

TEXT AMENDMENT CASE #21-01-GCPL-00607 Unified Development Ordinance
Text Amendment Items for Housekeeping, Maintenance, and Adjustments

Description

The new Unified Development Plan (UDO) was reviewed by Planning staff for housekeeping, periodic maintenance, and adjustment purposes. Additionally, staff considered issues that arose from the administration of the UDO and inquiries from the public to prepare possible amendments to the UDO. As a result, staff proposes the following:

Amend Section 1.12.A Transitional Provisions, Applications Submitted [adding the word “two” (2) years].

A. APPLICATIONS SUBMITTED BEFORE NOVEMBER 19, 2020

Per G.S. §160D...Plans approved prior to November 19, 2020 shall have two (2) years to obtain the permit prior to expiration.

Amend Section 1.12.E.1, Zoning District Conversions to correct punctuation.

E. ZONING DISTRICT CONVERSIONS

1. Upon the effective date of this Ordinance, land zoned under the Zoning Districts from the previous ordinance shall be reclassified to one of the Zoning Districts outlined in Article 4.

Amend Section 3.5.S.3.b.(1)(i) Subdivision, Major to correct lot size reference.

S. SUBDIVISION, MAJOR

b. Sketch Plan Submittal

- (1) Technical Review Committee. A Sketch Plan is required for review by the Technical Review Committee for any subdivision of property that involves:

- (i) More than fifty (~~25~~50) lots.
- (ii) Utilizes Off-site Sewage Treatment.
- (iii) A Community Sewage Treatment System.

Amend Article 3.5.S.4.e(1) to add a preposition for the purpose of clarification.

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

Amend Section 5.8.C.8.b to change landscape buffer to Type B planting yard and add Article reference.

- b. Parking shall be provided for non-resident employees at a rate determined by the use type of the proposed business operation (See Article 6). Parking shall be located behind the principal dwelling unit and shall be fully screened from the public right-of-

way and adjacent properties by a ~~landscape buffer~~ **Type B planting yard** (See Article 6). All parking shall be provided with an all-weather surface and meet applicable American Disability Act (ADA) standards for non-resident employees and customers.

Amend Section 4.2.13 NB - Neighborhood Business and Section 4.2.17 MXU – Mixed-Use dimensional requirements under Lot Standard to make revision changing Maximum Structure Height (ft.) from “-50” to “50**” in Dimensional Requirements table.**

Amend Section 4.2 to remove limitations on Maximum Size of an accessory structure as a percent of floor area of the principal dwelling for any RS and RM (RS-40, RS-30, RS-20, RS-3, RS-5, RS-7, RM-8, RM-18, and RM-26) residential zoning districts. This revises dimensional requirements under Lot Standards for all RS and RM (RS-40, RS-30, RS-20, RS-3, RS-5, RS-7, RM-8, RM-18, and RM-26) residential zoning districts to change Maximum Size (% of Floor Area) for Accessory Structures from “25” to “See Section 4.8”). See below for example:

4.2.2 RS-40 – RESIDENTIAL

B. Lot Standards

Dimensional Requirements – RS-40

Standard	Dimension	Cluster Development Option	Note
Min. Lot Size (ft. ²)	40,000	For cluster development on properties meeting the minimum tract size requirements set forth in Article 8 and zoned RS-40, see the dimensional/lot requirements for the RS-30 zoning district.	
Minimum Lot Width (ft.) @ Building Line			
Interior Lot	150		
Corner Lot	150		
Min. Street Frontage (ft.)	50		
Min Street Setback (ft.)			[1]
Local and Collector – Front or Side	40		
Minor Thoroughfare	45		
Major Thoroughfare	50		
Min. Interior Setbacks (ft.)			
Side Setback (ft.)	15		
Rear Setback (ft.)	30		
Max. Structure Height (ft.)	50		[2]
Max. Building Coverage	30%		
Accessory Structures			[3]
Setbacks (ft.)	Same as above.		
Height (ft.)	Same as above.		
Maximum Size (% of Floor Area)	25 See Section 4.8		

¹ Setback measured from right-of-way line or property line of parcels.

² No more than three (3) full or partial stories entirely above grade.

³ Accessory structures may be located in front of the principal structure when the lot is a minimum of two (2) acres. If the accessory building is less than or equal to 600 square feet in area, side and rear setbacks may be reduced to five (5) ft. See Section 4.8 for additional requirements for Accessory Uses, Buildings, and Structures.

Amend Section 4.8 to revise table under Section 4.8, Accessory Uses, Buildings, and Structures to change Maximum Size (% of floor area) from "25%" to "n/a" (not applicable) for all RS and RM (RS-40, RS-30, RS-20, RS-3, RS-5, RS-7, RM-8, RM-18, and RM-26) residential zoning districts.

Amend Section 5.14 and 5.14.A subject lines for consistent terminology throughout the UDO.

5.14 UTILITIES AND COMMUNICATIONS ~~WIRELESS COMMUNICATION TOWER~~ (PRINCIPAL)

A. ~~WIRELESS COMMUNICATION TOWER~~ RADIO, TELEVISION, COMMUNICATION TOWER (PRINCIPAL)

1. *Where Required:*

Non-stealth Design Towers shall be permitted in the

following districts: AG, GB, MXU, HB, CP, LI, HI, and PI Districts. Stealth/Camouflage Design Towers shall be permitted in all districts.

Amend Section 6.1.1.4 to revise design standards for improvements to parking standards.

I. DESIGN STANDARDS

4. Improvements

a. Paving

- (1) Required parking spaces, access drives, and loading areas shall be paved and maintained with concrete, asphalt, or similar hardened dustless materials (not gravel) of sufficient thickness and consistency to support anticipated traffic volumes and weights.
- (2) ~~Though some operations are exempt from the paving requirements of this Ordinance, access Access drives, which support/serve these operations, are still required shall to~~ be paved and maintained from the curb line to a point at least ten (10) feet beyond the public right-of-way line ~~for all parking and loading facilities, whether paved or unpaved.~~ This is to ensure that gravel is kept off of roadways.

AMEND ARTICLE 6.2 TITLE

6.2 Landscaping, ~~B~~uffering & Screening Requirements

Amend Section 6.2.A.5 to correct grammar/punctuation.

5. Protecting and enhancing property values and aesthetic qualities; ~~and~~
6. Providing visual screening, where appropriate.

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Amend Table 6-2-2 and Section 6.F.4.a., b. & c. to replace buffer with planting yard for the purpose of clarification and consistency and to correct punctuation.

TABLE 6-2-2: PLANTING YARD CHART^{1, 2, 3, 4}

Zoning Classification of Site	Zoning Classification of Adjacent Site					
	AG	All RS Districts	All RM Districts	PI, LO, MXU, LB, NB	GB, HB, CP	LI, HI
AG	N/A	N/A	N/A	B	A	A
All RS Districts	D	N/A	C	B	A	A
All RM Districts	C	D	N/A	C	B	A
PI, LO, MXU, LB, NB	B	B	B	D	C	B
GB, HB, CP	A	A	B	C	D	C
LI, HI	A	A	A	B	C	D
Notes: <ol style="list-style-type: none"> 1. A proposed nonresidential use locating next to vacant property shall be required to install a Type D planting yard. Where a proposed non-residential use (i.e., a change in Use Category per Table 4-3-1 – Permitted Use Schedule) in a residential zoning district (includes Agricultural Zoning District) abuts a single-family or two-family dwelling along any property line, a Type B buffer-planting yard is required. 2. A non-residential or multi-family residential with 8 or more units adjacent to an AG or RS zoning district shall be required to install a Type C planting yard. 3. Use of a vacant parcel with a valid preliminary plat or site plan shall be considered developed for the approved use. 4. Single-family detached dwelling or two-family dwellings on individual lots are exempt from installing planting yards requirements. 						

The following items are permitted for use as screening materials. Alternative screening materials that are not listed may be used if the Planning & Development Director determines they are comparable to the following screening materials:

- a. Vegetative materials that meet the minimum vegetative screening requirements for a Type D ~~buffer-planting yard~~;
- b. An earthen berm that is at least two (2) feet in height, covered with grass, and planted with other landscaping material(s) consistent with the function of and requirements for a Type D ~~buffer-planting yard~~ is provided; however, that a berm shall not be used if it will replace existing trees of six (6) inches in caliper or more;
- c. An opaque fence constructed of treated or rot-resistant wood or a plastic or vinyl fence designed to look like an opaque wooden fence, of a minimum height necessary to fully-screen the object being screened; ~~or~~

Amend Section 6.2.G.2.b.(3) & 6.2.H.2.a. to correct grammar (case sensitive) for Landscaping, Buffer & Screening Requirements

2.G.2.b.(3) Weather conditions...Director.

The developer shall submit a copy of a signed contract for installation of the required planting areas and may be required to post a surety (see Section 8.09 – Performance Guarantees) equal to ~~One Hundred Fifty-Five~~ ~~Percent~~ (125%) of the contract

cost to comply with the approved landscaping plan. In no instance shall the surety be for a period greater than one hundred eighty (180) days. A Temporary Certificate of Occupancy may be issued but a final Certificate of Occupancy shall not be issued until the planting area(s) have been completed and approved.

- a. For lots less than one hundred (100) feet and greater than eighty (80) feet in width where Type D ~~p~~Planting ~~y~~ards are required, one (1) Type D planting yard may be eliminated from the landscaping plan if the Planning & Development Director finds that strict application of the requirements of this Section prevents reasonable use of the property. However, the plantings required for this yard shall be installed in remaining planting yards.

Amend Table 7.7.1 to clarify and revise identification signs' Max. Area as 4 sq. ft. per unit and Max. Height as 4 ft. and not 6 ft.

Table 7.7.1 – Specifications for Signs Not Requiring a Sign Permit

Type	Zoning District Allowed	Number Permitted	Max. Area (sq. ft.)	Min. Setback (ft.)	Max. Height (ft.)	Illumination Allowed ^b	Time Restrictions
Identification Signs	All Districts	1 per building	4 sq. ft. per unit	R/W ^a	6-4	Indirect	N/A

Amend Section 2.6.E Historic Preservation Commission, Item E – Powers and Duties, Item #4 to correct section reference

3. To grant or deny the issuance of a Certificate of Appropriateness in accordance with this Ordinance. The Historic Preservation Commission must hold evidentiary hearings on the issuance or revocation of such Certificates (Section 3.5.~~3-D~~, Certificate of Appropriateness, ~~Major~~).

Amend Table 3.1 – Development Review Procedures to have the Pre-Application Conference for Certificate of Appropriateness, Major to be Recommended/Advisory instead of Mandatory.

Amend Section 3.5.C, Appeals to add N.C.G.S. section reference

- 2.c.(1) Decision of the Historic Preservation Commission
 - (1) An appeal may be taken to the Board of Adjustment from the Historic Preservation Commission's action in granting or denying any Certificate of Appropriateness [N.C. General Statute 160D-947(e)].

Amend Section 3.5.D, Certificate of Appropriateness to include additional referenced sections and/or to correct section references and wording to be concurrent with the ~~s~~State in Items 1.a., 1.b, 2.a., 3.a, 3.c, 4, 4.a, 4.b, 6.d, 7.a., 7.b., 7.c., and 10. Flowchart title.

3.5.D. CERTIFICATE OF APPROPRIATENESS

1. Applicability

a. A Certificate of Appropriateness (COA) shall be required for all Major and Minor work activities within Historic District Overlays established per Article 4.12 and within the boundaries of any local Historic Landmark property designated per Sections 3.5.K and 3.5.LF. A Certificate of Appropriateness ~~COA~~ is required whether a building permit is otherwise required.

Any building permit or other permit issued not in conformity with this Section shall be invalid. (See Certificate of Appropriateness Process Flow-chart at the end of this section ~~for typical COA review process~~).

b. Work activities requiring a COA include new construction, relocation, demolition, and changes to features including architectural style, general design, general arrangement, kind and texture of material, size and scale, and type and style of all windows, doors, architectural details, light fixtures, signs, appurtenances, landscaping, archaeological resources or site characteristics.

Commentary: A list of ~~A~~minor and ~~A~~major work activities requiring a COA may be obtained from the Planning and Development Department.

2. Pre-Application Conference for COA

a. A pre-application conference with Planning and Development Staff is required recommended in order to assure that the COA application is sufficiently complete to be placed on the next available HPC agenda.

3. Application Submittal

a. Application for a Certificate of Appropriateness (COA) shall be made to the Planning and Development Department on forms provided. At that time, staff will determine whether the COA application is for a ~~A~~minor or ~~A~~major ~~COA work~~. The application must be filed no later than thirty (30) days prior to the next regularly scheduled meeting of the Historic Preservation Commission. Each application shall be accompanied by drawings, photographs, specifications, descriptions, and/or other information of sufficient detail to clearly show the proposed alterations, additions, relocation, and/or new construction.

c. A COA shall be required for any changes to buildings, structures, sites, areas, or objects within Historic Overlay District or local Historic Landmark boundaries which are owned by the State of North Carolina or any of its agencies and instrumentalities, subject to the regulations of this Ordinance and in accordance with North Carolina General Statute ~~160A-400.9(f)~~160D-947.

4. ~~Design Review~~ GuidelinesStandards

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a. The HPC must adopt ~~Design Review~~ Guidelines-standards for each historic district overlay. The HPC also shall apply the Secretary of Interior's Standards for Rehabilitation. (see 36 Code of Federal Regulations section 67.7.)

b. The ~~Review~~ Guidelines-standards shall take into account the historic, architectural, and visual elements of the district and consider the following factors:

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6. HPC Review, Decision, and Issuance of COAs for Major Work

d. The HPC shall not refuse to issue a COA except for the purpose of preventing the construction, reconstruction, repair, alteration, or relocation/removal of buildings; structures; appurtenant features; or signs within the boundaries of or a Historic District Overlay or local Historic Landmark which would be incompatible with the Secretary of Interior's Standards and any review guidelines-standards adopted with the designating Ordinance.

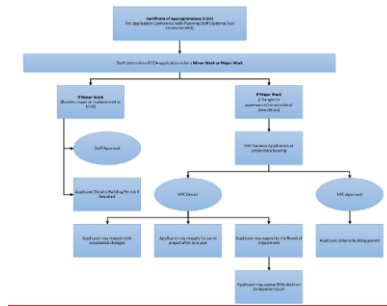
7. Review Criteria

a. In granting a Certificate of Appropriateness (COA), the Historic Preservation Commission (HPC) shall take into account the historic or architectural significance of the property under consideration and the exterior form and appearance of any proposed additions or modifications to a structure as outlined in Article 4.12.

b. When considering the application, the HPC shall apply the review guidelines-standards required by Section 3.5.~~E-K~~ and 3.5.L and shall, in approving, approving with conditions, disapproving, or deferring an application, make findings of fact, indicating the extent to which the application is or is not in compliance with review criteria, and shall cause these findings of facts to be entered into the minutes of its meetings. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the HPC based its decision.

c. The HPC shall not consider interior arrangement for a property within a Historic District Overlay unless it is designated as a local Historic Landmark. For local Historic Landmarks, Aa COA shall be required for specific interior features of architectural, artistic, or historic significance for which consent to review has been given in writing by the owner. Such consent shall be filed in the County name Register of Deeds and indexed according to the name of the property owner in the grantee and grantor indexes and shall bind future owners and/or successors in title. The Ordinance establishing Historic Landmark designation of the property shall specify the interior features subject to review and the specific nature of the HPC's jurisdiction over those features.

10. COA-Certificate of Appropriateness Process Flowchart



Amend Section 3.5.L. Historic Landmarks Designation to correct section references and consistency in Items 1.a; 1.a. (2), (4); and 3.c.

L. HISTORIC LANDMARKS DESIGNATION

1. Adoption of ordinance of designation

a. The local governing body may adopt, amend or repeal an ordinance designating any Historic Landmark property ~~(hereafter referred to as "Landmark")~~. The ordinance shall contain information on any designated property which includes:

- (1) the name(s) of the owner(s) and the street address if applicable;
- (2) a description of the physical configuration and orientation of any historic resources within the Historic Landmark designation boundaries;
- (3) a description of those elements which are integral to the property's historic, architectural, archaeological, and/or cultural significance;
- (4) review guidelines which the Historic Preservation Commission shall prepare and adopt not inconsistent with G.S. § 160D-949 for constructing, altering, restoring, rehabilitating, repairing, relocating, removing, or demolishing of property designated as historic. The review guidelines shall ensure, insofar as possible, that any of the above-listed activities on Historic Landmark properties shall be in harmony with the reasons for designation; and any other information deemed necessary, within the authority of this Ordinance and the general statutes, as determined by the local governing body.

3. Procedure for Designation

c. ~~At the expiration of NCDNR's thirty (3) day review period, the~~ HPC shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept it, amend it, reject it, or postpone a decision until completion of a period of further study, not to exceed sixty (60) days. The HPC shall forward to the local governing body a copy of the report, copies of written comments received from the NCDNR, and a recommendation either to approve or deny designation of the property, stating in its recommendation the extent to which the property meets the criteria for designation as set forth in this Ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation.

Commented [KG1]: After consulting with state, HPC review and comment may be concurrent with that of the state.

Amend Article 12 – Definitions - Historic Districts, to expand Section Heading, add new definition for Historic Landmark, and revise definitions for Routine Maintenance; Structure, Contributing; Structure, Noncontributing; Work, Minor; and Work, Major.

HISTORIC DISTRICTS LANDMARKS AND DISTRICTS

CERTIFICATE OF APPROPRIATENESS (COA). A form of approval ~~for changes to the exterior of a property within a locally designated historic district issued by the Historic Preservation Commission or its staff which states that work proposed by the applicant is consistent with the adopted review standards for the Historic Landmark or district.~~

HISTORIC LANDMARK. A property designated by a local governing board following a study and recommendation by the Historic Preservation Commission. Historic Landmarks can include buildings, structures, sites, areas or objects. The property must be found to possess special significance in terms of its historical, prehistorical, architectural, or cultural importance, and to retain historic integrity of design, workmanship, materials, feeling, and association.

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ROUTINE MAINTENANCE. Work activities not already listed under minor or major work and which include ordinary repair and replacement when there is no change in the design, materials, or general exterior appearance of a structure, its grounds or a site ~~when viewed from the street right of way;~~ therefore, not requiring design review or a Certificate of Appropriateness (COA).

STRUCTURE, CONTRIBUTING. A structure listed as historically and architecturally significant in the ~~design guidelines for within~~ any ~~locally designated~~ historic district.

STRUCTURE, NONCONTRIBUTING. A structure listed as *not* historically and architecturally significant in the ~~design guidelines for~~ any ~~locally designated~~ historic district.

WORK, MINOR. Work activities which do not result in a substantial or irreversible alteration to the general exterior appearance of a structure, its grounds, or site ~~when viewed from the street right of way;~~ therefore, not requiring design review by the Historic Preservation Commission (HPC), but requiring approval of a Certificate of Appropriateness (COA) by the HPC staff. (See HPC Rules of Procedure for a list of minor works.)

WORK, MAJOR. Work activities which could result in a substantial or irreversible alteration to the general exterior appearance of a structure, its grounds or site ~~when viewed from the street right of way;~~ therefore, requiring design review and approval of a Certificate of Appropriateness (COA) by the Historic Preservation Commission. (See HPC Rules of Procedure for a list of major works.)

Amend Appendix 3 – Revise Performance Guarantee Agreement form to include County signature block and multiple [developer] types of signature blocks, as appropriate.

Consistency Statement

Consistency with Adopted Plans: The proposed Unified Development Ordinance (UDO) was prepared to reflect the goals of the comprehensive plan and is consistent with the most recent 2016 updates of the following 7 Area Plans [7th area plan (Liberty Road/Woody Mill Road Small Area Plan) included by reference as part of the Alamance Creek Area Plan] that canvass the unincorporated areas of Guilford County. The proposed text amendments were prepared to provide guidance and clarity to users and further support the goals of the comprehensive plan.

Staff Recommendation

Staff Recommendation: Staff recommends approval.

The recommended action is reasonable and in the public interest because the proposed amendments provide minor adjustments, housekeeping, and maintenance of the UDO that will provide clarity and guidance based on staff review and comments that arose through the administration and implementation of the UDO since the date of adoption.