

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #24-08-PLBD-00092: AN AMENDMENT TO MODIFY ARTICLE 3 (PERMITS AND PROCEDURES), SECTION 3.5.V TO ADJUST NOTICE AND HEARING REQUIREMENTS AND TERMINOLOGY REGARDING “TEXT AMENDMENTS” AND MAKE A GLOBAL ADJUSTMENT TO TERMINOLOGY USED FOR PUBLIC HEARINGS FOR LEGISLATIVE AND QUASI-JUDICIAL DECISIONS TO ALIGN WITH LANGUAGE ADOPTED UNDER TEXT AMENDMENT CASE #23-06-PLBD-00053 TO MODIFY ASSOCIATED NOTIFICATION REQUIREMENTS

Description

The Planning staff prepared amendments to Article 3 (Permits and Procedures) of the Guilford County Unified Development Ordinance (Referenced as Subsection 3 in Chapter 15 of the County Code of Ordinances). The amendment will modify Section 3.5.V regarding hearing and public notification procedures and terminology specific to Text Amendments. Also, it will amend the UDO to globally change the nomenclature for “Public Hearing” to “Legislative Hearing” in reference to legislative decisions and “Evidentiary Hearing” in reference to quasi-judicial decisions as established under the UDO and consistent with NCGS 160D. The purpose of the amendment is to align with modifications to Section 3.2.D, Public Notice Procedures, and Table 3.2, Public Notification Requirements, under Text Amendment Case #23-06-PLBD-00053, adopted by the Guilford County Board of Commissioners on May 16, 2024. That amendment changed the public notice requirements for the Planning Board’s review of text amendments after a legislative hearing from “Required” to “Optional” to reflect its advisory role in decisions on text amendments established under the UDO and by NCGS 160D. Additionally, it changed the nomenclature from “Public Hearings” on legislative decisions, such as Text Amendments, to “Legislative Hearings,” and on quasi-judicial decisions, such as “Special Use Permits” to “Evidentiary Hearings.” More specifically, the following amendments are proposed:

- Amend Section 3.5.V.2.d(1) to change the wording in the first sentence as follows: “...the Guilford County Planning Board ~~shall~~ may hold a ~~public~~ legislative hearing to consider the proposed amendment.”
- Amend Section 3.5.V to change the nomenclature for “public hearing” to “legislative hearing” in reference to legislative decisions on Text Amendments.
- Amend Section 3.5.V.2.c(1) to revise text as follows: “The Planning and Development Director shall review the application, prepare a staff report, and notice ~~set~~ a legislative ~~public~~ hearing (if provided) per Section 3.2 and Table 3.2, Public Notification Requirements, and provide a recommendation to the Planning Board.”
- Amend Section 3.5.V.2.c(2) to revise text as follows: 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 ...
- Amend Section 3.5.V.2.d(2) to revise text as follows: “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 legislative ~~public~~ hearing shall be scheduled as provided by the Board of Commissioners.”
- Amend Section 3.5.V.2.e(1) to revise text as follows: “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.”

- Amend Section 3.5.V.2.e(2) to revise text as follows: “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.”
- Amend Sec. 15-56, Unified Development Ordinance in the Guilford County Code of Ordinance to globally change the term “public hearing” to “legislative hearing” in reference to legislative decisions and to “Evidentiary Hearing” in reference to quasi-judicial decisions as established by the UDO and pursuant to NCGS 160D.

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 Guilford County Comprehensive Plan (effective October 1, 2006) Future Land Use Element-Policy 1.6.2. which states, “Recommend Development Ordinance amendments and Area/Quadrant Plan changes to support and implement regional plans endorsed and adopted by Guilford County.”

Staff Recommendation

Staff Recommendation: Staff recommends approval.

The recommended action is reasonable and in the public interest because it is consistent with the Guilford County Comprehensive Plan (effective October 1, 2006) Future Land Use Element—Policy 1.6.2. It adjusts procedural requirements and updates terminology used under Section 3.5.V specific to Text Amendments consistent with adjustments made to Sections 3.1 and 3.2 with the adoption of Text Amendment Case #23-06-PLBD-00053 by the Guilford County Board of Commissioners on May 16, 2024 and with NCGS 160D.