

Text Amendments for 2014-15 Legislative Updates

The NC Legislature passed several laws related to land use planning and development that renders some provisions of the County's Land Development Ordinance unenforceable. County staff reviewed session laws passed during the 2014 and 2015 legislative sessions of the General Assembly for possible impact on zoning, subdivisions, and development standards; and to propose text amendments necessary to comply with new state laws.

SL 2014-94: Temporary Health Care Structures

- Must allowed in districts where single-family dwellings are permitted.
- Permitted as temporary accessory to single-family dwelling.
- Establish minimum development/design standards for these structures.
- Caps permit fees at \$100 initial/\$50 renewal.
- Went into effect October 1, 2014.

Amendments to these sections of the development ordinance are delineated with strikethrough for text elimination and shaded for new text.

ARTICLE II: DEFINITIONS

2-1.3 Dwelling

(N) TEMPORARY FAMILY HEALTH CARE STRUCTURE. The following definitions apply when associated with temporary family health care structure:

- (1) Activities of daily living. Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
- (2) Caregiver. A person 18 years of age or older who provides care for a mentally or physically impaired person and is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.
- (3) First or second degree relative. A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, in-law relationships, or legal guardian.
- (4) Mentally or physically impaired person. A person who is a resident of North Carolina and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in North Carolina.

- (5) Temporary family health care structure. A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that is primarily assembled at a location other than its site of installation.

- (N) (O) TENANT DWELLING.
 (O) (P) TOWNHOUSE DWELLING.
 (P) (Q) TWIN HOME DWELLING.
 (Q) (R) TWO-FAMILY DWELLING.

4-3. PERMITTED USES

TABLE 4-3-1 PERMITTED USE SCHEDULE

Use Type	AG	RS-40	RS-30	RS-20	RS-15	RS-12	RS-9	RS-7	RS-5	RM-5	RM-8	RM-12	RM-18	RM-26	LO	GOM	GO-H	NB*
Single Family Detached Dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary Family Health Care Structure	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D

6-4.88 Temporary Family Health Care Structure

(A) *Where required:* All districts where detached single-family dwellings are permitted (AG, RS and RM districts, LO, GO-M, GO-H, and NB districts).

(B) *Accessory to a Single-family detached dwelling:* One temporary family health care structure shall be permitted as an accessory to an existing principle single-family detached dwelling on the lot. The caregiver shall obtain a permit, which shall be valid for 1 year and renewed annually as long as the structure remains on the lot; and shall provide necessary documentation to show compliance with this section. Fees shall not

exceed \$100 for the initial permit or \$50 for renewal.

(C) *Temporary family health care structure shall:*

- 1) Contain no more than 300 gross square feet.
- 2) Not be installed on a permanent foundation.
- 3) Be connected to water, sewer, or electric utilities serving the lot.

4) Be occupied by one mentally or physically impaired person.

5) Comply with setback requirements applicable to the principle dwelling.

5) Comply with applicable State Building Code and GS 140-139.1 (b).

(D) *Caregiver*: The caregiver shall reside in the principle single-family detached dwelling and must be a first or second degree relative of the mentally or physically impaired person.

(E) *Signage*: No exterior signage advertising or otherwise promoting the temporary health care structure is allowed on any structure or the property.

(F) *Removal of Structure*:

1) The temporary family health care structure shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or in need of the assistance as provided for in this section.

2) If the temporary family health care structure is needed for another mentally or physically impaired person, it may continue to be used or may be reinstated on the lot within 60 days of removal.

~~6-4.88~~ 6-4.89 - Tourist Home (Bed and Breakfast).

~~6-4.89~~ 6-4.90 - Truck Stops.

~~6-4.90~~ 6-4.91 - Turkey Shoots.

~~6-4.91~~ 6-4.92 - Utility Substations including Transformer Stations, Telephone Exchanges, Repeater Stations, Pressure Regulator Stations, Pump and Lift Stations, and Similar Structures.

~~6-4.92~~ 6-4.93 - Veterinary Service (other).

~~6-4.93~~ 6-4.94 - Warehouse (general storage/enclosed).

~~6-4.94~~ 6-4.95 - Warehouse (Self-Storage).

~~6-4.95~~ 6-4.96 - Watch or Jewelry Repair Shop.

SL 2015-86: Section 2: Residential Design Standards

- Regulations on aesthetic controls or "building design elements" are now unenforceable
- Applies homes built to NC Code for One- and Two-family dwellings (single-family, duplexes, townhouse)
- Exceptions: historic districts, NFIP zones, safety standards, manufactured homes.
- Owners may voluntarily consent to comply
- Amend Liberty/Woody Mill Road Overlay districts regulations to comply.

Amendments to these sections of the development ordinance are delineated with strikethrough for text elimination and shaded for new text.

2-1 DEFINITIONS

2-1.1. Building and Structure

(D) **BUILDING DESIGN ELEMENTS.** The exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms.

~~(D)~~ (E) **BUILDING HEIGHT.**

~~(E)~~ (F) **BUILDING LINE.**

~~(F)~~ (G) **BUILDING SEPARATION.**

~~(G)~~ (H) **PRINCIPAL BUILDING**

~~(H)~~ (I) **PRINCIPAL STRUCTURE.**

~~(I)~~ (J) **STRUCTURE.**

~~(J)~~ (K) **TEMPORARY BUILDING.**

~~(K)~~ (L) **TEMPORARY STRUCTURE.**

~~(L)~~ (M) **UTILITY SUBSTATION.**

4-12 OVERLAY DISTRICT REQUIREMENTS

4-12.7. - Liberty Road/Woody Mill Road Vicinity Overlay District.

(D) General Requirements:

2) Architectural Standards for New Non-Residential, Attached Single-Family, and Multi-Family Residential Structures:

- a) Permitted Building Materials: at least fifty (50) percent of exterior building facades, not including window area, visible from public streets or adjacent residential uses shall be constructed with brick, stone, and/or decorative concrete masonry units (CMUs). Stucco or

synthetic equals, wood, and/or fiber cement siding shall be permitted as a secondary material on less than fifty (50) percent of the visible building facade. Materials for building trim or accents, including but not limited to columns, pilasters, cupolas, awnings, and canopies shall not be restricted provided they comprise a minimal portion of the building's aggregate exterior composition.

- b) Prohibited Building Materials: Exterior building walls visible from public streets or adjacent residential uses shall not be constructed or clad with vinyl siding, metal, or painted concrete block.
- c) Permitted Roof Types and Materials:
 - 1) Sloped roofs shall be required for all new non-residential structures, ~~attached single-family residential structures,~~ and multi-family structures with a single-story floor area of ten thousand (10,000) square feet or less.
 - 2) Complete sloped roofs shall not be required for new non-residential structures, ~~attached single-family residential structures,~~ and multi-family structures with a single-story floor area greater than ten thousand (10,000) square feet but portions of such structures shall be designed to include gable, mansard, hip, and/or shed roof forms to integrate the appearances of small and large structures.
 - 3) Roof materials for sloped roofs on new non-residential structures, ~~attached single-family residential structures,~~ and multi-family structures shall include the following: shingle, shake, parapet/wall caps, and standing seam metal of a color that integrates it architecturally with the building. Unfinished galvanized steel or aluminum roofs shall be prohibited.
- d) Maximum Building Height: Buildings shall not exceed fifty (50) feet in height.
- e) Review: Building elevation plans drawn at a minimum scale of 1/8" = 1' shall be submitted with site plans proposing any new non-residential structures, ~~attached single-family residential structures,~~ or multi-family structures. Such elevation plans shall show all exterior walls of proposed construction and shall identify building materials.
- f) Exemptions: Detached single-family principal and accessory structures are exempt from architectural standards. ~~Attached single-family and two-family dwellings are exempt from the building design elements of this section except with the voluntary consent of the owner.~~ Cumulative expansions to non-residential structures of less than three thousand (3,000) square feet after the effective date of the Overlay District shall be exempt from Architectural Standards. For cumulative expansions exceeding three thousand (3,000) square feet, Architectural standards shall only apply to the addition.

SL 2015-187: Performance Guarantees

- Defines range of guarantee options
- Developer decided which option to choose.
- Guarantee amount up to 125 percent is allowed
- Must allow extension of guarantees
- Limits withholding of Building Permit/CO
- Amend to Increase guarantee amount to maximum allowed

Amendments to these sections of the development ordinance are delineated with strikethrough for text elimination and shaded for new text.

3-10. - SURETIES OR IMPROVEMENT GUARANTEES

3-10.1. - Agreement and Security.

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(A) Financial Guarantee in Lieu of Immediate Installation for Approval: In lieu of requiring the completion, installation, and dedication of all improvements prior to final plat approval or issuance of the Certificate of Occupancy, the Jurisdiction may enter into an agreement with the developer whereby the developer shall complete all required improvements. Once said agreement is signed by the developer and the security required herein is provided, the final plat may be approved or the Certificate of Occupancy may be issued, if all other requirements of this Ordinance are met. To secure this agreement, the developer shall provide, any or a combination of the following guarantees to cover the costs of the uncompleted improvements:

1) Surety Performance Bond(s):

- a) The developer shall obtain a surety bond from a surety bonding company authorized to issue said bonds in North Carolina;
- b) The bond shall be payable to the Jurisdiction and shall be in an amount equal to 125 percent the entire estimated cost as approved by the Jurisdiction, of installing all uncompleted improvements.

2) Cash or Equivalent Security:

- a) The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Jurisdiction or in escrow with a financial institution. The use of any instrument other than cash shall be subject to approval of the Jurisdiction. The amount of deposit shall be equal to 125 percent of the entire estimated cost, as approved by the Jurisdiction, of installing all uncompleted improvements;
- b) If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the Jurisdiction an agreement between the financial institution and himself guaranteeing the following:
 - i) That said escrow account shall be held in trust until released by the Jurisdiction and may not be used or pledged by the developer in any other matter during the term of the escrow; and
 - ii) That in case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon

notification by the Jurisdiction immediately pay the funds deemed necessary by the Jurisdiction to complete the improvements, up to the full balance of the escrow account, or deliver to the Jurisdiction any other instruments fully endorsed or otherwise made payable in full to the Jurisdiction.

(B) Duration of Financial Guarantees:

- 1) The duration of a financial guarantee shall be of a reasonable period to allow for completion and acceptance of improvements. In no case shall the duration of the financial guarantee for improvements exceed two (2) years.
- 2) All developments whose improvements are not completed and accepted fourteen (14) days prior to the expiration of the financial guarantee shall be considered to be in default. Said guarantee ~~may~~ shall be extended if the developer demonstrates good faith progress towards completion of the required improvements; and, if such extension takes place prior to default.

(C) Default:

- 1) Upon default, the surety bonding company or the financial institution holding the escrow account shall, if requested by the Jurisdiction, pay all or any portion of the bond or escrow fund to the Jurisdiction up to the amount deemed necessary by the Jurisdiction to complete the improvements. Upon payment, the Jurisdiction shall expend such funds or portion thereof to complete all or any portion of the required improvements. The Jurisdiction shall return any funds not spent in completing the improvements. Default on a project does not release the developer from liability and responsibility for completion of the improvements.
- 2) Release of Guarantee Security: The Jurisdiction may release a portion or all of any security posted as the improvements are completed and approved by the Jurisdiction.

SL 2015-246, Section 4: Sign Regulation Exemption

Exempts signage on temporary wrap fences around construction sites from sign regulations

- Allows limits duration of exemption to when CO issued or 24 months
- Allows limitation on advertising
- Amend to add signage on wrap fences to exemption list

Amendments to these sections of the development ordinance are delineated with strikethrough for text elimination and shaded for new text.

6-1. - SIGN REGULATIONS

6-1.3. - Signs Exempt from Regulation.

The following signs are exempt from regulation under this Ordinance except that lighted signs require an electrical permit.

- (J) Fence wraps displaying signage when affixed to perimeter fencing at a construction site. Signage shall be removed at the time a Certificate of Occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever is shorter. Only advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required is permitted.

SL 2015-246, Section 5: Permit Choice

- Applies to pending applications
- Applicant chooses which to comply with, original or amended ordinance
- Extended to zoning permits/approvals
- Recommend text amendment

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3-12. - ZONING MAP AND TEXT AMENDMENTS

3-12.1. - General Requirements.

- (A) Amendments and Modifications: Zoning regulations, restrictions, and zone boundaries as shown on the Official Zoning Map may from time to time be amended, supplemented, changed, modified or repealed according to the provisions of this Ordinance.
- (B) Prior Building Permit Approval: Amendments, modifications, supplements, repeal or other changes in zoning regulations and zone boundaries shall not be applicable or enforceable without the consent of the owner with regard to lots for which building permits have been issued, pursuant to state law, prior to the enactment of the ordinance making the change or changes, so long as the permits remain valid and unexpired or not revoked.
- (C) Pending Applications: If an amendment is adopted while an application for development or zoning approval is pending, the applicant may choose to comply with the original or new version of the ordinance, pursuant to NCGS.
- (E D) Authorized Submission: The Governing Body, any Local Board, Commission or Department or any person who resides or owns property within the zoning jurisdiction of Guilford County may petition for an amendment to this Ordinance.