



Legislation Text

File #: 2020-432, Version: 1

TITLE

ADOPT NEW UNIFIED DEVELOPMENT ORDINANCE (UDO)

SPONSOR

J. Leslie Bell

BACKGROUND

The proposed Unified Development Ordinance (UDO) is intended to replace the current Guilford County Development Ordinance (Ordinance) that was adopted and became effective Jan. 1, 1992. Both the current land development ordinance and the proposed UDO is applicable to land development in the unincorporated area only of Guilford County excluding municipal extraterritorial jurisdictions (ETJ) and the Piedmont Triad International Airport planning area. With the passage of time, the current Ordinance has been amended numerous times with no comprehensive review and update having been completed since initial adoption. The current Ordinance is a 28+ year-old tool/document, coupled with its physical layout/organization, contains language ambiguity and conflicts, procedural and review processes that increase transaction time and costs, design standards that are limited in flexibility, contains section which need clarification which are difficult to enforce or interpret, and lacks some continuity as currently written.

On October 14, 2020, the Guilford County Planning Board recommended that the Board of County Commissioners schedule a public hearing and adopt the proposed UDO. The Planning Board also recommended (following a non-required public hearing) that the proposed UDO become effective immediately and that upon adoption, that the County will allow applicants to either use the new UDO or the current land development ordinance for a period of one year from the effective date. This assists with transition to the new UDO by providing options in case some unforeseen circumstances arise with the new UDO that could unintentionally delay an applicant from moving forward with a proposed development project.

The UDO also reflects the Planning Board's zoning amendment to the official Guilford County zoning map (following a required public hearing held on October 14, 2020) based on the attached Proposed Revisions to Zoning District Designations Table (zoning map changes are included as reference/acknowledgement and can be viewed/accessed at <https://www.guilfordupdate.com/community-input>). The Planning Board's recommendation is that the official zoning map be effective upon adoption of the UDO.

The process to update the proposed UDO (hard copies provided) and to solicit broad public input began in 2018 following the selection by a UDO Evaluation Committee of Stewart in response to an RFP for planning services. In June 2018, staff held a series of five (5) meetings/sessions including 70+ stakeholders representing 18 different interest groups that were interviewed to assess the current ordinance. Subsequently, a multi-disciplinary Steering Committee was formed to usher the update process. Steering Committee members (external) that worked with/along side a project team of Planning & Development Department staff with the Fire Marshal's office also participating, and Stewart throughout this process include:

Judy Stalder, TREBIC

Frankie Jones, Guilford County Planning Board Chair

Michael Faucette, Local Farmer

Ray Trapp, Dir. of External Affairs, Office of the Chancellor NC A&T State University

Amanda Hodierne, Local Land Use Atty.

Jay Matey, Engineer (formerly with Timmons Group)

Jimmy Morgan, Local Farmer

Betty Smith, Real Estate Professional

Lynn Gullick, Local Atty.

Kim Rayle, Local Farmer/Business Owner

Ernie Wilson, NC DOT

Craig Fleming, Engineer

Kathleen Evans, Regional Dir.- External Affairs AT&T

The UDO document includes 12 chapters with appendices that govern zoning, signage, environmental, and subdivision regulations. Briefly, the proposed UDO incorporates, but not limited to, best practices that have evolved in the 28 years since 1992; updates the Permitted Uses Table (SIC system last revised in 1987); reflect changes in policy (e.g., termination of City of Greensboro and County Water and Sewer Policy effective Dec. 31, 2010) that impact development patterns for unincorporated Guilford County and thus influences zoning district designations and associated development densities; and, reduces the number of zoning districts from 27 to 23. The proposed UDO also is compliant with North Carolina recently-adopted Chapter 160D planning legislation.

Additionally, the project website [<https://www.guilfordudoupdate.com/>](https://www.guilfordudoupdate.com/) was maintained since onset of the project to post all Steering Committee notes, presentations, public workshop(s), citizen survey results, virtual public meeting/presentation, draft UDO, other referenced documents (e.g., updated Area Plans), and a comment/question portal. Further, staff presentations were conducted for specific stakeholder groups (i.e., Southeast Business Assoc., TREBIC) on multiple occasions since the project began.

A summary of the process, details, and key highlights of the proposed UDO is attached and included as part of the staff report. The staff report also includes and is based, in part, on staff's recommendation on the UDO's consistency with other adopted plans and why the adoption of the UDO is reasonable and in the public interest.

Also attached is a decision-making worksheet designed to assist the Board of Commissioners in making both a plan consistency statement and a statement of reasonableness.

REQUESTED ACTION

Adopt the proposed Unified Development Ordinance (UDO) and allow applicants to either use the new UDO or the old development ordinance for a period of one (1) year from the effective date (**November 18, 2021**). This assists with transition to the new UDO by providing options in case some unforeseen circumstance(s) arise with the new UDO that could unintentionally delay an applicant from moving forward with a proposed development project.

The Official Zoning Map also is included for acknowledgement per the Planning Board's action in Case #20-09-GCPL-06322.

1. The amendment **is** consistent with applicable plans because:

The proposed Unified Development Ordinance (UDO) reflects and is consistent with the most recent 2016 updates of the following 8 Area Plans [Liberty Road/Wood Mill Road Vicinity Small Area Plan was not updated] that canvass the unincorporated areas of Guilford County:

- Alamance Creek Area Plan
- Liberty Road/Woody Mill Road Vicinity Small Area Plan
- Northeast Area Plan
- Northern Lakes Area Plan
- Northwest Area Plan
- Rock Creek Area Plan
- Southern Area Plan
- Southwest Area Plan

The proposed UDO also is consistent with current Comprehensive Transportation Plans, and reflects the goals and objectives of the 2006 Guilford County Comprehensive Plan. Further, the proposed UDO is more user-friendly, protects the existing rural development patterns, promotes more housing choices, adds flexibility, and promotes agriculture as a land use activity reflective of the more than \$52M in revenue of market value of agricultural products sold, and will be consistent with NCGS 160D new planning legislation. Subsequent updates to Area Plans since the 2016 update will be forthcoming and will reflect changes (if any) to the Future Land Use

Compatibility Matrix based on the Proposed Revision to Zoning District Designations Table (Zoning District Transition Table).

2. The amendment **is** reasonable and in the public because:

The proposed Unified Development Ordinance (UDO) is reasonable and in the public interest because: 1) the UDO implements and reflects input from the 18 identified stakeholder groups that met on June 19, 2018 (see UDO Assessment Report on project website); 2) incorporates the review and input from the 18-member UDO multi-disciplinary Steering Committee (including various Guilford County staff) that actively participated throughout the drafting of the UDO document; 3) reflects responses to the citizen survey and comments from the public workshop conducted as part of this project to solicit broad public input; and, 4) the proposed UDO document is consistent with current policy (e.g., termination of Water and Sewer Agreement with the City of Greensboro) that influences growth and development patterns in the unincorporated area of Guilford County.