. THE REQUEST IS TO RENAME SUBSECTION 3.5 (B) FROM ADMINISTRATIVE ADJUSTMENT TO ADMINISTRATIVE MINOR MODIFICATION AND TO MAKE VARIOUS CHANGES TO THE LANGUAGE TO ADD SPECIFICITY AND REMOVE DISCRETIONARY DECISIONS TO BE COMPLIANT WITH N.C.G.S. 160D-703(b), ZONING DISTRICTS

Rename Unified Development Ordinance (UDO), Article 3 (referenced as Subsection 3 in the Code of Ordinances), Subsection 3.5 (B), PROCEDURES FOR SPECIFIC APPLICATIONS, ADMINISTRATIVE ADJUSTMENT, to ADMINISTRATIVE MINOR MODIFICATION to better reflect the language of N.C.G.S. 160D-703(b), Zoning Districts. Additionally, this revision reflects language in NCGS 160D-703(b) by listing Administrative Minor Modifications and associated requirements/criteria for specific development types.

Text underlined indicates text to be added to the current ordinance. Text to be deleted is shown with a ~~striketrough~~.

Information for **UDO TEXT AMENDMENT CASE #24-05-PLBD-00078** can be viewed by scrolling to the July 10, 2024 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>. A copy of the proposed text amendment is attached and included under the **MEETING CASE INFORMATION** section at the link above.

C. UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #23-09-PLBD-00064: AN AMENDMENT TO ARTICLE 2 (ADMINISTRATION), ARTICLE 3 (PERMITS AND PROCEDURES), AND ARTICLE 8 (SUBDIVISIONS AND INFRASTRUCTURE STANDARDS) OF THE UDO TO ADJUST ASSIGNED ADMINISTRATIVE DUTIES AND PROCEDURES FOR DEVELOPMENT REVIEW CONSISTENT WITH NC GENERAL STATUES 160D FOR LEGISLATIVE, QUASI-JUDICIAL, AND ADMINISTRATIVE DECISIONS

Staff prepared text amendments to the Guilford County Unified Development Ordinance (UDO) to Article 2, Article 3, and Article 8 (Referenced as Subsection 2, Subsection 3, and Subsection 8, respectively, in the County Code of Ordinances) that adjusts the administrative duties of the Planning Board and Technical Review Committee (TRC) in accordance with current practice and NCGS 160D. These revisions maintain and support the multi-disciplinary TRC review process supporting thoroughness of development reviews while improving efficiency and adding clarity in the development review process. Additionally, the amendment includes correction(s)

to terminology (e.g., changing public hearing to legislative hearing) for consistency with NCGS 160D.

Text underlined indicates text to be added to the current ordinance. Text to be deleted is shown with a ~~strike through~~.

Information for **UDO TEXT AMENDMENT CASE #23-09-PLBD-00064** can be viewed by scrolling to the July 10, 2024 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>. A copy of the proposed text amendment is attached and included under the **MEETING CASE INFORMATION** section at the link above.

D. UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE # 24-06-PLBD-00087: AN AMENDMENT TO ARTICLE 12 (DEFINITION) OF THE UDO TO ESTABLISH A DEFINITION OF “PRIVATE CLUB” TO PROVIDE GUIDANCE AND CLARITY IN APPLYING USE AND DEVELOPMENT STANDARDS FOR ADMINISTERING DEVELOPMENT REVIEW

Staff prepared a text amendment to the Guilford County Unified Development Ordinance (UDO), Article 12.4, Definition that defines the term “Private Club” per A Planners Dictionary, APA 2004.

Text underlined indicates text to be added to the current ordinance. Text to be deleted is shown with a ~~strike through~~.

Information for **UDO TEXT AMENDMENT CASE #24-06-PLBD-00087** can be viewed by scrolling to the July 10, 2024 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>. A copy of the proposed text amendment is attached and included under the **MEETING CASE INFORMATION** section at the link above.

Evidentiary Hearing Item(s)

None

VIII. Other Business

Comprehensive Plan Update

IX. Adjourn

Information may be obtained for any of the aforementioned cases by contacting the Guilford County Planning and Development Department at 336.641.3334 or visiting the Guilford County Planning and Development Department at 400 West Market Street, Greensboro, NC 27402.

(Insert Color Paper)

**GUILFORD COUNTY
PLANNING AND DEVELOPMENT
PLANNING BOARD MEETING MINUTES**

Old Guilford County Courthouse
Carolyn Q. Coleman Conference Room
301 W. Market St., Greensboro NC 27401

June 12, 2024, 6:00 PM

Call to Order

Chair Donnelly called the meeting to order at 6:00 p.m.

A. Roll Call

The following members were in attendance in person for this meeting:

James Donnelly, Chair; Guy Gullick, Vice-Chair; Ryan Alston; Sam Stalder; Jason Little; and Rev. Gregory Drumwright

The following members were absent from this meeting:

Dr. Nho Bui; David Craft; and Cara Buchanan

The following Guilford County staff members were in attendance in-person for this meeting:

J. Leslie Bell, Planning and Development Director; Oliver Bass, Senior Planner; Aaron Calloway, Planner I; Avery Tew, Planner I; Robert Carmon, Fire Inspections Chief; Andrea Leslie-Fite, Guilford County Attorney and Matthew Mason, Chief Deputy County Attorney

B. Agenda Amendments

C. Approval of Minutes: April 10, 2024

Mr. Stalder stated that he found an error at the end of the minutes about the date of the next meeting which is scheduled for June 12th and not June 14th. Chair Donnelly noted duplicative information in the last 2 paragraphs on page 7. The last paragraph on page 7 will remain and the prior paragraph will be deleted. The second to last paragraph on page 7, the wording "reverence" should be changed to "reference". Mr. Gullick moved approval of the minutes for the April 10, 2024, meeting, as corrected, seconded by Mr. Little. The Board voted unanimously 5-0 in favor of the motion and the minutes were approved.

D. Rules and Procedures

Chair Donnelly provided information to everyone present regarding the Rules and Procedures followed by the Guilford County Planning Board.

E. Continuance Requests

Leslie Bell stated that the applicant for Rezoning **Case #24-04-PLBD-00077**, 5541 Macy Grove Road, has asked for a 60-day continuance to work on conditions for the request.

Mr. Gullick moved to continue the request for 60 days, seconded by Mr. Stalder. The board voted unanimously, 6-0 in favor of the motion to continue the request.

Reverend Drumwright Arrived at 6:06 for the remainder of the meeting.

F. Old Business

None

G. New BusinessNon-Legislative Hearing Item(s)

None

Legislative Hearing Item(s)

CONDITIONAL REZONING CASE #24-04-PLBD-00077: AG, AGRICULTURAL TO CZ-LI, CONDITIONAL ZONING-LIGHT INDUSTRIAL: 5541 MACY GROVE ROAD AND 423 FARLEY DRIVE (CONTINUED UP TO 60-DAYS)

UDO TEXT AMENDMENT CASE #24-03-PLBD-00075: AMEND SECTION 4.3, TABLE 4.3- 1 PERMITTED USE SCHEDULE AND SECTION 5.6 DEVELOPMENT STANDARDS TO ESTABLISH BATTING CAGES, PRIVATE CLUBS, AND RECREATION FACILITIES AS USES ALLOWED IN THE PI, INSTITUTIONAL ZONING DISTRICT (APPROVED – RECOMMEND TO COUNTY COMMISSIONERS)

Leslie Bell stated that the Planning staff proposes a text amendment to the Guilford County Unified Development Ordinance (UDO), Subsection 4, Zoning Districts, and Subsection 5, Development Standards for Individual Uses. The first change will amend Table 4.3-1, Table of Permitted Use Schedule, establishing Batting Cages, Private Clubs or Recreational Facilities, as uses allowed in the Public and Institutional (PI) zoning district. The second change will amend Section 5.6 to modify associated development standards for said uses. The final change is to move the Physical Fitness Center Use

Type from Recreation and Entertainment (Heavy) to the Recreation and Entertainment (Light) Use Category. Copies of the proposed text amendment were given to each Board member for their review. Additionally, Mr. Bell shared the following three (3) definitions for a Private Club for the Board's consideration as the UDO currently does not define a Private Club:

1. **Private Club:** An establishment mainly involved in promoting the civic and social interests of its members. It may also operate bars and restaurants and provide other recreational services to its members. (Based on 2022 NAICS Code 813410)
2. **Private Club:** Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily done as a business. (A Planners Dictionary, APA 2004)
3. **Private Club:** An establishment that is organized and operated solely for a social, recreational, patriotic, or fraternal purpose and that is not open to the general public, but is open only to the members of the organization and their bona fide guests. (Adapted from the NC ABC Commission)

Following discussion, the Planning Board selected the Private Club definition #2 from A Planners Dictionary.

Mr. Gullick asked if a Private Club has outdoor activities? Mr. Bell responded that they can.

Reverend Drumright asked, currently how these Private Clubs function under the current Text? Mr. Bell stated that Private Clubs or Recreation Facility, Other currently are not allowed in the PI zoning district but Development Standards do exist for Private Clubs where allowed currently.

Chair Donnelly stated that he initiated a conversation with Mr. Bell and Mr. Bass as he was looking at this amendment and the driver of his interest was primarily, that Private Clubs, as he looked through the information seemed to be minimally defined and he was concerned that, as it is set now, if that use were to show up in an AG zoned area, it would require a SUP. Thus, there are a number of conditions that have to be demonstrated by a developer who wants to bring that forward in order to get approval. By bringing this as a new use in the Public/Institutional arena, as a use under a Developmental Standard (without a lot of definition) he is concerned that might open the door to some negative things that could come into an area without strong control. In the conversation with Mr. Bell and Mr. Bass, they landed on these couple of options; one would be to use a SUP which is similar to what's done in the AG area. Mr. Bell made the point that this is also possible because in the AG zone, it will be much more likely to have some residential located nearby and that may warrant it, or to Mr. Bass' point, the SUP may be less necessary in the Public/Institutional zoning district. With a definition and providing some additional controls, that may cover the concerns that were there.

Mr. Gullick stated that would provide much more control and safety and a SUP just seems like a very safe way to control this.

Chair Donnelly stated that he would voice his original thought, which is that if they under the Public/Institutional zoning district, a Private Club would be allowed with an SUP that would provide the appropriate protections that he is interested in. The proposed change and the specific need now and the long-term need is probably not a very frequent occurrence and it is a very specialized occurrence within the broader spectrum of things. By having the SUP in place, that provides that level of protection and gives the Board the opportunity to still pursue a number of different things. So, that would be his proposal in order to move something forward.

Mr. Stalder asked if the thought is to consider adding one of these definitions or some definition tonight? Chair Donnelly responded that was correct. Mr. Stalder stated that he doesn't think that has been noticed. Leslie Bell stated that staff is not required to notice at the Planning Board level, so this would be a consideration that's being recommended. It was changed to be optional, which was adopted last month by the Board of Commissioners. Staff can pull that up on-line. The Planning Board is required to make a recommendation to the County Commissioners.

Leslie Bell added that in his conversation with the Parks and Recreation Director, they are working on a Master Plan and one of the anticipated goals is to increase the recreational footprint for Guilford County through a strategy of working collaboratively with the private sector. This is certainly something that could show up at some point in the future, in terms of having the private sector help to increase that footprint.

Reverend Drumwright stated that he would like to entertain the possibility of a little more time to understand what is being proposed here. Leslie Bell asked Reverend Drumwright what would make him feel comfortable so they can move this discussion along so they can get this scheduled? There is a Board of Commissioner meeting scheduled for [July 18th], and if it would please the Board, engage in a conversation and find something that the Board members are comfortable with so they can move forward. Reverend Drumwright stated that he would like to yield to his colleagues.

Chair Donnelly stated that he would resonate more with the second or third definition, as it was one of the things that he was particularly interested in, sort of avoiding, was the particular mention of a bar and restaurant. So, either of the other definitions narrow that field a little bit and doesn't invite the Board to be bringing that use into those areas as a Private Club. Either one of those would be his preference.

Mr. Stalder stated that he would lean more toward the second definition. Mr. Gullick stated that he would like to see a SUP, but that's just his opinion. Reverend Drumwright stated that changing the "D" to an "S" under the Private Club or Recreational Facility would be agreeable with him. He asked if it would be appropriate for him to confer with Mr. Bass, off the record, for just a moment?

Reverend Drumwright asked for clarification from the County about delineating or shedding more light on the shift from Heavy Recreational Use to Light Recreational Use for Physical Fitness Centers. Mr. Bell stated that when staff was looking at Private Clubs, one of the things that came up was, "How do we handle things like Planet Fitness, or just another type of facility where folks could go and work out and also play racketball or tennis?" One of the things they did was look at that and saw that lots of times those types of facilities are within a shopping center and are not just stand-alone facilities. They saw an opportunity to tighten that up a little bit and shift that from Heavy to Light.

Chair Donnelly stated that to clarify, the only thing that is moving from Recreational Heavy to Recreational Light is the Physical Fitness Center. The Private Club or Recreation Facility, Other was already listed in Light Recreation and Entertainment. Mr. Bell stated that was correct.

Reverend Drumwright stated that he also wanted to address the delineation between these two definitions that were being discussed here. He just wants to understand which of these definitions was more exclusive or more broad? Leslie Bell responded that the North American Industrial Classification System (NAICS) is often referred to as the NAICS code, and is used as a cross-walk to the Standard Industrial Classification (SIC) code which has not been updated since the late 1990s and the uses in the previous Ordinance was based on the SIC. The second definition is something that is endorsed by the American Planning Association from 2004, and it breaks the definition of Private Club down a little bit more in terms of a building or facility owned or operated by a corporation, association, person or persons who own a social club. They both include the term "recreational" use. Reverend Drumwright stated that satisfies all of his concerns.

Counsel Leslie-Fite stated, for the record, in determining a decision, one of the good things about utilizing one of these trade definitions when the Board is analyzing this conversation is that if they are ever challenged or questioned about why a certain definition is a certain way, or was the Board acting arbitrarily or capriciously, we can point to an objective trade organization definition and that there is some deliberate thought there.

Chair Donnelly asked Mr. Bell if their first step would be to adopt this change as a part of the recommendations and then that becomes part of the text amendment and then a subsequent action to actually make a recommendation on the text amendment? Mr. Bell stated that was correct.

Leslie Bell stated that the second decision is if the Board members are amenable to either one of the Private Club definitions presented earlier.

Mr. Gullick asked what is the driving force for this change? Attorney Leslie-Fite responded that she wanted to cite for the record that the decision on the recommendation coincides with the Ordinance and the Table, and that authority also lies in Chapter 160D-602 and would be according to the summation of the Planning Board up to the Commissioners. She stated that there is a potential buyer for this

property and part of the property is owned by Guilford County. As part of their consideration for purchasing the property, they want to explore how a potential text amendment could facilitate their use of the property. Recreational sports are increasing so there is an interest in this.

Chair Donnelly proposed a motion that the Board accept as the amendment to the proposed text amendment the change in the Private Club or Recreation Facility, Other (including Indoor Batting Cages) from a "D" to an "S" [Special Use Permit] and that they also add definition #2 for a Private Club: Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily done as a business. (A Planners Dictionary, APA 2004)

Mr. Gullick stated that his only concern with the SUP was just for the Private Bars, not Indoor Batting Cages. He has no problem with that being a developmental standard. Mr. Alston stated that he likes the 2nd definition. Mr. Gullick stated that he would like to see a SUP for this amendment.

After some discussion among the Board members, Mr. Gullick made a motion for a short recess to give staff an opportunity to discuss the text amendment for clarification at 6:38 pm., seconded by Reverend Drumwright. The Board voted unanimously, 6-0 in favor of the motion. (Ayes: Donnelly, Gullick, Stalder, Drumwright, Little and Alston. Nays: None.)

Thereupon, Chair Donnelly resumed the meeting at 6:45 p.m. The Board was considering the second alternative proposed by Mr. Bell, which was looking at a Special Use Permit requirement and also looking at Definition #2 on the list. He asked if there was any additional information anyone wished to bring forward.

Mr. Gullick asked what is the driving force for this change? Attorney Leslie-Fite responded that she wanted to cite for the record that the decision on the recommendation coincides with the Ordinance and the Table, and that authority also lies in Chapter 160D-602 and would be according to the summation of the Planning Board up to the Commissioners. She stated that there is a potential buyer for this property and part of the property is owned by Guilford County. As part of their consideration for purchasing the property, they want to explore how a potential text amendment could facilitate their use of the property. Recreational sports are increasing so there is an interest in this.

Chair Donnelly stated that he would amend his motion so there would be three (3) things; first, they would remove the Indoor Batting Cages from the Private Club or Recreational Facility, Other and create a separate Use Type for Batting Cages, Outdoor that would be allowed with Development Standards in the Public and Institutional zoning district; and Private Club or Recreational Facility, Other (including Indoor Batting Cages)

would change from a “D” to an “S”; and, the third piece would be adopting the 2nd definition of a Private Club, seconded by Mr. Gullick.

Chair Donnelly opened the Public Hearing and asked if there was anyone wishing to speak on this matter, and no one came forward. The Public Hearing was closed by unanimous vote. (Ayes: Donnelly, Gullick, Stalder, Drumwright, Little and Alston. Nays: None.)

Chair Donnelly asked for a roll-call vote on his previous motion that is on the floor and also add a “D” under the AG for Indoor Batting Cages. Mr. Gullick seconded the motion. (Ayes: Donnelly, Gullick, Stalder, Drumwright, Little and Alston. Nays: None.)

Chair Donnelly asked if there is a motion to recommend the text amendment to the County Commissioners.

Mr. Gullick moved that the Board finds that the text amendments proposed [as revised] are consistent with adopted Comprehensive Plan sections which would be reasonable in the public interest and the proposed text amendment, as revised, will advance Goal #1, of Government Coordination Element of Guilford County Comprehensive Plan, which states that Guilford County shall seek to maximize the effective and efficient provisions of governmental programs and services by coordinating implementation and delivery efforts internally and with external partners; and the recommended action is reasonable and in the public interest because the proposed amendments [as revised] support Goal #1 of the Guilford County Comprehensive Plan by allowing Batting Cages, Private Clubs, and Recreation Facility in the PI district [as revised with a SUP] that will expand recreational opportunities for Guilford County and private entities to meet residents’ recreational needs. Mr. Little seconded the motion and the Board voted unanimously (6-0) in favor of the motion. (Ayes: Donnelly, Gullick, Stalder, Drumwright, Little and Alston. Nays: None.)

In clarification from Counsel Leslie-Fite, the motion was amended to include the draft definition language provided by staff for a Private Club.

The proposed text amendment will advance Goal #1 of the Governmental Coordination Element of the Guilford County Comprehensive Plan (effective October 1, 2006), which states that “Guilford County shall seek to maximize the effective and efficient provision of governmental programs and services by coordinating implementation of delivery efforts internally and with external partners”. The recommended action is reasonable and in the public interest because the proposed amendments support Goal #1 of the Government Coordination Element of the Guilford County Comprehensive Plan. Allowing Batting Cages, Private Clubs, and Recreation Facilities in the PI district with development standards will expand recreational opportunities in Guilford County and private entities to meet residents’ recreational needs.

UDO TEXT AMENDMENT CASE #24-05-PLBD-00082: AMEND SECTION 4.3, TABLE 4.3-1 PERMITTED USE SCHEDULE AND SECTIONS 5.6 DEVELOPMENT STANDARDS AS APPLICABLE TO THE MXU, MIXED USE ZONING DISTRICT. (APPROVED – RECOMMEND TO COUNTY COMMISSIONERS)

Mr. Bass stated that before he starts his presentation, he would ask the Board to consider a change to the Permitted Use Table that was previously provided. On Page 3, "Other Indoor Uses Not Listed" was identified with a "D". The intent was to make it consistent with other districts where the use is allowed and is asking to change the "D" to a "P" which would allow as a use by right instead of requiring Development Standards. There are no associated development standards in the Ordinance as it relates to that Use Type.

Oliver Bass, Planning & Zoning Mgr., stated that the Planning staff proposes a text amendment to the Guilford County Unified Development Ordinance (UDO), Subsection 4, Zoning Districts 5.6 Development Standards for Individual Uses. The first change would add certain Use Types listed under Section 4.3, Table 4.3-1, Permitted Use Schedule of the UDO, as allowed under the MXU district. The second change will add MXU as a district where Development Standards for individual uses will apply under Section 5.6, Recreation and Entertainment. Mr. Bass described the uses that would be addressed in this amendment.

Mr. Gullick stated that his concern is with outdoor activities, and he feels there should be additional protections in the amendment or a Special Use Permit. For example, if someone is living in a Mixed-Use development and they moved in there thinking they are going to raise their children there, and next they know someone has put in a theater or private bar as outdoor activities and the homeowner did not plan on something like that being in the neighborhood, he feels that more protection needs to be addressed.

Counsel Leslie-Fite stated that in regard to Mr. Gullick's previous concern about the Outdoor Theater being defined in the ordinance, she did not find a definition in the code which would, for statutory interpretation purposes, most likely lean into ordinary use and probably point to Webster's Dictionary on what an Outdoor Theater is, if there were to ever be a question about that. That goes back to the earlier conversations about why it's important to sometimes think about how we define terms if we want to drill down on what that might be.

Chair Donnelly pointed out that he did note in the Development Standards that there is a requirement that any performance and audience area be located a minimum of 200 feet from any adjacent residentially-zoned property. Mr. Gullick stated that does not satisfy his concerns because 200 feet is not that far when you have a lot going on, such as loud music. He does not know why the Board would give up the protections of a SUP where they could define what the activities are.

Mr. Stalder stated that he agrees with the protection of the SUP if they are going to adopt Outdoor Theater. If there were protections, he would be a little more comfortable with it.

Chair Donnelly stated that he would summarize what he hears. The fact that Mixed Use allows residential use would distinguish it from these other business entities, such that Mr. Gullick would be more comfortable with the protection of a SUP in a Mixed-Use district. Mr. Gullick stated that was absolutely correct.

Chair Donnelly opened the Public Hearing and asked if there was anyone wishing to speak on this matter, and no one came forward. The Public Hearing was closed by unanimous (6-0) vote. (Ayes: Donnelly, Gullick, Stalder, Drumwright, Little and Alston. Nays: None.)

Chair Donnelly moved that the Board make an amendment to the staff recommendation that would, under the Outdoor Theater item under MXU, change that from a "D" to an "S", requiring a SUP for that Outdoor Theater, and subsequently, at the very back of this proposed text amendment, they would drop MXU from the Development Condition for Theater, Outdoor [because it no longer applies]. As a part of that, they would also accept the original suggestion of Mr. Bass, that for other indoor uses not listed, the designation should be a "P" as originally intended and not the "D", which is what was received.

Mr. Bell stated that for clarification, at the top of the Permitted Use Table, because if we should get one in the future, where it says "S", in one of the Development Standards for a Permitted Use, those are the minimum standards, so what you may be asking for are additional conditions [standards] beyond those listed in the Development Standards.

Chair Donnelly asked if there was a second to the motion made? Mr. Stalder seconded the motion. Chair Donnelly stated that this is simply approving the language of the text amendment for the Board then to make a recommendation to the Board of County Commissioners. He asked for a roll-call vote on this matter.

The Board voted unanimously (6-0) in favor of the motion made. (Ayes: Donnelly, Gullick, Stalder, Drumwright, Little and Alston. Nays: None.)

Chair Donnelly asked for a motion to recommend this text amendment to the Board of County Commissioners.

Mr. Gullick moved that Policy 2.4.7 of the Housing Element of the Guilford County Comprehensive Plan states, Review of Mixed Use Development Standards and Development Ordinance and pursue amendments as deemed necessary to foster more creativity in design and housing options, the recommended action is reasonable and in the public interest because it is consistent with Policy 2.4.7 of the Housing Element of the Comprehensive Plan and the intent of an MXU district under Section 4.2.17 of the UDO, which reads, "The district is intended for Mixed Use – High Intensity, Residential, Retail, and Commercial uses compatible with adjacent development. The mix of uses may be horizontal or vertical. This district shall consider connectivity via all modes of travel and provide multiple housing types to suit residents in all stages of life."

Chair Donnelly asked that it be added that “on the basis of the foregoing, the Planning Board recommends approval.”

Mr. Alston seconded the motion and the Board voted unanimously (6-0) in favor of the motion. (Ayes: Donnelly, Gullick, Stalder, Drumwright, Little and Alston. Nays: None.)

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #24-05-PLBD-00083: AMEND SECTION 9.1, WATERSHED PROTECTION DISTRICTS, TO ELIMINATE RESTRICTION ON USE OF PUBLIC LAND USE ON CONTIGUOUS LOTS FOR DENSITY AVERAGING PURPOSES (APPROVED – RECOMMEND TO COUNTY COMMISSIONERS)

The Planning staff proposes a text amendment to the Guilford County Unified Development Ordinance (UDO), Subsection 9, Environmental Reference. The change would revise Section 9.1.(f).6.(a), Sub-paragraph 2, under Section 9.1, which addresses stormwater management and watershed protection, and would remove the restriction on using publicly held land for density averaging. The second change adds a provision to restrict the use of dedicated drainageways and open space areas, drainageways and open space easements, conservation easements, water quality conservation easements, open space, other land required to remain undeveloped for watershed protection for density averaging. That is the extent of what was covered in the packet sent to Board members in the staff report. There was recent subsequent communication from the State that indicates now that these aforementioned uses of land can now be used in density averaging calculations. Mr. Bass presented a slide that reconciled the text amendment description with the most recent communication by DEQ (just prior to this evening’s meeting).

Oliver Bass stated that in regard to consistency with the Comprehensive Plan, the recommended action is consistent with Objective 1.2 of the Natural Historic and Cultural Resources Element of the Guilford County Comprehensive Plan (effective October 1, 2006), which states: “Thoroughly review and revise, as necessary, existing development regulations and standards to promote creativity and/or flexibility in project design to better integrate natural and built components.” The text amendment, as presented, complies with G.S. 143-214.5(d2), Water Supply Watershed Protection rules regarding density averaging which has no clause prohibiting the use of publicly held land, and states in sub-section (6), “The property or portions of the properties that are not being developed will remain in a vegetated state and will be managed by a homeowners’ association as common area, conveyed to a local government as a park or greenway, or placed under a permanent conservation or farmland preservation easement...” indicating use of public land for density averaging purposes is allowable.

Mr. Bass stated that staff recommends the action because it is reasonable and in the public interest because it is consistent with Objective 1.2 of the Natural, Historic, and Cultural Resources Element of the Guilford County Comprehensive Plan. It will provide

a means to secure lands for public benefit such as parks, open space, greenways, or conservation areas, and simultaneously support economic growth in the community. Mr. Little stated that in looking at the packet it seems that someone raises the issue that the land is not already being used and it does not seem that is being addressed in the statement by Mr. Bass. Mr. Bell responded that is inherent with density averaging and the State initially stated that you cannot double count those areas.

Chair Donnelly stated that he was interested in the rationale behind this request. It is his understanding that there are a number of things coming together to bring this proposal forward to this point. Mr. Bell responded that Guilford County has had this provision in the watershed section of the ordinance for a very long time. It is not a requirement by the State, and they are presenting what is consistent with the N.C.G.S about what can be counted for density averaging purposes. This allows for publicly held lands to be used for density averaging purposes.

Chair Donnelly asked if there was anyone wishing to speak on this matter, and no one came forward. The legislative (public) hearing was closed by unanimous vote.

Mr. Stalder asked if there was a rush to get this amendment done for convenience. Mr. Bell stated that he would like to send it forward because this could hold up development if someone wanted to use density averaging and donate property to the County right now.

Mr. Gullick asked if there was something driving this request. Counsel Leslie-Fite stated that in the latest version of this Statute in 2022 this is reflected and there is a developer asking whether or not it could be omitted so it would be consistent with the State statute. There is also some interest that involves the County.

Chair Donnelly stated that there is still the flexibility, if they so choose, to keep a restriction in place around how density averaging is done. There has been a request to consider the inclusion of public lands as it is permitted by State statute. Staff is recommending language, at this point, that would change the ordinance to [allow publicly-held lands].

Mr. Gullick noted that the public was invited to come forward and speak on this matter and no one came forward.

Chair Donnelly moved to accept the revision to the text amendment as proposed by Mr. Bass, which removes all of subtitle number 2, under Section 9.1(f)6.a) and makes Item #3 then Item #2 [and renumber accordingly], seconded by Mr. Gullick. The Board voted (5-1) in favor of the motion. (Ayes: Donnelly, Gullick, Drumwright, Little and Alston. Nays: Stalder.)

Mr. Gullick moved to approve the revised text amendment Case #24-05-PLBD-00083, as the recommended action is reasonable and in the public interest because it is consistent with Objective 1.2 of the Natural, Historic, and Cultural Resources Element

of the Guilford County Comprehensive Plan. It will provide a means to secure lands for public benefit such as parks, open space, greenways, or conservation areas, and simultaneously support economic growth in the community. The recommended action is consistent with Objective 1.2 of the Natural Historic and Cultural Resources Element of the Guilford County Comprehensive Plan (effective October 1, 2006), which states: "Thoroughly review and revise, as necessary, existing development regulations and standards to promote creativity and/or flexibility in project design to better integrate natural and built components." The text amendment complies with G.S. 143-214.5(d2), Water Supply Watershed Protection rules regarding density averaging which has no clause prohibiting the use of publicly held land, and states in sub-section (6), "The property or portions of the properties that are not being developed will remain in a vegetated state and will be managed by a homeowners' association as common area, conveyed to a local government as a park or greenway, or placed under a permanent conservation or farmland preservation easement..." indicating use of public land for density averaging purposes is allowable, seconded by Mr. Alston.

Mr. Stalder stated that it should be more thought out by staff before being recommended to the Commissioners. [Staff provided a copy of the email sent by DEQ].

The Board voted (5-1) in favor of the motion. (Ayes: Donnelly, Gullick, Drumwright, Little and Alston. Nays: Stalder.)

Evidentiary Hearing Item(s)

None

H. Other Business

Comprehensive Plan Update

Leslie Bell stated that they have received and reviewed comments from the Steering Committee and will be addressing these comments. There is a meeting scheduled for Friday to review the draft and then to set some subsequent dates, and hopefully get the Comprehensive Plan out for public review and comment, to the Planning Board, and to the Board of Commissioners.

I. Adjourn

There being no further business before the Board, the meeting adjourned at 7:45 p.m.

Next meeting will take place July 10, 2024

(Insert Color Paper)



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT
400 W. Market St.
P. O. Box 3427
Greensboro, NC 27402
(336) 641-3334**

ORDER APPROVING A SPECIAL USE PERMIT

On November 8, 2023, the Guilford County Planning Board met and held an Evidentiary Hearing to consider the following application:

BACKGROUND

Case Number: 23-07-PLBD-00057

Property Owner/Applicant: Duke Energy Carolinas, LLC ("Applicant")
Jeff Goto, Senior Manager Transmission Permitting

Request: This request was to consider granting a Special Use Permit (SUP) for a Major Utility (Energy Substation) subject to the submitted Site Plan. No development conditions were proposed by the applicant.

Property Location: Located at 1813 Youngs Mill Road (Guilford County Tax Parcel #115779 in Jefferson Township) on the east side of Youngs Mill Road approximately 500 feet south of the Youngs Mill Road Off-Ramp from Interstate 85 N and comprised of approximately 5.19 acres. A portion of the subject parcel is within the I-85 Scenic Corridor Overlay District.

Tax Parcel Number(s): 115779

Zoning District:	AG (Agricultural) - The AG, Agricultural district is intended to provide locations for agricultural operations, farm residences, and farm tenant housing on large tracts of land. This district is further intended to reduce conflicts between residential and agricultural uses and preserve the viability of agricultural operations. Commercial agricultural product sales - "agritourism" - may be permitted. The minimum lot size of this district is 40,000 square feet.
Surrounding Uses:	North: Undeveloped (Zoned AG, Guilford County) South: Low density residential (Zoned AG, Guilford County) East: Undeveloped (Zoned AG, Guilford County) West: Industrial (Zoned CD-HI, City of Greensboro)

The Application was submitted to Guilford County Planning and Development on October 10, 2023, and appeared before the Guilford County Planning Board on November 8, 2023.

The applicant is requesting consideration to grant a Special Use Permit (SUP) for a Major Utility (Energy Substation). The requested action is consistent with the recommendation of the Alamance Creek Area Plan. The AG Rural Residential Land Use Classification is intended to accommodate agricultural uses, large-lot residential developments, and low-density residential subdivisions not connected to public water and sewer with densities generally up to two (2) dwelling units per acre. Anticipated land uses are those permitted in the Agricultural (AG) zoning district, including but not limited to, institutional and recreational uses, as determined by the Guilford County Unified Development Ordinance (UDO). Energy Substations, as a major utility, are permitted in the AG zoning district with a Special Use Permit. The general requirements under Section 4.9.B.3.a (2) and (3) apply to the I-85 Scenic Corridor regarding permitted uses and screening outdoor storage and truck parking area.

SECTION 1 – FINDINGS: Having heard all the evidence and arguments presented at its regular meeting on November 8, 2023, the Planning Board determines that subject to the conditions imposed below, the following findings are made:

1. A written application was submitted and is complete in all material respects.
2. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted. This conclusion is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:

As a Public Utility Company, Duke Energy is committed to providing safe and reliable power that serves to protect and enhance the health, safety, or general welfare of the public. The proposed use provides a reasonable balance between the promotion of the public health, safety and welfare and the needs of a fast-growing area for reliable and efficient electrical power generation in the following ways.

Health: The health of the general public is directly linked to the quality of the environment in which it lives. Duke Energy plans to take every precaution necessary to ensure that the health of the public and the environment is maintained. The substation will be strategically positioned

on a 5.0-acre site. The site will be secured by fencing and shall have limited access. Tree canopies and existing vegetation will be preserved where possible.

Erosion Control: During grading operations, Duke Energy will apply and diligently abide by the guidelines detailed in the North Carolina Department of Environmental Quality Erosion and Sediment Control Planning and Design Manual to minimize site disturbance, control storm water, and stabilize graded slopes; thereby preventing sediment from exiting the property and entering local streams and reservoirs.

Secondary Oil Containment: Duke Energy will implement a suitable oil spill prevention plan that involves the installation of an intensive secondary oil containment system that will collect all spills in the rare event of infrastructure failure.

Electric and Magnetic Fields: Electric and magnetic fields (EMF) exist anywhere there is electricity, whether that electricity is being produced, distributed, or consumed. Thus, EMF is created by substations, residential wiring, appliances, and even by the earth itself. Since the early 1970's, hundreds of studies have debated the possible health effects of EMF. In almost all cases where magnetic field strength readings have been conducted at existing substations similar to the Youngs Mill Substation, the magnetic field strength level at a distance 50' away from the fence is usually the background ambient mG level --- in other words, at a distance of 50' from the fence, the substation usually has no effect on the strength of magnetic fields. Based on this evidence, it is predicted that the magnetic field strength level along the property lines will not change as a result of the substation equipment.

Safety: To provide for public safety and protection, Duke Energy will design and construct the proposed substation in a manner that will comply with the National Electrical Safety Code in effect when construction begins. Furthermore, Duke Energy commits to continue its long-standing tradition of operating and maintaining facilities in a manner that will ensure public safety. To that end, Duke Energy will follow standard operating procedure by installing security fencing around the substation infrastructure. Standard fencing consists of woven steel fabric (minimum height of 6') with additional barbed-wire extension arms (1-foot in length) on the top which will prevent people from climbing over. The substation fence will also include warning signage to the effect of "Danger! High Voltage." Gates to the property and to the substation itself will be locked at all times.

Welfare: While providing safe and reliable power to the general public is Duke Energy's primary mission, satisfying this mission should not and will not be at the disposal of the rural character or quality of living in the general area. Within the 5.0-acre site, Duke Energy will sufficiently provide vegetative cover along the perimeter of the station and/or supplement with additional landscape screening elements per the requirements found within the Guilford County Unified Development Ordinance.

3. The use, Major Utility (Energy Substation), subject to the submitted Site Plan (no development conditions were proposed) for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. The use meets all required conditions and

specifications. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:

The property is suitable for the proposed use and meets all review factors.

1) *Circulation: The number and location of access points to the property and the proposed structures and uses, with particular reference to automotive, pedestrian safety, traffic flow and control, and access in case of emergency will meet the required conditions.*

- *The substation will have one entrance off Youngs Mill Road and that will be permitted by NCDOT.*

2) *Parking and Loading: Location of off-street parking and loading areas.*

- *After completion of construction, the site may be visited once or twice a month by a Duke Energy pickup truck. Parking will be made available within the substation fenced area. The gate to the substation will be secured and locked at all times.*

3) *Service Entrances and Areas: All service entrance requirements shall be met. Locations of refuse and service areas with adequate access for services vehicles.*

- *Service vehicles will visit the site maybe once or twice a month. These vehicles will park within the station fence.*

4) *Lighting: Location of lighting with reference to spillage & glare, motorist & pedestrian traffic safety, and compatibility with other property in the area.*

- *Any lighting at the station will be designed to not emit any light beyond the property lines.*

5) *The substation will not require any public or private utilities such as water or sewer.*

- *The substation will not have water or sewer service.*

6) *Open Spaces: Location of required street yards and other open spaces and preservation of existing trees and other natural features (where applicable).*

- *The substation and access drive will occupy approximately 1.50 acres (30 percent) of the 5.009- acre parcel after construction, 70 percent (3.599 acres) of the site will go unused and serve as open space, tree retention and landscape buffers.*

7) *Environmental Protection: Provisions to protect floodplains, stream buffers, wetlands, watersheds, open space and other natural features*

- *Duke Energy is committed to protecting our region's natural resources during construction. Duke Energy will apply and diligently abide by the guidelines detailed in the North Carolina Department of Environmental Quality Erosion and Sediment Control Planning and Design Manual to minimize site disturbance, control storm water, and stabilize graded slopes; thereby preventing sediment from exiting the property and entering local streams and reservoirs.*

8) *Landscaping, Buffering & Screening: Installation of landscaping, fencing or berming for the purpose of buffering and screening where necessary to provide visual screening where appropriate.*

- *The substation and access drive will occupy approximately 1.50 acres (30 percent) of the 5.009-acre parcel after construction, 70 percent (3.599 acres) of the site will go unused and serve as open space, tree retention and landscape buffers. The applicant shall meet all buffering and screening requirements.*

9) *Effect on Nearby Properties: Effects of the proposed use on nearby properties, including, but not limited to, the effects of noise, odor, lighting, and traffic.*

- *As a Public Utility Company, Duke Energy is committed to providing safe and reliable power that serves to protect and enhance the health, safety, or general welfare of the public. The proposed use provides a reasonable balance between the promotion of the public health, safety and welfare and the needs of a fast-growing area for reliable and efficient electrical power. Approximately 70% percent (3.599 acres) will remain unused and provide a buffer to surrounding land uses.*
- *The substation produces no smell or odors on nearby properties. At the property line, it is anticipated that no audible noise will be detected other than background noise. Any lighting on the site will be limited and will be designed to not emit beyond the property.*

10) *Compatibility: The general compatibility with nearby properties, including but not limited to the scale, design, and use in relationship to other properties.*

- *The area where the Youngs Mill Substation is planned is typical of residential agricultural districts often appearing on the fringes of urban centers. General development patterns for residential agricultural districts include the presence of public utility infrastructure to support and manage smart growth. Public utilities in such areas routinely include water towers, sewer pump stations, electrical substations, and telecommunication facilities. The Youngs Mill Substation is consistent with these development patterns. Further, while the area still conforms to the residential agricultural district aesthetics, multiple new distribution buildings have been built. This growth is transitioning the area into a more suburban environment. Electrical facilities, such as substations, are necessary public facilities needed to support everyday life in these communities.*

4. That the location and character of the use, if developed according to the plan submitted, **will** be in harmony with the area in which it is to be located and **is** in general conformity with the plan of development of the Jurisdiction and its environs. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:

The area where the Youngs Mill Substation is planned is typical of residential agricultural districts often appearing on the fringes of urban centers. General development patterns for residential agricultural districts include the presence of public utility infrastructure to support and manage smart growth. Public utilities in such areas routinely include water towers, sewer pump stations, electrical substations, and telecommunication facilities. The Youngs Mill Substation is consistent with these development patterns. Further, while the area still conforms to the residential agricultural district aesthetics, multiple new distribution buildings have been built. This growth is transitioning the area into a more suburban environment.

Electrical facilities, such as substations, are necessary public facilities needed to support everyday life in these communities.]

5. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity. This is based on sworn testimony and evidence submitted during the Evidentiary Hearing which shows the following:

The use is a Public Necessity

The existing 3-phase power distribution presently serving the Youngs Mill Industrial Park vicinity originates from Randolph Ave substation -1706 Randolph Ave {7.1-line miles from site); McConnell Center Industrial Park vicinity originates from Kildare substation - 229 Woodnell St {5.4-line miles from site). Both Randolph Ave and Kildare substations are "congested, urban residential" in nature. Neither are conducive for expansion.

The ongoing commercial/industrial development along the 1-85 corridor has rapidly increased power needs, unlike residential development, which is more gradual in nature. There are industrial shell buildings already constructed or being constructed within the designated service footprint of this proposed Youngs Mill substation. Guilford County is presently experiencing multiple economic development inquiries that will necessitate availability of additional power in this area.

In consideration of Duke Energy's Grid Improvement Plan, the Youngs Mill substation will reduce line exposure and provide higher reliability service to the southeast 1-85 corridor. The Youngs Mill substation parcel can provide additional capacity to further enhance Grid Automation within this area and support rural areas south of city limits if expansion progresses.

The use will not substantially injure the value of adjoining or abutting property

The area where the Youngs Mill Substation is planned is typical of residential agricultural districts often appearing on the fringes of urban centers. General development patterns for residential agricultural districts include the presence of public utility infrastructure to support and manage smart growth. This area is no different. Public utilities in such areas routinely include water towers, sewer pump stations, electrical substations, and telecommunication facilities. The Youngs Mill Substation is consistent with these development patterns.

Further, while the area still conforms to the residential agricultural district aesthetics, multiple new distribution buildings are being built at 1810 Youngs Mill Road and 1818 Youngs Mill Road. 1-85 and its clover-leaf intersections exist along Youngs Mill Road. The area is growing and the growth is transitioning the area into a more suburban environment. While electrical facilities, such as substations, are necessary public facilities needed to support everyday life in these communities, they are consistent with the evolving character of this area.

In addition, land surrounding the 5.0-acre substation site is largely treed and undeveloped. Both a 4.0-acre and a 10.64-acre undeveloped site lie to the north of the site. A 9.39-acre property abuts the eastern boundary of the site. This tract lies adjacent to a 38.37-acre parcel. Few

residential uses exist on adjacent parcels and therefore this limits any adverse effect on adjoining or abutting properties.]

SECTION 2 – CONCLUSIONS: Based upon the forgoing Findings, the Planning Board concludes:

1. To the extent that any of the forgoing Findings constitute or contain conclusions of law, they are incorporated herein by reference.
2. The Applicant met its burden of proving, by the greater weight of competent, material, and substantial evidence, its entitlement to the requested Special Use Permit under the requirements of the UDO, specifically including UDO Section 3.5.Q.

Following the Evidentiary Hearing, upon motion duly made and seconded, the Planning Board approved the Application by a 6-0 vote of all members present (Ayes: Donnelly; Alston; Gullick; Craft Stalder; and Buchanan. Nays: None.)

Therefore, on the basis of all the foregoing, it is ORDERED that the Application for a Special Use Permit for major utility energy substation is granted, subject to the following:

1. The development of the parcel shall comply with all regulations as specified in the Guilford County UDO.
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use Permit Application and kept on file by the Guilford County Planning and Development Department.
3. The development shall proceed upon approval of plan and design features by the TRC illustrating conditions related to the request and applicable development standards.
4. Added conditions, if applicable
5. If the specified conditions addressed in this Special Use Permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Planning Board for another Special Use Permit and receiving its approval can the use again be permitted.

ORDER APPROVED BY THE GUILFORD COUNTY PLANNING BOARD ON this the 8th day of November 2023 as follows (N.C. Gen. Stat. 160D-406(i)):

James Donnelly, Chairman ☐ Approved ☐ Not Approved _____
Signature

Guy Gullick, Vice Chair ☐ Approved ☐ Not Approved _____
Signature

Ryan Alston, Member ☐ Approved ☐ Not Approved _____
Signature

David Craft, Member	<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved	_____
		Signature
Sam Stalder, Member	<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved	_____
		Signature
Cara Buchanan, Member	<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved	_____
		Signature
Dr. Nho Thi Bui, Member	<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved	_____
		Signature
Rev. Gregory Drumwright, Member	<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved	_____
		Signature
Jason Little, Member	<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved	_____
		Signature

SO ORDERED, this 10th day of July 2024.

 James Donnelly, Chair
 Guilford County Planning Board

 Witness

STATE OF NORTH CAROLINA
 COUNTY OF FORSYTH

I certify that Oliver Bass personally appeared before me this day and certified to me under oath or by affirmation that he is not a grantee or beneficiary of the transaction, and that Oliver Bass witnessed/recognizes the signatures of James Donnelly, Guy Gullick, Ryan Alston, David Craft, Sam Stalder, Cara Buchanan, Dr. Nho Thi Bui, Rev. Gregory Drumwright and Jason Little and that the signatures are genuine.

Date: _____

 Jessie H Baptist, Notary Public

My commission expires: _____

Official Seal

(Insert Color Paper)



GUILFORD COUNTY PLANNING AND DEVELOPMENT

Planning Board Conditional Rezoning Application

Date Submitted: 6/25/2024 Fee \$500.00 Receipt # REC-017669-2024 Case Number 24-06-PLBD-00085

Provide the required information as indicated below. Pursuant to the Unified Development Ordinance (UDO), this application will not be processed until application fees are paid; the form below is completed and signed; and all required maps, plans and documents have been submitted to the satisfaction of the Guilford County Planning & Development Department.

Pursuant to Section 3.5.M of the Unified Development Ordinance (UDO), the undersigned hereby requests Guilford County to rezone the property described below from the RS-40 and AG zoning district to the CZ-MXU zoning district. Said property is located at along Methodist Road at its intersection with Liberty Road in Clay Township; Being a total of: 61.54 acres.

Further referenced by the Guilford County Tax Department as:

Tax Parcel # 122310

Tax Parcel # _____

Tax Parcel # 122325

Tax Parcel # _____

Tax Parcel # _____

Tax Parcel # _____

Additional sheets for tax parcels are available upon request.

Check One: *Required*

- ☒ The property requested for rezoning is an entire parcel or parcels as shown on the Guilford County Tax Map.
- ☐ The property requested for rezoning is a portion of a parcel or parcels as shown on the Guilford County Tax Map; a written legal description of the property and/or a map are attached.

Check One: *Required*

- ☒ Public services (i.e. water and sewer) are not requested or required.
- ☐ Public services (i.e. water and sewer) are requested or required; the approval letter is attached.

Conditional Zoning Requirements:

- ☐ Zoning Sketch Plan. A sketch plan illustrating proposed conditions and other pertinent information may be included for all conditional rezoning requests. Sketch elements not illustrating proposed conditions are subject to subdivision and site plan review. Refer to Appendix 2, Map Standards of the Unified Development Ordinance (UDO).
- ☒ Zoning Conditions. At least one (1) use and/or development conditions must be provided. Complete Page 2 of this application. Refer to uses as listed in Table 4-3-1 of the Unified Development Ordinance (UDO).



GUILFORD COUNTY **PLANNING AND DEVELOPMENT**

Planning Board Conditional Zoning Application

Use Conditions

Uses of the property shall be limited to the following uses as listed in Article 4, Table 4-3-1 of the Unified Development Ordinance (UDO):

1) See Attached.

2)

3)

4)

Development Conditions

Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the Unified Development Ordinance (UDO):

1) See Attached.

2)

3)

4)

**A NEIGHBORHOOD MEETING IS STRONGLY ENCOURAGED PRIOR TO SUBMITTAL AND
YOU OR SOMEONE REPRESENTING YOU MUST BE PRESENT AT THE PUBLIC HEARING**

A Conditional Zoning Application must be signed by current property owner(s).

I hereby agree to conform to all applicable laws of Guilford County and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Guilford County Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.

Respectfully Submitted,

Jonathan P. Halas

dotloop verified
06/10/24 9:36 AM EDT
HIRZ-FLI-FDID-ODM1

Property Owner Signature

Jonathan P. Halas

Name

5805 Methodist Road

Mailing Address

Climax, NC 27233

City, State and Zip Code

336-681-7082

Phone Number

n/a

Email Address

Amanda P. Hodierne

Owner/ Representative/ Applicant Signature (if applicable)

Amanda Hodierne

Name

804 Green Valley Road, Suite 200

Mailing Address

Greensboro, NC 27408

City, State and Zip Code

336-609-5137

Phone Number

amanda@isaacsonsheridan.com

Email Address

Additional sheets for conditions and signatures are available upon request.



GUILFORD COUNTY
PLANNING AND DEVELOPMENT

Planning Board
Conditional Zoning
Application

Use Conditions

Uses of the property shall be limited to the following uses as listed in Article 4, Table 4-3-1 of the Unified Development Ordinance (UDO):

1) See Attached.

2)

3)

4)

Development Conditions

Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the Unified Development Ordinance (UDO):

1) See Attached.

2)

3)

4)

A NEIGHBORHOOD MEETING IS STRONGLY ENCOURAGED PRIOR TO SUBMITTAL AND
YOU OR SOMEONE REPRESENTING YOU MUST BE PRESENT AT THE PUBLIC HEARING

A Conditional Zoning Application must be signed by current property owner(s).

I hereby agree to conform to all applicable laws of Guilford County and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Guilford County Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.

Respectfully Submitted,

Property Owner Signature

Owner/ Representative/ Applicant Signature (if applicable)

Stephen L. Davis and Brian S. Davis

Amanda Hodierna

Name

Name

3101 Cabarnus Dr.

804 Green Valley Road, Suite 200

Mailing Address

Mailing Address

Greensboro, NC 27407

Greensboro, NC 27408

City, State and Zip Code

City, State and Zip Code

336-669-2037 STEVE@UNC80@AOL.COM

336-609-5137

amanda@isaacsonsheridan.com

Phone Number

Email Address

Phone Number

Email Address

Additional sheets for conditions and signatures are available upon request.

CONDITIONS ATTACHMENT

USE CONDITION

1. The following uses shall **NOT** be permitted:
 - a. Animal Services (Other)
 - b. Temporary Family Healthcare Structures
 - c. Boarding House, 3-8 residents
 - d. Rooming House, 9 or more residents
 - e. Congregate Care Facility
 - f. Group Care Facility
 - g. **Single Room Occupancy (SRO) Residence**
 - h. Nursing and Convalescent Home
 - i. Homeless Shelter
 - j. Athletic Fields
 - k. Club or Lodge
 - l. Country Club with Golf Course
 - m. Place of Worship
 - n. Vocational, Business or Secretarial School
 - o. ~~Day Care Center, Residential Home (12 or more)~~ (12 or Less)
 - p. Community or Social Service Agencies
 - q. Fraternity or Sorority (University or College Related)
 - r. Hospital
 - s. Bed and Breakfast Home for 8 or Less Guest Rooms
 - t. Cemetery or Mausoleum
 - u. Funeral Home or Crematorium
 - v. Beneficial Fill Area
 - w. Courier Service Substation
 - x. Heliport
 - y. Communication or Broadcasting Facility
 - z. Wireless Communication Tower - Non-Stealth Design
 - aa. Radio or TV Station
 - bb. Utility Company Office
 - cc. Construction or Demolition Debris Landfill, Minor
 - dd. Land Clearing & Inert Debris Landfill, Minor

DEVELOPMENT CONDITION:

1. A minimum of 40% of the total developable land area (ie excluding required setbacks, buffers, open space, etc., and outside of any regulated floodplain or wetlands) shall be of a residential use.

Submitted By:



CONDITIONAL REZONING CASE #24-06-PLBD-00085: AG, AGRICULTURAL AND RS-40, RESIDENTIAL TO CZ-MXU, CONDITIONAL ZONING-MIXED USE: 5618 LIBERTY ROAD AND 5805 METHODIST ROAD

Property Information

Located at 5618 Liberty Road and 5805 Methodist Road (Guilford County Tax Parcels #122310 and #122325 in Clay Township) immediately south of the Liberty Road–Methodist Road intersection. The two subject parcels comprise approximately 61.54 acres in total.

Zoning History of Denied Cases: There is no history of denied cases.

Nature of the Request

This is a request to conditionally rezone the subject properties from AG, Agricultural and RS-40, Residential to CZ-MXU, Conditional Zoning-Mixed Use, with the following conditions:

Use Conditions – (1) The following uses shall NOT be permitted: (a) Animal Services (Other); (b) Temporary Family Healthcare Structures; (c) Boarding House, 3-8 residents; (d) Rooming House, 9 or more residents; (e) Congregate Care Facility; (f) Group Care Facility; (g) Single Room Occupancy Residence; (h) Nursing and Convalescent Home; (i) Homeless Shelter; (j) Athletic Fields; (k) Club or Lodge; (l) Country Club with Golf Course; (m) Place of Worship; (n) Vocational, Business or Secretarial School; (o) Daycare Centers in Residence (In-Home) (12 or Less); (p) Community or Social Service Agencies; (q) Fraternity or Sorority (University or College Related); (r) Hospital; (s) Bed and Breakfast Home for 8 or Less Guest Rooms; (t) Cemetery or Mausoleum; (u) Funeral Home or Crematorium; (v) Beneficial Fill Area; (w) Courier Service Substation; (x) Heliport; (y) Communication or Broadcasting Facility; (z) Wireless Communication Tower – Non-Stealth Design; (aa) Radio or TV Station; (bb) Utility Company Office; (cc) Construction or Demolition Debris Landfill, Minor; (dd) Land Clearing & Inert Debris Landfill, Minor.

Development Conditions – (1) A minimum of 40% of the total developable land area (i.e. excluding required setbacks, buffers, open space, etc., and outside of any regulated floodplain or wetlands) shall be of a residential use.

District Descriptions

The **AG, Agricultural District** is intended to provide locations for agricultural operations, farm residences, and farm tenant housing on large tracts of land. This district is further intended to reduce conflicts between residential and agricultural uses and preserve the viability of agricultural operations. Commercial agricultural product sales - “agritourism” - may be permitted. The minimum lot size of this district is 40,000 square feet.

The **RS-40, Residential District** is primarily intended to accommodate single-family residential detached dwellings on lots in areas without access to public water and sewer services. The minimum lot size of this district is 40,000 square feet. Conservation subdivisions may be developed in this district

The **MXU, Mixed Use District** is intended for a mix of high-intensity residential, retail, and commercial uses compatible with adjacent development. The mix of uses may be horizontal or vertical. This district shall consider connectivity via all modes of travel and provide multiple housing types to suit residents in all stages of life.

The **CZ, Conditional Zoning District** is established as a companion district for every district established in the Unified Development Ordinance. These districts are CZ-AG, CZ-RS-40, CZ-RS-30, CZ-RS-20, CZ-RS-3, CZ-RS-5, CZ-RS-7, CZ-RM-8, CZ-RM-18, CZ-RM-26, CZ-LO, CZ-NB, CZ-LB, **CZ-MXU**, CZ-GB, CZ-HB, CZ-CP, CZ-LI, CZ-HI, CZ-PI, CZ-RPD, CZ-PD-R, and CZ-PD-M. All regulations which apply to a general use zoning district also apply to the companion conditional zoning. All other regulations, which may be offered by the property owner and approved by the Jurisdiction as part of the rezoning process, also shall apply.

Character of the Area

To the northwest of the subject properties is a shopping center, zoned CZ-HB; to the north are a church and related facilities, zoned RS-40; the rest of the immediate vicinity consists of single-family residences and farms with RS-40 or AG zoning.

Existing Land Use(s) on the Property: Single-family residences and vacant land.

Surrounding Uses:

North: Shopping center, single-family residences, church and associated facilities

South: Single-family residences, farms

East: Single-family residences, farms

West: Single-family residences, farms

Historic Properties: Immediately north of the subject properties is the Tabernacle Methodist Protestant Church. The church and its cemetery are designated as a Local Historic Landmark and are also listed on the National Register of Historic Places. Care should be taken to minimize the visual impacts of any proposed development on the surrounding historic setting.

Cemeteries: Immediately north of the subject properties is a cemetery of the Tabernacle Methodist Protestant Church. Efforts should be made to rule out any other potential grave sites.

Infrastructure and Community Facilities

Public School Facilities: Based on estimated maximum number of units on 40% of overall tract, Guilford County Schools provided the following calculations:

School Boundaries	2023-24 Built Capacity	2023-24 20th Day Enrollment	Mobile Classrooms	Estimated Additional Students (214 Single-Family Units + ADUs)	Estimated Additional Students (534 Multifamily Units)
Alamance	730	483	6	90-92	15-17
Southeast MS	1,032	821	13	46-48	9-11
Southeast HS	1,542	1,245	4	72-74	11-13
Note: Elementary K-3 built capacity assumes maximum reduced class sizes per applicable core academic classroom. Fourth grade, fifth grade, middle and high school built capacity assumes 30 students per core academic classroom.					

Emergency Response:

Fire Protection District: Alamance

Miles from Fire Station: Approximately 2.4 miles

Water and Sewer Services:

Provider: Private Septic Systems and Wells

Within Service Area: City of Greensboro Growth Tier 3 (Will require significant City investment to serve. Water and/or sewer service may be allowed inside Growth Tiers 3 provided property can be annexed immediately. If property cannot be annexed immediately, water and/or sewer service can be allowed in Growth Tier 3 under specific circumstances.)

Feasibility Study or Service Commitment: No

Transportation:

Existing Conditions: Liberty Road is classified as a minor thoroughfare by the Greensboro Urban Area Metropolitan Planning Organization Collector Street Plan (adopted in 2006) and a major collector by the North Carolina Department of Transportation (NCDOT). Methodist Road is classified as a local street by the Greensboro Urban Area Metropolitan Planning Organization and the NCDOT. The annual average daily traffic (AADT) of Liberty Road is 900 vehicles per the 2022 NCDOT traffic count. The AADT of Methodist Road is not provided by the NCDOT.

Proposed Improvements: There are currently no proposed road improvements in the area. Any new development would be subject to an NCDOT driveway permit.

Projected Traffic Generation: Not available.

Environmental Assessment

Topography: Gently sloping, moderately sloping, and steeply sloping.

Regulated Floodplain/Wetlands: A regulated floodplain exists on the site per the Effective Flood Insurance Rate Map (FIRM). Wetlands exist on site per the National Wetlands Inventory (NWI).

Streams and Watershed: The subject properties have several mapped streams per USGS and/or Soil Survey Map of Guilford County. The subject properties are located within the Lake Mackintosh WS-IV General Watershed.

Land Use Analysis

Land Use Plan: Alamance Creek Area Plan and Liberty Road / Woody Mill Road Vicinity Small Area Plan

Plan Recommendation: Mixed Use and Moderate Commercial Node (Alamance Creek Area Plan); Multifamily Residential/Office/Institutional, Single-Family Residential, Greenspace (Liberty Road / Woody Mill Road Vicinity Small Area Plan)

Consistency: The proposed rezoning is conditionally consistent with the recommendation of Mixed Use and generally consistent with the recommendation of Moderate Commercial Node within the Alamance Creek Area Plan, and is consistent with the following goals, objectives and policies of the Liberty Road / Woody Mill Road Vicinity Small Area Plan:

- Goal C: The Liberty Road / Woody Mill Road Vicinity will develop with an integrated mix of uses, including commercial (retail and services), office/employment, institutional, and residential.
- Objective C.2: Encourage new residential units at appropriate locations and densities.
- Objective D.1: Spur redevelopment of vacant and underutilized sites.

The **Mixed Use** designation within the Alamance Creek Area Plan is intended recognize an opportunity for a mixture of complementary and integrated compatible land uses and/or housing types developed on large tracts under a unified development scheme. Mixed Use areas should incorporate pedestrian and bicycle interconnectivity, recreational and/or open space amenities, and high standards of site and architectural design. It is envisioned that mixed use projects will develop under the Planned Unit Development zoning districts of the Guilford County Development Ordinance.

The **Moderate Commercial Node** within the Alamance Creek Area Plan is intended to accommodate moderate- to high-intensity office and commercial uses that provide retail and distributive services for an area beyond the immediate surroundings. A Moderate Commercial Node is identified along current and proposed primary transportation routes and intersections, as envisioned uses rely on fluid access and high visibility. Particular attention should be given to architectural and transportation standards when a Moderate Commercial Node develops. Moderate Commercial Nodes, although not designed to develop as regional shopping centers (Heavy Commercial Nodes) now due to current infrastructure limitations and surrounding development context, warrant special consideration in future plan updates to assess infrastructure progression. Moderate

Commercial Nodes have an approximate radius of one-quarter of a mile. Examples of expected uses within Moderate Commercial Nodes can be found within the Limited Office (LO), Limited Business (LB), Neighborhood Business (NB), Highway Business (HB), and non-residential categories of the Mixed Use (MXU) in the Guilford County Development Ordinance.

Recommendation

Staff Recommendation: Staff recommends approval.

Approval of the request to conditionally rezone the subject properties from AG and RS-40 to CZ-MXU is reasonable and in the public interest because allowing a wider range of permitted uses in this area will benefit the surrounding community by providing greater access to goods and services. The retail and office uses permitted within the proposed CZ-MXU zoning district also support the development of the area as a commercial node as identified in the Alamance Creek Area Plan, and its proximity to the key intersection of Liberty Road and Woody Mill Road provides adequate infrastructure for such development. Additionally, the proposed conditions eliminate many uses that could potentially conflict with nearby residential uses and further benefit the surrounding community by guaranteeing that a significant portion of the property will be set aside to provide housing.

Approval of the request is consistent with Policy 1.4.3 of the Future Land Use Element of Guilford County's Comprehensive Plan, which states:

- Policy 1.4.3 – Reference adopted Land Use Plans and recommended uses and densities/intensities, when applicable, in conjunction with rezoning staff reports presented to the Planning Board.

Area Plan Amendment Recommendation:

The subject properties are located within the Alamance Creek Area Plan as well as the Liberty Road / Woody Mill Road Vicinity Small Area Plan. The proposed rezoning is conditionally consistent with the recommendation of Mixed Use and generally consistent with the recommendation of Moderate Commercial Node within the Alamance Creek Area Plan, and is consistent with the following goals, objectives and policies of the Liberty Road / Woody Mill Road Vicinity Small Area Plan:

- Goal C: The Liberty Road / Woody Mill Road Vicinity will develop with an integrated mix of uses, including commercial (retail and services), office/employment, institutional, and residential.
- Objective C.2: Encourage new residential units at appropriate locations and densities.
- Objective D.1: Spur redevelopment of vacant and underutilized sites.

Therefore, if the requested rezoning is approved, no amendment to the Alamance Creek Area Plan or the Liberty Road / Woody Mill Vicinity Small Area Plan will be required.

Proposed Text Amendment Case #24-05-PLBD-00082

4.3 USE MATRIX

A. PERMITTED USES (4-3)

TABLE 4.3 1 PERMITTED USE SCHEDULE																			
X = Prohibited in the WCA. For details on prohibited uses in the WCA, see Article 9 Environmental Regulations For PUD Zoning Districts (PD R, PD M & RPD) Refer to Section 4.4 P = Use by Right D = Individual Development Standards Apply See Article 5 S = Individual Development Standards Apply per Article 5 & Special Use Permit Required per Section 3.5.Q Z = Overlay Zoning Required "***" = Additional District Requirements, See Section 4.5 or 4.6																			
Use Category	Use Type	WCA Prohibited	Residential										Institutional	Commercial					Industrial
			A	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H
			G	S	S	S	S	S	S	M	M	M	I	O	X	B	B	B	B
				40	30	20	3	5	7	8	18	26			U	*	*	*	*
Agriculture/Animal Services	Agricultural Maintenance Barns		D																
	Agricultural Tourism		S																
	Animal Feeder/Breeder	X	D																
	Animal Services (Livestock)		P																P P
	Animal Services (Other)		P											D		D	D	D	D P P
	Horticultural Specialties		P															P	P P
Household Living	Single-Family Detached Dwelling		P	P	P	P	P	P	P	P	P	P		P	P	P			
	Two-Family Dwelling (Twin Home or Duplex)		P							P	P	P		P	P	P			
	Townhouse Dwelling									P	P	P		P	P	P			
	Caretaker Dwelling (Accessory)		D										D	D	D	D	D	D	D
	Multifamily Dwelling (including Condominium)*									P	P	P		P	P	P	P	P	
	Family Care Facility		P	P	P	P	P	P	P	P	P	P	P	P	P	P			
	Home Occupation		D	D	D	D	D	D	D	D	D	D		D	D	D			
	Mfgr.(HUD)/Mobile Home Dwelling (Class A & B)		P	Z	Z						Z	Z							
	Mfgr.(HUD)/Mobile Home Dwelling Park									S	S	S							
	Accessory Apartments/ Dwelling Units		D	D	D	D	D	D	D	D	D	D		D	D				
	Subdivision (Minor) - Residential		P	P	P	P	P	P	P	P	P	P		P	P	P			
	Subdivision (Major) - Residential (6 or more lots)			P	P	P	P	P	P	P	P	P		P	P	P			

Proposed Text Amendment Case #24-05-PLBD-00082

TABLE 4.3 1 PERMITTED USE SCHEDULE

X = Prohibited in the WCA. For details on prohibited uses in the WCA, see Article 9 Environmental Regulations
For PUD Zoning Districts (PD R, PD M & RPD) Refer to Section 4.4

P = Use by Right

D = Individual Development Standards Apply See Article 5

S = Individual Development Standards Apply per Article 5 & Special Use Permit Required per Section 3.5.Q

Z = Overlay Zoning Required

*** = Additional District Requirements, See Section 4.5 or 4.6

Use Category	Use Type	WCA Prohibited	Residential												Institutional	Commercial						Industrial		
			A	R	R	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H	C	L	H
			G	S	S	S	S	S	S	M	M	M		I	O	X	B	B	B	B	P	I	I	
			40	30	20	3	5	7	8	18	26				U	*	*	*	*	*	*			
	Tiny House Developments								D	D	D													
	Temporary Family Healthcare Structures		D	D	D	D	D	D	D	D	D				D	D	D							
	Boarding House, 3-8 Residents		S							P	P				P	P								
Group Living/Social Service	Rooming House, 9 or More Residents									S	S				S	P								
	Congregate Care Facility								D	D	D		D		D									
	Group Care Facility									S	S		D		D									
	Single Room Occupancy (SRO) Residence									S	S	S		D		D								
	Nursing and Convalescent Home									S	S		P		P			P	P					
	Temporary Shelter									P	P		P											
	Homeless Shelter												D		D			D	D		D	D		
	Recreation and Entertainment (Light)	Athletic Fields		S	S	S	S	S	S	S	S	S		P		D	P	D	P	P	P	P	P	P
		Batting Cages		D																	D		D	D
Club or Lodge			S	S	S	S	S	S	S	S	S		P		S	P	S	P	P	P	P			
Country Club with Golf Course			D	S	S	S	S	S	S	S	S		D		S			D	D	D	D			
Equestrian Facility			S	S									S											
Golf Course			P	S	S	S	S	S	S	S	S		D		D					D	D	D		
Paintball Field			D	S																D	D	D		
Private Club or Recreation Facility, Other			S																					
Public Park (including Public Recreation Facility)			D	D	D	D	D	D	D	D	D		D		D	D	D	D	D	D	D	D	D	
Swim and Tennis Club			D	S	S	S	S	S	S	S	S		D		D			D	D	D	D			
Recreation and Entertainment (Heavy)	Adult-Oriented Establishments																					S		
	Amusement or Water Parks, Fairgrounds																		D		D			
	Auditorium, Coliseum or Stadium												P						P		P			

Proposed Text Amendment Case #24-05-PLBD-00082

TABLE 4.3 1 PERMITTED USE SCHEDULE

X = Prohibited in the WCA. For details on prohibited uses in the WCA, see Article 9 Environmental Regulations
For PUD Zoning Districts (PD R, PD M & RPD) Refer to Section 4.4

P = Use by Right

D = Individual Development Standards Apply See Article 5

S = Individual Development Standards Apply per Article 5 & Special Use Permit Required per Section 3.5.Q

Z = Overlay Zoning Required

*** = Additional District Requirements, See Section 4.5 or 4.6

Use Category	Use Type	WCA Prohibited	Residential												Institutional	Commercial						Industrial		
			A	R	R	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H	C	L	H
			G	S	S	S	S	S	S	M	M	M	M	I	O	X	B	B	B	B	B	P	I	I
			40	30	20	3	5	7	8	18	26					U	*	*	*	*	*	*	*	
Other Recreation and Entertainment Uses	Go-cart Raceway																			P		P	P	
	Golf Course, Miniature																	P	P	P				
	Physical Fitness Center														P		P	P	P	P	P	P		
	Recreational Vehicle Park or Campsite																			D				
	Special Event Venue		S										P					P	P	P				
	Shooting Range, Indoor																	D	D		D	D		
	Shooting Range, Outdoor		S										S											
	Theater (Outdoor)														S	D	D	D	D					
	Theater (Indoor)														P			P	P					
	Other Recreation and Entertainment Uses	Other Outdoor Uses Not Listed		S																P		P	P	
Other Indoor Uses Not Listed															P	P	P	P	P	P				
Civic, Educational, and Institutional	Place of Worship		P	D	D	D	D	D	D	D	D	D	P	P	P	P	P	P	P	P	P	P	P	
	College or University												P					P						
	Vocational, Business or Secretarial School														P		P	P	P	P	P	P	P	
	Elementary School		D	D	D	D	D	D	D	D	D	D	D	D										
	Secondary School		D	D	D	D	D	D	D	D	D	D	D	D										
	Correctional Institution												S										S	
	Daycare Centers in Residence (In Home) (12 or Less)		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
	Daycare Center (Not In-Home)		S							D	D	D	D	D		D	D	D	D	D	D	D		
	Emergency Services		P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	
	Community or Social Service Agencies													P		P	P	P	P	P	P			
	Fraternity or Sorority (University or College Related)													P		P		P	P	P		P		
	Government Office													P		P	P	P	P	P	P	P	P	

Proposed Text Amendment Case #24-05-PLBD-00082

TABLE 4.3 1 PERMITTED USE SCHEDULE

X = Prohibited in the WCA. For details on prohibited uses in the WCA, see Article 9 Environmental Regulations
For PUD Zoning Districts (PD R, PD M & RPD) Refer to Section 4.4

P = Use by Right

D = Individual Development Standards Apply See Article 5

S = Individual Development Standards Apply per Article 5 & Special Use Permit Required per Section 3.5.Q

Z = Overlay Zoning Required

*** = Additional District Requirements, See Section 4.5 or 4.6

Use Category	Use Type	WCA Prohibited	Residential												Institutional	Commercial						Industrial		
			A	R	R	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H	C	L	H
			G	S	S	S	S	S	S	M	M	M		I	O	X	B	B	B	B	P	I	I	
			40	30	20	3	5	7	8	18	26			U	*	*	*	*	*	*	*			
	Library												P	P	P	P	P	P	P	P				
	Museum or Art Gallery												P	P	P	P	P	P	P	P				
	Post Office												P	P	P	P	P	P	P	P	P	P		
	Hospital												P	P			P	P						
Business, Professional, and Personal Services	Office (General)													P	P	P	P	P	P	P	P	P		
	Medical or Professional Office													P	P	P	P	P	P	P	P	P		
	Personal Service													P	P	P	P	P	P	P	P	P		
	Advertising, Outdoor Services																	D	D	P	P	P		
	Bank or Finance without Drive-through														D		P	P	P	D	P			
	Rural Residential Occupation		S																					
	Bank or Finance with Drive- through														P		P	P	P	P	P			
	Boat Repair	X																P	P		P	P		
	Building Maintenance Services																	P	P		P	P		
	Furniture Stripping or Refinishing (including Secondary or Accessory Operations)	X																P	P		P	P		
	Insurance Agency (Carriers and On-Site Claims Inspections)														P		P	P	P	P	P			
	Kennels or Pet Grooming		P												D		D	D	D	D	P	P		
	Landscape and Horticultural Services	X	S																P		P	P		
	Laundromat or Dry Cleaner	X														P	P	P	P					
	Motion Picture Production																	P	P	P	P			
	Pest or Termite Control Services	X																P	P		P	P		
	Payday Loan Services																		P					

Proposed Text Amendment Case #24-05-PLBD-00082

TABLE 4.3 1 PERMITTED USE SCHEDULE

X = Prohibited in the WCA. For details on prohibited uses in the WCA, see Article 9 Environmental Regulations
For PUD Zoning Districts (PD R, PD M & RPD) Refer to Section 4.4

P = Use by Right

D = Individual Development Standards Apply See Article 5

S = Individual Development Standards Apply per Article 5 & Special Use Permit Required per Section 3.5.Q

Z = Overlay Zoning Required

*** = Additional District Requirements, See Section 4.5 or 4.6

Use Category	Use Type	WCA Prohibited	Residential												Institutional	Commercial						Industrial		
			A	R	R	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H	C	L	H
			G	S	S	S	S	S	S	M	M	M			I	O	X	B	B	B	B	P	I	I
			40	30	20	3	5	7	8	18	26					U	*	*	*	*	*	*	*	
	Research, Development or Testing Services																					P	P	P
	Studios-Artists and Recording															P	P	P	P	P	P		P	
Lodging	Bed and Breakfast Home for 8 or Less		S	S	S	S	S	S	S	S	D	D	D			D	D	D	P	P				
	Guest Rooms																							
	Hotel or Motel																S			P	P	P		
Retail Trade	Retail (General)																P	P	P	P	P			
	A B C Store (Liquor)																			P	P			
	Auto Supply Sales																			P	P			
	Automobile Rental or Leasing	X																		P	P		P	P
	Automobile Repair Services	X																		P	P		P	P
	Car Wash	X																		D	D		P	P
	Building Supply Sales (with Storage Yard)																			D	D		P	P
	Convenience Store (with Gasoline Pumps)	X															P		P	P	P	D	P	P
	Equipment Rental and Repair, Heavy	X																						P
	Equipment Rental and Repair, Light																			D	D		P	P
	Fuel Oil Sales	X																					P	P
	Garden Center or Retail Nursery																			P	P		P	
	Manufactured Home Sales																				P		P	P
	Motor Vehicle, Motorcycle, RV or Boat Sales (New and Used)	X																		P	P		P	P
	Pawnshop or Used Merchandise Store																			P	P			
	Service Station, Gasoline	X																	P	P	P		P	P
	Tire Sales																			P	P		P	
Food Service	Bakery																P	P	P	P	P			
	Bar Private Club/Tavern																P			D	D			P

Proposed Text Amendment Case #24-05-PLBD-00082

TABLE 4.3 1 PERMITTED USE SCHEDULE

X = Prohibited in the WCA. For details on prohibited uses in the WCA, see Article 9 Environmental Regulations
For PUD Zoning Districts (PD R, PD M & RPD) Refer to Section 4.4

P = Use by Right

D = Individual Development Standards Apply See Article 5

S = Individual Development Standards Apply per Article 5 & Special Use Permit Required per Section 3.5.Q

Z = Overlay Zoning Required

*** = Additional District Requirements, See Section 4.5 or 4.6

Use Category	Use Type	WCA Prohibited	Residential												Institutional	Commercial						Industrial		
			A	R	R	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H	C	L	H
			G	S	S	S	S	S	S	M	M	M		I	O	X	B	B	B	B	P	I	I	
			40	30	20	3	5	7	8	18	26					U	*	*	*	*	*	*		
	Microbrewery, Private Club/Tavern														P				D	D				
	Restaurant (With Drive-thru)														P				P	P				
	Restaurant (Without Drive-thru)														P	P	D	P	P	P	P	P	P	
Funeral and Internment Services	Cemetery or Mausoleum		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
	Funeral Home or Crematorium													S		P			P	P				
Transportation, Warehousing, and Wholesale Trade	Wholesale Trade-Heavy																				S	P		
	Wholesale Trade-Light																		P	P	P	P		
	Automobile Parking (Commercial)												S					P	P	P	P	P		
	Automotive Towing and Storage Services	X																D	D		D	D		
	Equipment Rental and Leasing (No Outside Storage)																	P	P		P	P		
	Equipment Rental and Leasing (with Outside Storage)																				P	P		
	Equipment Repair, Heavy	X																				P		
	Equipment Repair, Light																	D	D		P	P		
	Tire Recapping																					P		
	Truck Stop	X																	D		P	P		
	Truck and Utility Trailer Rental and Leasing, Light	X																P	P		P	P		
	Truck Tractor and Semi-Rental and Leasing, Heavy	X																			P	P		
	Truck Washing	X																				P		
	Beneficial Fill Area		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
	Bus Terminal and Service Facilities	X																	P	P		P	P	
	Courier Service, Central Facility																					P	P	

Proposed Text Amendment Case #24-05-PLBD-00082

TABLE 4.3 1 PERMITTED USE SCHEDULE

X = Prohibited in the WCA. For details on prohibited uses in the WCA, see Article 9 Environmental Regulations
For PUD Zoning Districts (PD R, PD M & RPD) Refer to Section 4.4

P = Use by Right

D = Individual Development Standards Apply See Article 5

S = Individual Development Standards Apply per Article 5 & Special Use Permit Required per Section 3.5.Q

Z = Overlay Zoning Required

*** = Additional District Requirements, See Section 4.5 or 4.6

Use Category	Use Type	WCA Prohibited	Residential												Institutional	Commercial						Industrial			
			A	R	R	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H	C	L	H	
			G	S	S	S	S	S	S	M	M	M		I	O	X	B	B	B	B	P	I	I		
			40	30	20	3	5	7	8	18	26				U	*	*	*	*	*	*				
	Courier Service Substation															P			P	P	P	P	P		
	Heliport	X											S		S				S	S	S	S	P		
	Moving and Storage Service																				P	P			
	Railroad Terminal or Yard	X																	P		P	P			
	Taxi Terminal	X																P	P		P	P			
	Trucking or Freight Terminal	X																			P	P			
Utilities and Communication	Communication or Broadcasting Facility															P			P	P	P	P	P		
	Wireless Communication Tower – Stealth Camouflage Design		D	D	D	D	D	D	D	D	D	D		D		D	D	D	D	D	D	D	D		
	Wireless Communication Tower – Non Stealth Design		D													D			D	D	D	D	D		
	Small Cell Wireless Tower												S		S	S	S	S	S	S	S	S	S		
	Radio or TV Station															P			P	P	P	P	P		
	Utilities, Major		S	S	S	S	S	S	S	S	S	S		S		S	S	S	S	S	S	S	S		
	Utilities, Minor		P	P	P	P	P	P	P	P	P	P		P		P	P	P	P	P	P	P	P		
	Solar Collectors Principal		S											S								S	S		
	Utility Company Office															P			P	P	P	P	P		
	Utility Equipment and Storage Yards																					P	P		
Waste-Related Uses	Construction or Demolition Debris Landfill, Major																						S		
	Construction or Demolition Debris Landfill, Minor		D	D	D	D	D	D	D	D	D	D		D		D	D	D	D	D	D	D	D		
	Junk/Salvage Yard																						P		
	Land Clearing & Inert Debris Landfill, Major	X	S																				S		
	Land Clearing & Inert Debris Landfill, Minor		D	D	D	D	D	D	D	D	D	D		D		D	D	D	D	D	D	D	D		

Proposed Text Amendment Case #24-05-PLBD-00082

TABLE 4.3 1 PERMITTED USE SCHEDULE																			
X = Prohibited in the WCA. For details on prohibited uses in the WCA, see Article 9 Environmental Regulations For PUD Zoning Districts (PD R, PD M & RPD) Refer to Section 4.4 P = Use by Right D = Individual Development Standards Apply See Article 5 S = Individual Development Standards Apply per Article 5 & Special Use Permit Required per Section 3.5.Q Z = Overlay Zoning Required "***" = Additional District Requirements, See Section 4.5 or 4.6																			
Use Category	Use Type	WCA Prohibited	Residential										Institutional	Commercial					Industrial
			A	R	R	R	R	R	R	R	R	R	P	L	M	N	L	G	H
			G	S	S	S	S	S	S	M	M	M	I	O	X	B	B	B	B
			40	30	20	3	5	7	8	18	26			U	*	*	*	*	*
	Refuse and Raw Material Hauling	X																	P
	Recycling Facilities, Outdoors																		P P
	Resource Recovery Facilities																		P
	Waste Transfer Stations																		P
	Septic Tank Services	X																	P P
	Sewage Treatment Plant	X																	P
	Solid Waste Disposal (Non-Hazardous)	X																	S
	Hazardous and Radioactive Waste (Transportation, Storage and Disposal)	X																	S
Temporary Events/Uses	Temporary Events/Uses		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
	Turkey Shoots		D																

5.6 RECREATION AND ENTERTAINMENT

I. GOLF COURSE (WHERE REQUIRED: ALL RESIDENTIAL DISTRICTS, PI, HB, **MXU**, CP, LI)

1. **Use Separation.** Fifty (50) foot minimum distance between clubhouse or other principal building(s) and any adjacent residentially-zoned property.

M. THEATER, OUTDOOR (WHERE REQUIRED **MXU**, NB, LB, GB, HB)

1. Buffering/Location:

- a. Outdoor theaters shall be buffered from adjoining residential uses with a Type A planting yard.
- b. The performance and audience areas for any outdoor theater shall be located a minimum of two hundred (200) feet from any adjacent residentially zoned property. It must also adhere to lighting standards per [Subsec. 6](#) – General Development Standards.

2. **Access:** Primary access to all outdoor parking areas shall be to a collector or higher order street.

AN ORDINANCE ADOPTED BY GUILFORD COUNTY
DESIGNATING THE TABERNACLE METHODIST PROTESTANT CHURCH AS AN
HISTORIC LANDMARK

WHEREAS, all of the prerequisites to the adoption of this ordinance, as prescribed by Chapter 160A, Article 19, Part 3A. of the North Carolina General Statutes, have been met;

WHEREAS, the Guilford County Historic Preservation Commission has submitted a report, which is incorporated herein by reference, and recommended in public hearing that the property described below be designated as an historic landmark;

WHEREAS, appropriate notice has been given of the public hearing as required by law;

WHEREAS, the Guilford County Historic Preservation Commission finds that the property described herein is of historical, architectural, educational and/or cultural significance, and its preservation should be encouraged so as to safeguard the heritage of the Town and County and to promote the use and conservation for the education, pleasure and enrichment of the residents of the Town and County;

NOW, THEREFORE, BE IT ORDAINED BY THE GUILFORD COUNTY BOARD OF COMMISSIONERS:

Section 1. The Guilford County Board of Commissioners accepts the findings of the Guilford County Historic Preservation Commission and adopts the recommendation of the Commission for the preservation of the subject property by authority set forth in chapter 160A, Article 19, Part 3B of the North Carolina General Statutes and the local ordinance adopted pursuant thereto.

Section 2. The designation includes the original church building built in 1891, interior and exterior of church building, all decorative features including moldings, pews, alter, floors, ceilings, walls, light fixtures, windows, and the cemetery of the following property are hereby designated a local historic landmark: Tabernacle Methodist Protestant Church, 5601 Liberty Road, Tax Map ACL-04-0225, Block 0359, Lot 013, Deed Book 95, Page 221. Owned by the Tabernacle United Methodist Church.

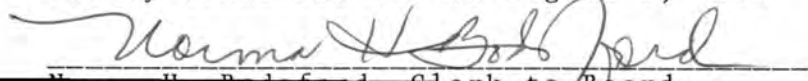
Section 3. A suitable sign shall be installed either on the property with the owner's consent or on nearby right-of-way, and such sign shall indicate that such property has been designated as an historic landmark.

Section 4. The procedures provided by law, including waiting period, shall be observed prior to demolition, alteration, remodeling or removal of the designated property.

Section 5. A certified copy of this ordinance is to be appropriately recorded with the Register of Deeds, the Tax Department and the Inspections Department in accordance with the provisions of Chapter 160A, Article 19, Part 3B of the North Carolina General Statutes and the local ordinance adopted pursuant thereto.

Section 6. This ordinance shall be effective from and after its adoption.

I hereby certify that the foregoing is a true copy of an Ordinance adopted by the Board of County Commissioners on August 3, 1995



**RS-40 & AG to CZ-MXU
+/- 61.54 acres**

The map shows a large parcel of land with various zoning districts (RS-40, AG) and roads (US 421, Liberty Rd, etc.). The property is divided into several lots, some of which are shaded in grey. The map includes a legend at the bottom identifying the owners of the lots.

A. Stephen L. & Brian S. Davis	Webb Trustee
B. Paul John Prucnal	I. Tabernacle Methodist Church of Greensboro Nc INC.
C. Kenneth B. & Peggy B. Jones	J. Matthew Thomas Kirkman
D. Old East Properties LLC.	K. Tueresa Coble Kirkman L/T & Dennis R. Kirkman L/T
E. Elizabeth Laird-Joy.	L. Raymond A. Cobb
F. Johnathan P. Halas	M. Sandra M. Durham & Carol M. Edemann
G. Tabernacle Methodist Church of Greensboro Nc INC.	N. Kimberly Reynolds, Mark Dale Reynolds & Etta S. Reynolds L/T
H. The Webb Family Irrevocable Trust, Kayli Madison Webb Layton Trustee, & Krista Noel	

N. Kimberly Reynolds, Mark Dale Reynolds & Etta S. Reynolds L/T



GUILFORD COUNTY

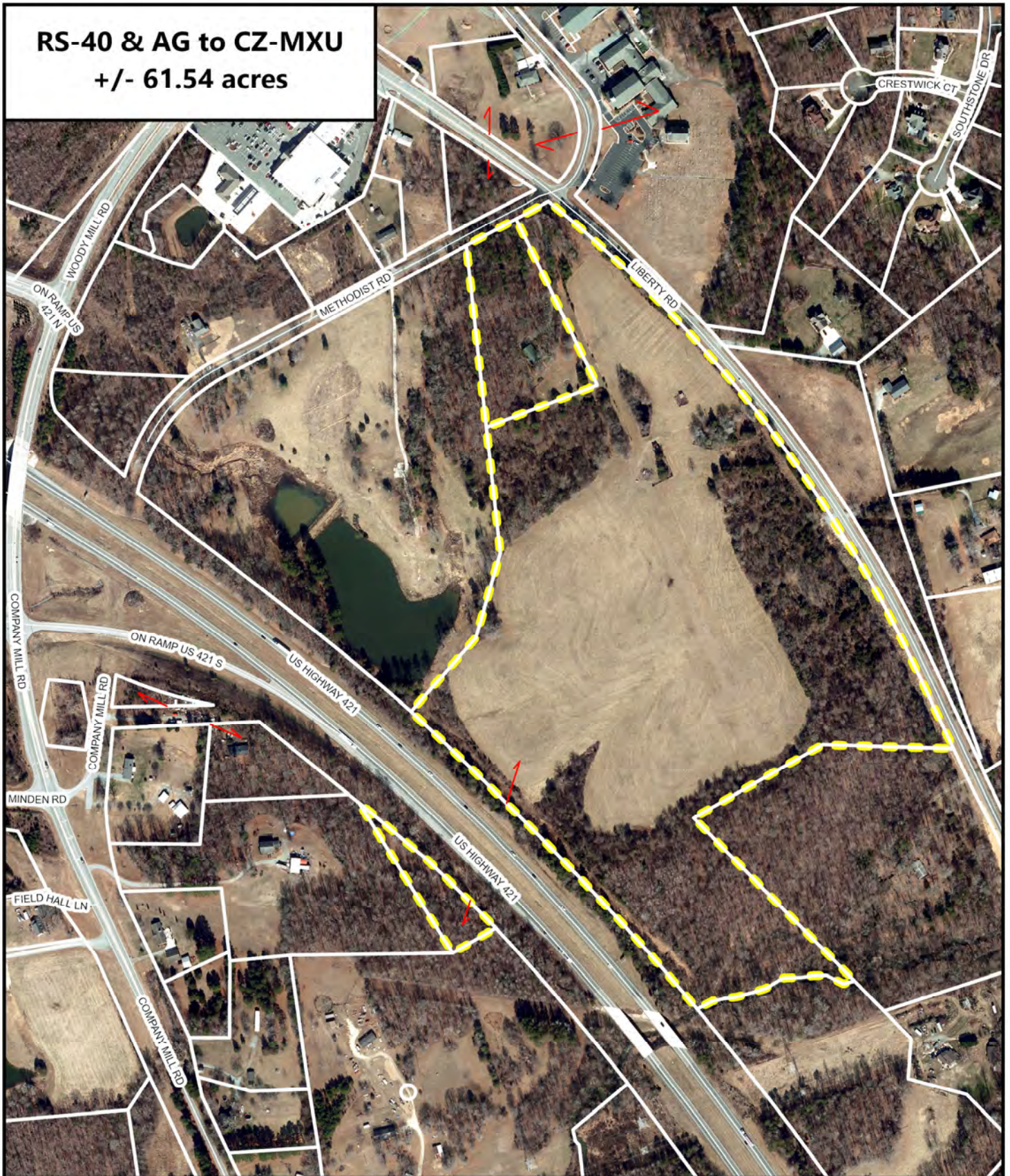
CZ 24-06-PLBD-0085

5805 Methodist Rd &
5618 Liberty Rd



Scale: 1" = 750'

**RS-40 & AG to CZ-MXU
+/- 61.54 acres**



Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

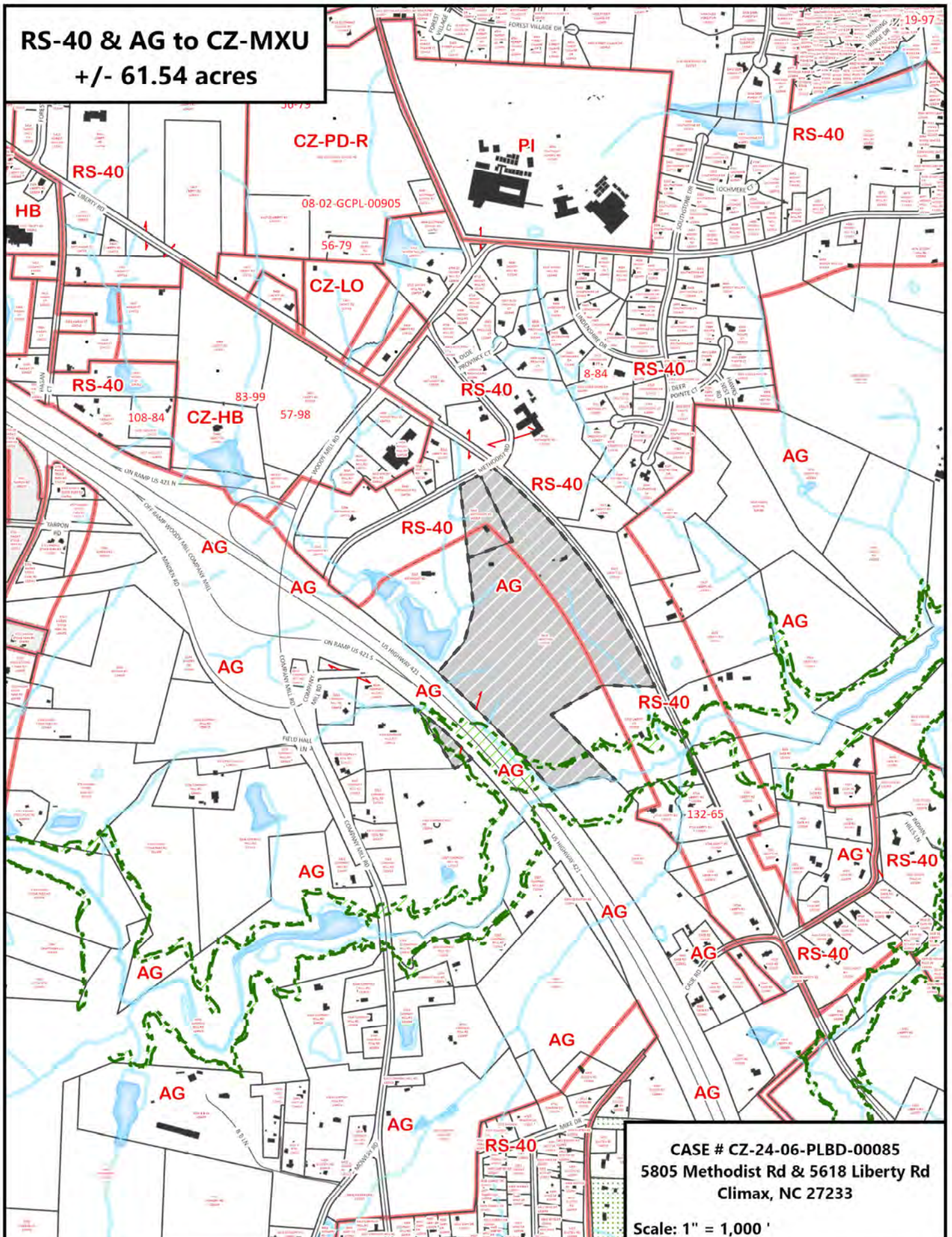
Case Number:
CZ 24-06-PLBD-00085

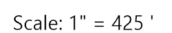
Case Area:
Parcels - 122310 & 122325
5805 Methodist Rd. & 5618 Liberty Rd.



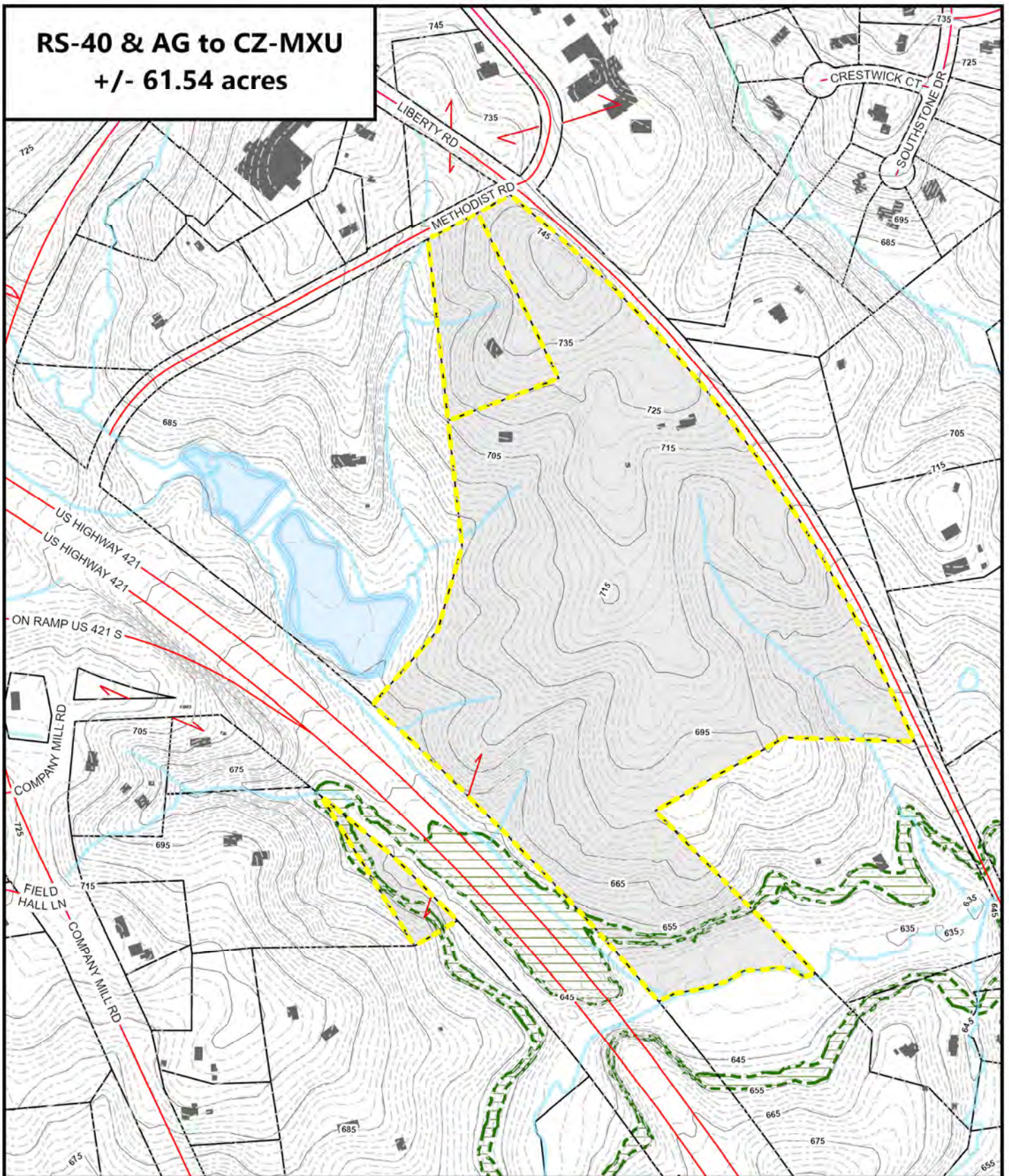
Scale: 1" = 425'

**RS-40 & AG to CZ-MXU
+/- 61.54 acres**





**RS-40 & AG to CZ-MXU
+/- 61.54 acres**



Planning & Development
Department

Jurisdiction:
GUILFORD COUNTY

Case Number:
CZ 24-06-PLBD-00085

Case Area:
Parcels - 122310 & 122325
5805 Methodist Rd. & 5618 Liberty Rd.



Scale: 1" = 425'

**CONDITIONAL REZONING CASE #24-06-PLBD-00085: AG, AGRICULTURAL
AND RS-40, RESIDENTIAL TO CZ-MXU, CONDITIONAL ZONING-MIXED USE:
5618 LIBERTY ROAD AND 5805 METHODIST ROAD**

**GUILFORD COUNTY PLANNING BOARD
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

DECISION MATRIX

Zoning	Plan Consistency	Decision
Approve	Consistent	#1
Deny	Inconsistent	#2 (N/A)
Approve	Inconsistent	#3 (N/A)
Deny	Consistent	#4

**CONDITIONAL REZONING CASE #24-06-PLBD-00085: AG, AGRICULTURAL
AND RS-40, RESIDENTIAL TO CZ-MXU, CONDITIONAL ZONING-MIXED USE:
5618 LIBERTY ROAD AND 5805 METHODIST ROAD**

**GUILFORD COUNTY PLANNING BOARD
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #1
APPROVE – CONSISTENT
NO PLAN AMENDMENT**

I move to **Approve** this zoning map amendment located on Guilford County Tax Parcels
#122310 and #122325 from **AG** and **RS-40** to **CZ-MXU** because:

1. The amendment **is** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is consistent.]

2. The amendment **is** reasonable and in the public interest because:
*[Factors may include public health and safety, character of the area and relationship of
uses, applicable plans, or balancing benefits and detriments.]*

**CONDITIONAL REZONING CASE #24-06-PLBD-00085: AG, AGRICULTURAL
AND RS-40, RESIDENTIAL TO CZ-MXU, CONDITIONAL ZONING-MIXED USE:
5618 LIBERTY ROAD AND 5805 METHODIST ROAD**

**GUILFORD COUNTY PLANNING BOARD
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #2
DENY – INCONSISTENT
NO PLAN AMENDMENT**

I move to **Deny** this zoning map amendment located on Guilford County Tax Parcels
#122310 and #122325 from **AG** and **RS-40** to **CZ-MXU** because:

1. The amendment **is not** consistent with applicable plans because:
*[Describe elements of controlling land use plans and how the amendment is not
consistent.]*

2. The amendment **is not** reasonable and in the public interest because:
*[Factors may include public health and safety, character of the area and relationship of
uses, applicable plans, or balancing benefits and detriments.]*

**CONDITIONAL REZONING CASE #24-06-PLBD-00085: AG, AGRICULTURAL
AND RS-40, RESIDENTIAL TO CZ-MXU, CONDITIONAL ZONING-MIXED USE:
5618 LIBERTY ROAD AND 5805 METHODIST ROAD**

**GUILFORD COUNTY PLANNING BOARD
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #3
APPROVE – INCONSISTENT
PLAN AMENDMENT**

I move to **Approve** this zoning map amendment located on Guilford County Tax Parcels #122310 and #122325 from **AG** and **RS-40** to **CZ-MXU** because:

1. This approval also amends the **Alamance Creek Area Plan** and/or the **Liberty Road / Woody Mill Road Vicinity Small Area Plan**.
2. The zoning map amendment and associated **Alamance Creek Area Plan** and/or **Liberty Road / Woody Mill Road Vicinity Small Area Plan** amendment are based on the following change(s) in condition(s) in the **Alamance Creek Area Plan** and/or **Liberty Road / Woody Mill Road Vicinity Small Area Plan**:
[Explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.]

3. The amendment **is** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

**CONDITIONAL REZONING CASE #24-06-PLBD-00085: AG, AGRICULTURAL
AND RS-40, RESIDENTIAL TO CZ-MXU, CONDITIONAL ZONING-MIXED USE:
5618 LIBERTY ROAD AND 5805 METHODIST ROAD**

**GUILFORD COUNTY PLANNING BOARD
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #4
DENY – CONSISTENT
NO PLAN AMENDMENT**

I move to **Deny** this zoning map amendment located on Guilford County Tax Parcels
#122310 and #122325 from **AG** and **RS-40** to **CZ-MXU** because:

1. The amendment **is** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is consistent.]

2. The amendment **is** consistent but **is not** in the public interest because:
*[Factors may include public health and safety, character of the area and relationship of
uses, applicable plans, or balancing benefits and detriments.]*

(Insert Color Paper)

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #24-05-PLBD-00078 TO AMEND CHAPTER 15, ARTICLE 3 (PERMITS AND PROCEDURES), SUBSECTION 3.5 (B) PROCEDURES FOR SPECIFIC APPLICATIONS, ADMINISTRATIVE ADJUSTMENT, SUBSECTION 3.5 (M) REZONING (CONVENTIONAL & CONDITIONAL) / MAP AMENDMENT, AND SUBSECTION 3.5 (Q) SPECIAL USE PERMIT. THE REQUEST IS TO RENAME SUBSECTION 3.5 (B) FROM ADMINISTRATIVE ADJUSTMENT TO ADMINISTRATIVE MINOR MODIFICATION AND TO MAKE VARIOUS CHANGES TO THE LANGUAGE TO ADD SPECIFICITY AND REMOVE DISCRETIONARY DECISIONS TO BE COMPLIANT WITH N.C.G.S. 160D-703(b), ZONING DISTRICTS

Description

Rename Unified Development Ordinance (UDO), Article 3 (referenced as Subsection 3 in the Code of Ordinances), Subsection 3.5 (B), PROCEDURES FOR SPECIFIC APPLICATIONS, ADMINISTRATIVE ADJUSTMENT, to ADMINISTRATIVE MINOR MODIFICATION to better reflect the language of N.C.G.S. 160D-703(b), Zoning Districts. Additionally, this revision reflects language in NCGS 160D-703(b) by listing Administrative Minor Modifications and associated requirements/criteria for specific development types.

As such, staff has suggested numerous changes to sub-headings and their content within this subsection to remove discretionary judgment and to substitute allowances for modifications that would be objective and measurable. One such measurement refers to an allowance for up to 10% modification to listed dimensional and numeric standards in this Section, which the court ruled in *Butterworth v. City of Asheville*, 247 N.C. App. 508, 786 S.E.2d 101 (2016) is acceptable because there is an objective with a defined limit. Staff arrived at this 10% allowance to strike a reasonable balance between the need of the development community for flexibility of and the protection of public health, safety, and welfare of surrounding property owners.

Staff analyzed past Board-approved conceptual and sketch plans, both residential and commercial, and it appears that the proposed modification provisions would allow needed flexibility while also prohibiting creation of any nonconformities or condition violations. Additionally, staff analyzed all the variance requests since 2018 for requested relief from various numeric standards to see if the 10% modification would be in line with any of those requests. Staff review of the data suggests that only one of those variance requests fell at or below 10% deviation (variance) from the required standard. One request measured at 16% deviation from the required standard. Two requests were for a deviation from the required standard by 20%. All others were a significant deviation from the required standard, with the average request being over 50% of the required standard. As a result, staff determined that 10% would be the most reasonable threshold to determine a minor modification not requiring additional Board review, with anything above that standard being required to go back through the conditional zoning or Special Use Permit process.

Finally, as part of this amendment, staff has also recommended changes to Subsection 3.5 (M) Rezoning (Conventional & Conditional) / Map Amendment and Subsection 3.5 (Q), Special Use Permit, to cross-reference to Subsection 3.5 (B) with the same allowances and nomenclature for administrative minor modifications.

SEE ATTACHED

Consistency Statement

Consistency with Adopted Plans: The proposed amendments to the UDO were prepared in accordance with N.C.G.S. 160D-703(b) and support the Governmental Coordination Element, Goal #1, Objective 1.1, Policy 1.1.3 of the Guilford County Comprehensive Plan (effective Oct. 1, 2006), which states that Guilford County will, “Expand upon the availability and delivery of essential public services provided by Guilford County in conjunction with land use petitions and application presentations...”.

Staff Recommendation

Staff Recommendation: Staff recommends approval of all text amendments proposed.

The recommended action is reasonable and in the public interest because the proposed amendments are:

- 1) Consistent with the goals and objectives of Guilford County’s adopted Comprehensive Plan;
- 2) Consistent with requirements of North Carolina General Statutes; and
- 3) Necessary to allow flexibility in development design while still meeting the intent of the UDO, protecting adjacent property owners, and meeting statutory obligations.

Proposed Text Amendment Case #24-05-PLBD-00078

GUILFORD COUNTY CODE

CHAPTER 15 - PLANNING AND DEVELOPMENT

ARTICLE II. - RELATED ORDINANCES

Sec. 15-56 Unified Development Ordinance

(File No. 2020-432, 11/19/2020; File No. Ord. of 1-20-22(1), 01/20/2022)

...

Subsec. 3 – Permits and Procedures

(File No. 21-02-GCPL-00830, 04/01/2021)

...

3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

...

B. ADMINISTRATIVE ADJUSTMENT MINOR MODIFICATION

1. Overview

- a. ~~The purpose of this Section is to~~ provides an process for administrative approval mechanism for allowing adjustments of minor modifications to certain numeric standards (e.g., setbacks) for permitted development activity conceptual plans previously approved in conjunction with either a conditional zoning or a Special Use Permit, in this Ordinance, outside of the variance process, based on specific review criteria, including the following situations Minor modifications may be approved administratively based on their specific, neutral, and objective nature and may be reviewed based on criteria, as specified within this Section, to protect the public health, safety, and welfare of the subject property and surrounding properties. The following findings may be used as justification for seeking an administrative minor modification:

- (2) ~~(1) Physical Hardship: Where the strict compliance with the provisions of this Subsection would cause unusual and unnecessary hardship on the applicant~~ A finding by the Planning Director, or the Technical Review Committee, upon referral by the Planning Director, that the size, topography, or existing development of the subject property or of adjoining properties prevents strict conformance with an objective or quantifiable Ordinance standard constitutes grounds for approval of a modification; or
- ~~(2) Other Constraints: A finding by the Planning Director, or by the Technical Review Committee upon referral by the Planning Director, that a federal, state, or local law or regulation prevents strict conformance with an objective or quantifiable standard constitutes grounds for approval of a minor modification; or~~
- (3) ~~Equal or Better Performance: When in staff's opinion an adjustment will result in equal or better performance, allowing development that otherwise advances the County's vision and is consistent in character and compatible with the surrounding development; or~~

Proposed Text Amendment Case #24-05-PLBD-00078

- (4) **(3) Unintentional Error:** Where, through an unintentional error by the applicant, his/her agent or legal representative, or the reviewing staff, there is a finding of a minor violation of a standard in this Ordinance, where such violation is not prejudicial to the value or development potential of the site or detrimental in any way to adjoining properties.

2. Administrative Adjustment Minor Modification Amount

An administrative minor adjustment modification may allow a deviation from an approved design element, plan feature, or numeric standard. Unless as otherwise provided in this Ordinance, a numeric standard may be modified by up to ten (10) percent—(10%). In no event shall an administrative adjustment modification be granted that would permit the creation of a nonconformity with the Unified Development Ordinance ~~nonconforming lot~~, or that shall would conflict with any state or federal ~~the state building codes~~. All calculations that result in a fraction of a whole number shall be rounded up to the next highest whole number, unless otherwise provided in this Ordinance.

3. Timing of Review

- a. An administrative minor adjustment modification ~~may~~ shall be requested in writing, either as a stand-alone application, or in combination with ~~another~~ a new application for development review.
- b. In cases when submitted concurrently with ~~another~~ a new application, the administrative minor adjustment modification ~~portion of the application~~ shall be reviewed and decided upon prior to the other portion(s) of the application.

4. Administrative Amendments Minor Modifications to Specific Application Types

a. Conditional Zoning

- (1) A request to change the conceptual plan or the conditions governing an approved conditional zoning district shall be processed in accordance with this Ordinance as a new application to rezone property to a conditional zoning district except as otherwise provided in this Section.
- ~~(2) It is recognized that some minor and incidental modifications to the approved concept plan will occur.~~
- (2) The Planning and Development Director shall have the authority to approve, in accordance with this Section, an Administrative Minor Adjustment Modification to an previously approved conceptual plan for a conditional zoning district ~~conceptual plan, or to the conditions without the requested change having to be approved as~~ requiring reapplication for a new the conditional zoning application ~~in accordance with this Ordinance.~~
- (3) Administrative Minor Modifications shall not result in any of the following:**
- (i) Change in permitted uses;
 - (ii) Increase in overall density or number of dwelling units;
 - (iii) Changes to or violation of any previously specified conditions of approval;
 - (iv) Any net increase in Built-Up On Area (BUA) beyond the maximum allowed by any federal, state, or local regulation; and/or
 - (v) Changes to the site design or composition that would result in a net increase in projected traffic generation from the project beyond the levels projected in a Transportation Impact Analysis (TIA) reviewed as part of the conditional zoning application or conceptual plan review.

Proposed Text Amendment Case #24-05-PLBD-00078

- (4) Modification to the following standards may be approved by the Planning Director as Administrative Minor Modifications:
- (i) Modification of the location of a structure or site feature, or structure placement or configuration, provided the revised location complies with either the required setbacks of the corresponding base zoning district or the approved modified setbacks as part of the approved conditional zoning, whichever is less;
 - (ii) Increase in the previously approved square footage of any structure not to exceed ten (10) percent, provided all applicable standards of this Ordinance are met;
 - (iii) Increase in the previously approved height of a structure not to exceed ten (10) percent or ten (10) feet, whichever is less, provided that the maximum height for the base zoning district is not exceeded and all applicable standards of this Ordinance are met;
 - (iv) Modification to floor plans or building elevations provided all applicable standards of this Ordinance are met;
 - (v) Modification to entry driveway locations that would result in equal or fewer number of entry driveways, would meet the required setback or buffered distance from any residentially-zoned or used properties, and which would comply with an approved driveway permit from the North Carolina Department of Transportation;
 - (vi) Modification to the number of dwelling units for any approved housing type (e.g., multifamily, townhomes, single-family) not to vary by more than ten (10) percent from the ratio number of dwelling units previously approved for each housing type and resulting in no net increase in overall density or total number of dwelling units above the amount previously approved;
 - (vii) Modification to internal circulation patterns not impacting public safety (e.g., relocating an interior driveway, drive aisle, sidewalk, or trail);
 - (viii) An increase by no more than ten (10) percent of overall Built-Up Area (BUA), provided the maximum allowed Built-Up Area (BUA) is not exceeded and the increase does not result in a change in classification from low-density to high-density development for stormwater treatment purposes; and/or
 - (ix) Modification of open space, landscaped buffers, or screening that does not result in a decrease by more than ten (10) percent and does not result in less than the required open space, buffer width, or planting rates for the proposed uses as required in this Ordinance.

~~Such Administrative Amendments shall include only those changes that:~~

- ~~(i.) Do not significantly alter the conceptual plan, sketch plan or its conditions;~~
- ~~(ii.) Do not significantly impact abutting properties; or~~
- ~~(iii.) Do not increase the amount of residential development or the maximum number of allowed residential dwelling units; or~~

Proposed Text Amendment Case #24-05-PLBD-00078

~~(iv.) Do not alter the general traffic circulation pattern; or~~

~~(v.) Do not change the uses permitted in a Conditional Zoning district.~~

- (5) Any request for an ~~Administrative~~ **Minor Modification** amendment shall be in writing, signed by the property owner(s), and it shall detail the requested change(s). The applicant must provide any additional information requested by the Planning and Development Director. The ~~Any~~ applicable fee for administrative review as specified in the County's ~~adopted~~ fee schedule must accompany the written request.
- (6) Any decision by the Planning and Development Director to approve or deny a request for an ~~Administrative Amendment~~ **Minor Modification** must be in writing and must state the grounds for approval or denial. The Planning and Development Director ~~may always~~ shall have the discretion to decline to exercise the authority delegated by this section if ~~he/she~~ is uncertain if ~~whether~~ the requested change would qualify as an ~~Administrative Amendment~~ **Minor Modification**, or because the Planning and Development Director determines that a public ~~legislative and/or evidentiary~~ hearing and Planning Board consideration is appropriate ~~due to potential impacts~~ under the circumstances. If the Planning and Development Director declines to exercise the authority delegated by this Section, the applicant can only apply for a rezoning in accordance with this Ordinance.

b. Special Use Permit

- (1) **Administrative Minor Modifications to an approved Special Use Permit Site Plan shall be allowed only in accordance with the requirements and standards listed in Section 3.5.B. Administrative Minor Modification.**

3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

...

M. REZONING (CONVENTIONAL & CONDITIONAL) / MAP AMENDMENT

...

6. Rezoning, Conditional

...

- g. Amendments to an Approved Conditional Zoning District**
See Section 3.5.B.4, Administrative Adjustment **Minor Modification**.

...

Proposed Text Amendment Case #24-05-PLBD-00078

3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

...

Q. SPECIAL USE PERMIT

...

3. Procedure...

m. Administrative Minor Modifications

(1) In approving such Site Plans, the Planning and Development Director may approve make administrative minor modifications to the requirements of such Special Use Permit provided that the objective and purpose of the requirements and conditions of the Special Use Permit are maintained and in accordance with NCGS 160D-705. ~~Minor~~ Administrative ~~minor~~ modifications shall include: be approved only in accordance with the procedures and specifications outlined in Section 3.5.B. Administrative Minor Modification.

- ~~(i) Movement of structures, parking areas, or other activity areas provided they are not closer to an existing residence or one under construction;~~
- ~~(ii) Changes in landscaping types provided such have not been worked out by neighbors or conditions of approval and they meet the requirements in Subsec. 6 and/or development standards for individual uses found in Subsec. 5; and~~
- ~~(iii) Changes in location of the driveway connection(s) provided it is not closer to an existing residence or one under construction and it meets the requirements in Article 8 and/or development standards for individual uses found in Subsec. 5. If NCDOT requires the change, then this section may not apply.~~

n. Amendment of Permit

(1) Changes that do not qualify for an administrative minor modification shall be treated as an amendment to the Special Use Permit. The Planning Board may amend any Special Use Permit subject to the same consideration as provided for in this Ordinance for the original issuance of a Special Use Permit.

...

(This page intentionally left blank.)

(Insert Color Paper)

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #23-09-PLBD-00064: AN AMENDMENT TO ARTICLE 2 (ADMINISTRATION), ARTICLE 3 (PERMITS AND PROCEDURES), AND ARTICLE 8 (SUBDIVISIONS AND INFRASTRUCTURE STANDARDS) OF THE UDO TO ADJUST ASSIGNED ADMINISTRATIVE DUTIES AND PROCEDURES FOR DEVELOPMENT REVIEW CONSISTENT WITH NC GENERAL STATUTES 160D FOR LEGISLATIVE, QUASI-JUDICIAL, AND ADMINISTRATIVE DECISIONS

Description

Staff prepared text amendments to the Guilford County Unified Development Ordinance (UDO) to Article 2, Article 3, and Article 8 (Referenced as Subsection 2, Subsection 3, and Subsection 8, respectively, in the County Code of Ordinances) that adjusts the administrative duties of the Planning Board and Technical Review Committee (TRC) in accordance with current practice and NCGS 160D. These revisions maintain and support the multi-disciplinary TRC review process, supporting thoroughness of development reviews while improving efficiency and adding clarity in the development review process. Additionally, the amendment includes correction(s) to terminology (e.g., changing public hearing to legislative hearing) for consistency with NCGS 160D.

The underlined text is text to be added, the ~~strike-through~~ text is text to be removed.

A summary of the amendments is presented below:

1. Amend Section 2.4 to remove the Planning Board as the appellant body for administrative decisions of the Technical Review Committee (TRC). The Planning Director will be assigned the administrative decision-making authority as amended.
2. Amend Section 2.5 to adjust the duties of the Technical Review Committee and remove the TRC's decision-making authority. The TRC will serve an advisory role to the Planning Director as established by the UDO for administrative procedures.
3. Amend Sections 3.1 adjust administrative procedures to align with recent text amendments, N.C.G.S. 160D, and Special Legislation regarding procedural requirements for legislative, quasi-judicial, and administrative decisions.
4. Amend Section 3.3.C so only the Planning Board's decision are appealed to the Board of Adjustment. The TRC will no longer be a decision-making authority.
5. Amend Section 3.5.O to assign the TRC an advisory role to the Planning Director's decision-making authority for a Major Site Plan approval as reflected in the proposed amendment to Section 3.1. Additionally, this section will identify Appendix 2, Map Standards, instead of the Procedural Manual, as the source for information regarding Major Site Plans.
6. Amend Section 3.5.S to assign the TRC an advisory role to the Planning Director's decision-making authority for Major Subdivision approval as reflected in the proposed amendment to Section 3.1.
7. Amend Section 3.5.T to require preliminary plat review for minor subdivisions only when new improvements (e.g., street improvements) are being constructed and retitle the section heading. Administrative relief will be subject to Section 8.3.C as amended.
8. Amend Section 3.5.U to remove Subdivision Waivers as a relief to the minimum requirements of the subdivision regulations and reserve for future amendments as reflected in the proposed amendment to Section 3.1.
9. Administrative relief from the subdivision regulations will require an administrative

modification or a variance.

10. Amend Section 3.5.V to update hearing requirements for text amendments and change the terminology for the public hearings to legislative hearings consistent with recent amendments and N.C.G.S. 160D. Legislative hearings on proposed text amendments for the Planning Board will be optional.
11. Amend Section 8.2 to modify the review process for exempt subdivisions as defined by N.C.G.S. 160D-802 and N.C.G.S. 29, Intestate Succession. Preliminary plat review of exempt subdivisions will no longer be required, expediting the review process.
12. Amend Section 8.3.B to change the approving authority for Flag Lots from the Technical Review Committee to the Planning Director and Section 8.3.C to add Administrative Modification or Variance as options for administrative relief (if warranted) for proposed subdivisions as established under Section 3.5.B or Section 3.5.W, respectively.
13. Amend Section 8.4 to reflect the revised review process for minor subdivisions that apply with new infrastructure improvement and simplify the review process when no infrastructure improvements (e.g., street improvements) are required as described in the proposed amendment to Section 3.5.T described above.

SEE ATTACHED

Consistency Statement

Consistency with Adopted Plans:

The proposed text amendments are consistent with Goal #1 of the Governmental Coordination Element of the Guilford County Comprehensive Plan adopted September 21, 2006, which states, "Guilford County shall seek to maximize the effective and efficient provision of governmental programs and services by coordinating implementation and delivery efforts internally and with external partners."

Reasonableness and Public Interest Statement

The recommended action is reasonable and in the public interest because the proposed text amendments are in accordance with N.C.G.S. 160D and consistent with Goal #1 of the Government Coordination Element of the Guilford County Comprehensive Plan; and 2) the proposed adjustments will improve efficiency and provide clarity to the development review process.

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

ARTICLE 2. - ADMINISTRATION

2.4 PLANNING BOARD

C. POWERS AND DUTIES

The Planning Board shall have the following powers and duties:

1. To hear and decide matters in accordance with the terms of this Ordinance and, namely (See [Subsec. 3 - Development Review Permits and](#) Procedures for details of processes listed below): ...
2. ~~Reserved~~ To hear and decide matters on appeal from the Technical Review Committee (TRC), namely:
 - a. ~~Site Plans - Minor and Major~~
 - b. ~~Subdivision - Minor and Major~~
3. To hear and decide matters of appeal from the Planning Director, namely:
 - a. Erosion Control Plans
 - b. Watershed Development Plans (Section 9.1.F[4])
4. To provide recommendations to the Board of Commissioners with regard to any of the above matters which may be appealed; as well as:
 - a. Rezoning – Both Conventional and Conditional (Section [3.5.M](#))
 - b. Text Amendments
5. To develop or recommend a comprehensive plan, small area plans, and other land use plans that develop and enhance land use policy for the areas in Guilford County under its jurisdiction, as directed by the Board of Commissioners.
6. To make such other studies and plans and review such other related matters as directed by the Board of Commissioners.
7. To exercise other powers and authority provided to it by the Board of Commissioners, this Ordinance, or state law.

(File No. [21-08-GCPL-07440](#), 11/04/2021)

Effective on: 11/4/2021

2.5 TECHNICAL REVIEW COMMITTEE

A. AUTHORITY

There is hereby created a planning agency, pursuant to N.C.G.S. § 160D known as the Technical Review Committee (TRC).

B. MEMBERSHIP

The TRC shall be composed of department or division heads or their designated representatives appointed by resolution of the Board of Commissioners. Each representative shall have an alternate.

C. OFFICERS

The Planning and Development Director or his or her designated representative shall serve as Chair of the TRC.

Proposed Text Amendment

Case #23-09-PLBD-00064

D. POWERS AND DUTIES

The TRC shall have the following powers and duties:

1. To provide for a continuing, coordinated, and comprehensive review of the technical aspects of this Ordinance and for the approval of certain technical aspects of development proposals.
2. To review technical aspects of all development occurring within the jurisdictional area of the local government when required by this Ordinance.
3. To review and approve **and comment** on new or altered plans including: subdivisions, clustered or attached residential development, planned unit developments, office, commercial, and industrial developments, street and utility improvements, and any other proposals for development specified by this Ordinance and in [ARTICLE 3](#).
- ~~4. To hear and decide appeals authorized in [ARTICLE 3](#) — Permits and Procedures.~~
- 4.** To recommend to the Planning Board the closing of streets, alleys, easements, and other rights-of-way.
- 5.** To review submitted watershed variance requests for mapping standards and content prior to forwarding to the Planning Board and the Board of Commissioners on all major watershed variance requests.
- 6.** To exercise any other power and authority provided to it by the Board of Commissioners, this Ordinance and state law.

Subsec. 3 – Permits and Procedures

3.1 PURPOSE AND INTENT

A. GENERAL

This Subsection provides clear and comprehensible procedural steps that are generally applicable to development applications under this ordinance as found in Table 3.1: Development Review Procedures, unless otherwise expressly exempted.

B. APPLICABILITY

The provisions of this Subsection shall be applicable to all development activity under the jurisdiction of Guilford County as described in [Subsec. 1](#) – General Provisions of this Ordinance.

C. REQUIRED

No person shall undertake any development activity subject to this ordinance without first obtaining a permit from the appropriate reviewing authority.

D. TABLE 3.1: DEVELOPMENT REVIEW PROCEDURES

Table 3.1 identifies the authorities and procedures for reviewing and deciding permit applications. The table also identifies whether and what type of public hearing (**i.e., legislative or quasi-judicial**) is required and references the relevant Section of the Ordinance where the procedure may be found.

TABLE 3.1 DEVELOPMENT REVIEW PROCEDURES									
TABLE KEY		M Mandatory • = Not Applicable ¹ = Notes		C = Comment R = Recommend / Advisory OR = Optional review D = (Decision) L (Legislative) A = (Administrative)		P = Public Hearing Q = Quasi Judicial (Evidentiary) Hearing A = Appeal			
APPLICATION PROCESS	SECTION REFERENCE	PUBLIC NOTICE LEVEL¹	PRE- APPLICATION CONFERENCE	REVIEW AUTHORITIES					
				ADMINISTRATIVE		DECISION-MAKING BODIES			
				PLANNING AND DEVELOPMENT DIRECTOR (PD)²	TECHNICAL REVIEW COMMITTEE (TRC)	HISTORIC PRESERVATION COMMISSION (HPC)	PLANNING BOARD (PB)	BOARD OF COUNTY COMMISSIONERS (BCC)	BOARD OF ADJUSEMENT (BOA)
Administrative Adjustment Minor Modification	3.5.B	•	•	D	•	•	•	•	A
Appeal³	3.5.C	1,2	•	Refer to individual procedures in Section 3.5 for appropriate process and Table 3.1 for appellant body.					
Certificate of Appropriateness, Major Work	3.5.D	1,2,3	R	R	•	Q	•	•	A
Certificate of Appropriateness, Minor Work	3.5.D	•	•	D2	•	•	•	•	•
Certificate of Erosion Control Performance	3.5.E	•	•	D	•	•	•	•	•
Certificate of Floor Elevation/Floodproofing	3.5.F	•	•	D	•	•	•	•	•
Certificate of Occupancy	3.5.G	•	•	D	•	•	•	•	•
Temporary Event/ Use Permit	3.5.H	•	•	D	•	•	•	•	•

TABLE 3.1 DEVELOPMENT REVIEW PROCEDURES

TABLE KEY		M Mandatory • = Not Applicable ¹ = Notes		C = Comment R = Recommend / Advisory OR = Optional review D = (Decision) L (Legislative) A = (Administrative)	P = Public Hearing Q = Quasi Judicial (Evidentiary) Hearing A = Appeal				
APPLICATION PROCESS	SECTION REFERENCE	PUBLIC NOTICE LEVEL¹	PRE- APPLICATION CONFERENCE	REVIEW AUTHORITIES					
				ADMINISTRATIVE		DECISION-MAKING BODIES			
				PLANNING AND DEVELOPMENT DIRECTOR (PD)²	TECHNICAL REVIEW COMMITTEE (TRC)	HISTORIC PRESERVATION COMMISSION (HPC)	PLANNING BOARD (PB)	BOARD OF COUNTY COMMISSIONERS (BCC)	BOARD OF ADJUSEMENT (BOA)
Floodplain Development Permit	3.5.I	•	•	D	•	•	•	•	A
Grading Permit	3.5.J	•	•	D	•	•	•	•	•
Historic Landmark Designation (Local)	3.5.L	1,2,3	M	C	•	R	•	D	•
Rezoning, Conventional & Conditional⁴	3.5.M	1,2,3	M	R	C	•	D/R⁵	D/A⁵	•
Road Name Changes		1,3	•	R	R	•	D	A⁶	
Sign Permit	3.5.N	•	•	D	•	•	•	•	A
Site Plan, Major	3.5.O	•	M	R <u>D</u>	<u>R</u> →	•	A		•
Site Plan, Minor	3.5.P	•	•	D	O/R	•	A	•	•
Special Use Permit	3.5.Q	1,2,3	M	•	•	•	Q		•
Subdivision Exempt	3.5.R	•	•	D	•	•	•	•	•
Subdivision, Major Preliminary Plat	3.5.S	•	M	<u>D</u> R	<u>R</u> -D	•	A		•
Subdivision, Major Final Plat	3.5.S	•	•	D	O/R⁷	•	A	•	
Subdivision, Minor Preliminary Plat	3.5.T	•	•	D	O/R⁸	•	A	•	•
Subdivision Waiver	3.5.U	•	•	R	D	•	A	•	•
Text Amendment	3.5.V	1	M	R	•	•	R	D	•
Variance⁹	3.5.W	1,2,3	M	•	•	•	Q	R⁹	Q
Vested Rights	3.5.X	1,2,3	•	D	D	D	•	•	•
Easement Closings, Right-of-Way Vacations, Road Closings¹⁰ and Easement Removals for Public Roads		• 1,3	•	R	R	•	D	A	•

1. See also Section 3.2 and Table 3.2 for public notification procedures.
2. Planning and Development Director (or his/her designee) or other County staff authorized by the Board of Commissioners or the North Carolina General Statutes (e.g., Building Inspector, Fire Marshal).
3. Appeal of administrative decisions are quasi-judicial.
4. Rezoning may be conventional or conditional. Conditional zoning may be a part of planned unit developments – See Subsec. 4.
5. See Section 3.5.M.4.f – Voting and SL1985-485 HB651.
6. Per SL 1979–283 HB 686 – Notice of appeal shall be filed within 10 days of Planning Board decision. Affected party shall notify Planning Director within 10 days of decision. Board of Commissioners shall hear appeal at a regular meeting within 30 days of Notice of Appeal.
7. Should the Planning Department Director determine that there is more than a major deviation from the approved preliminary plat, the final plat may be forwarded to the TRC for optional review for efficiency and/or compatibility among regulatory review agencies' requirements.
8. The Planning Development Director, in exercising his/her duties, may forward a preliminary plat on a Minor Subdivision to the TRC for an optional review for efficiency and/or compatibility among regulatory review agencies' requirements.
9. For the types of variances heard and appropriate decision-making body, see Section 3.5.W. Major buffer and watershed variances that require Environmental Management Commission decision require a recommendation from the Board of Commissioners.
10. For on-system NCDOT roads, the BCC may adopt a resolution to abandon maintenance at the request of NCDOT and close the public road in certain instances. Otherwise, the Guilford County Planning Board will exercise its delegated authority to close said public road per SL 1979-2982 SHB685.

Proposed Text Amendment

Case #23-09-PLBD-00064

Subsec. 3 – Permits and Procedures...

3.5 PROCEDURES FOR SPECIFIC APPLICATIONS...

C. APPEALS

1. Applicability...

2. Appeals Generally

a. Decision of Planning and Development Director/~~Technical Review Committee (TRC)~~

- (1) Appeals of the decisions of the Planning and Development Director ~~or TRC~~ shall be heard by the board of adjustment, unless there is a judicial challenge. In the event of the latter, the aggrieved party may file a petition with the Guilford County Superior Court no later than thirty (30) days after the date of the Board's decision is filed.

Commentary: Appeals of Decision of the Planning Director ~~or TRC~~ are subject to a quasi-judicial proceeding by the respective decision-making body.

(2) ...

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

ARTICLE 3 – PERMITS AND PROCEDURES

3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

O. SITE PLAN, MAJOR

1. Applicability

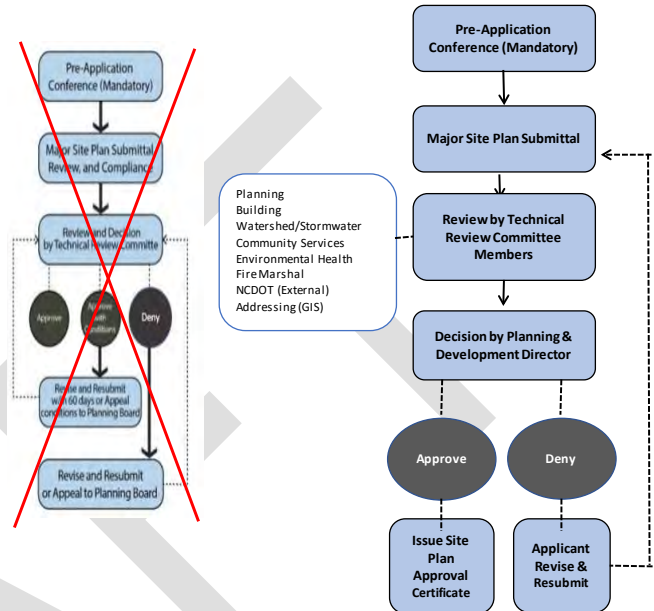
- a. Major Site Plans are required for development, with the exception of single-family & two-family dwellings, for additions to existing developments that are:

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

2. Pre-Application Conference Required

3. Site Plan Submittal

- a. Major Site Plans determined to be complete, shall be submitted to the Planning and Development Department for review by the Technical Review Committee at least seven (7) business days prior to the next scheduled meeting, unless otherwise determined by staff based on workload and schedule.
- b. All fees shall be submitted in accordance with Section 3.3.
- c. Major Site Plans shall contain all applicable information listed in Guilford County Procedural Manual Appendix 2 – Map Standards. The Site Plan shall consist of separate sheets depending on the development, including:
- (1) site layout
 - (2) utility plan, including water and sewer utility plan
 - (3) conceptual landscaping plan showing planting areas, types/species of plant material (i.e. canopy trees, understory trees, shrubs), and number of plantings
 - (4) grading, erosion control and watershed development plan in accordance with ARTICLE 9. (See Appendix 2 – Map Standards for information required to be submitted on these plans).
- e. Depending on the scale or complexity of the development, any or all of the sheets may be combined.
- f. When required, street and utility construction plans for all public or private streets, and water, sanitary sewer, and storm sewer facilities shall be submitted to the Jurisdiction following conditional approval or approval of the Major Site Plan. For each phase of the Major Site Plan, street and utility construction plans shall include all improvements lying



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

within or adjacent to that section as well as all water and sanitary sewer lines lying outside that section and being required to serve that section.

4. Coordination with Other Procedures

- a. In certain circumstances and upon approval by the Planning and Development Director, the Major Site Plan approval process may run concurrently with construction plan review, an application for a Certificate of Appropriateness, an application for a Grading Permit, or other applications or approvals required for a particular project.

5. Review and Decision by Technical Review Committee TRC Members

- a. Major Site Plans submitted for developments shall be reviewed by the Technical Review Committee.
- b. The Technical Review Committee shall ~~take action~~ begin review within thirty (30) days of reviewing the Major Site Plan. ~~If the Major Site Plan is denied or granted conditional approval, or if no action is taken within thirty (30) days by the TRC, the applicant may appeal the decision to the Planning Board.~~
- c. ~~If the Technical Review Committee finds deficiencies are found in the Major Site Plan, reasons for~~ such deficiencies shall be stated in writing and the Site Plan may be revised and resubmitted.
- a. ~~Approval of Major Site. The Major Site Plan shall be approved when it meets all requirements of this Ordinance and/or proper variances are obtained. Major Site Plans submitted for developments shall be reviewed by the Technical Review Committee.~~
- b. ~~Approval Authority:~~
 - (1) ~~Major Site Plans submitted for developments shall be reviewed by the Technical Review Committee.~~
 - (2) ~~If the Major Site Plan is approved, the applicant may proceed with other requirements necessary to obtain a Building Permit.~~
 - (3) ~~If the Technical Review Committee finds deficiencies in the Major Site Plan, reasons for such shall be stated in writing and the Site Plan may be revised and resubmitted.~~
 - (4) ~~The Technical Review Committee shall take action within thirty (30) days of reviewing the Major Site Plan. If the Major Site Plan is denied or granted conditional approval, or if no action is taken within thirty (30) days by the TRC, the applicant may appeal the decision to the Planning Board.~~
 - (5) ~~The appeal may be made within thirty (30) days after denial, conditional approval, or lack of action by the Technical Review Committee.~~

6. Decision by Planning and Development Director

Approval of Major Site Plan. The Major Site Plan shall be approved by the Planning and Development Director when it meets all requirements of this Ordinance and/or proper variances are obtained.

- a. If the Major Site Plan is approved, the applicant may proceed with other requirements necessary to obtain a Building Permit.
- b. The applicant may proceed with the submittal of street and utility construction plans, if applicable, and soil erosion control and sedimentation control plans.
 - (1) Grading Permit
 - (i) An approved Major Site Plan authorizes the submittal of soil erosion and sedimentation control plans and the issuance of a Grading Permit. Any

Proposed Text Amendment

Case #23-09-PLBD-00064

approved soil erosion and sedimentation control devices, and approved permanent runoff control structures may be installed prior to the approval of street and utility construction plans in accordance with this Ordinance.

(2) Street and Utility Construction Plans

(i) Street and utility construction plans for all public improvements associated with a Major Site Plan shall be approved prior to street and utility construction and prior to the approval of a final plat in accordance with ARTICLE 9 – Subdivisions & Infrastructure Standards.

(ii) In the case of any multi-phase Major Site Plan, street and utility construction plans shall include all improvements within a phase and all public improvements outside the phase but necessary to serve development within that phase.

6. Conditional Approvals

- ~~a. If the Site Plan is granted conditional approval, the applicant shall revise and resubmit the Major Site Plan or Appeal the conditions per subsection 7 below. The Planning and Development Department shall review the revised Major Site Plan and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plan the change from conditional approval to approval. If the Major Site Plan is not revised within sixty (60) days to meet the approval conditions, or the applicant notifies the Planning and Development Department that they are unwilling to revise the Major Site Plan, it shall be deemed denied.~~

7. Appeal [Moved to new Item 12]

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

7. 8. Inspections

- a. Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the appropriate authority.

8. 9. Soil Erosion and Sedimentation Control Devices Installation

- a. Any approved soil erosion control measures and sedimentation control device(s) may be installed prior to approval of street and utility construction plans.

9. 10. Permits

- a. Upon approval of the Site Plan, the developer shall be eligible to apply for building and any other permits and authorizations as required by this Ordinance or other laws, unless otherwise provided in this Ordinance.

10. 11. No Construction Without Plan Approval

- a. No improvements shall be constructed until the street and utility construction plans for such improvements have been reviewed and approved by the appropriate authority.

11. 12. Expiration of Major Site Plan Approval

- a. If construction or development does not begin within two (2) years following site plan or plot plan approval; or is begun within two (2) years and then discontinued for a period greater than one hundred eighty (180) days; such approval shall expire, and a new site plan or plot plan must be submitted in accordance with the procedures in this Section.

12. Appeal

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

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

ARTICLE 3 – PERMITS AND PROCEDURES

3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

S. SUBDIVISION, MAJOR

1. Intent

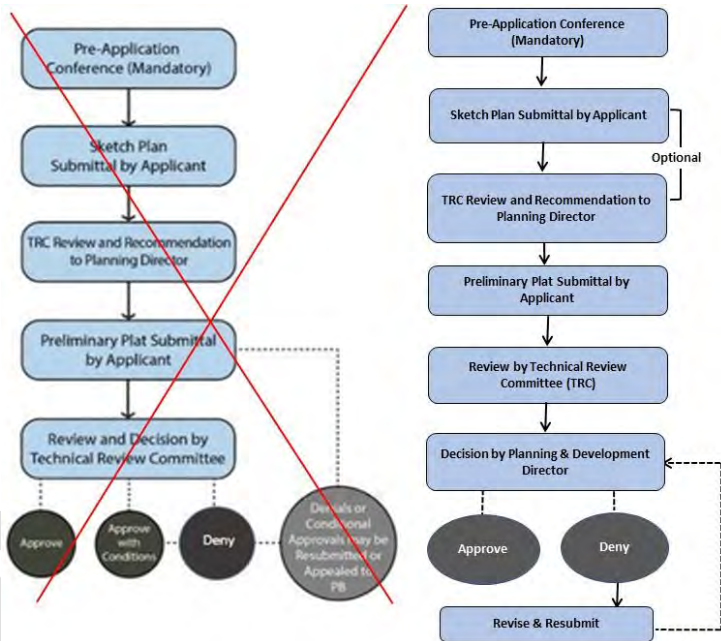
- a. The purpose of this Section is to provide a uniform means for the review and approval of divisions of land in accordance with ARTICLE 8 – Subdivisions & Infrastructure Standards.
- b. No real property, including property declared under the N.C. Condominium Act NCGS 47C-1 et seq., lying within the unincorporated areas of Guilford County, except the extraterritorial jurisdiction (ETJ) of a municipality, or areas designated as the jurisdiction of Piedmont Triad International Airport (PTIA), shall be subdivided except in conformance with all applicable provisions of this Subsection. Violation of this Section shall be a misdemeanor.
- c. Re-Platting. Lots that have been labeled as "Nonbuildable", "No Improvement Permit has been issued," "No certification for Sewage Treatment has been given for this lot" or otherwise identified as unsuitable for building purposes at the time of plat recordation must be re-platted before any building permit on the lot can be issued. Re-platted lots described above or re-platting of lots to remove or relocate easements created through the subdivision process shall follow the approval procedures defined in this Subsection but shall not be subject to ARTICLE 8 – Subdivision & Infrastructure concerning the dedication of property for street right-of-way or open space. The approval process may be abbreviated for the re-platting of lots.

2. Applicability

- a. All divisions of land into more than five (5) lots shall comply with the provisions of this Section, except where exempt by definition or statute. See Section 3.6.R, Subdivisions, Exempt.
- b. Sketch Plan Required. A Sketch Plan shall be submitted if land adjoining the subject parcel is owned by the subdivider seeking approval of a Major Subdivision.

3. Procedure

- a. Pre-Application Conference.



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

- (1) The applicant shall attend a pre-application conference at the Planning and Development Department prior to submission of a Preliminary Plat.
 - b. Sketch Plan Submittal **(Optional)** [TA may be pending. Check other cases]
 - (1) Technical Review Committee. A Sketch Plan is required for review **for comment** by the Technical Review Committee for any subdivision of property that involves:
 - (i) More than fifty (50) lots.
 - (ii) Utilizes Off-site Sewage Treatment.
 - (iii) A Community Sewage Treatment System.
 - (2) Procedures for approval shall correspond to the procedures found in Section 3.5.S.4, Preliminary Plat Submittal below.
 - (3) Preparation. The Sketch Plan shall be prepared in accordance with **the provisions of Appendix 2, Map Standards** Guilford County Procedures Manual and submitted to the Planning and Development Department.
 - c. Review and Comments
 - (1) After review of the sketch plan, the Technical Review Committee shall **determine comment** if the plan is in conformance with UDO standards and regulations.
4. Preliminary Plat Submittal
- a. Intent
 1. A Preliminary Plat shall be required for all Major Subdivisions of land, including Group Developments, with the following exception:
 - (i) When existing developments are converted from multifamily residential or Group Developments to condominium unit ownership, the developer shall submit a declaration of unit ownership, and owner's association declaration.
 - b. Preparation of Plat
 1. **All subdivision plats shall meet the following requirements: before being approved.**
 - (i) **All applicable standards in ARTICLE 8 – Subdivisions and Infrastructure Standards, prior applicable permits and development approvals, and all other applicable requirements of this Ordinance.**
 - ~~(ii) All requirements of ARTICLE 8 – Subdivisions and Infrastructure Standards.~~
 - (ii) ~~(iii)~~ Zoning District Compliance. The development must be zoned correctly prior to preliminary plat approval.**
 - (iii) ~~(iv)~~ Minor Change. Minor changes to the preliminary plat in accordance with Section 3.5.B.4a(3) may be approved by staff, as applicable.**
 2. **The Preliminary Plat shall be prepared by a registered land surveyor, registered landscape architect, registered architect, or licensed engineer, and shall be prepared in accordance with Appendix 2, Map Standards.**
 3. **When a subdivision is to be developed in phases, a master plan shall be submitted for the entire development and a preliminary plat shall be submitted for each individual phase. A final plat is submitted for individual phases as each phase is developed.**
 - c. Review by Technical Review Committee (TRC)
 1. Major Subdivisions must be reviewed by ~~and may be granted approval by~~ the Technical Review Committee.

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

2. When the application is deemed complete, the Planning and Development Director shall schedule Major Subdivision cases for the next **available** regularly-scheduled Technical Review Committee meeting.
3. The Technical Review Committee shall review the Preliminary Plat for compliance with existing regulations. This review shall be made by the members of the Technical Review Committee and by any other agencies or officials by referral or as required by G.S. § 160D-803.

~~d. Decision by Technical Review Committee~~

~~(4)(4)~~ Timing. The Technical Review Committee shall take action **begin review** within thirty (30) days of **submittal of** the Preliminary Plat.

~~(4)(2)~~ The Decision of TRC may include:

~~(i) Approval~~

~~(ii) Conditional Approval~~

~~i. If the Preliminary Plat is granted conditional approval, the applicant shall revise the Plat, based upon the conditions of the approval and resubmit. The Planning Director shall review the revised plat and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plat the change from conditional approval to approval.~~

~~ii. If the plat is not revised within sixty (60) days to meet the approval conditions or the applicant notifies the Planning Department that he is unwilling to revise the plat, it shall be deemed denied.~~

~~(iii) Revise and Resubmit~~

~~(iv) Denials~~

~~i. If the Preliminary Plat is denied the reasons shall be stated in writing. The applicant may revise and resubmit a plat which has been denied. Decisions of the Technical Review Committee may be appealed to the Planning Board (PB) within thirty (30) days of the Technical Review Committee decision.~~

~~e. Preliminary Plat Approvals Review~~

~~1. Major Subdivisions must be reviewed by and may be granted approval by the Technical Review Committee.~~

~~2. All subdivision plats shall meet the following requirements before being approved.~~

~~(i) All applicable standards in ARTICLE 8 — Subdivisions and Infrastructure Standards, prior applicable permits and development approvals, and all other applicable requirements of this Ordinance.~~

~~(ii) All requirements of ARTICLE 8 — Subdivisions and Infrastructure Standards.~~

~~(iii) Zoning District Compliance. The development must be zoned correctly prior to preliminary plat approval.~~

~~(iv) Minor Change. Minor changes to the preliminary plat in accordance with Section 3.5.B.4a(3) may be approved by staff, as applicable.~~

~~f. Appeals~~

~~1. Applicable. See Section 3.5.C, Appeals.~~

5. g. Effect of **Planning and Development Director Approval **Decision****

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

- a. If the Preliminary Plat is approved, the applicant may proceed toward installation of required improvements and Final Plat with submittal of street and utility construction plans and soil erosion and sedimentation control plans.
- (2) — Approval of a preliminary plat authorizes the submittal of street and utility construction plans, and soil erosion and sedimentation control plans.
- (1) (i) Street and Utility Construction Plans
- (i) —i. Street and utility construction plans for all public improvements associated with the preliminary plat shall be approved prior to street and utility construction and prior to the approval of a final plat in accordance with ARTICLE 9 – Subdivisions & Infrastructure Standards.
- (ii) —ii. In the case of a multi-phase subdivision, street and utility construction plans shall include all improvements within a phase and all public improvements outside the phase but necessary to serve development within that phase.
- (2) Grading Permit
- (i) —ii. An approved Preliminary Plat authorizes the submittal of soil erosion and sedimentation control plans and the issuance of a Grading Permit. Any approved soil erosion and sedimentation control devices, and approved permanent runoff control structures may be installed prior to the approval of street and utility construction plans following this Ordinance.

6. 5.Final Plat

Approval Process

- (1) Submission. Upon approval of the Preliminary Plat and other required plans, the applicant may submit for approval of a Final Plat prepared by a Professional Land Surveyor in accordance with the Guilford County Procedural Manual. The Final Plat mylar and prints and the current specified number of prints shall be submitted to the Planning and Development Department (see Appendix 2, Map Standards).
- (2) Environmental Health Division Review. Prior to Final Plat approval, a copy of the Final Plat shall be reviewed by the Environmental Health Division. The Environmental Health Division shall determine that no changes have occurred that affect On-site, Off-site, or Community Sewage Treatment System suitability. Monuments must be set prior to Environmental Health review of the Final Plat. If changes have occurred that affect lot suitability, a new health drawing or plot plan and an improvement permit application and fee for each affected lot shall be submitted and a new evaluation shall occur. Improvements Permits for On- site and Off-site systems will be issued for approved lots recorded on the Final Plat. Areas approved for a Community Sewage Treatment System shall be clearly denoted on the mylar and each print and indicate the total processing capacity of the area and which lots may use the system.
- (3) Soil Scientist Review (Optional). Preliminary plats may be reviewed by a Soil Scientist in lieu of review by the Environmental Health Divisions. Subsequently, the Final Plat mylar and each print submitted shall contain the applicable soil suitability certification as listed in the Guilford County Procedures Manual. Monuments must be set prior to Soil Scientist review and certification of the Final Plat. The Soil Scientist shall determine that no changes have occurred that affect lot suitability since the evaluation. If changes have occurred that affect lot suitability, a revised Soil Suitability Report shall be submitted with the Final Plat. After Final Plat recordation, any

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

application for Improvements Permits must be submitted to the Environmental Health Division.

- (4) Watershed/Stormwater Review. The Final Plat and each print submitted must show required stormwater facilities and all related certifications.
 - (5) Substantial Change. Substantial changes from the Preliminary Plat will require an additional review by the Technical Review Committee to ensure compliance with existing regulations.
- b. Required Improvements
 - (1) No Final Plat shall be approved until all required improvements have been installed and approved or appropriate surety is provided as set forth in ARTICLE 8 – Subdivisions and Infrastructure Standards.
- c. As-Built Plans
 - (1) As-built plans for all public improvements shall be submitted.
- d. Assurance of Completion of Improvements
 - (1) Where the improvements required by this Ordinance have not been completed prior to the submission of the plat for final approval, such improvements shall be assured by the owner's filing of an approved surety bond, certified check, irrevocable letter of credit, or other acceptable legal arrangement in an amount to be determined by the Jurisdiction and for an approved period not to exceed two (2) years.
- e. Financial Guarantees
 - (1) All public improvements that have not been installed by the developer and inspected and accepted by the appropriate jurisdiction shall comply with the requirements in ARTICLE 8 – Subdivisions and Infrastructure Standards prior to the recordation of a final plat.
 - (2) For the Release of Financial Guarantees
 - (i) The Planning and Development Director shall authorize the release of all or a portion of any guarantee posted as the improvements are completed. Such funds shall be released within 30 days after submittal of an improvements completion certification from a Professional Engineer and approval of applicable improvements by the Planning Director.
- f. Certification of Final Plat
 - (1) When the Planning and Development Director has approved a Final Plat, a signed written certificate to this effect shall be entered on the face of the plat (see Appendix 2, A-3 Map Certificates). ~~The statement can be found in the Guilford County Procedures Manual.~~
- g. Permits
 - (1) Unless otherwise provided in this Ordinance, upon recordation of the Final Plat, the subdivider shall be eligible to apply for building and any other permits required by this Ordinance.
- h. Fees
 - (1) Any fees, according to the Schedule of Fees, shall be due and payable when the Final Plat is submitted for approval.
- i. Recordation of Final Plat

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

- (1) After approval, a Final Plat must be recorded in the Office of the Register of Deeds within sixty (60) days. No plat shall be regarded as finally approved until such plat has been recorded.

j. Expiration

- (1) An approved Preliminary Plat shall be valid for two years from the date of approval and may be extended at the request of the developer.

7. Appeals

- (1) Applicable. See Section 3.5.C, Appeals

DRAFT

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

3.5 PROCEDURES FOR SPECIFIC APPLICATIONS...

T. SUBDIVISION, MINOR-RESIDENTIAL



See Section 8.4. If improvements (e.g. street improvements) are required.

1. Intent

- a. The purpose of this section is to provide a uniform means for the review and approval of divisions of land of five (5) lots or less in accordance with Subsec. 8 – Subdivisions & Infrastructure Standards, except where exempt by definition or statute. See Section 3.5.R, Subdivisions, Exempt.

2. Minor Subdivision Procedure (See Section 8.4)

- a. Pre-Application Conference
 - (1) Optional
- b. Preliminary Plat Submittal (Preliminary Plat review is only required when new improvements are being constructed. If no improvements are being constructed, the Plat shall be submitted and reviewed as a Final Plat.)
 - (1) Minor subdivision plats shall be submitted to the Planning and Development Director for review and processing.
 - (2) The Planning and Development Director shall have up to ten (10) business days to review the plat and to make the following findings:
 - (i) The application and plat qualify as a Minor Subdivision as defined in this Ordinance.
 - (ii) Other applicable Ordinance standards have been met.
- c. Planning and Development Director Review and Decision
 - (1) The Planning and Development Director, after reviewing the application and plat for consistency with the regulations of this Ordinance, may make the following decision:
 - (i) Approve the plat.
 - (ii) Revise and Resubmit.
 - (iii) Disapprove the plat.

3. Recordation of Final Plat

- a. Certification of Final Plat
 - (1) When the Planning and Development Director has approved a Final Plat, a signed written certificate to this effect shall be entered on the face of the plat.
- b. Recordation of Final Plat

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

(1) After approval, the developer shall record the Final Plat in the Office of the Register of Deeds within sixty (60) days. No plat shall be regarded as finally approved until such plat has been recorded. If the final plat is not recorded within sixty (60) days, the Preliminary Plat must be resubmitted to the Planning and Development Director. Such resubmittal shall be in accordance with the requirements of this Ordinance at the time of resubmittal.

4. Appeal

a. Applicable. See Section [3.5.C](#), Appeals.

DRAFT

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

ARTICLE 3 – PERMITS AND PROCEDURES

3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

U. ~~SUBDIVISION WAIVER~~ **RESERVED**

a. ~~Intent~~

- i. ~~It is the intent of this section to provide a relief from standards in this Subsection if certain circumstances are met.~~

b. ~~Waivers~~

i. ~~Approval Authority~~

1. ~~The Technical Review Committee or, on appeal, the Planning Board may approve waivers to standards Article 8 – Subdivisions & Infrastructure Standards.~~

ii. ~~Grounds for Waivers~~

1. ~~The Technical Review Committee may waive standards in Article 8 – Subdivisions & Infrastructure Standards, under the following circumstances:~~

- a. ~~Physical Hardship: Where because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Subsection would cause unusual and unnecessary hardship on the subdivider; or~~
- b. ~~Equal or Better Performance: Where in its opinion a waiver will result in equal or better performance in furtherance of the purposes of this Ordinance; or~~

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

3.5 PROCEDURES FOR SPECIFIC APPLICATIONS

V. TEXT AMENDMENT

1. Purpose and Intent

- a. This Section provides a uniform means for amending the text of this Ordinance wherever the public necessity, changed conditions, convenience, general welfare, or appropriate land use practices require doing so. A text amendment may be initiated by Guilford County or an applicant.

2. Procedure

a. Pre-Application Conference

- (1) Before submitting an application for an amendment, the applicant shall meet with the Planning and Development Department to discuss the proposed amendment and to receive information regarding the approval requirements and procedures.

b. Application Submittal

- (1) An application for an amendment shall be filed with the Guilford County Planning and Development Department on a form provided by the Department or found on the County Website. Any fees, as designated by the Guilford County Board of Commissioners, shall be due and payable at the time the application is submitted.

- (2) All information required on the application form shall be contained on or accompany the application.

c. Planning and Development Director Review and Recommendation

- (1) The Planning and Development Director shall review the application, prepare a staff report, _____ set a _____ hearing _____ per Section 3.2 and Table 3.2, Public Notification Requirements, and provide a recommendation to the Planning Board.
- (2) Necessary research may be required for an application for a text amendment. Presentation of an application and recommendation to the Planning Board The public hearing may be delayed to account for research conducted by staff and other related workload.



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

Commentary: SL 2017-210 SB181 authorizes Guilford County to publish legal notices electronically via the Guilford County website in lieu of publishing in a newspaper having general circulation in the area. The Board of Commissioners adopted such an Ordinance authorizing this procedure on March 1, 2018.

d. Planning Board Review and Recommendation

- (1) Following the receipt of the report regarding the Director's recommendation on a proposed amendment, the Guilford County Planning Board shall ~~may~~ hold a ~~legislative~~ public hearing to consider the proposed amendment. The hearing shall be scheduled as provided by the Planning Board's Rules of Procedures.
- (2) Recommendations of the Planning Board shall be reported to the Guilford County Board of Commissioners for a ~~legislative~~ public hearing and final action according to the process set forth in this Ordinance. The Guilford County Board of Commissioners shall schedule the ~~legislative~~ public hearing subsequent to receiving the Planning Board's report and recommendation. The ~~public~~ hearing shall be scheduled as provided by the Board of Commissioners.
- (3) A recommendation by the Planning Board shall include the adoption of a statement describing how the Planning Board considers the action taken to be consistent with the Comprehensive Plan that has been adopted and any other officially adopted plan that is applicable, as amended, reasonable and in the public interest.
- (4) If no action is taken, the petitioner may take the rezoning application to the Board of Commissioners without a recommendation from the Planning Board. A record of the Planning Board's comments regarding the proposed amendment shall accompany the application.

e. Board of Commissioners Review and Decision

- (1) Following the receipt of the Guilford County Planning Board's action on a proposed amendment, the Guilford County Board of Commissioners shall hold a ~~legislative~~ public hearing to consider the proposed amendment. Notice of the ~~legislative~~ public hearing shall be provided per Table 3.2, Public Notification Requirements.
- (2) Before acting on any proposed amendment, the Board of Commissioners shall consider any recommendations made by the Guilford County Planning Board and/or the County Planning and Development Department, comments made at the ~~legislative~~ public hearing, and other relevant information.
- (3) Upon reviewing all pertinent information, the Board of Commissioners may adopt the proposed amendment, reject the proposed amendment, refer the proposed amendment back to the Planning Board for further consideration, or modify the proposed amendment.
- (4) Approval by the Board of Commissioners shall include adoption of a statement describing how the Board of Commissioners considers the action taken to be consistent with the Comprehensive Plan, reasonable and in the public interest.

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

- (5) All amendments and changes must be in the form of an ordinance. Copies of adopted ordinances shall be kept on file at the office of the Clerk of the Board of Commissioners and with the Planning and Development Department.
- 3. Appeal
 - a. Applicable. See Section [3.5.C](#), Appeals....

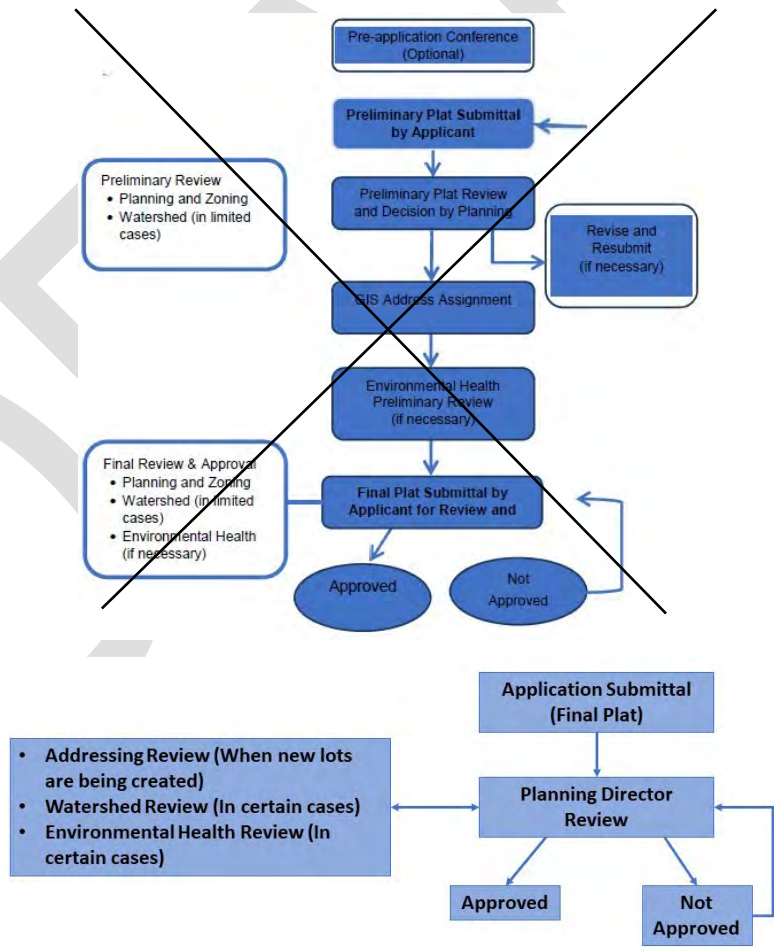
DRAFT

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

8.2 EXEMPT SUBDIVISIONS

Exempt Subdivisions are those divisions of land exempt from regulations herein as detailed in G.S. § 160D-802 and G.S. § 29, Intestate **Succession**, as listed below:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29, **Intestate Succession** of the General Statutes.



(...)

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

ARTICLE 8 – SUBDIVISIONS AND INFRASTRUCTURE STANDARDS

8.3 APPLICABILITY (5-13) ...

B. SUBDIVISION LOT AND DIMENSIONAL STANDARDS

1. Flag Lot

Flag Lots (See Flag Lot Figure below) approved by the Technical Review Committee **Planning and Development Director** shall meet the following requirements:

FLAG LOT STANDARDS				
Maximum Density	Maximum Flagpole Length	Minimum Flagpole Width	Maximum Lot Size In Area With Public Sewer	maximum lot size without public sewer ¹
One (1) Single-Family Dwelling & One (1) Accessory Dwelling Unit ² . Uninhabited accessory structure(s) also allowed per Subsec. 4 – Accessory, Uses, Buildings, and Structures.	300 feet	25 feet	1 acre	3 acres
<p>1. The maximum lot size without public sewer shall be three (3) acres. For lots located in the Watershed Critical Area Tier 2 without public sewer, the minimum lot size shall be five (5) acres and the maximum shall be ten (10) acres.</p> <p>2. Environmental Health septic suitability and other applicable Ordinance requirements apply.</p>				

...

C. GENERAL STANDARDS

The standards in this section are the minimum standards applied to all subdivisions of land in Guilford County

1. Design

All proposed subdivisions shall coordinate with existing adjacent developments and with officially adopted plans for the future development of the County with adequate streets, utilities, and building sites.

2. Development Name

The name of a proposed development shall not duplicate or be phonetically similar to an existing development name in the County unless the proposed development lies adjacent to the existing development.

3. Installation of Required Public Improvements

Unless subject to a performance guarantee (see Section [8.9 - Performance Guarantees](#)), all required public improvements shall be installed before the approval of a final plat (see [Article 3 – Permits and Procedures](#)), in accordance with the standards in this Ordinance.

4. Off-Site Connections

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

When the Technical Review Committee finds that it is necessary to connect streets or utilities off-site to adjoining streets and/or utilities, the connection will be required.

5. Reasonable Relationship

All required improvements, easements, and rights-of-way (other than required reservations) shall benefit the development or bear a reasonable connection to the need for public facilities attributable to the new development.

6. Relief from subdivision standards in [Article 8](#) may be considered by the Technical Review Committee as outlined in Section [3.5.U – Subdivision Waiver](#) [3.5.B. Administrative Modification](#) or Section [3.5.W. Variance](#), as appropriate.

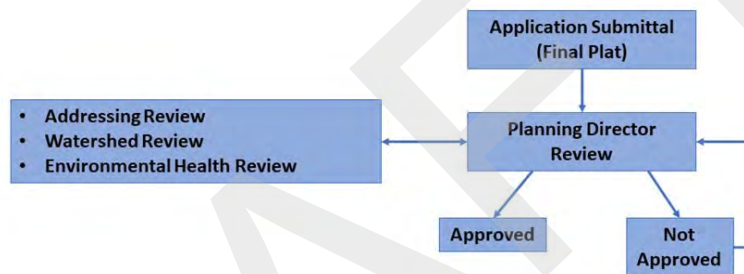
Proposed Text Amendment Case #23-09-PLBD-00064

ARTICLE 8 – SUBDIVISIONS AND INFRASTRUCTURE STANDARDS

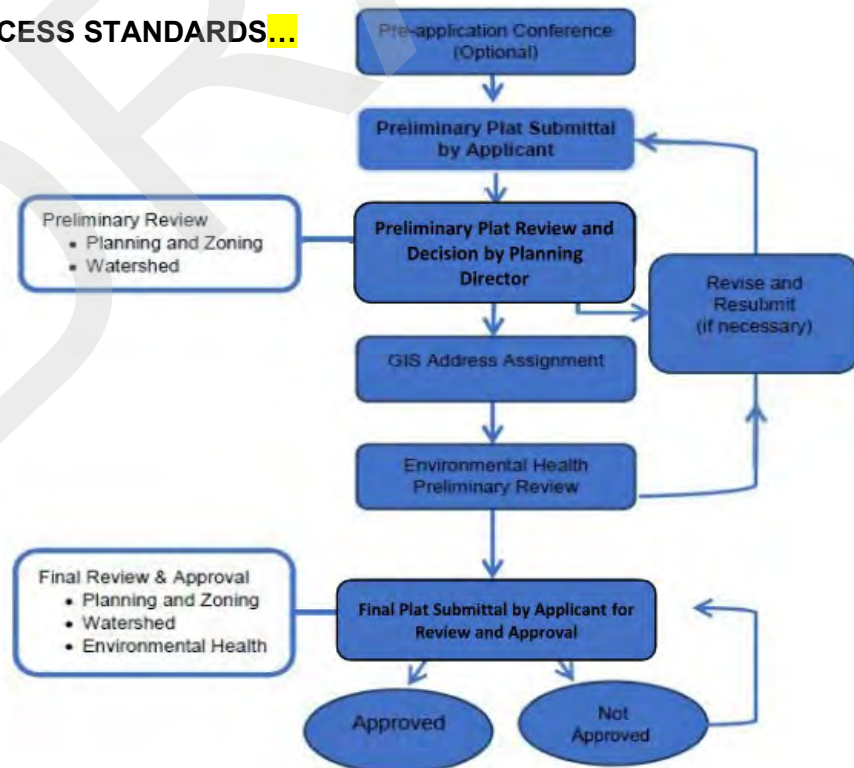
8.4 MINOR SUBDIVISIONS

Minor subdivisions are all divisions of land that do not qualify as Exempt Subdivisions (per G.S. § 160D-802 and G.S. § 29) into no more than five (5) lots. See Subdivision (Minor-Residential) in Table 4-3-1 Permitted Uses Table.

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



A. STREET ACCESS STANDARDS...



(Insert Color Paper)

**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE 24-06-PLBD-00087:
AN AMENDMENT TO ARTICLE 12 (DEFINITION) OF THE UDO TO ESTABLISH A DEFINITION
OF “PRIVATE CLUB” TO PROVIDE GUIDANCE AND CLARITY IN APPLYING USE AND
DEVELOPMENT STANDARDS FOR ADMINISTERING DEVELOPMENT REVIEW**

Description

Staff prepared a text amendment to the Guilford County Unified Development Ordinance (UDO), Article 12.4, Definition that defines the term “Private Club”. (A Planners Dictionary, APA 2004)

Text underlined indicates text to be added to the current ordinance. Text to be deleted is shown with a ~~strikethrough~~.

SEE ATTACHED

Consistency Statement

Consistency with Adopted Plans: The proposed amendment supports the Future Land Use Element, Goal #1; Objective 1.4: which states that Guilford County will “Seek coordination and compatibility of land use plans among Guilford County, its incorporated cities and towns, and neighboring jurisdictions.”

Staff Recommendation

Staff Recommendation: Staff recommends approval of the text amendment proposed.

The recommended action is reasonable and in the public interest because the proposed amendments are:

- 1) Consistent with the goals and objectives of Guilford County’s adopted Comprehensive Plan; and
- 2) Allows Guilford County to adopt development standards to ensure compatibility with nearby properties.

Proposed Text Amendment Case #24-06-PLBD-00087

Subsec. 5 - Article 12 – Definitions...

12.04 DEFINITIONS

BUILDINGS AND STRUCTURES...

GENERAL ...

PLAN PRELIMINARY. A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage, and any other requirements of this ordinance, which is presented for preliminary approval.

PRIVATE CLUB. Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit, which inures to any individual and not primarily to render a service which is customarily done as a business. (A Planners Dictionary, APA, 2004)

RECREATIONAL VEHICLE (RV). A vehicle which is built on a single chassis, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use...