





COUNTY OF GUILFORD
COURAGE AND FAITH
1771
NORTH CAROLINA
SM

GUILFORD COUNTY

UNIFIED DEVELOPMENT ORDINANCE

ADOPTION DATE:



ARTICLE 1 – GENERAL PROVISIONS

ADOPTION DRAFT – 09.28.2020

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ARTICLE 1 – GENERAL PROVISIONS

1.1 TITLE *(1-1)*

This ordinance shall be known and may be cited as the "Guilford County Unified Development Ordinance" except as referred to herein, where it shall be known as the "Ordinance" or "UDO".

1.2 PURPOSE *(1-3)*

It is the purpose of the regulations of this Ordinance to promote the health, safety, and general welfare of the residents and visitors of Guilford County.

1.3 ENACTMENT AND REPEALS *(1-2)*

A. ENACTMENT AND EFFECTIVE DATE

This Ordinance is enacted and shall be the Unified Development Ordinance for Guilford County, effective <EFFECTIVE DATE>.

B. REPEALS

All ordinances, or portions thereof, of Guilford County, which relate to zoning, subdivision, and land use which are inconsistent with the provisions of this Ordinance, are repealed to the extent of such inconsistency.

1.4 JURISDICTION *(1-4)*

A. COVERAGE

The provisions of this Ordinance shall apply to all the territory encompassed in Guilford County, North Carolina herein referred to as "the Jurisdiction" except for those areas within incorporated municipalities and their extraterritorial jurisdiction, and property owned by the Greensboro-High Point-Winston-Salem Airport Authority. This Ordinance shall govern the development and use of land and structures therein, except for bona fide farm land and structures as provided for by North Carolina General Statutes, namely G.S. § 160D-903.

B. ESTABLISHMENT OF ZONING

If for any reason property is found to be unzoned or de-annexed, the County shall initiate an original zoning map amendment for the property. Such zoning shall be established within sixty (60) days of discovery of the property becoming unzoned. Zoning must be established before any development of the property can occur. The property owner may initiate a zoning map amendment (rezoning) at any time after the County has established original zoning.

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1.5 AUTHORITY *(1-5)*

This Ordinance is adopted pursuant to portions of one (1) or more of the following authorities: G.S. § 63 Aeronautics, G.S. § 69 Fire Protection, G.S. § 74 Environmental Controls, G.S. § 95 Department of Labor and Labor Regulations, G.S. § 106 Agricultural Regulations, G.S. § 113A Pollution Control and Environment, G.S. § 119 Gasoline and Oil Inspection and Regulations, G.S. § 121 Environmental Controls, G.S. § 130A Public Health, G.S. § 133 Public Works, G.S. § 136 Roads and Highways, G.S. § 143 State Departments, Institutions, and Commissions, G.S. § 160D Local Planning and Development Regulation, G.S. § 157 Housing Authorities, G.S. § 168 Handicapped Persons. This Ordinance may be amended from time to time as required or allowed by subsequent legislative enactments.

A. REFERENCES TO NORTH CAROLINA GENERAL STATUTES

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes that is later amended or superseded, this Ordinance shall be considered amended to refer to the amended section.

1.6 ABROGATION *(1-6)*

This Ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

1.7 INTERPRETATION OF ORDINANCE *(1-7) & (1-8)*

A. MINIMUM REQUIREMENTS

In the interpretation and application of this Ordinance, all provisions shall be the minimum requirements, unless otherwise stated, and allowed neither to limit nor repeal any other powers granted under state statutes.

B. GREATER RESTRICTIONS GOVERN

If any federal or state law or any other existing ordinance or regulation allows lesser regulation, this Ordinance shall govern, so that in all cases the more restrictive limitation or requirement shall govern. Whenever regulations imposed by this Ordinance are less restrictive than regulations imposed by any governmental authority through regulation, rule or restriction, the regulations imposed by that authority shall govern. Regardless of any other provision of this Ordinance, no land shall be developed or used, and no structure shall be erected or maintained in violation of any state or federal regulation.

C. ROUNDING OF NUMBERS

All calculations that result in a part or fraction of a whole number shall be rounded up to the next highest whole number, unless otherwise provided in this Ordinance.

D. DENSITY

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1. **Congregate Care Facilities and Private Dormitories**: For the purpose of calculating density for congregate care facilities and private dormitories, two (2) bedrooms shall be the equivalent to one (1) dwelling unit.
2. **Single-Room Occupancy (SRO) Residences**: For the purpose of calculating density for SRO residences, a rooming unit of less than one hundred and fifty (150) square feet shall be equivalent to one-half (1/2) a dwelling unit and a rooming unit of one hundred and fifty (150) square feet or more shall be equivalent to one (1) dwelling unit.

E. FIGURES

The figures provided in this Ordinance are designed to provide a visual explanation to selected sections of the Ordinance. If any illustration appears to be in conflict with the text of the Ordinance, the text shall govern.

F. WORD INTERPRETATION

Words not defined in this Ordinance shall be given their ordinary and common meaning.

G. RULES OF CONSTRUCTION

1. For the purposes of this Ordinance, the following rules of construction shall apply:
   a. **Tense**. Words used in the present tense include the future tense.
   b. **Singular and Plural.** Words used in the singular number include the plural number, and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
   c. **Mandatory Meaning**. The words "shall," "will," and "must" are mandatory.
   d. **Gender**. Words used in the male gender include any and all genders.

1.8 COMPLIANCE *(1-9)*

A. COMPLIANCE

No building, premises, or structure shall be constructed, erected, modified, converted, occupied, placed, maintained or moved, and no land use shall be commenced, maintained, or modified except as authorized by this Ordinance.

B. VOLUNTARY COMPLIANCE

Nothing in this Section shall allow the prevention of voluntary compliance with the provisions of this Ordinance for development approved prior to the effective date of this Ordinance.

C. CONFORMANCE WITH REQUIREMENTS

Except as herein provided, no applicable permit shall be issued or granted that does not conform to the requirements of this Ordinance. Developments which have received approval or a building permit prior to the effective date of this Ordinance, may proceed in accordance with such approval or permit while such approval or permit remains in effect.

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1.9 RELATION TO THE COMPREHENSIVE PLAN *(1-10)*

The administration, enforcement, and amendment of this Ordinance shall be accomplished with the consideration of recommendations presented in the documents comprising the Comprehensive Plan. These documents include, but are not limited to, any adopted land use plan, Comprehensive Transportation Plan (CTP), collector street plan, small area plan(s), area plans, community facility plans, capital improvement plan, economic development strategies, housing assistance plan, parks and recreation master plan, greenways plan, drainage and open space plan, watershed management plan, or regional planning documents.

1.10 ESTABLISHMENT OF OFFICIAL ZONING MAP *(1-11)*

A. OFFICIAL ZONING MAP

1. The Jurisdiction is divided into zones, or districts, as established in Article 4, Zoning Districts.
2. The location and boundaries of zoning districts established by this UDO are shown and maintained under the direction of the Planning and Development Director as part of the County's Geographic Information System (GIS). The zoning GIS layer constitutes Guilford County's Official Zoning Map and is part of this UDO. All notations, references, and other information shown shall have the same force and effect as if fully described in this UDO.

B. MAP CHANGES

1. At the direction of the Board of County Commissioners, the Planning and Development Director is authorized to revise the official zoning map. No unauthorized person may alter or modify the Official Zoning Map.
2. All changes to the Official Zoning Map shall be identified by updating the original computer digital data of each change, together with the date of the change.
3. Districts incorporated by reference to State or Federal designated boundaries per G.S. § 160D-105(b).

C. MAP LOCATION

In addition to maintaining the zoning GIS layer, a hard copy of the official zoning map and changes to the data will be kept by the Planning and Development Department.

1.11 INTERPRETATION OF DISTRICT BOUNDARIES *(1-12)*

A. BOUNDARY INTERPRETATION

1. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply:
   a. **Lot Line**. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. If a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located.

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b. Watercourses. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

c. Watersheds. Outer boundaries of General Watershed Area districts indicated as approximately following ridge lines or streets shall be construed to follow ridge lines (the actual drainage basin boundaries). Watershed Critical Area district outer boundaries not forming the inner boundaries of General Watershed Area districts shall be construed in the same manner. Boundaries between General Watershed Area districts and Watershed Critical Area districts indicated as approximately following major landmarks (identifiable major features) such as streets shall be construed to follow the centerlines of such features or, where applicable, the projections of the centerlines of such features.

d. County Line. Boundaries indicated as approximately following County lines shall be construed as following the County line.

e. City Limits. Boundaries indicated as approximately following city limits or extraterritorial boundary lines shall be construed as following the city limits or extraterritorial boundary lines.

f. Centerline. Where a boundary line lies within and follows a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street or alley right-of -way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two (2) separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the centerline of the abandoned or vacated road bed or easement.

g. Edge Line. Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the edge of such street or alley right-of -way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two (2) separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.

h. Extensions. Boundaries indicated as parallel to, or as extensions of street or alley rights-of-way, channelized waterways, railroad rights-of-way, utility easements, lot lines, city limits, county lines, or extraterritorial boundaries, shall be so construed.

i. Scaling. Where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance, the boundary shall be determined by the use of the scale appearing on the map. In the case of Flood Zones, Corps of Engineers work maps, if available, shall be used for scaling.

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B. INTERPRETATION BY BOARD OF ADJUSTMENT

Where existing or man-made features on the ground are at variance with those shown on the Official Zoning Map, or are not covered by Section 1.11.A, Boundary Interpretation, the Board of Adjustment shall interpret the district boundary.

C. ANNEXATION

1. If any portion of the territory subject to County jurisdiction under this Ordinance shall be annexed by a municipality, or taken into a municipality's extraterritorial jurisdiction by act of the General Assembly, or in accordance with G.S. § 160D, County regulations and powers or enforcement shall remain in effect until:
   a. The municipality has adopted regulations for said annexed or extraterritorial area; or
   b. A period of sixty (60) days has elapsed following the effective date of annexation or extension of extraterritorial jurisdiction.

1.12 TRANSITIONAL PROVISIONS

A. APPLICATIONS SUBMITTED BEFORE <EFFECTIVE DATE>

Per G.S. § 160D, complete applications before the effective date of this ordinance may be reviewed and approved in accordance with the ordinance in effect immediately before <EFFECTIVE DATE>. All development applications submitted on or after <EFFECTIVE DATE> must be reviewed under the terms of this Ordinance. Plans approved prior to <EFFECTIVE DATE> shall have 2 years to obtain the permit prior to expiration.

B. PERMIT CHOICE

Under G.S. § 160D-108, if development regulations change between the time a permit application is submitted and a decision on that application is made, the applicant may choose which version of the development regulation will apply to the application.

C. VIOLATIONS CONTINUE

Any violation of the previous Development Ordinance will continue to be a violation under this Ordinance and be subject to penalties and enforcement under Article 10 – Enforcement. If the use, development, construction, or other activity that was a violation under the previous ordinance complies with the express terms of this ordinance, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date specified in this ordinance. The adoption of this ordinance does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous ordinance that occurred before the effective date specified in this Article.

D. NONCONFORMITIES

1. Any nonconformity under the previous ordinance also will be a nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status under the previous regulation continues to exist. If, however, a nonconforming situation under previous zoning regulations becomes conforming because of the adoption of this Ordinance,

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or any subsequent amendment to it, then the situation will no longer be considered a nonconformity. A situation that did not constitute a nonconforming situation under the previously adopted ordinance does not achieve nonconforming status under this Ordinance merely by repeal of the previous ordinance.

2. The Planning and Development Director has discretion of declaring uses conforming that may have become unintentional non-conformities due to a change in language in this Ordinance, or to a change in the new permitted use table found in Article 4.

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.
2. PD-R, PD-M, and Conditional Use Districts approved under the previous ordinance shall be transitioned to Conditional Zoning Districts and may develop in accordance with the conditions granted under the previous approvals as outlined in the Transition Table in Article 4, Section 4.2.
3. Conditional Zoning Districts approved per the previous Development Ordinance(s) may develop in accordance with the conditions granted under such approvals and in accordance with Section 4.2.

F. PRIOR DEVELOPMENT APPROVALS

1. Developments approved under the previous ordinance may be carried out under the terms, conditions, and development standards in effect at the time of approval, provided that either:
   a. No more than twelve (12) months have passed since the date of approval.
   b. Substantial work has commenced.
2. If the prior approval becomes invalid for any reason, any subsequent development of the site shall be subject to the procedures and standards of this Ordinance.

1.13 SEVERABILITY *(1-13)*

A. INVALIDATION

Should any section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional by a Court of competent jurisdiction of either the State of North Carolina or the United States, such decision shall not affect, impair, or invalidate the validity of the remaining parts of this Ordinance which can be given effect without the invalid provision.

B. PREJUDICIAL APPLICATION

If any section, sentence, clause, phrase, or word of this Ordinance be held invalid or unconstitutional in its application to a particular case, such decision shall not affect or prejudice its application to other cases.

C. LAWFUL PRESUMPTION

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There shall be a conclusive presumption when an Administrative Officer or board authorizes regulatory action, that such officer or board would not have authorized such action except in the belief that such action was lawful.

1.14 COMMENTARY

Commentary Sections found throughout this document are intended to aid with clarification and interpretation of Ordinance provisions. Further, Commentary Sections are not considered text for the purposes of any amendments to the Unified Development Ordinance unless specific Text Amendments are needed to change provisions of Ordinance requirements.

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ARTICLE 2 – ADMINISTRATION

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ARTICLE 2 – ADMINISTRATION

2.1 PURPOSE AND INTENT

This Article outlines the review authorities of Guilford County's Unified Development Ordinance. The following Directors are appointed as the administrators of the UDO. The responsibilities of administration or enforcement of this Ordinance are described within this Article.

2.2 ADMINISTRATOR (NEW)

A. GUILFORD COUNTY PLANNING AND DEVELOPMENT DIRECTOR (NEW)

The County Planning and Development Director (Planning Director) or his or her designee has the primary responsibility for administering and enforcing this Ordinance unless expressly stated otherwise. Other County staff members or contractual employees may be appointed by the Planning Director to assist in these duties.

B. POWERS AND DUTIES

1. The Planning Director shall have the following powers and duties to be carried out in accordance with the terms of this Ordinance:

- **a.** To make all final decisions as to the interpretation and definitions of this UDO.
- **b.** To recommend the amount and applicability of administrative and consulting fees.
- **c.** To monitor and determine the adequacy of security/financial guarantees and escrow deposits and issuance of development approvals.
- **d.** To serve as staff for the Board of Commissioners, Planning Board, Board of Adjustment, and other boards and commissions, as necessary.
- **e.** To review and render interpretations of this UDO and any official zoning maps.
- **f.** To make a final decision regarding procedures as listed in Section 3.1 of this Ordinance.
- **g.** To review and prepare staff reports recommending approval, approval with conditions, or denial of applications to the decision-making bodies for the following procedures:
  - **(1)** Appeals *(Section 3.5.C)*
  - **(2)** Certificates of Appropriateness, Major *(Section 3.5.D)*
  - **(3)** Rezonings *(Section 3.5.M)*
  - **(4)** Subdivision, Major *(Section 3.5.Q)*
  - **(5)** Text Amendments *(Section 3.5.T)*
  - **(6)** Site Plans, Major *(Section 3.5.O)*
  - **(7)** Road Closings & Others listed in Article 3
- **h.** To accept applications for development approval and certify the completeness of submitted applications with the requirements of these regulations.
- **i.** To review development applications to ensure that all necessary permits, licenses, franchises, and approvals have been obtained from federal, state, and local governmental units, public and private utilities, and other public agencies.

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j. To administer and enforce the "Airport Zoning Regulations of the Greensboro-High Point Airport" adopted by the Greensboro-High Point Airport Authority on April 15, 1958, as the same may from time to time be amended, in connection with the enforcement of this Ordinance; provided, however, that this Ordinance shall not limit the effectiveness or scope of such airport zoning regulations. The Planning Director shall not issue a building permit or certificate of occupancy for any building not in conformity with the provisions of the "Airport Zoning Regulations of the Greensboro-High Point Airport," except upon written order of the Board of Airport Zoning Appeals.

k. Subject to a Certificate of Appropriateness, the Planning Director may issue permits for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places of the State Inventory of Historic Places and local landmark designated properties under the conditions set forth in this Ordinance.

C. RULEMAKING

1. The Planning Director may have authority to enact such rules as may be necessary to facilitate the administration of this Article provided that such rules shall not be contrary to the expressed provisions of the UDO and shall be in harmony with its purposes of promoting the health, safety, and welfare of the County.

2. It shall be the duty of the Administrator and staff to avoid even the appearance of conflict of interest. Therefore, no administrative staff shall make a final decision on an administrative decision as required by G.S. § 160D if the outcome of his or her decision would have a direct, substantial, readily identifiable financial impact on him or her or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.

3. If a staff member has a conflict of interest the decision shall be assigned to the staff member's supervisor or the supervisor's designee.

2.3 BOARD OF COMMISSIONERS *(NEW)*

A. POWERS AND DUTIES

1. The Guilford County Board of Commissioners shall have the following responsibilities in relation to the administration of this Ordinance:

a. Hear and decide applications for amendments to the text, schedules, and map portions of this Ordinance, which shall be processed in accordance with the provisions detailed herein, namely:

(1) Rezonings (Section 3.5.7)

(2) Text Amendments (Section 3.5.22)

b. Hear and decide appeals from non-quasi-judicial decisions of the Planning Board, namely:

(1) Rezonings (as established by resolution of the Board of Commissioners)

(2) Subdivision, Major Preliminary Plat

c. In exercising this power, the Board of Commissioners is bound by G.S. § 153A-323, , applicable special legislation, the terms of this Ordinance, and applicable court decisions in carrying out its legislative function.

d. Make necessary appointments to the Planning Board, Board of Adjustment, Historic Preservation Commission, and other boards set forth in this Ordinance.

e. Appropriate funds for the administration of this Ordinance.

B. CREATION OF BOARDS AND COMMITTEES

1. The Board of Commissioners, pursuant to G.S. § 160D, created the Boards and Committees delineated in subsequent sections of this Article to perform the following duties:

a. To make studies of the County and surrounding areas;

b. To determine objectives to be sought in the development of a study area;

c. To prepare and adopt plans for achieving these objectives;

d. To develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

e. To advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;

f. To exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct; and

g. To perform any other related duties that the Board of Commissioners may direct.

C. RULES OF CONDUCT

Each Board shall maintain records and adopt rules necessary to conduct its affairs and to establish Board organization, committees, procedures, meeting notice and meeting conduct, as governed by North Carolina General Statutes and the Guilford County Board of Commissioners.

Commentary: Guilford County Board of Commissioners' Resolution 2018-180 as modified on April 5, 2018 establishes policies, procedures, and rules of conduct for boards and committees.

D. CONFORMANCE OF RULES

Such rules adopted by the Board shall be in accordance with state law and the provisions of this Ordinance.

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2.4 PLANNING BOARD *(9-2)*

A. AUTHORITY

There is hereby created a planning agency, pursuant to G.S. § 160D to be known as the Planning Board.

> ***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.***

B. MEMBERSHIP

The Planning Board shall consist of members appointed by the Guilford County Board of Commissioners.

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 Article 3 -Development Review Procedures for details of processes listed below):

a. Rezonings - Both Conventional and Conditional (Section 3.5.M)

> ***Commentary: SL1985-485 HB651 authorizes the Guilford County Board of Commissioners to assign authority to rezone property to the Guilford County Planning Board.***

b. Special Use Permits (Section 3.5.Q)

c. Vested Rights (Section 3.5.V)

d. Variances (Section 3.5.U)

e. Road Name Changes

> ***Commentary: SL 1979-283 HB686 allows the Guilford County Board of Commissioners to delegate Road Naming authority to the Guilford County Planning Board.***

f. Road Closings

> ***Commentary: SL 1979-282 SB285 authorizes the Guilford County Board of Commissioners to delegate the Guilford County Planning Board as the authority to close a public road or easement.***
>
> ***SL 1981-59 HB139 amends SL 1979-282 SB285 above to provide that the Resolution of Intent to close a public road or easement need only be published once a week for two successive weeks.***

g. Right-of-Way Vacations (Non-NCDOT System Roads)

h. Easement Closings

Commentary: SL 1979-282 SB285 authorizes the Guilford County Board of Commissioners to delegate the Guilford County Planning Board as the authority to close a public road or easement.

SL 1981-59 HB139 amends SL 1979-282 SB285 above to provide that the Resolution of Intent to close a public road or easement need only be published once a week for two successive weeks.

2. 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. Rezonings – 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.

2.5 TECHNICAL REVIEW COMMITTEE *(9-3)*

A. AUTHORITY

There is hereby created a planning agency, pursuant to 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.

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 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.
5. To recommend to the Planning Board the closing of streets, alleys, easements, and other rights-of-way.
6. 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.
7. To exercise any other power and authority provided to it by the Board of Commissioners, this Ordinance and state law.

2.6 HISTORIC PRESERVATION COMMISSION *(9-4)*

A. AUTHORITY

There is hereby created, pursuant to G.S. § 160D-303 a Guilford County Historic Preservation Commission (hereafter referred to as "Historic Preservation Commission"). Nothing in this Ordinance shall affect the status of any historic district or historic property established or designated prior to the effective date of this Ordinance. Nothing in this Ordinance shall affect the validity of the Guilford County Joint Historic Properties Commission created by ordinance dated June 16, 1980.

B. MEMBERSHIP

The Historic Preservation Commission shall be composed of at least three members appointed by the Guilford County Board of Commissioners.

C. DISTRICT REPRESENTATION

Each existing historic district shall be represented by not more than one (1) person on the Historic Preservation Commission, and the remaining membership shall be composed of persons who have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields.

D. DESIGNATION

The Guilford County Joint Historic Properties Commission is designated to perform the duties of a Historic Preservation Commission.

E. POWERS AND DUTIES

The Historic Preservation Commission shall have the following powers and duties:

1. To review, analyze, and recommend to the Planning Board, items which pertain to existing and potential historic districts and individual buildings, structures, objects, sites, or areas to be designated by ordinance as "Historic Landmarks".
2. To undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance.
3. To recommend designation or removal of the designation of "Historic District" for any area within the jurisdiction of the Board of Commissioners. Such designation or removal shall follow an investigation and a report describing the significance of the structures, site features, or surroundings in the district.
4. 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).
5. To recommend appropriate changes to this Ordinance which relate to a Historic District Overlay or which relate to the preservation of historic buildings, structures, sites, areas or objects within the jurisdiction of the governing body.
6. To acquire by lawful means the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks; to hold, manage, preserve, restore, and improve the same; and to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property.
7. To restore, preserve, and operate historic properties.
8. To recommend to the Board of Commissioners that designation of any area as a historic district or part thereof, or designation of any building, structure, site, area, or object as a landmark, be revoked or removed for cause.
9. To conduct an educational program with respect to historic properties and districts within its jurisdiction.
10. To prepare and recommend for adoption a preservation element as a part of the County's comprehensive plan.
11. To negotiate at any time with the owner of a building, structure, site, area, object, site or area for its acquisition or its preservation, when such action is reasonably necessary or appropriate.
12. To enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee, or agent of the HPC may enter any private building or structure without the express consent of the owner or occupant thereof.
13. To review and act upon proposals for new construction, alteration, reparation, relocation or demolition, within Historic District Overlays or within the boundaries of Historic Landmark property pursuant to this Section.

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14. To exercise such other powers as may be given it by law or assigned to it by the Board of Commissioners.
15. In the case of any building, structure, object, site, or area designated as a Historic Landmark or of any property located within a Historic District Overlay being threatened with demolition, as the result of willful neglect or otherwise, material alteration, rehabilitation, or removal, except in compliance with this Ordinance, the HPC, the Board of Commissioners or any other party aggrieved by such action may institute any appropriate action or proceeding to prevent, restrain, correct, or otherwise abate such violation, or to prevent any illegal act or conduct with respect to such property.

2.7 BOARD OF ADJUSTMENT *(9-5)*

A. AUTHORITY

The Board of Adjustment is hereby established pursuant to G.S. § 160D-302.

B. MEMBERSHIP

1. The Board of Adjustment shall consist of members appointed by the Guilford County Board of Commissioners and may have alternates as appointed by the Board of Commissioners.
2. The Planning Board may serve as the Board of Adjustment for Special Use Permits, minor watershed variances, and recommend approval to the NC Environmental Management Commission for a major stormwater management/watershed variance.
3. **Board of Commissioners serving as Board of Adjustment.** If the Board of Commissioners chooses not to appoint members to the Board of Adjustment, it shall sit as the Board of Adjustment subject to the provisions of this Ordinance.

C. POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties (See Article 3 - Development Review Procedures for details of processes listed below):

1. To decide development procedures, namely:
   a. Variances
2. To hear and decide appeals from and review any administrative order, requirement, decision, determination, or interpretation made by an administrative official charged with enforcing this Ordinance, namely:
   a. Interpretation of zoning provisions of this Ordinance;
   b. Floodplain boundary, zoning boundary, or other delineated boundaries;
   c. Address assignments; and
   d. Decisions of the Historic Preservation Commission (Major Certificate of Appropriateness), limited to certiorari.
3. To hear and decide any exceptions which are specifically delegated to it by this Ordinance;
4. To determine and vary application of zoning regulations in harmony with their general purpose and intent and in accordance with general and specific rules contained therein;
5. To hear and decide appeals for variances from the zoning provisions of this Ordinance in cases where special conditions would make strict and literal interpretation and enforcement

of the zoning provisions of this Ordinance result in a loss of privileges shared by other properties within the same zoning district;

6. To interpret zoning maps and pass upon disputed questions of district boundary lines and similar questions that may occur in the administration of this Ordinance;
7. To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance;
8. To determine upon application of an owner or upon referral from the Planning and Development Director whether a proposed nonconforming use is equal or less intensive than an existing, legal nonconforming use, in accordance with Article 11 – Nonconformities; and
9. To hear and decide upon appeals concerning violations of the Guilford County Solid Waste Ordinance.

D. OATHS

The Chairman of the Board or any member temporarily acting as Chairman shall administer oaths to witnesses in any matter coming before the Board.

E. VOTING

1. Required votes for approval are dependent on the hearing and may require:
   - **a.** A four-fifths (4/5) vote of its members shall be required for a Board of five (5) members to grant a variance from the provisions of the Ordinance.
   - **b.** A simple majority of its members shall be required to:
     - **(1)** Affirm or reverse any order, wholly or partly; modify a requirement, decision, determination or interpretation of an administrative officer charged with enforcing this Ordinance.
     - **(2)** Decide in favor of the applicant on a matter upon which the Board is required to pass under this Ordinance.
     - **(3)** Grant special exceptions for Historic Districts and other purposes, as assigned.

> ***Commentary: See the Board of Adjustment's Rules of Procedure on file with the Planning and Development Department for additional details.***

2. Vote of the Chairman
   The Board chairman shall vote as any other Board member.
3. Delay of Decision
   The Board may, in its discretion, direct that its decision be delayed to a date or time subsequent to the Board's vote on an appeal.

F. NOTICE OF DECISION

Each quasi-judicial decision shall be reduced to writing and be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government

that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

G. APPEAL

1. **Appeal to Superior Court.** Each decision of the Board of Adjustment shall be subject to Superior Court review by proceedings in the nature of certiorari.
2. **Timing of Appeal**.
   - **a.** Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the Planning or Building Inspections Department; or
   - **b.** After a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Clerk or Chairman of the Board at the time of its hearing of the case, whichever is later.

2.8 FLOODPLAIN ADMINISTRATOR

A. POWERS AND DUTIES

1. The Planning Director or his/her designee shall serve as the Floodplain Administrator and shall administer and implement the provisions of this Ordinance. The Floodplain Administrator shall perform, but not be limited to, the following duties:
   - **a.** To review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Ordinance have been satisfied.
   - **b.** To advise permittees that additional federal or state permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required. Copies of such permits shall be provided and maintained on file with the Floodplain Development Permit.
   - **c.** To notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
   - **d.** To assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
   - **e.** To prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 9 – Environmental Regulations are met.
   - **f.** To obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Article 9 – Environmental Regulations.

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g. To obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with Article 9 – Environmental Regulations.

h. To obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with Article 9 – Environmental Regulations.

i. When floodproofing is utilized for a particular structure, to obtain certifications from a registered professional engineer or architect, in accordance with Article 9 – Environmental Regulations.

j. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions), to make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.

k. When Base Flood Elevation (BFE) data has not been provided in accordance with Article 9 – Environmental Regulations, to obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to Article 9 – Environmental Regulations in order to administer the provisions of this Ordinance.

l. When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Article 9 – Environmental Regulations, to obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this Ordinance.

m. When the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation (BFE), to advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. A copy of the Letter of Map Amendment (LOMA) issued by FEMA shall be kept in the Floodplain Development Permit file.

n. To permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection.

o. To make on-site inspections of work in progress. As the work pursuant to a Floodplain Development Permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

p. To issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order

shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

q. To revoke Floodplain Development Permits as required. The Floodplain Administrator may revoke and require the return of the Floodplain Development Permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any Floodplain Development Permit mistakenly issued in violation of an applicable state or local law also may be revoked.

r. To make periodic inspections throughout all Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

s. To follow through with corrective procedures of Article 10 – Enforcement.

t. To review, provide input, and make recommendations for variance requests.

u. To maintain a current map repository to include, but not limited to, the Flood Insurance Study (FIS) Report, FIRM and other official flood maps and studies adopted in accordance with Article 9 – Environmental Regulations of this Ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

v. To coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

w. To maintain and administer the County's Community Rating System (CRS) program.

2.9 BUILDING INSPECTOR

A. General

The Building Inspector shall review and approve certain permit applications and shall be responsible for enforcing the International Building Code with North Carolina Amendments.

B. Powers and Duties

1. Final Action

The Building Inspector shall hear and take final action on the following development review procedures:

a) Certificate of Occupancy (Section 3.4G – Certificate of Occupancy/Compliance);
b) Certification of Manufactured (HUD) Homes and Modular Buildings; and
c) Any other review requested by an approving authority and/or as authorized by the North Carolina Department of Insurance.

Commentary: The Manufactured Housing (HUD) Overlay District is intended to accommodate manufactured housing (HUD) which is governed by Federal standards promulgated by the Dept. of Housing and Urban Development (HUD) and commonly may be referred to as a mobile home in the context of a type of dwelling unit.

Modular homes, on the other hand, are strictly governed by the NC State Building Code (GS 143-139.1).

2.10 FIRE MARSHAL

A. General

The Board of Commissioners (Board) shall set the duties of the fire marshal, which may include, but are not limited to:

1. Advising the Board of Commissioners on improvements in the fire-fighting or fire prevention activities under the County's supervision or control;
2. Coordinating fire-fighting and training activities under the County's supervision or control;
3. Coordinating fire prevention activities under the County's supervision or control;
4. Assisting incorporated volunteer fire departments in developing and improving their fire-fighting or fire prevention capabilities; and
5. Making fire prevention inspections, including the periodic inspections and reports of school buildings required by Chapter 115 and the inspections of child care facilities required by Chapter 110. A fire marshal shall not make electrical inspections unless he is qualified to do so under G.S. §153A-351.

B. Powers and Duties

1. Review and Recommendation

   The Fire Marshal or his/her designee (assistants) shall review and make recommendations on the following development review procedures:
   - **a.** Subdivision (Article 8);
   - **b.** Site Plans (Article 3);
   - **c.** Planned Unit Developments (Article 4); and
   - **d.** Any other review requested by an approving authority and/or as authorized by the North Carolina Department of Insurance and G.S. § 153A-234.

2.11 AGRICULTURAL ADVISORY BOARD

A. ESTABLISHMENT, MEMBERSHIP AND RULES OF PROCEDURE

1. **Establishment**

   In accordance with G.S. § 106-739, the Board of County Commissioners hereby establishes an Agricultural District Advisory Board. This Advisory Board also may be known as the Voluntary Agricultural District (VAD) Board or the Agricultural Advisory Board (Advisory Board).

2. **Membership**

   a. Appointment

Initially, the Agricultural Advisory Board shall consist of seven (7) members approved by the Board of Commissioners.

b. Membership Requirements

(1) Each Advisory Board member shall be a resident of Guilford County.

(2) At least five (5) of the seven (7) members shall be actively engaged in farming or own qualifying farmland in Guilford County.

(3) The members actively engaged in farming shall be selected for appointment from the names of individuals submitted by the Soil and Water Conservation District, the Natural Resources Conservation Service, the Cooperative Extension Service, the Farm Service Agency, and the Guilford County Farm Bureau with an effort to have the broadest geographical representation possible.

(4) One member shall be a non-farm member, and one member also shall be a Guilford County Commissioner who shall serve as a voting Ex-officio member.

c. Tenure

Members are to serve for terms of three (3) years, except that the initial Advisory Board is to consist of three (3) appointees for a term of one (1) year, two (2) appointees for terms of two (2) years each, and two (2) appointees for a term of three (3) years each. Notice of all meetings shall be made to the members in writing, unless otherwise agreed to by all Advisory Board members.

Commentary: Reappointment to the Advisory Board shall be permitted in accordance with the Board of Commissioners' Resolution 2018-180 as modified on April 5, 2018 which establishes policies, procedures, and rules of conduct for boards and committees.

d. Vacancies

Any vacancy on the Agricultural Advisory Board shall be filled by the Board of Commissioners for the remainder of the unexpired term.

e. Board Year

The Advisory Board shall use the Guilford County Fiscal Year as its meeting year.

f. Funding

(1) The compensation of the members of the Advisory Board shall be fixed and amended by the Board of Commissioners and funds shall be appropriated to the Board to perform its duties.

(2) Appropriations for Performance of Duties. Funds shall be appropriated by the Board of Commissioners to the Advisory Board to perform its duties.

3. Procedures

The Agricultural Advisory Board shall adopt Rules of Procedure which are consistent with the enabling legislation, other applicable statutes, and Guilford County Board of Commissioners' policies.

Commentary: Guilford County Resolution 2018-180 as modified on April 5, 2018 establishes policies, procedures, and rules of conduct for boards and committees.

a. Chair

The Advisory Board shall elect a Chair and Vice-Chair each year at its first meeting of the fiscal year. The Chair shall preside over all regular or special meetings of the Advisory Board. In the absence or disability of the Chair, the Vice-Chair shall preside and shall have and exercise all the powers of the Chair. Additional officers may be elected, as needed.

b. Jurisdiction and Procedures – Supplementary Rules

The Advisory Board may supplement the rules and procedures established in this Section by adoption of additional Rules of Procedure provided no additional rule shall be inconsistent with this Section or any other applicable laws or regulations.

c. Meetings

(1) Scheduling

(a) Meetings of the Advisory Board shall be held at least annually and otherwise at the call of the Chair and at such other times as the Advisory Board may specify in its Rules of Procedure.

(b) Notice of all meetings shall be made to the members in writing, unless otherwise agreed to by all Advisory Board members.

(2) Quorum

A quorum shall consist of a majority of the members of the Advisory Board.

d. Voting

The concurring vote of a majority of the members of the Advisory Board shall be necessary to pass upon any matter on which it is required to act.

e. Records

The Advisory Board shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Advisory Board immediately following each meeting. All minutes and other records shall be public record.

f. Administrative Services

The North Carolina Cooperative Extension Service shall serve the Advisory Board for record keeping, correspondence, and application procedures of this Section together with such other services the Advisory Board needs to complete its duties.

B. POWERS AND DUTIES

The Advisory Board shall have the following powers and duties:

1. Review and make recommendations concerning the establishment and modification of Districts and Enhanced Districts.
2. Review and make recommendations concerning any ordinance or amendment adopted or proposed for adoption under this Ordinance.
3. Advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy or way of life within the County, especially those affecting Districts and Enhanced Districts.

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4. Prepare a draft of the report required by G.S. §106-743 giving the status, progress and activities of the County's farmland preservation program.
5. Develop and maintain, if approved, a Countywide farmland protection plan as defined in G.S. §106-744 for presentation to the Board of Commissioners.
6. Assign a member to represent each District as required by G.S. § 106-738(4); and
7. Perform other related tasks or duties assigned by the Board of Commissioners or applicable law.

2.12 VOLUNTARY AGRICULTURAL DISTRICT PROGRAM

A. AUTHORITY

The standards and provisions of this Voluntary Agricultural District Program are established pursuant to the authority conferred by G.S. § 106-735 through 106-743 and Chapter 153A.

B. PURPOSE

The purpose of this Program is to promote the health, safety, rural agricultural values, and general welfare of the County, and more specifically, increase identity and pride in the agricultural community, its way of life, and its importance in preserving the agrarian heritage of the County; encourage the economic and financial health of farming; increase protection from undesirable, non-farm development; and, increase the protection of farms from nuisance suits and other negative impacts on properly managed farms.

C. INITIAL PARTICIPATION IS VOLUNTARY

Nothing contained within this Section shall require a landowner to initiate participation in the Program. Upon participation in the Program, compliance with the requirements of this Section shall be required to maintain status.

D. ENCOURAGE FORMATION

The County may take such action, as it deems appropriate, to encourage the formation of the VAD and Enhanced Districts and to further their purposes and objectives, including the implementation of a public information program to reasonably inform landowners of the location of Districts and Enhanced Districts.

E. IMPLEMENTATION OF PROGRAM

In order to implement the purposes stated above, this Program provides for the creation of Voluntary and Enhanced Voluntary Agricultural Districts (VADs and EVADs, respectively) as follows:

1. **Criteria for Qualification**

   A VAD, when initially established, shall contain, at minimum:

   a. Twenty (20) contiguous acres of qualified forest; or

   b. Ten (10) contiguous acres of qualified farmland; or

   c. Five (5) contiguous acres of qualified horticultural land.

2. **Application**

a. A landowner may apply to participate in the Program by making application to the Chair of the Advisory Board or a designated staff person. The application shall be on forms provided by the Advisory Board. The application to participate in a VAD or EVAD may be filed concurrently with the certification for qualifying farmland.

b. The Advisory Board shall meet within ninety (90) days of receipt of a complete application to render a decision on the application.

3. Approval Process

Upon receipt of an application, the Chair shall forward copies immediately to the following offices for review and comment. Comments, if any, shall be returned to the Advisory Board at least one week prior to the date set for the Advisory Board action on the application.

a. Upon receipt of an application, the Chair will forward copies to the following agency(ies) for their prompt evaluation and response:

1) The Guilford County Soil and Water District office.

b. Upon receipt of the response from the Guilford County Soil and Water District, the Advisory Board shall meet within thirty (30) days to consider the application. The Chair shall endeavor to notify the applicant by first-class mail of its recommendation within fifteen (15) days.

c. The recommendation shall then be acted upon at a meeting of the Board of Commissioners, whose decision shall be final.

F. EXPANSION OF PROGRAM

The Agricultural Advisory Board may decrease or increase the number of Voluntary Agricultural Districts as set forth in "Implementation" above.

G. WITHDRAWAL EFFECT ON LANDS NO LONGER INCLUDED IN A VAD

In the event that one or more participants in the District withdraws or loses eligibility to participate and the District no longer meets the standards of this Article, the District will continue to exist so long as there is one qualifying farm.

H. CERTIFICATION AND QUALIFICATION OF FARMLAND

In order for farmland to qualify for participation under the terms of this program, it shall meet the following requirements:

1. Is managed in accordance with the Natural Resources Conservation Service's defined erosion control practices that are addressed to highly erodible land.

2. Is the subject of a conservation agreement, as defined in G.S. § 121-35, between the County and the owner of such land that prohibits nonfarm use or development of such land for a period of at least ten (10) years, except for the creation of not more than three (3) lots that meet applicable County zoning and subdivision regulations.

3. Property is not eligible to enroll in a District or Enhanced District if it is within a municipal government boundary, unless that property is located within a municipality's jurisdiction that either (i) has authorized its own District or Enhanced District program via municipal ordinance, or (ii) that municipality has a memorandum of understanding with the existing

Advisory Board which allows the Advisory Board to accept applications for properties within that municipality's boundary.

I. PUBLIC RECORDING OF CONSERVATION AGREEMENTS

1. Conservation Agreement. Except as provided in subsection (C) Initial Participation Is Voluntary. Conservation Agreements shall be recorded in the office of the Register of Deeds in the same manner as deeds are now recorded.
2. Releases or terminations of such agreements shall be recorded in the same waiver. Releases or terminations, or the recording entry, shall appropriately identify by date, parties and book and pages of recording, the agreement which is the subject of the release or termination.
3. A conservation agreement entered into for the purpose of enrolling real property in a Voluntary Agricultural District pursuant to G.S. § 106-737(4) is not required to be recorded unless such conversation agreement is irrevocable as provided pursuant to G.S. § 106-743.2.

J. REVOCATION AND RENEWAL OF CONSERVATION AGREEMENT

1. **Renewal of Conservation Agreement**
   a. **Districts**. Any conservation agreement, valid in Guilford County as of December 31, 2010, for land within a District shall be automatically renewed unless the landowner provides a thirty (30) day written notice to the Board of intent not to renew. Absent noncompliance by the landowner, neither the Advisory Board nor the Board of Commissioners shall fail to renew any conservation agreement unless this Ordinance or its authorizing legislation has been repealed. Any conservation agreement which expired by its terms prior to the enactment of this provision shall be replaced by the new consent agreement filed in the Register of Deeds.
   b. **Enhanced District**. A conservation agreement for the Enhanced District shall be deemed automatically renewed for an additional term of three (3) years, unless either the Advisory Board or the landowner gives written notice to the contrary prior to the termination date of the conservation agreement. At the end of each three (3) year term, the conservation agreement shall automatically renew for an additional three (3) year term unless notice of termination is given. The staff serving the Advisory Board shall send a notification letter to any landowner enrolled in an Enhanced District thirty (30) days prior to the day the agreement is terminated. The letter shall describe the renewal provisions as well as the necessary steps to negate the renewal at the landowner's discretion.
2. **Revocation of Conservation Agreement**
   a. **Districts**. By written notice to the County, a landowner of qualifying farmland may revoke a conservation agreement or the Advisory Board may recommend the revocation of a conservation agreement, based on non-compliance by the landowner, to the Board of County Commissioners for their action. Revocation shall result in the loss of eligibility to participate in a District.

b. Enhanced Districts. The conservation agreement for the Enhanced District shall be binding upon all successors in interest to the landowner, except for successors in interest resulting from the exercise of rights under a security interest or lien that preceded the conservation agreement, or by condemnation.

K. PUBLIC NOTICE

1. Procedure

Upon approval of a District or Enhanced District, appropriate maps shall be updated so that a person wishing to ascertain the proximity of a particular tract to a District or Enhanced District may do so. The Advisory Board, in cooperation with Guilford County, shall provide notification to property owners, residents, and other interested persons within one (1) mile and adjacent to any designated Agricultural District, as set out in Section 2.12E Implementation of Program. The purpose of such notification is to inform current and potential residents and property owners in and adjacent to an Agricultural District, that farming and agricultural activities may take place in this District any time during the day or night. These activities may include, but are not limited to, the following: pesticide spraying, manure spreading, machinery, truck, tractor operations, livestock operations, sawing, and similar activities.

2. Displays

The Districts and Enhanced Districts shall be marked on County maps, which may be displayed for public view in County offices including, but not limited to, the offices of the Planning and Development Department and the Register of Deeds, and by the following:

a. Signs identifying approved agricultural Districts and Enhanced Districts shall be placed along the rights-of-way of major roads and other prominent places, with permission of the landowner.

b. Maps identifying approved District and Enhanced Districts shall be made available to the public on the Guilford County GIS data viewer.

c. Records Notification – Upon certification of qualifying farmland and designation of real property with the Guilford County Register of Deeds as a District or Enhanced District, the above notice shall be posted as a property record on the Guilford County website for every parcel of land within one (1) mile of the District or Enhanced District.

3. Limit of Liability

In no event shall the County or any of its officers, employees, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this Article.

4. No Cause of Action

In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or Voluntary Agricultural District as defined in this Article.

L. PUBLIC HEARINGS FOR CONDEMNATION OF DISTRICTS AND ENHANCED DISTRICTS

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No state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within an Enhanced District until such agency or unit has requested the Advisory Board to hold a public hearing on the proposed condemnation. This provision ensures that the condemning agency or unit considers the impact of its actions upon agriculture, forestry, and/or horticulture prior to taking action that is not reversible. This provision is not intended to, and does not prohibit, the condemning agency or unit from taking action that is authorized by law.

1. Upon receiving a request, the Advisory Board shall publish notice, through sufficiently adequate mediums, within five (5) business days of the request, and will in the same notice notify the public of a public hearing on the proposed condemnation, to be held within ten (10) days of receipt of the request.
2. The Advisory Board shall meet to review (i) whether the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved; and (ii) whether there are alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.
3. The Advisory Board shall consult with designees from Cooperative Extension, Natural Resources Conservation Service, Guilford Soil and Water District, and any other individuals, agencies, or organizations deemed by the Advisory Board to be necessary for its review of the proposed action.
4. Within five (5) days after the hearing, the Advisory Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public prior to its being conveyed to the decision-making body of the agency proposing the acquisition.
5. There will be a period of ten (10) days allowed for public comment on the report of the Advisory Board.
6. After the ten (10) day period for public comment has expired, the Advisory Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision-making body of the agency proposing the acquisition.
7. The total time period, from the day that a request for a hearing has been received to the day that a final report is issued to the decision-making body of the agency proposing the acquisition, shall not exceed thirty (30) days. If the agency agrees to an extension, the agency and the Advisory Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.

M. WAIVER OF WATER AND SEWER ASSESSMENTS AND OTHER ENROLLMENT BENEFITS

1. **No requirement to connect**. No requirement to connect to wholly or partially-owned Guilford County water and/or sewer system(s) shall be imposed upon qualifying farms inside a District.
2. **Abeyance**. Water and sewer assessments will be held in abeyance, without interest for qualifying farms inside a District and Enhanced District, until improvements on such property are connected to the water or sewer system for which the assessment was made.

3. **Termination of abeyance**. When the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.
4. **Suspension of statute(s) of limitations**. Statute(s) of limitations are suspended during the time that any assessment is held in abeyance without interest.
5. **Other statutory abeyance procedures**. Nothing in this Section is intended to diminish the authority of the County to hold assessments in abeyance under G.S. § 153A-201 or other applicable law.
6. **Conflict with water and/or sewer system construction and improvement grants**. To the extent that this Section conflicts with the terms of federal, state, or other grants under which County utility systems are constructed, this Section shall not apply. This Section shall not apply to utilities that are not owned by the County unless the County has entered into an agreement with the entity(ies) owning the utilities and that agreement provides that this Ordinance shall apply.
7. **Additional benefits for Enhanced Districts**.
    a. **Sale of non-farm products**. Landowners participating in Enhanced Districts may receive up to twenty-five percent (25%) of gross sales from the sale of nonfarm products and still qualify as a bona fide farm that is exempt from County zoning regulations under G.S. § 160D, a farmer seeking to benefit from this subsection shall have the burden of establishing that the property's sale of nonfarm products did not exceed twenty-five percent (25%) of its gross sales. A County may adopt an ordinance pursuant to this Section that sets forth the standards necessary for proof of compliance.
    b. **Agricultural cost share program**. Landowners participating in Enhanced Districts are eligible to receive the higher percentage of cost-share funds for the benefit of that farmland under the Agriculture Cost Share Program established pursuant to G.S. § 106-850 of the General Statutes to benefit that farmland.
    c. **Property consideration**. State departments, institutions, or agencies that award grants to farmers are encouraged to give priority consideration to landowners participating in Enhanced Districts.
    d. **No requirement to connect**. A landowner enrolled in an Enhanced District shall not be required to connect to a wholly or partially-owned Guilford County water and/or sewer system(s).

N. NORTH CAROLINA AGENCY NOTIFICATION

The Board of Commissioners shall make an annual report to the North Carolina Commissioner of Agriculture as specified in G.S. § 106-743.

O. LEGAL PROVISIONS

1. **Severability**. If any, section, subsection, clause, phrase, or portion of this Section is for any reason invalid or unconstitutional as determined by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Article.
2. **Conflict with other ordinances and statutes**. Whenever the provisions of this Article conflict with other ordinances of Guilford County, this Section shall govern to the extent

allowed by law. Whenever the provisions of any federal or state statute require more restrictive provisions than are required by this Section, the provisions of such statute shall govern.

3. **Amendments**. This Section may be amended from time to time by the Board of Commissioners in consultation with the Advisory Board.

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ARTICLE 3 – PERMITS AND PROCEDURES

ADOPTION DRAFT – 09.28.2020

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ARTICLE 3 – PERMITS AND PROCEDURES

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ARTICLE 3 – PERMITS AND PROCEDURES

3.1 PURPOSE AND INTENT (NEW)

A. GENERAL

This Article 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 Article shall be applicable to all development activity under the jurisdiction of Guilford County as described in Article 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 is required and references the relevant Section of the Ordinance where the procedure may be found.

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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 OR PROCESS	SECTION REFERENCE	PUBLIC NOTICE LEVEL[1]	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 ADJUSTMENT (BOA)
Administrative Adjustment	3.5.B	▪	▪	D	▪	▪	▪	▪	A
Appeal[3]	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	3.5.D	1,2,3	M	R	▪	Q	▪	▪	A
Certificate of Appropriateness, Minor	3.5.D	▪	▪	D[4]	▪	▪	▪	▪	▪
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	▪	▪	▪	▪	▪
Floodplain Development Permit	3.5.I	▪	▪	D	▪	▪	▪	▪	A
Grading Permit	3.5.J	▪	▪	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 OR PROCESS	SECTION REFERENCE	PUBLIC NOTICE LEVEL[1]	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 ADJUSTMENT (BOA)
Historic Landmark Designation (Local)	3.5.L	1,2,3	M	C	▪	R	▪	D	▪
Rezoning, Conventional & Conditional[4]	3.5.M	1,2,3	M	R	C	▪	D/R[5]	D/A[5]	▪
Sign Permit	3.5.N	▪	▪	D	▪	▪	▪	▪	A
Site Plan, Major	3.5.O	▪	M	R	D	▪	A		▪
Site Plan, Minor	3.5.P	▪	▪	D	OR	▪	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	R	D	▪	A		▪
Subdivision, Major Final Plat	3.5.S	▪	▪	D	OR[6]	▪	A	▪	
Subdivision, Minor Preliminary Plat	3.5.T	▪	▪	D	OR[7]	▪	A	▪	▪
Subdivision Waiver	3.5.U	▪	▪	R	D	▪	-A	▪	▪

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 OR PROCESS	SECTION REFERENCE	PUBLIC NOTICE LEVEL[1]	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 ADJUSTMENT (BOA)
Text Amendment	3.5.V	1,2	M	R	▪	▪	R	D	▪
Variance[8]	3.5.W	1,2,3	M	▪	▪	▪	Q	R[8]	Q
Vested Rights	3.5.-X	1,2,3	▪	D	D	D	▪	▪	▪
Easement Closings, Street Name Changes, Right-of-Way Vacations, Road Closings[9] and Easement Removals for Public Roads		▪ 1,3	▪	R	R	▪	D	A	▪

[1]See also Section 3.3 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 Article 4.
[5] See Section 3.5.M.4.f – Voting and SL1985-485 HB651.
[6]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.
[7] 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.
[8] 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.
[9]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 1979-292 SB285.

3.2 PUBLIC NOTICE PROCEDURES *(NEW - FROM 9-1)*

Table 3.2 – Public Notification Requirements

Application Type[5]	Decision-Making Body	Type of Public Notification "R" = Required, [1] = see note below, ▪ = not applicable		
		Electronic Notice[1]	Mailed Notice[2]	Posted Notice[3]
Appeal	Varies [4]	R	R	R
Certificate of Appropriateness (Major)	Historic Preservation Commission	R	R	R
Rezoning	Planning Board	R	R	R
	Board of Commissioners	R	R	R
Easement Closings, Street Name Changes, Right of Way Vacations, Road Closings, and Easement Removals for Public Roads	Planning Board	R	R	R
Special Use Permit	Planning Board	R	R	R
Text Amendment	Planning Board	R	R	▪
	Board of Commissioners	R	R	▪
Variance	Varies[4]	R	R	R
Vested Rights	Varies [4]	R	R	R

[1] See Subsection B of this Section for notice requirements specific to Guilford County.
[2] Mailed notice must be deposited no less than 10 and no more than 25 days before hearing.
[3] Posted notice on site must be placed on property no less than 10 days before hearing.
[4] An appeal, variance, or vested right may be heard by multiple Boards. Specific public notice requirements also can be found in Table 3.1. Detailed appeal, variance, and vested right procedures are located within each procedure for specific applications, if applicable.
[5] Application types not listed do not require public notification.

A. NOTICE REQUIREMENTS

1. The public noticing requirements in this Section are applicable for development applications subject to a hearing (public or evidentiary/quasi-judicial). Applications shall be submitted to the Planning and Development Director and shall be scheduled by the Planning and Development Director for a regular or specially called meeting before the decision-making authority. Public notification of such hearing shall comply with the provisions G.S. § 160D.

Table 3.1 - Development Review Procedures, identifies the appropriate notice for specific procedures and corresponds to the level numbering below.

B. LEVEL 1 - PUBLISHED NOTICE

1. In accordance with legislation specific to Guilford County, Session Law 2017-210 Senate Bill 181, Guilford County is authorized to use only electronic notice for all published legal notices under NCGS 1-597 or under any other general law, or under any local act in-lieu of the notice required for publication under the provisions of G.S. § 160D.

C. LEVEL 2 - MAILED NOTICE

1. In accordance with G.S. § 160D-602, the applicant as shown on the County tax listing or authorized agent of the owner, and the owners of all parcels of land abutting that parcel of land as shown on the County tax listing, residing in the County or not, shall be mailed a notice of a public hearing on the proposed application or amendment by first class mail at the last addresses listed for such owners on the latest County tax listings. This notice must be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the public hearing. The same mailed notice requirement is applicable to evidentiary (quasi-judicial proceedings.)
2. The person(s) mailing such notices shall certify to the Board of Commissioners that fact, and such certificate shall be maintained in the Planning and Development Department.
3. As an alternative to the mailed notice requirements for public hearings above, the County may elect to serve notice through a full community notification for pending actions that affect at least fifty (50) properties with at least fifty (50) different property owners in accordance with this Section. Notice shall be mailed to non-resident property owners. The alternative mailed notice applies to Zoning Map Amendments only. (8-5-20)

D. LEVEL 3 - POSTED NOTICE

1. The Planning and Development Department shall post a sign in a prominent location on or near the subject property which indicates that a development application has been proposed. The sign shall contain a case number, phone number, and link to County website to contact the Planning and Development Department. This sign shall be posted at least ten (10) but not more than 25 days prior to the date of the public hearing. The same mailed notice requirement is applicable to evidentiary (quasi-judicial proceedings.)
2. If an action occurs on more than one parcel subject to a public hearing (or an evidentiary quasi-judicial hearing), at least one sign shall be posted in a central location. If there are multiple frontages, the Planning and Development shall post at least one sign per frontage or a single sign may be posted if visible from each frontage.

E. LEVEL 4 - ACTUAL NOTICE

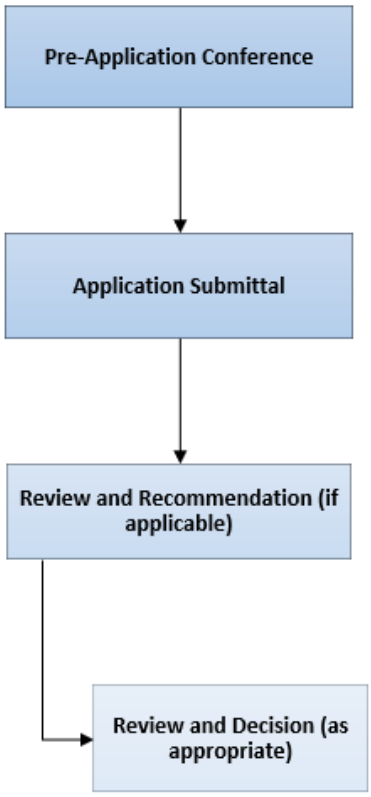
1. For government-initiated zoning map amendments, actual notice shall be provided in any manner permitted under NCGS 1a-1, rule 4(j).

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3.3 COMMON REVIEW PROCEDURES *(NEW 3-3.1,2)*

A. OVERVIEW

1. Decisions on development applications may be administrative, legislative or quasi-judicial (evidentiary). This Section describes the standard administrative and legislative procedural steps and rules generally applicable to development applications reviewed under this Ordinance, except where specified. See Section 3.4 for Quasi-Judicial procedures. The flow charts adjacent to the procedures indicate the steps for the specific application review and decision.



B. PRE-APPLICATION CONFERENCE REQUIRED

1. A pre-application conference between the applicant and County staff shall be required before submittal of the following applications. The Planning and Development Director or his/her designee shall determine which staff shall be in attendance at the conference based on the application.

- **a.** Rezoning
- **b.** Text Amendments
- **c.** Planned Unit Developments
- **d.** Subdivision, Major Preliminary Plats
- **e.** Site Plan, Major
- **f.** Certificate of Appropriateness, Major
- **g.** Special Use Permits
- **h.** Variances

2. Discussions at a pre-application conference are not binding on the County and do not constitute submittal for formal review of an application.

C. APPLICATION SUBMITTAL

1. Unless otherwise specified, all applications shall be submitted by the owner of the property or the authorized agent. The Planning and Development Director may require reasonable proof of agency from any person submitting an application.

2. An application for any permit under this Ordinance shall be made to the Planning and Development Director.

3. Submissions shall be submitted in such form, number of copies and format as required on the application found in the County Planning and Development

Department or through its land management system or other digital portal on the County's website.

4. **Waiver of Submission Requirements.** The Planning and Development Director may waive submission of required elements of information when in his/her opinion such information is otherwise available or is not necessary to review the application.
5. **Processing.** All applications for permits shall be submitted, reviewed, processed and decided in accordance with the requirements of this Ordinance.

D. FEES

1. The Planning and Development Director recommends development fee amounts to the Board of Commissioners, which will establish a Development Fee Schedule, charges and expenses, and a collection procedure which shall be amended from time to time, as necessary.
   a. The Development Fee Schedule is available in the Planning and Development Department or on the County's website.
   b. No application shall be reviewed or approved unless or until charges and fees have been paid in full.
   c. Fees for applications requiring a public hearing or evidentiary hearing shall not be refunded unless the application(s) is/are withdrawn prior to the issuance of a public notice.
2. All new subdivision fees and fee increases shall follow the public comment period of G.S. § 160D-805.

Commentary: Notice of new subdivision fee and fee increases; required public comment period can be found in G.S. § 160D-805.

E. APPLICATION COMPLETENESS

1. **Incomplete Applications.** Planning and Development Department staff may refuse to process an incomplete application. Staff shall notify the applicant of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for a completeness determination. If the applicant fails to resubmit a complete application within forty-five (45) calendar days after being first notified of submittal deficiencies, the application shall be considered withdrawn and applicable fees shall not be refunded.
2. **Application Complete**. On determining that the application is complete, the Planning and Development Director shall accept the application for review in accordance with the procedures and standards of this Ordinance.

F. REVIEW AND RECOMMENDATION

1. When an application is determined complete, it shall be distributed by the Planning and Development Director to all appropriate staff and review agencies for review and comment, and the preparation of a staff report, as necessary.
2. In considering the application, County staff (as appropriate), shall review the application, relevant support material, and any comments or recommendations from other staff and review agencies to which the application was referred, if applicable.
3. Concurrent Review
   a. Review of certain plans may be concurrent.

G. REVIEW AND DECISIONS

1. If an application is subject to staff review and a decision by the Planning and Development Director, the Director shall approve, conditionally approve, or deny the application, or in the case of a Certificate of Appropriateness application for a Historic District Overlay or Historic Landmark, refer it to the Historic Preservation Commission. Pursuant to G.S. § 160D-104, all conferred development approvals shall run with the land.
2. A copy of required plans or information submitted with the application shall be returned to the applicant. All conditions of approval shall be expressly set forth in the development permit or approval.
3. If deficiencies in complying with applicable standards of this Ordinance are identified, the Planning and Development Director shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss them and revise the application accordingly.

H. IMPROVEMENT PERMIT AND AUTHORIZATION TO CONSTRUCT REQUIRED

1. A permit for any structure or use for which a State or County Health Department Improvement Permit for installation of a well and/or an Improvement Permit/Authorization to Construct a new sewage disposal system is required shall not be issued until such Improvement Permit or Authorization to Construct has been issued by the State or County Health Department.

I. CONFORMANCE WITH "AIRPORT OVERLAY DISTRICT"

1. The Planning and Development Director shall not issue a building, sign, or use/location permit or Certificate of Occupancy for any building or sign not in conformity with the provisions of the "Airport Zoning Overlay District," except upon written order of the Board of Airport Zoning Appeals.

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J. APPEAL

1. Appeals of decisions may be made by the applicant or any party with standing as outlined in G.S. § 160D-1402, G.S. § 160D-405, G.S. § 160D-406 and in Table 3.1, Development Review Procedures.

K. REVOCATION OF DEVELOPMENT APPROVALS

1. Pursuant to G.S. § 160D-404(f), the County may revoke development approvals. The revocation procedure will take the same form as the original approval. (see G.S. § 160D-403[f]).

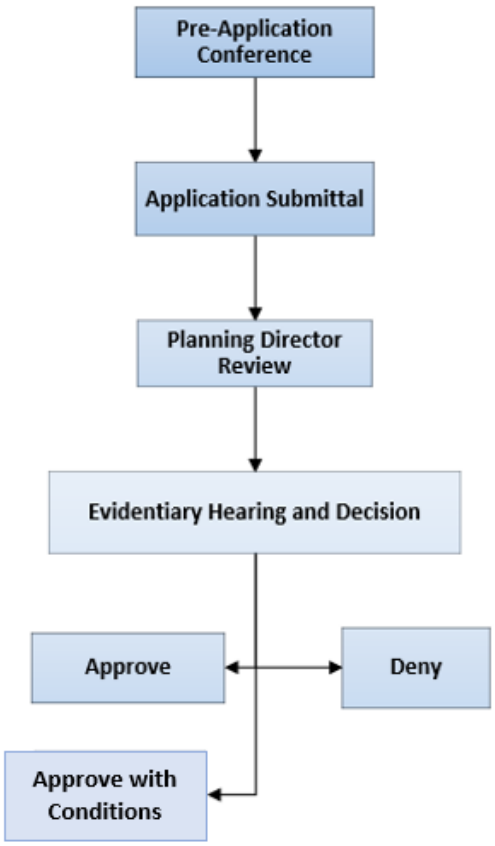
L. CONFLICTS OF INTEREST

1. Pursuant to G.S. § 160D-109(c), no administrative staff shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on that staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.

3.4 QUASI-JUDICIAL PROCEDURES

A. OVERVIEW

1. For development applications subject to quasi-judicial procedures, an evidentiary hearing shall be held by the Board designated in Table 3.1: Development Review Procedures; namely:
   a. Appeals of Administrative Decisions;
   b. Major Certificates of Appropriateness;
   c. Special Use Permits; and
   d. Variances.
2. The hearing shall be held and in accordance with G.S. § 160D, Article 7.



B. COMMON QUASI-JUDICIAL PROCEDURES

1. Pre-Application Submittal and Planning & Development Director Review
   a. General review times for specific permits and procedures shall be

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listed on the application forms available from the Planning & Development Department or County's website.

b. Applications shall be reviewed during the review cycle in place when the application is determined to be complete.

c. When an application is determined to be complete, it shall be distributed by staff to review agencies for review and comment, as appropriate.

d. If deficiencies in complying with applicable standards of this Ordinance are identified, the Planning and Development Director shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss and revise the application accordingly.

e. In the preparation of a staff report, the Planning and Development Director shall transmit all applications, reports and written materials relevant to the matter being considered in accordance with G.S. § 160D-406.

C. EVIDENTIARY HEARING AND DECISION (NEW)

1. Rules of Procedure **(new)**

a. In all quasi-judicial hearings, rulings must be based only upon the evidence received by the (Board) at the hearing in accordance with G.S. § 160D(a).

b. A member shall not participate in or vote on any quasi-judicial matter in a manner that would violate the applicant's constitutional right to an impartial decision maker. Impermissible violations of due process include, but are not limited to:

(1) A member having a fixed opinion prior to hearing the matter that is not susceptible to change.

(2) Undisclosed ex-parte communications.

(3) A close familial, business, or other associational relationship with an affected person.

(4) A financial interest in the outcome of the matter.

c. If an objection is raised to a member's participation and that member does not recuse himself/herself, the remaining members shall, by majority vote, rule on the objection.

d. The Board shall act as a fact-finding body and shall approve or disapprove the application in accordance with the evidence presented before it which is substantial, competent, relevant and material.

2. The presiding officer of the Board shall call the proceedings to order and announce the hearing has begun.

3. All witnesses who are to testify at the hearing shall be sworn in or affirmed.

4. The Planning and Development Director or their designee shall briefly describe the applicant's request, introduce all relevant County codes, and answer questions from the Board.

5. The applicant or their legal counsel shall present the case in support of the application.

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6. Parties in interest, including the County, shall have the right to present evidence and cross-examine witnesses, as to any competent material and relevant facts, inspect documents and make oral arguments.
7. Counsel for the Board may advise the Board as to the applicable law and the findings of fact that must be made to approve or deny the request.
8. The Board shall conduct open deliberation of the application.
9. The Board shall act as a fact-finding body and shall approve or disapprove the application in accordance with the evidence presented.
10. In accordance with G.S. § 160D-406, each Board under the provisions of this Ordinance shall ensure that the rights of petitioners have not been prejudiced because of the Board's findings, inferences, or conclusions.
11. In accordance with G.S. § 160D-406, in the case of an appeal, the Board may affirm the decision, reverse the decision and remand the case with appropriate instructions to County staff of other advisory/recommending body, or remand the case for further proceedings.
12. Every decision shall include the vote, abstention, or recusal from voting or absence of each member.
13. The decision shall clearly state the factors considered in making the decision and the basis or rationale for the decision including findings of fact and conclusions of law which shall be filed with the Register of Deeds.
14. A written copy of the decision shall be made available to the public in the office of the Planning and Development Department during normal business hours.
15. **Failure to Act.** Upon failure of the Board to act on a request following an evidentiary hearing, and any properly followed continuance procedures, the application shall be deemed denied.

D. EXAMINATION

Members of the Board may ask questions of persons presenting testimony or evidence at any time during the proceedings until commencement of deliberation.

E. CROSS-EXAMINATION

After each witness testifies, testimony is subject to cross-examination.

F. NOTIFICATION OF DECISION

Timing. The Board shall take action on the application as promptly as reasonably possible in consideration of the public interest. Except where otherwise stated in this Ordinance, the Planning and Development Director shall provide the applicant written notification of a decision or action within ten (10) business days after a final decision on a development application.

G. APPEAL PROCEDURES

See Section 3.5.C, Appeals.

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3.5 PROCEDURES FOR SPECIFIC APPLICATIONS (NEW)

A. STRUCTURE OF PROCEDURES

1. For each type of development application reviewed under this Ordinance this Section states the purpose of the development permits or approvals, the steps in the review process, the review standards for the application, and the provisions addressing expiration and amendment, if applicable.
2. Development application provisions in this Section are organized in alphabetical order in accordance with the sequence of procedures in Table 3.1: Development Review Procedures.

B. ADMINISTRATIVE ADJUSTMENT *(NEW – BASED ON AND EXPANDS 9-7.5)*

1. Overview
   a. This Section provides an administrative mechanism for allowing adjustments to certain numeric standards (e.g. setbacks) in this Ordinance, outside of the variance process, based on specific review criteria, including the following situations:
      (1) **Physical Hardship**: Where the strict compliance with the provisions of this Article would cause unusual and unnecessary hardship on the applicant; or
      (2) **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
      (3) **Unintentional Error**: Where through an unintentional error by the applicant, his/her agent, or the reviewing staff, there is 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 adjoining properties.
2. Administrative Adjustment Amount
   An administrative adjustment may allow a deviation from a numeric standard by up to ten percent (10%). In no event shall an administrative adjustment be granted that would permit the creation of a nonconforming lot or that shall conflict with the state building code. 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 adjustment may be requested either as a stand-alone application, or in combination with another application for development review.
   b. In cases when submitted concurrently with another application, the administrative adjustment portion of the application shall be reviewed and decided prior to the other portion(s) of the application.
4. Administrative Amendments
   a. Conditional Zoning

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(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.
(2) It is recognized that some minor and incidental modifications to the approved concept plan will occur.
(3) The Planning and Development Director shall have the authority to approve an Administrative Adjustment to an approved conditional zoning district conceptual plan, or to the conditions without the requested change having to be approved as a new application in accordance with this Ordinance.
  (a) Such Administrative Amendments shall include only those changes that:
    (i.) Do not significantly alter the conceptual 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
    (iv.) Do not change the uses permitted in a Conditional Zoning district.
(4) Any request for an administrative amendment shall be in writing, signed by the property owner(s), and it shall detail the requested change. The applicant must provide any additional information requested by the Planning and Development Director. The applicable fee for administrative review as specified in the County's fee schedule must accompany the written request.
(5) Any decision by the Planning and Development Director to approve or deny a request for an Administrative Amendment must be in writing and must state the grounds for approval or denial. The Planning and Development Director always shall have the discretion to decline to exercise the authority delegated by this section if he/she is uncertain if the requested change would qualify as an Administrative Amendment or because the Planning and Development Director determines that a public hearing and Planning Board consideration is appropriate 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.

C. APPEALS

1. Applicability

a. Any appeal from a legislative or quasi-judicial decision shall be to the Guilford County Superior Court and shall be filed no later than thirty (30) days after the date the Board's decision is filed. Any appeal from a quasi-judicial decision may be made by an aggrieved party and shall be made to the Superior Court of Guilford County in the nature of certiorari. Any such petition shall be filed with the Clerk of the Superior Court within thirty (30) days after the decision of the decision-making body is filed with the County Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for

such copy with the secretary or chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered or certified mail with return receipt requested.

b. The decision-making body for an appeal may be found in Table 3.1.

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) Such an appeal shall be made within thirty (30) days of the receipt by such aggrieved party of the written notice of decision from the Planning and Development Director, or in the case of an office, department or board of the County, within thirty (30) days of the filing of the written notice.

(3) The filing of an appeal shall stay all proceedings in furtherance of the contested action unless the Planning and Development Director certifies that, in his/her opinion, by reason of facts stated in the certification, such a stay would cause imminent peril to life and property. In such a case, proceedings shall not be stayed except by restraining order or preliminary injunction granted by the Superior Court of Guilford County.

(4) Such relevant information as may reasonably allow the board of adjustment to understand the basis for the applicant's appeal. The Planning and Development Director shall similarly prepare a report detailing the regulations and interpretation behind the matter being appealed and their reason for their decision.

(5) Upon receiving the application, the board of adjustment shall conduct an evidentiary hearing on the appeal. The official who made the decision (or his or her successor) must appear as a witness. In addition, any party may appear in person or be represented by an authorized agent at the hearing.

(6) After conducting the evidentiary hearing, the board of adjustment shall adopt an order reversing or affirming, wholly or in part, or modifying the order requirements, decision or determination in question. It shall take a 4/5ths vote of the board of adjustment to reverse or modify the contested action.

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(7) The board of adjustment, in making its ruling, shall have all the powers of the Administrator from whom the appeal is taken, and may issue or direct the issuance of a permit.

(8) The decision of the board of adjustment must be in writing and permanently filed in the minutes of that reviewing body as a public record. All findings of fact and conclusions of law must be separately stated in final decisions or orders of the Board of Adjustment, which must be delivered to parties of interest by certified mail.

b. Decision of Planning Board

(1) Applicants whose Special Use Permit has been denied by the Planning Board regarding a Special Use Permit may request a de novo hearing to be held by the Board of Commissioners.

(2) Other decisions of the Planning Board may be appealed to the Board of Commissioners.

(3) Such appeals shall be made within thirty (30) days of the decision by filling with the Clerk to the Board of Commissioners a written notice of appeal.

Commentary: SL1985-485 HB 651 authorizes the Guilford County Board of Commissioners to assign authority to rezone property to the Guilford County Planning Board.

Commentary: SL 1979-282 SB 285 authorizes the Guilford County Board of Commissioners to delegate the Guilford County Planning Board as the authority to close a public road or easement.

SL 1981-59 HB139 amends SL 1979-282 SB285 above to provide that the Resolution of Intent to close a public road or easement need only be published once a week for two successive weeks.

Commentary: SL 1979-283 HB686 allows the Guilford County Board of Commissioners to delegate Road Naming authority to the Guilford County Planning Board.

c. 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.

d. Flood Hazard Appeals

(1) See Article 9 – Environmental Regulations

e. Site Plan, Major

(1) Action by Planning Board. If a Major Site Plan is appealed to the Planning Board, it shall be scheduled, subject to filing deadlines, to be reviewed at the next available regularly scheduled meeting.

f. Site Plan, Minor
(1) Action by the Planning and Development Director. If a Minor Site Plan is appealed to the Planning Board, it shall be scheduled, subject to filing deadlines, to be reviewed at the next available regularly scheduled meeting.

g. Soil Erosion and Sedimentation Appeals
(1) See Article 9 – Environmental Regulations

h. Subdivision, Major Preliminary Plat
(1) If a Preliminary Plat is appealed to the Planning Board it shall be reviewed at the next available regularly scheduled meeting.
(2) If the plat is granted conditional approval, or denied, or if no action is taken within thirty (30) days by the Technical Review Committee, the applicant may appeal the plat to the Planning Board within thirty (30) days.

i. Subdivision, Minor Preliminary Plat
(1) If a Preliminary Plat is appealed to the Planning Board, it shall be reviewed at the next available regularly scheduled meeting.

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 Section 3.5.E. A 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 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 Minor and 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 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 Minor or Major COA. 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.

b. Guilford County and all public utilities, except as provided under this Section, are required to obtain a COA prior to initiating any alterations within the Historic District Overlay or local Historic Landmark boundaries including, but not limited to, changes to street paving, street widths, utility installations or removals, lighting, street trees, walls, fences, sidewalks, signage (other than required regulatory signage), or structures on property/streets in which they have a fee or other interest.

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).

4. Design Review Guidelines

a. The HPC must adopt Design Review Guidelines 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 shall take into account the historic, architectural, and visual elements of the district and consider the following factors:

(1) Historic Significance or Quality

The significance or quality in history, architecture, archeology, or culture present in districts, sites, structures, buildings, or objects;

i. that are associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or that are associated with the lives of persons significant in the past; or

ii. that embody the distinctive characteristics of a type, period, or method of construction; or

iii. that represent the work of a master or that possess high artistic values; or

iv. that represent a significant and distinguishable entity whose components may lack individual distinction; or that have yielded, or may be likely to yield, information important in prehistory or local, state, or national history.

(2) Exterior Form and Appearance

In considering exterior form and appearance, the Historic Preservation Commission shall consider the following elements and any others deemed necessary by the Historic Preservation Commission to ensure that any work or changes are consistent with the historic or visual character of the district:

i. Architectural features;

ii. Height of the building or structure;

iii. Setback and placement on lot of the building or structure, including lot coverage and orientation;

iv. Exterior construction materials, including textures, patterns;

v. Architectural detailing, such as lintels, cornices, brick bond, foundation materials, and decorative wooden features;
vi. Roof shapers, forms, and materials;
vii. Proportions, shapes, positionings and locations, patterns, and sizes of any elements of windows and doors;
viii. General form and proportions of buildings and structures;
ix. Appurtenant fixtures and other features such as lighting;
x. Use of local or regional architectural traditions; and
xi. Effect of adding or removing trees and other landscape elements.

5. Staff Review and Issuance of COAs for Minor Work

a. The Planning and Development Director may review and approve Certificate of Appropriateness (COA) applications for minor work provided that no application may be denied without formal action by the Historic Preservation Commission (HPC).

b. The Planning and Development Director shall transmit any application for a COA that is not eligible for staff approval, together with the supporting information and material to the HPC for consideration.

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

a. The Historic Preservation Commission (HPC) shall act upon applications for a Certificate of Appropriateness (COA) for major work within ninety (90) days after the filing thereof, otherwise failure to act upon the application shall be deemed to constitute approval and a COA shall be issued. Nothing herein shall prohibit an extension of time when there is mutual agreement between the HPC and the applicant.

b. Prior to issuance or denial of a COA for major work, the HPC shall give the applicant and members of the public an opportunity to be heard at an evidentiary hearing concerning the COA application, and as deemed necessary, seek the advice of the North Carolina Department of Cultural Resources, or other expert advice.

c. The Planning and Development Director shall make a reasonable attempt to identify and notify the owners of surrounding property likely to be affected by the application for a COA for major work according to Article 3.2 Public Notice Procedures. Such notices are for the convenience of property owners and occupants and no defect or omission therein shall impair the validity of issuing a COA or of any subsequent action.

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 adopted with the designating Ordinance.

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e. If the HPC denies a COA, a new COA application for the same property may be submitted, provided a substantial change is proposed to the previously submitted plans.

f. A COA shall be valid for three hundred and sixty-five (365) calendar days from date of approval. If the authorized work has not commenced within that period or has been discontinued for more than three hundred and sixty-five (365) calendar days from the date of approval, the COA shall immediately expire and the applicant shall be required to reapply.

g. Any development activity within the Historic District Overlay or local Historic Landmark boundaries not in compliance with the provisions of this section shall be a violation of this Ordinance and subject to remedies found in Article 10 – Enforcement.

7. Review Criteria

a. In granting a Certificate of Appropriateness, 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 required by Section 3.5.E 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, A 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.

8. Certain Changes not Prohibited

a. Nothing in this Ordinance shall be construed to prevent:

(1) the ordinary maintenance or repair of any exterior feature of a historic landmark or property located within a Historic District, provided such maintenance or repair does not involve a change in design, material, or appearance thereof;

(2) the construction, alteration, relocation, or demolition of any such feature, building, or structure when the building inspector or similar official certifies

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to the Commission that such action is necessary to the public health or safety because of an unsafe or dangerous condition;

(3) a property owner from making of his property any use not otherwise prohibited by statute, ordinance, or regulation; or

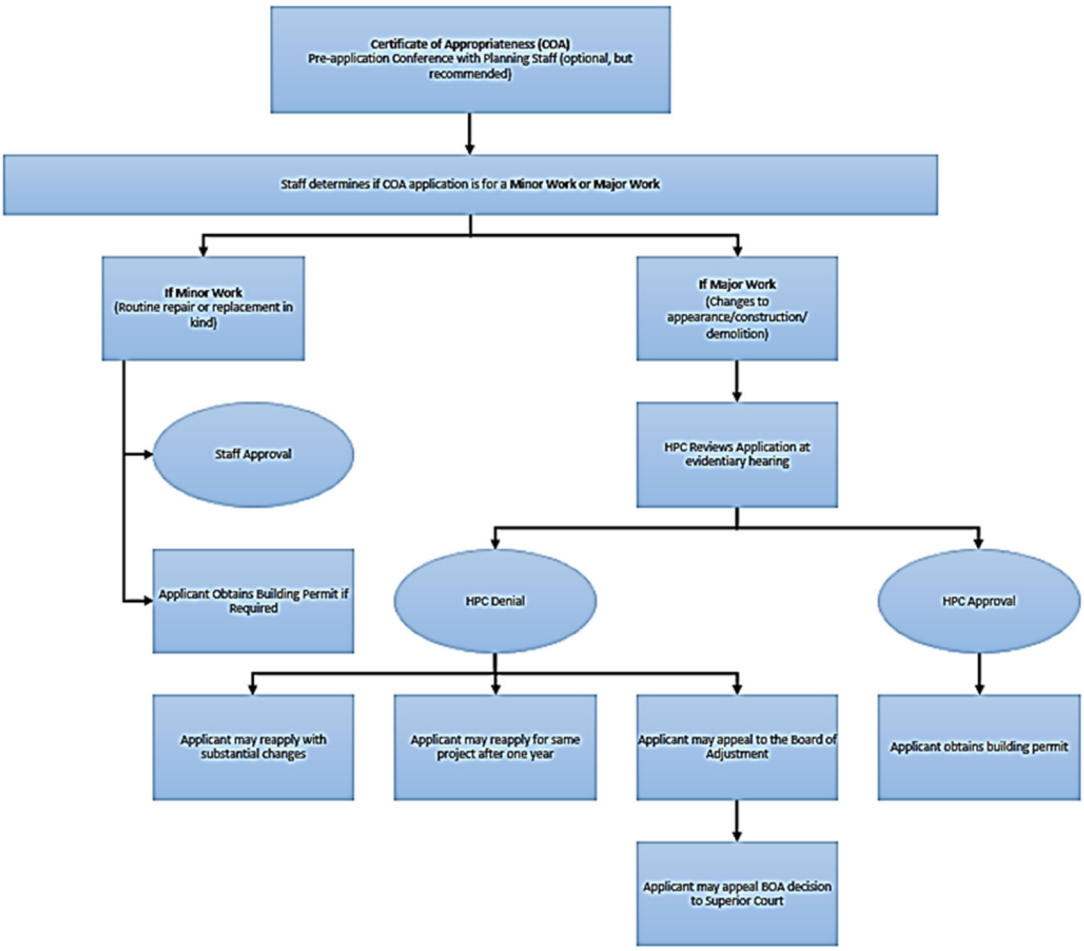
(4) the maintenance of, or, in the event of an emergency, the immediate restoration of any existing above ground utility structure without approval by the Commission.

9. Appeals

See Section 3.5.C.

An appeal of a final action by the Historic Preservation Commission (HPC) may be made to the Board of Adjustment. Written notice of intent to appeal must be sent to the HPC, postmarked within twenty (20) calendar days following the HPC's decision. Appeals must be filed with the Board of Adjustment within sixty (60) calendar days following the HPC's decision and shall be in the nature of certiorari. A decision by the Board of Adjustment may be appealed to the Superior Court of Guilford County.

10. COA Flowchart



E. CERTIFICATE OF EROSION CONTROL PERFORMANCE *(3-8.3)*

1. Procedure (See Article 9 – Environmental Regulations)

a. Certificate Issuance

(1) A certificate of erosion control performance is issued after inspection and certification of properly installed and functioning sedimentation control devices.

(2) Erosion control performance certificates are issued by staff.

F. CERTIFICATE OF FLOOR ELEVATION/FLOODPROOFING *(3-8.4)*

1. Purpose and Intent

a. This section sets out the procedures for the issuance of a Certificate of Floor Elevation/Floodproofing in Guilford County.

b. See Article 9 – Environmental Regulations for additional requirements.

2. Certificate of Floor Elevation/Floodproofing Applicability and Procedure

a. An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a Certification of Elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit.

b. An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

c. A final as-built Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

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3. Floodproofing Certificate

a. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data and an operational plan, is required prior to the actual start of any new construction.

b. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level.

c. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

d. The Floodplain Administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

e. If a manufactured home is placed within Zone A, AE, AH, AO or A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Article 9 – Environmental Regulations.

f. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a Floodplain Development Permit.

4. Certification Exemptions

a. The following structures, if located within Zone A, AE, AH, AO or A99, are exempt from the elevation/floodproofing certification requirements specified in items (A) and (B) of this subsection:

(1) Recreational Vehicles meeting requirements of Article 9 – Environmental Regulations.

(2) Temporary Structures meeting requirements of Article 9 – Environmental Regulations.

(3) Accessory Structures less than 150 square feet meeting requirements of Article 9 – Environmental Regulations.

G. CERTIFICATE OF OCCUPANCY/COMPLIANCE *(3-8.1)*

1. Applicability

a. No land or structure shall be structurally altered, erected, moved, occupied, or its use changed until a Certificate of Occupancy (CO) or Certificate of Compliance (COC) is issued. This certificate shall state that the building and/or proposed use complies with the approved plans and the provisions of this Ordinance.

b. Bonafide Farm purposes (per G.S. §160D-903) (Article 12 - Definitions) and Farm Buildings (per G.S. § 143-138), except residences, are exempt from the provisions of this Ordinance.

Commentary: An advisory letter from the N.C. Attorney General's office to the Department of Insurance, dated March 4, 2019 indicates that such buildings are exempt from the NC Building Codes if the buildings are not occupied for sleeping purposes and is outside the building-rules jurisdiction. Such buildings are then exempt because they are considered "agritourism" buildings. However, electrical systems of such building are not exempt and are thus required to comply with the NC Electrical Code.

The following guidance is offered:

- ***An existing farm building that is to be used for a function such as a wedding venue and adds plumbing or HVAC systems for that function, those systems are exempt from the requirements of the codes, but any associated electrical wiring is not exempt.***
- ***New buildings constructed for functions such as wedding venues are exempt from the requirements of the codes, but any associated electrical wiring is not exempt.***
- ***Electrical systems are never exempt from the requirements of the codes.***

c. A Certificate of Occupancy shall be required for the purpose of renewing or altering a nonconforming use.

2. Certificate of Occupancy Application Submittal

a. A Certificate of Occupancy shall be applied for concurrently with the application for a building, sign, use or location permit.

b. A Certificate of Occupancy shall be provided once all requirements of the permit are satisfied,

3. Procedures

a. Inspection and Certificate Issuance

(1) Certificate of Occupancy shall be issued as soon as practical after completion of construction or alterations of such building or sign after:

(a) Inspection by the Planning and Development Director or other County staff authorized by North Carolina General Statutes and the Planning Director to determine compliance with all applicable provisions of this Ordinance.

(b) If required, issuance of an Operations Permit for a septic system, Certificate of Completion for a well, or other approved sanitary disposal method by the County or State Health Department.

(c) Issuance of a Certificate of Completion for Wells by the County Health Department.

(d) Compliance with all applicable provisions of related health, building, and fire codes.

4. Certificate of Occupancy and Compliance

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a. A Certificate of Occupancy or a Certificate of Compliance, as applicable, under the building code, shall be known as a Certificate of Occupancy and Certificate of Compliance.

5. Temporary Certificate of Occupancy

a. This certificate temporarily authorizes operations at a building or construction site until the building or construction site receives its Certificate of Occupancy and/or Certificate of Compliance with the provisions of this Ordinance.

(1) A Temporary Certificate of Occupancy may be issued by the Planning and Development Director, as authorized by other County staff in accordance with North Carolina General Statutes, prior to the completion of all construction, alterations, or changes if such occupancy will not violate any health or safety considerations of applicable codes.

(2) A Temporary Certificate of Occupancy may be for a time period as the Planning and Development Director and/or other authorized staff deems appropriate to complete the work, but not to exceed one hundred eighty (180) days.

(3) A surety may be posted in an amount sufficient to ensure that the missing elements specified in the plan will be accomplished within the period of the Temporary Certificate of Occupancy.

(4) If the work is not completed within the period of the Temporary Certificate of Occupancy, the Planning and Development Director or other authorized staff, per North Carolina General Statutes, shall notify the owner. The owner shall cease use of the building and land immediately and shall not resume such use until a Certificate of Occupancy has been issued. Failure to cease use shall subject the owner or operator to civil penalties and other enforcement actions available under this Ordinance and Compliance with all applicable provisions of related health, building, and fire codes.

6. Certificate of Operation

a. If required, an Operations Permit for a septic system, or other approved sanitary disposal method, must be issued by the County or State Health Department prior to temporary occupancy.

H. TEMPORARY EVENT/USE PERMIT

1. Applicability

a. A Temporary Event/Use Permit shall be obtained for temporary uses and non-permanent facilities and activities which will have a duration more than three (3) days but not more than thirty (30) days. Examples of this type of event uses are: a carnival, a turkey shoot, a revival or similar activity conducted on a defined, short-term basis.

(1) Turkey shoots may have a duration not to exceed ninety (90) days.

b. The permit assists in the coordination of health, traffic, parking and other code specific inspections necessary for a safe and healthful operation.

c. Events involving the use of tents which would be regulated by fire and/or building code will be subject to the applicable permitting process as required by NC Code Standards.

d. Events involving the use of a stage which would be regulated by building and/or fire code will be subject to the applicable permitting process as required by NC Code Standards.

2. Temporary Event/Use Permit Procedures

a. Pre-Application Conference

(1) Optional

b. Application Submittal

(1) An Application for a Temporary Event/Use Permit shall be filed by the owner of the property or authorized agent with the Guilford County Planning and Development Department.

(2) The application for a Temporary Event/Use Permit shall contain the information required on the application form.

(3) Application for a Temporary Event permit shall be made to the Planning and Development Director at least ten (10) working days prior to the start of the event.

c. Review and Decision

(1) Temporary Event/Use Permit procedures are reviewed administratively per Section 3.3.

3. Permit Issuance

a. The Temporary Event/Use Permit shall not be issued until evidence is shown that the following conditions have been or will be complied with:

(1) Ample off-street parking shall be provided for the event, in addition to required parking for the use or uses located at the event site.

(2) The owner of the property where the event is to be held, or his/her agent, shall provide to the Planning and Development Director written authorization that the event may take place on the property.

(3) An event held outside of a building and within five hundred (500) feet of any residence shall cease operation by 10:00 p.m.

(4) Noise shall be controlled so that no adjoining property owner or occupant is unduly disturbed by the event.

(5) Licenses and/or permits required by other agencies shall be obtained prior to the issuance of the Temporary Event/Use Permit.

4. Maximum Number of Permits

a. No more than three (3) Temporary Event/Use Permits may be issued on the same property for the same event in any one (1) calendar year.

I. FLOODPLAIN DEVELOPMENT PERMIT *(3-3-5)*

1. Floodplain Development Permit Procedure

a. Floodplain Development Permits are reviewed and approved by the Floodplain Administrator. Refer to Section 3.3 for Common Review Procedures.

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b. See Article 9 – Environmental Regulations for additional standards or requirements.

2. Application Requirements

a. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a Floodplain Development Permit:

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

(a) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

(b) The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in this section, or a statement that the entire lot is within the Special Flood Hazard Area;

(c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map;

(d) The boundary of the floodway(s) or non-encroachment area(s);

(e) The Base Flood Elevation (BFE) where provided;

(f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;

(g) Certification of the plot plan by a registered land surveyor or professional engineer.

(2) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

(a) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any non-residential structure in Zone AE or A will be flood-proofed; and

(c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

(3) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

(4) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:

(a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);

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(b) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with this Ordinance when solid foundation perimeter walls are used in Zones A, AE, AH, AO, and A99;

(5) Usage details of any enclosed areas below the regulatory flood protection elevation.

(6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;

(7) Copies of all other Local, State and Federal permits required prior to Floodplain Development Permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)

(8) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure the applicable sections of this Ordinance are met.

(9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

b. Permit Requirements

(1) The Floodplain Development Permit shall include, but not be limited to:

(a) A description of the development to be permitted under the Floodplain Development Permit.

(b) The Special Flood Hazard Area determination for the proposed development per available data.

(c) The regulatory flood protection elevation required for the reference level and all attendant utilities.

(d) The regulatory flood protection elevation required for the protection of all public utilities.

(e) All certification submittal requirements with timelines.

(f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

(g) The flood openings requirements, if in Zones A, AE, AH, AO, or A99.

(h) Limitations of below BFE enclosure uses (if applicable) (i.e., Parking, Building Access and Limited Storage only).

J. GRADING PERMIT *(3-3-4)*

1. Grading Permit Procedure

a. Grading permits are reviewed and approved by the Planning and Development Director. Refer to Section 3.3 for Common Review Procedures.

b. See Article 9 - Environmental Regulations for additional standards or requirements.

2. Exemptions

a. The following land-disturbing activities are exempt from grading permit requirements:

(1) For the purpose of fighting fires.

(2) For the stock piling of raw or processed sand, stone, or gravel in material processing plants and storage yards, provided that sediment control measures have been utilized to protect against off-site damage.

(3) Areas that do not exceed one (1) acre in surface area. In determining the area, lands under one (1) or diverse ownership being developed as a unit shall be aggregated.

(4) Those undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to: forage and sod crops, grain and feed crops, tobacco, cotton and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all such animals; bees and aviary products; fur animals.

(5) Those undertaken on forest land for the production and harvesting of timber and timber products and which are conducted in accordance with Forest Practice Guidelines Related to Water Quality (best management practices) as adopted by the North Carolina Department of Environment, Health and Natural Resources (DEHNR). If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines Related to Water Quality, the provisions on this Ordinance shall apply to such activity and any related land-disturbing activity on the tract.

(6) Mining activity undertaken by persons as defined in G.S. § 113A-52(8) who are otherwise regulated by the provisions of The Mining Act of 1971, G.S. § 74-46 through 74-68.

(7) Land-disturbing activity over which the State has exclusive regulatory jurisdiction as provided in G.S. § 113A-56(a).

3. Expiration

a. Expiration. A Grading Permit shall be valid for one (1) year unless it is revoked by the Planning and Development Director or the grading project is completed, and a Certificate of Compliance is issued by the Planning and Development Director within the one-year period.

4. Renewal

a. The Grading Permit may be reissued for an additional one hundred eighty (180) day period, if adequately justified, by making a written request to the Planning and Development Director. No permit fee will be required for reissuance of a Grading Permit; however, the applicable surety shall remain in effect and updated, if necessary.

b. Eighteen-Month Limit. If grading or protection of the site is not completed within eighteen (18) months, the person conducting the land-disturbing activity

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shall be required to obtain a new grading permit by following the same procedures whereby the original permit was issued.

5. Posting

a. The Grading Permit must be posted in a prominent place on the side of the land-disturbing activity at all times it is in effect.

K. HISTORIC DISTRICT ZONING OVERLAY ESTABLISHMENT

1. Adoption of Ordinance Establishing

The Board of County Commissioners may adopt and, from time to time, amend or repeal an ordinance establishing a Historic District Overlay. The ordinance shall include information which shall describe the physical area proposed for designation; its boundaries; and general historic, architectural, archaeological, and/or cultural significance. The district designation process may be initiated by either the Historic Preservation Commission or at the request of any number of property owners. No ordinance to establish an overlay district shall be adopted or amended until all of the requirements of this Ordinance and its subsections have been satisfied. See Section 4 .12 for detailed procedures and requirements for Historic District Overlay establishment.

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 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 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.

b. The Historic Landmark designation process may be initiated by either the Historic Preservation Commission or at the request of a property owner. No ordinance to designate any building, structure, object, site or area shall be adopted or amended until all the requirements of this Ordinance and its subsections have been satisfied.

2. Criteria for Designation

To be designated as a historic landmark, a property, building, site, area, or object shall be found by the HPC to possess special significance in terms of its history,

prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

3. Procedure for Designation

a. The Historic Preservation Commission (HPC) shall make, or cause to be made, an investigation/designation report including:

(1) the name of the property to be designated, including both common and historic names if they can be determined;

(2) the name(s) and address(es) of the current owner(s);

(3) the location of the property for which designation is proposed, including the street address and Guilford County tax map parcel number or parcel identification;

(4) the dates of original construction and of all later additions or alterations, if applicable;

(5) an assessment of the significance of the building or site as prescribed by this Ordinance;

(6) an architectural or archaeological description of the area of the site or structure, including descriptions of all outbuildings and appurtenant features, for which designation is proposed;

(7) a narrative of the history of the site and/or structure within the context of its type, period, and locality;

(8) photographs including at least one sufficient to show the overall disposition of the property; at least one photograph of each façade or elevation; photographs sufficient to illustrate architectural details, ornamentation, scale and proportion; and photographs sufficient to indicate the relationship of buildings, structures, objects, sites or areas to each other;

(9) a map showing the location of the property, including all outbuildings and appurtenant features situated upon it; and

(10) any review standards specific to the property other than the National Park Service's Secretary of Interior Standards.

b. Pursuant to G.S. § 160D-946 as amended, the designation report shall be submitted to the North Carolina Department of Cultural Resources (NCDCR), Division of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the Board of Commissioners regarding the substance and effect of the proposed designation. Failure of the NCDCR to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the NCDCR and relieve the Board of Commissioners of all responsibility to consider the NCDCR's comments or recommendations concerning the report.

c. At the expiration of NCDNR's thirty (30)-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 NCDCR, 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.

d. For non-approval of a designation report, a copy of the minutes of the meeting at which such decision to deny was made shall be mailed to the owner of the property, including a letter explaining the basis for the HPC's decision. A recommendation against approval shall not prevent any future consideration of a property for designation as a Historic Landmark.

e. The local governing body shall hold a public hearing, either jointly with the HPC, or separately, to consider the proposed ordinance, with public notice to comply with Section 3.2.

f. Following the public hearing, the local governing body shall consider the HPC's designation report and recommendations, the NCDCR recommendations, and comments made at the public hearing, and shall adopt the ordinance as proposed or with amendments, or reject the ordinance.

g. Upon adoption of the ordinance, the Planning and Development Director shall:

(1) within thirty (30) days of adoption, send the owner(s) of the Historic Landmark(s) written notice of such designation, explaining the substance of the HPC's decision, via certified mail with a return-receipt requested;

(2) file one copy of the ordinance, and any subsequent amendments thereto, in the office of the Register of Deeds of Guilford County, which office shall index each historic landmark according to the name of the owner in the grantee and grantor indexes;

(3) if the Historic Landmark lies within a zoning jurisdiction which which the County has adopted an interlocal agreement for historic preservation planning services, file a second copy of the ordinance and any subsequent amendments thereto, in the office of the pertinent municipal clerk where it shall be made available for public inspection at any reasonable time, and shall provide a third copy to the building inspector for the designating jurisdiction; and

(4) shall notify the Guilford County tax assessor of the Historic Landmark designation.

h. Upon notification from the HPC, the Guilford County Tax Assessor shall clearly indicate the designation on all appropriate tax maps.

M. REZONING (CONVENTIONAL & CONDITIONAL) / MAP AMENDMENT (3-12.1 AND NEW)

1. Intent

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a. This section provides a uniform means for reviewing and deciding proposed amendments to the Official Zoning Map of Guilford County.

2. Applicability

a. The Board of Commissioners, 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 the Official Zoning Map (rezoning).

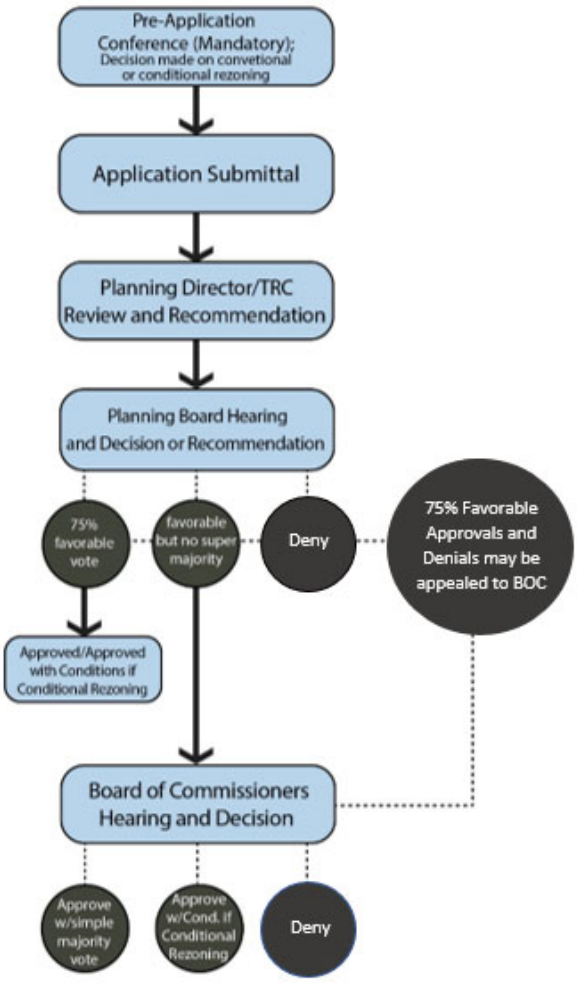
b. Conditional rezoning requests and applications to downzone must be filed in accordance with NCGS 160D.

c. Rezonings may be of the following type:

(1) Conventional Rezoning to a General Use or Planned Unit Development (PUD) zoning district.

(2) Conditional Rezoning that may include development or review standards that may differ from an established zoning district.

(3) Overlay Rezoning that may be subject to additional requirements as stated elsewhere within this Ordinance.



d. Where the boundaries of a rezoning request stop short of an exterior property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this Ordinance.

e. All zoning requirements shall be met within the boundaries of the area being rezoned. If all of the requirements cannot be met on the site being rezoned, the rezoning shall be expanded to include all property necessary to meet zoning requirements.

f. Requests for changes in the zoning classification of a property within a Historic District Overlay shall be processed and considered in the same manner and

procedure as set forth Section 3.5.K. except that the Historic Preservation Commission shall forward a recommendation to the Planning Board prior to the Planning Board taking any action.

3. Prior Approval

a. 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.

4. Procedure

a. Pre-application Conference Required

(1) Prior to submitting an application for a rezoning / map amendment, the applicant shall meet with the Guilford County Planning and Development Director to discuss the proposed amendment and to receive information regarding the approval requirements and procedures.

b. Application Submittal and Acceptance

(1) Conventional and Conditional. Applications for a rezoning/map amendment shall be submitted in accordance with the requirements on the form available in the Planning and Development Department or on the County's website.

(2) All fees shall be due and payable when the application is made according to the Schedule of Fees.

(3) Refiling of Application

(i) No application for rezoning to the same district shall be filed within a one (1) year period from the date of final action on the previous rezoning request (other than a withdrawal, subject to the provisions in Section 3.5, prior to the public hearing) on a given parcel of land or portion thereof, unless the Planning Board determines that additional information submitted to them merits consideration for a public hearing at their next meeting.

(ii) A second request for the same parcel of land or portion thereof for a different zoning district may occur within a one (1) year period from final action on the initial request.

(iii) Under no circumstances shall more than two (2) zoning map amendments be filed for rezoning a given parcel of land or any portion thereof within any one (1) year period.

c. Planning Director Review and Recommendation

(1) The Planning and Development Director shall review the application, prepare a staff report, and provide a recommendation.

d. Planning Board Public Hearing

(1) The notice of public hearing by mail, posting, and electronic publishing as authorized by Session Law 2017-210 Senate Bill 181, shall be in accordance Section 3.2.

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(2) The Planning Board shall hold a public hearing on the application. The Planning and Development Department shall present the application, staff report and recommendations to the Planning Board' at the first available regularly scheduled meeting following proper filing and notice of the application.

(3) The Planning Board shall decide the application or forward as a recommendation to the Board of Commissioners and shall comment on the application's consistency with applicable County adopted Comprehensive Plans. Applications receiving less than seventy-five percent (75%) favorable vote or denial from the Planning Board, the application is forwarded as a recommendation to the Board of Commissioners for review and final decision.

e. Planning Board Review and Decision

(1) The Planning Board, after conducting a public hearing, shall review and provide a decision on the request.

(2) The decision shall be one of the following:

(i) Adoption of the rezoning as proposed

(ii) Adoption of the rezoning to a zoning district designation of lesser intensity

(iii) Denial of the rezoning

(iv) Remand of the rezoning application to staff for further consideration.

f. Voting

(1) A favorable seventy-five percent (75%) vote from members present from the Planning Board shall constitute approval unless appealed.

(2) Applications receiving less than a seventy-five percent (75%) favorable vote, but a majority favorable vote from the Planning Board members present and voting, shall constitute a favorable recommendation of the application and shall be forwarded to the Board of Commissioners.

(3) Applications receiving less than a majority favorable vote or unfavorable vote from the Planning Board, shall constitute denial of the application unless appealed.

(4) Applications forwarded to the Board of Commissioners shall be scheduled for a public hearing before the Board of Commissioners.

(5) Any application heard by the Board of Commissioners, either by recommendation from the Planning Board or by appeal of a decision of the Planning Board, requires a simple majority vote to be approved, otherwise the application shall be deemed denied.

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.

g. Application Withdrawal

(1) An application for amendment may be withdrawn by the applicant any time before submission of the public notice to the newspaper or electronically, announcing the public hearing.
(2) After submission of such notice, an application may be withdrawn at the discretion of the Planning Board or Board of Commissioners at the public hearing.
(3) No more than two (2) withdrawals may occur on the same parcel of land or portion thereof within a one (1) year period.
(4) No application shall be filed on the same parcel of land or portion thereof within a one (1) year period after the date of the second withdrawal.

h. Continuance

The Planning Board may continue a rezoning request for up to two (2) months provided the reason for said continuance is stated in the motion to continue. Nothing in this Section shall prohibit a continuance being granted for a greater period of time provided it is mutually agreed upon by the applicant and Planning Board. Upon failure of the Planning Board to act on a request immediately following all proper continuances, or 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 rezoning shall accompany the application.

5. Appeals

Applicable. See Section 3.5.C.

6. Rezoning, Conditional

a. Pre-application Conference

(1) Prior to submitting an application for a rezoning / map amendment, the applicant shall meet with the Guilford County Planning and Development Director to discuss the intention of for applying condition zoning for a general use district.
(2) Petitioning for a Conditional Zoning district is a voluntary procedure and can be initiated only by the owner of the property in question, or by the authorized agent.
(3) An application for Conditional Zoning may be submitted for any district, the use of which is not to relieve hardships that would otherwise be handled using a variance procedure. Zoning to a Conditional Zoning district is not intended for securing early or speculative reclassification of property.
(4) Conditional zoning may allow or disallow a particular use, specify density or specific development standards, but they shall correspond to the general zoning district.
(5) Planned Unit Developments (PUD) identified in this Ordinance may have a corresponding conditional zoning district.
(6) The Planning Board through the Conditional Zoning process may approve deviations to or eliminate standards in the UDO and/or underlying zoning district. New standards shall be adopted as conditions and will be applied as

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standards for approval during the plan review process. Any standards not modified or eliminated will be applied in accordance with the provisions of the UDO. All standards and requirements that apply to the corresponding general use or planned district will apply to the conditional zoning districts. In the event that the Planning Board modifies the proposed conditions, the applicant or owner must agree to the new conditions in writing.

(7) Conditions which represent greater restrictions on development and use of the property than would apply in the corresponding general use district or which involve subdivision, stormwater control, flood protection or other limitations on land which may be regulated by the county and state law, may be specified in the application.

b. Application Submittal and Acceptance
Applicable. See Section 3.5.M.

c. Staff Review
Applicable. See Section 3.5.M.

d. Public Hearing
Applicable. See Section 3.5.M.

e. Planning Board Review and Decision
Applicable. See Section 3.5.M.

f. Voting
(1) Applicable. See Section 3.5.M.
(2) Effect of Approval
If a petition for a Conditional Zoning district is approved, the development and use of the property shall be governed by the Ordinance requirements applicable to the district's zoning classification, the approved conceptual plan for the district, and any additional approved rules, regulations, and conditions, all of which are binding on the property as an amendment to these regulations and to the Zoning Map.

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

h. Application Withdrawal
See Section 3.5.M.4(g)

i. Appeals
Applicable. See Section 3.5.C.

7. Planned Unit Developments (PD-R, PD-M or RPD). See Article 4 – Zoning Districts.

8. Additional Procedures

a. Flood Zoning Map Amendments
See Article 9 – Environmental Regulations for procedures regarding amendments to the Flood Zoning Map.

b. Water Supply Watershed Map Amendments
(1) Applications for Water Supply Watershed Map amendments shall be processed in accordance with the procedures in Section 3.5.K.
(2) Water Supply Watershed Maps may be amended in cases where:
(I) A new water supply watershed is established.

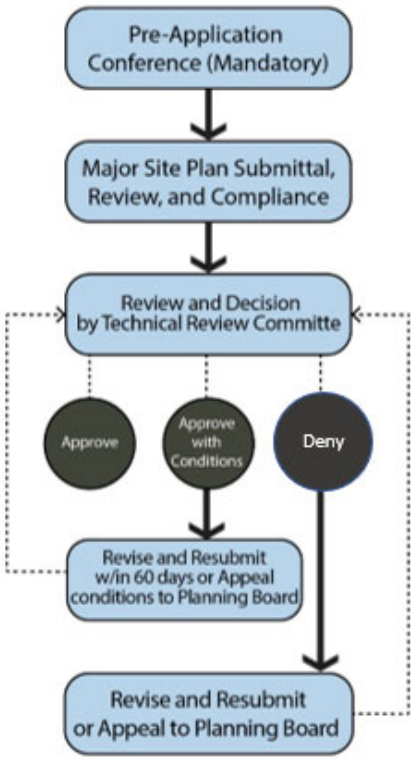
(II) A Watershed Critical Area boundary is changed.
(III) A Watershed Critical Area tier line is shifted

N. SIGN PERMITS

1. Sign Permit Procedure
- **a.** Sign Permits are reviewed and approved by the Planning and Development Director. Refer to Section 3.3 for Common Review Procedures.
- **b.** See Article 7 - Signs for additional standards or requirements.

O. SITE PLAN, MAJOR *(3-11)*

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. 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).

d. Depending on the scale or complexity of the development, any or all of the sheets may be combined.

e. 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 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 Certificate of Appropriateness, an application for a Grading Permit, or other applications or approvals required for a particular project.

5. Review and Decision

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.

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. 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
   a. Applicable. See Section 3.5.C, Appeals.
8. Inspections
   a. Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the appropriate authority.
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.
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.
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.
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.

P. SITE PLAN, MINOR *(3-11)*

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1. Applicability
   a. Minor Site Plans submitted for development or additions to existing developments (except single-family and two-family dwellings) shall be:
      (1) Fifteen thousand (15,000) square feet or less of gross floor area.
      (2) Eight (8) dwelling units or less in a single building.
      (3) Open uses of land, or expansions of open uses of land, involving less than forty thousand (40,000) square feet.
   b. Plot Plan for Department of Environmental Health Required.
   c. Site Plan Required. No new building permit shall be issued on a lot until a Minor Site Plan, prepared in accordance with Guilford County Procedural Manual, has been approved for the development. Except that no new or amended Minor Site Plan shall be required if an adequate Minor Site Plan is already on file, no change in parking and no increase in built-upon area is proposed or required.



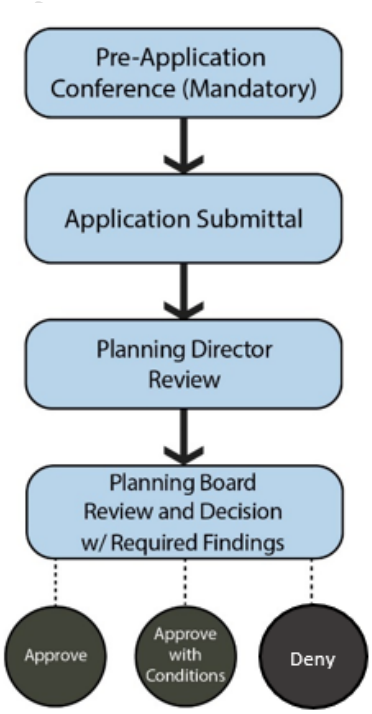
2. Review and Decision
   a. Approval of Minor Site Plan. The Minor Site Plan or shall be reviewed and approved by the Planning and Development Director when it meets all requirements of this Ordinance and/or proper variances are obtained.
3. Appeal
   a. Applicable. See Section 3.5.C, Appeals.
4. Inspections
   a. Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the appropriate authority.
5. Runoff Control Structures and Soil Erosion and Sedimentation Control Devices Installation
   a. Any approved permanent runoff control structure(s) and soil erosion and sedimentation control device(s) may be installed prior to approval of street and utility construction plans.
6. Permits
   a. Upon approval of the Minor Site Plan, the developer may be eligible to apply for building and any other permits and authorizations as required by this Ordinance.
7. No Construction Without Plan Approval
   a. None of the improvements listed above shall be constructed until the street and utility construction plans for such improvements have been reviewed and approved by the appropriate authority.
8. Expiration of Minor Site Plan or Plot 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.

Q. SPECIAL USE PERMITS *(3-13.4 AND NEW)*

1. Intent

a. The Special Use Permit review process is established to provide for the adequate review and consideration of those uses which, because of their unique characteristics and impacts upon the community, require individual consideration of their location, design, configuration, and/or operation in the community.



2. Applicability

a. If the proposed use is represented by an "S" in the column for the zoning district in which it is located in Article 4 – Zoning Districts (Table of Permitted Uses), the use shall comply with the procedures and standards of this section, prior to development.

3. Procedure

a. Pre-Application Conference.

(1) The applicant shall attend a pre-application conference.

b. Application Submittal

(1) An application for a Special Use Permit may be filed by the owner or owner's authorized agent with the Guilford County Planning and Development Department on a form provided by the Planning and Development Department or available on the County website.

(2) The application shall, at a minimum, require a conceptual site plan. Some applications may require additional information.

c. Planning and Development Director Review and Recommendation

(1) The application shall be reviewed by Technical Review Committee and the Planning and Development Director for compliance with the requirements of this Section.

(2) Upon review of a complete application, the Planning and Development Director shall prepare a staff report and comment on the conformance of the request to the standards and dimensional requirements of the Ordinance.

d. Public Notification

(1) Applicable. See Table 3.2, Public Notification Requirements.

e. Planning Board Review and Decision

(1) Voting on a Special Use Permit shall be in accordance with Section 3.4, Quasi-Judicial Hearing Procedures and shall require a simple majority for approval. All evidence presented at the hearing in regard to applications for Special Use Permits shall be under oath.

f. Required Findings

(1) The Special Use Permit shall be granted when each of the following Findings of Fact have been made by the Planning Board:

(i) The proposed use is represented by an "S" in the column for the district in which it is located in Article 4 – Zoning Districts (Table of Permitted Uses).

(ii) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted.

(iii) That the use meets all required conditions and specifications.

(iv) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

(v) 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 in general conformity with the plan of development of the Jurisdiction and its environs.

(2) Any Special Use Permit so authorized, shall be perpetually binding upon the property included in such permit, unless subsequently changed or amended through application for a new or amended Special Use Permit or until a use otherwise permitted in the district is established.

g. Review Factors

The applicant shall demonstrate that the review factors listed below have been adequality addressed.

(1) Circulation: 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.

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

(3) Service Entrances and Areas: Locations of refuse and service areas with adequate access for services vehicles.

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

(5) Utilities: Location and availability of utilities (public or private).

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

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

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(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.

(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.

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

h. Conditions for Approval

(1) In granting a Special Use Permit, the Planning Board may impose more restrictive requirements upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served. In this event, the landowner and applicant must consent to the revised conditions in writing.

(2) Either the use as proposed, or the use as proposed subject to such additional conditions as the owner may propose or the Planning Board may impose, is consistent with the purposes of the District and compatible with surrounding uses.

i. Recordation of Decision

(1) In granting or denying a Special Use Permit, the Planning Board's decision and any approved conditions shall be recorded with the Register of Deeds.

j. Special Use Permit Denial

(1) If the Planning Board fails to make the findings required by this section or makes other findings inconsistent with the required findings, then such proposed permit shall be denied.

(2) If denied, see Section 3.5.C, Appeals.

k. Compliance with Approved Permit

(1) No building or other subsequent permit or approval shall be issued for any development on property subject to a Special Use Permit except in accordance with the terms of the permit and the district.

l. Submission of Site Plans

(1) After Special Use Permit approval, site plans for any development made pursuant to any Special Use Permit shall be submitted for review in the same manner as other development plans required by this Ordinance.

m. Administrative Adjustment

(1) Applicable. See Section 3.5.B, Administrative Adjustment.

(2) In approving such Site Plans, the Planning and Development Director may make minor modifications to the requirements of such Special Use Permit where such modification will result in equal or better performance and 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.

n. Amendment of Permit

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(1) The Planning Board may change or 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.

o. Timing of Amendment Proposal

(1) No proposal to change or amend any Special Use Permit shall be considered within a one (1) year period after the date of the original authorization of such permit or within a one-year period after the hearing of any previous proposal to change or amend any such permit.

p. Effect of Invalidity

(1) If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, such Special Use Permit shall be void and of no effect.

q. Non-compliance with Permit Conditions

(1) If after receiving a Notice of Violation for violation of the terms or conditions of a Special Use Permit, the owner fails to correct such violations within a reasonable time, then the Special Use Permit may be revoked by the Planning Board. The revocation process must take the same form as the original approval.

(2) The Planning Board shall revoke such permit on all or part of a development if it finds that there has been a violation that:

(i) Was intentional or continued for an unreasonable time after the owner had notice thereof.

(ii) Was substantially inconsistent with the purposes of the district and continued for any time after the owner had notice thereof and the opportunity to cure.

(3) All of the other remedies of this Ordinance for a zoning violation shall apply to a violation of the terms of a Special Use Permit. Civil and/or criminal penalties may accrue pending the correction of a violation of a Special Use Permit, notwithstanding the fact that the owner may correct the violation within a reasonable time for purposes of the revocation provisions of this paragraph.

R. SUBDIVISION, EXEMPT

1. Intent

a. The purpose of this procedure is established to provide relief from the subdivision regulations found in this Ordinance (see Section 8.02 Exempt Subdivisions).

2. Applicability

a. Such divisions of land exempt from the regulations are detailed in this Ordinance G.S. § 160D-802 and G.S. § 29 - Intestate Succession.

3. Certification and Recordation

a. Any plat exempt from the regulations of this Ordinance shall be certified as exempt by the Planning and Development Director or, in circumstances specified in NCGS 47-30(f)(11), a professional land surveyor prior to being recorded.

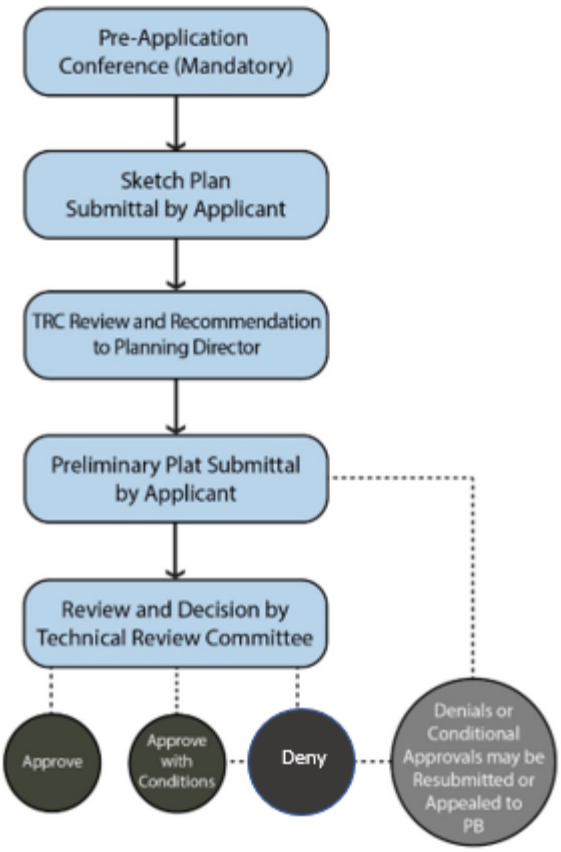
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S. SUBDIVISION, MAJOR

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 "Non-buildable," "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 Article 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.

(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

(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) 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 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 declare if the plan is in conformance to the UDO to the Planning and Development Director.

4. Preliminary Plat Submittal (5-6)

a. Intent

(1) A Preliminary Plat shall be required for all Major Subdivisions of land, including Group Developments, with the following exception:

(a) 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) 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 the Guilford County Procedures Manual.

(2) 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) When the application is deemed complete, the Planning and Development Director shall schedule Major Subdivision cases for the next regularly scheduled Technical Review Committee meeting.

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(2) 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

(1) Timing. The Technical Review Committee shall take action within thirty (30) days of reviewing the Preliminary Plat.

(2) The Decision of TRC may include:

(a) Approval

(b) 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.

(c) Revise and Resubmit

(d) 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

(1) Major Subdivisions must be reviewed 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) Substantial Change. Substantial changes from the Preliminary Plat will require an additional review by the Technical Review Committee to ensure compliance with existing regulations.

f. Appeals

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

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g. Effect of Approval

(1) If the Preliminary Plat is approved, the applicant may proceed toward installation of required improvements and Final Plat submittal.

(2) Approval of a preliminary plat authorizes the submittal of street and utility construction plans, and soil erosion and sedimentation control plans.

(a) Street and Utility Construction Plans

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. 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.

(b) Grading Permit

i. 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 in accordance with this Ordinance.

5. Final Plat

a. 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.

(2) Environmental Health Division Review. Preliminary Plats may be reviewed by either the Environmental Health Division or the North Carolina Department of Environment and Natural Resources. Subsequently, and 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

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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 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

(a) 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. 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

(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.

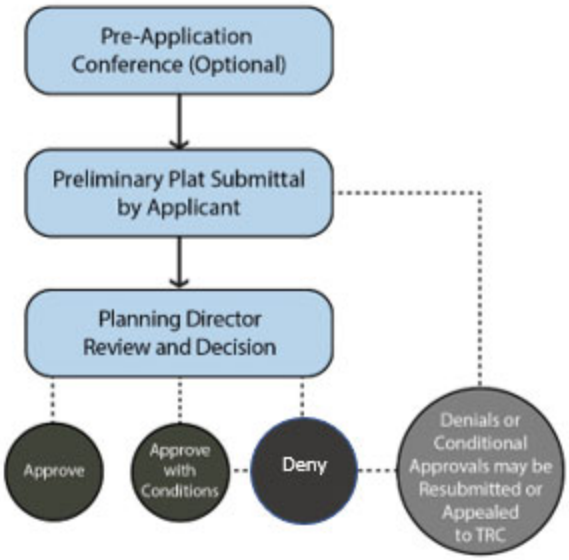
j. Expiration

(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.

T. SUBDIVISION, MINOR

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 Article 8 – Subdivisions & Infrastructure Standards, except where exempt by definition or statute. See Section 3.5.R, Subdivisions, Exempt.



2. Minor Subdivision Procedure

a. Pre-Application Conference

(1) Optional

b. Preliminary Plat Submittal

(1) Minor 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.

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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

(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.

U. SUBDIVISION WAIVER

1. Intent

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

2. Waivers

a. Approval Authority

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

b. 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 Article 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

(c) Unintentional Error: Where through an unintentional error by the applicant, his agent, or the reviewing staff, there is a minor violation of a

standard in this Article 8 – Subdivision & Infrastructure Standards, where such violation is not prejudicial to the value or development potential of the subdivision or adjoining properties.

c. Conditions. In granting waivers, the approval authority may require such conditions as will secure, insofar as practicable, the purposes of the standards or requirements waived.

V. TEXT AMENDMENTS *(3-12.4 AND NEW TEXT)*

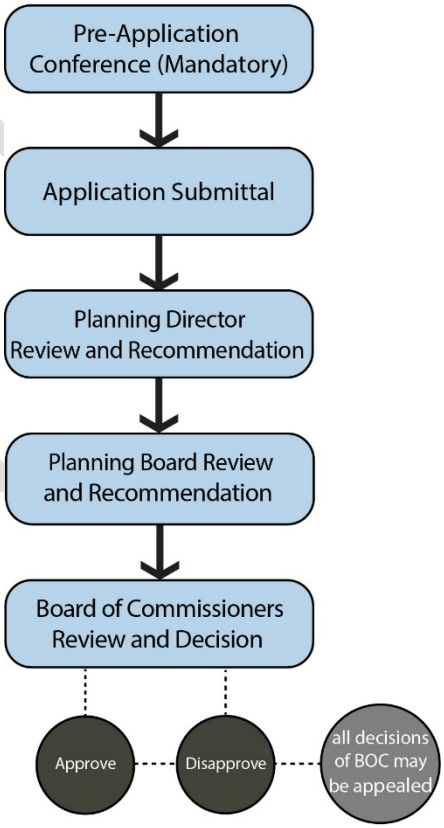
1. Purpose and Intent

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 public 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. The public hearing may be delayed to account for research conducted by staff and other related workload.

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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 hold a 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 public hearing and final action according to the process set forth in this Ordinance. The Guilford County Board of Commissioners shall schedule the 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, 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 public hearing to consider the proposed amendment. Notice of the 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 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

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taken to be consistent with the Comprehensive Plan, reasonable and in the public interest.

(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.

4. Additional Requirements

a. Amendments to Soil Erosion and Sedimentation Control Requirements

(1) Guilford County shall incorporate revisions required by the Environmental Management Commission (EMC) within eight (8) months following receipt of the required revisions. If standards and provisions of this Ordinance currently meet or exceed the required revisions, the Environmental Management Commission shall be so notified within ninety (90) days of their receipt.

b. Amendments to the Watershed Protection/Stormwater Management Regulations

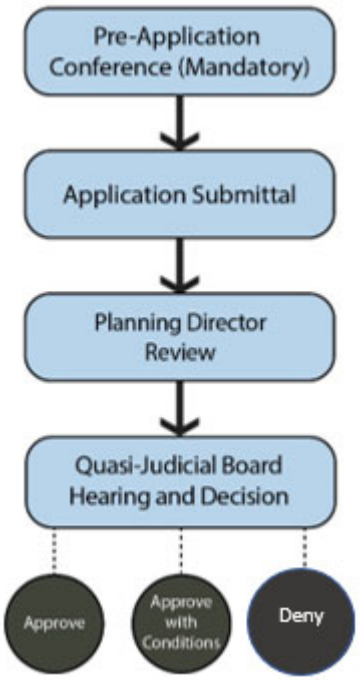
(1) Amendments to the watershed protection/stormwater management regulations found in this Ordinance shall be submitted to the Division of Water Quality for necessary review and Environmental Management Commission approval, when the State has statutory oversight, prior to adoption by the Board of Commissioners. All amendments are effective upon adoption by the Board of Commissioners unless otherwise noted.

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W. VARIANCE *(9-5.8)*

1. Purpose and Intent

a. The variance process is a Quasi-Judicial Procedure (Section 3.4) and is intended to provide limited relief from the requirements of this Ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of the land in a manner otherwise allowed under this Ordinance.



2. Authority

a. Multiple boards shall serve as the board of adjustment for quasi-judicial matters in Guilford County. If the Board of Commissioners chooses not to appoint members to the Board of Adjustment, it shall sit as the Board of Adjustment subject to the provisions of this Ordinance.

b. Depending on the request, variances may be heard by the:

(1) Planning Board.

(2) Board of Adjustment.

(3) Board of Commissioners.

3. Applicability

a. Development that would otherwise be subject to undue and unique hardship from the application of the standards of this Ordinance may seek relief from this Ordinance in accordance with this section that otherwise would not be satisfied under the allowances set forth in Ordinance.

b. In no event shall a quasi-judicial board grant a variance which would allow the establishment of a use which is not otherwise allowed in a zoning district or which would change the density, district classification, or the district boundary of the property in question.

c. In no event shall a quasi-judicial board grant a variance which would conflict with any State code.

d. The Board of Commissioners shall not grant a variance to permit a use otherwise not permitted by this Ordinance in the zoning district involved.

e. Variance Runs with the Land. Any variance so authorized, shall be perpetually binding upon the property included in such permit, unless subsequently changed or amended through application for a new or amended variance.

4. Variance Procedures

a. Pre-Application Conference

(1) Mandatory. Pre-Application Conference is mandatory.

b. Application Submittal

(1) An application for a variance shall be submitted in writing to the Board by filling an application with the Planning and Development Director.

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c. Planning and Development Director Review
(1) The Planning and Development Director shall review the application to ensure that it is complete and shall prepare a staff report detailing the regulations and interpretation behind the matter being appealed along with any findings from accompanying research.

d. Public Notification
(1) Applicable. See Table 3-2, Public Notification Requirements.

e. Quasi-Judicial Board Review and Decision
(1) Upon receiving the application, the quasi-judicial board shall conduct an evidentiary hearing on the variance.
(2) Grounds for Variance
(a) The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure. The fact that property may be utilized for greater profit, however, will not be considered adequate to justify the granting of a variance.
(b) Neither the nonconforming use of lands, buildings or structures in the same zoning district, nor the permitted use of lands, buildings or structures in other zoning districts shall be considered as grounds for the issuance of a variance. Furthermore, mere financial hardship does not constitute grounds for the granting of a variance.
(c) A variance may be granted where a building permit has been issued and, due to unintentional error of the Planning and Development Director in determining the location of the structure on the property, there is a minimal violation of the dimensional requirements, provided that such relief may be granted without substantially impairing the purpose and intent of this Ordinance.
(3) Findings of Fact
(a) A variance may be granted by the Board of Adjustment if evidence presented by the applicant persuades it to reach the following findings of fact:
(i.) Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
(ii.) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make reasonable accommodation under the Federal Fair Housing Act for persons with disability.
(iii.) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with

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knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

(iv.) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

(b) After conducting the hearing, the quasi-judicial board shall make a decision within a reasonable time and may:

(i) Deny the application.

(ii) Conduct an additional public hearing on the application.

(iii) Approve the application.

(iv) Approve the application with additional conditions.

f. Vote. A concurring vote of at least four-fifths 4/5 of the members of the quasi-judicial board shall be necessary to grant a variance.

g. Conditions. In granting a variance, the Board of Adjustment may prescribe such reasonable and appropriate conditions and safeguards as will assure that the use of the property to which the variance applies will be compatible with surrounding properties and will not alter the essential character of the neighborhood.

(1) Violations of such conditions and safeguards, when a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

(2) A variance granted subject to a condition shall be permitted only so long as there is compliance with the condition.

(3) If a violation of a condition of a variance occurs, the Planning and Development Director may revoke the Certificate of Occupancy.

(4) In the event that any such condition is held invalid, for any reason, such holding shall have the effect of invalidating the variance granted and shall render the variance null and void.

h. Duration. The variance may be issued for an indefinite duration or for a specified duration only. Unless otherwise specified, construction or operation shall be commenced within twelve (12) months of the date of issuance of a variance, or the variance shall become void.

5. Appeals

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

6. Procedures for Specific Variances

a. Watershed/Stormwater (Major & Minor)

(1) See Article 9 – Environmental Provisions

b. Flood Hazard Variance

(1) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

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(2) Functionally dependent facilities if determined to meet the definition as stated in Article 12 - Definitions of this Ordinance, provided provisions of this Section have been satisfied, and such facilities are protected by methods that minimize flood damages.
   (a) Any other type of development provided it meets the requirements stated in this Section.

(3) A written report addressing each of the above factors shall be submitted with the application for a variance.

(4) Upon consideration of the factors listed above and the purposes of this Ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

(5) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to twenty-five dollars ($25.00) per one hundred dollars ($100.00) of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

(6) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

(7) Conditions for Variances:
   (a) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
   (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
   (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
   (d) Variances shall only be issued prior to development permit approval.
   (e) Variances shall only be issued upon:
      i. A showing of good and sufficient cause;
      ii. A determination that failure to grant the variance would result in exceptional hardship; and
      iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(8) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are

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located in Special Flood Hazard Areas provided that all of the following conditions are met:

(a) The use serves a critical need in the community.
(b) No feasible location exists for the use outside the Special Flood Hazard Area.
(c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
(d) The use complies with all other applicable federal, state, and local laws.
(e) The County of Guilford has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

X. VESTED RIGHTS

1. Applicability

a. A vested right establishes the right to undertake and complete the development and use of a property on substantial expenditures as set forth in G.S. § 160D-108.

b. Vested Right Runs with Property. A zoning vested right is not a personal right but shall attach to and run with the applicable property. After approval of a Site-Specific Vesting Plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

c. Types of Vested Rights. Vested Rights may be granted for the following development activities:

(1) Site-Specific Vesting Plans
(2) Building Permits
(3) Multi-phased Developments
(4) Development Agreements

2. Establishment of a Zoning Vested Right for Site-Specific Vesting Plans

a. Establishment of Vested Right. A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the appropriate approval authority as specified in Table 3.3, of a Site-Specific Vesting Plan, following notice and public hearing by the Planning Board.

b. Approval of Site-Specific Vesting Plan

(1) The approving authority may approve a Site-Specific Vesting Plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare.
(2) Approval of a Site-Specific Vesting Plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.
(3) Effective Date of Approval. A Site-Specific Vesting Plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.
(4) Effect of Additional, New or Amended Regulations. The establishment of a zoning vested right shall not preclude the application of overlay zoning that

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imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature are applicable to all property subject to land use regulation by the Jurisdiction including, but not limited to, building, fire, plumbing, electrical and mechanical codes. Otherwise, the application of new or amended regulations shall become effective with respect to property that is subject to a Site-Specific Vesting Plan upon the expiration or termination of the vested right in accordance with this Ordinance.

c. Vested Right Runs with Property

(1) A zoning vested right is not a personal right but shall attach to and run with the applicable property. After approval of a Site-Specific Vesting Plan, all successors to the original landowner shall be entitled to exercise such right while applicable.

(2) Approval Procedures

(a) Notice and Public Hearing

i. Notice of any proposed approval for a zoning vested right shall be as provided in this Section. The Planning Board shall hold a public hearing on the matter before the approval authority, as noted in Table 3.3 below, decides the case.

Table 3.3 – Vested Rights for Site-Specific Vesting Plans

Plans that Qualify for Vesting	Vested Timeline	Approval Body
Minor Subdivision, Preliminary Plat	2 years	Planning and Development Director
Sketch Plan	2 years	Planning and Development Director
Minor Site Plans	2 years	Planning and Development Director
Master or Common Sign Plan	2 years	Planning and Development Director
Watershed Development Plan	2 years	Planning and Development Director
Landscaping Plan	2 years	Planning and Development Director
Major Subdivision, Preliminary Plat	2 years	Technical Review Committee
Major Site Plan	2 years	Technical Review Committee
Special Use Permit	2 years	Planning Board
Planned Development (residential or mixed) Unified Development Plan	2 years	Planning Board
Multi-phase Development Plan	Up to 7 years	Technical Review Committee
Development Agreements	Indefinitely	

(3) Plans Not Vested

(a) Conceptual Plans: Because the following plans frequently lack sufficient detail, they are not vested under this Ordinance:
(1) A Planned Development-Residential or Planned Development-Mixed sketch plan; or
(2) A subdivision sketch plan.
(3) Plans Not Relating to Type and Intensity of Use.
(4) The following types of plans are reviewed and approved under Statutes not related to the type and intensity of use in the context of G.S. § 160-D-108 and, therefore, are not considered vested in the meaning of this Ordinance:
- Soil erosion and sedimentation control plans.
- Utility and street construction plans.

(4) Compliance
(a) Conformance Review
(1) Following approval or conditional approval of a Site-Specific Vesting Plan, nothing in this Ordinance shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.

(5) Noncompliance
(a) Nothing in this Ordinance shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval of this Zoning Ordinance.

3. Establishment of Vested Rights for Building Permits
a. A building permit shall not expire or be revoked because of the running of time while a zoning vested right under this Section is outstanding.

4. Establishment of Vested Rights for Multi-phased Developments
a. A proposed project must meet all following criteria to qualify as a multi-phased development.
(1) The proposed land area must be one hundred (100) acres or more.
(2) At site plan submittal, plans must indicate that construction will occur in multiple phases.
(3) The development must be subject to a master development plan with commitments including an offer of land for public use as a condition of approval.
b. Multi-phased developments shall be vested at the time of site plan approval for the initial phase of development.

5. Establishment of Vested Rights for Development Agreements
a. A development agreement may specify a reasonable duration of vested right.

6. Termination.
a. A zoning right that has been vested as provided in this Ordinance shall terminate:

(1) At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit application has been filed.
(2) With the written consent of the affected landowner.
(3) Upon findings by the Board of Commissioners that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the Site-Specific Vesting Plan.
(4) Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the Jurisdiction together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action.
(5) Upon findings by the Board of Commissioners that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the Site-Specific Vesting Plan.
(6) The enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the approved vested right, in which case the local government may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, after notice and an evidentiary hearing.

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ARTICLE 4 – ZONING DISTRICTS

ADOPTION DRAFT - 09.28.2020

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ARTICLE 4 – ZONING DISTRICTS

4.1 ZONING DISTRICTS

A. DISTRICTS ESTABLISHED

1. In order to achieve the purposes of this Ordinance, all property within the unincorporated area of the jurisdiction of Guilford County, (excluding the Piedmont Triad International Airport Planning Jurisdiction) shall be divided into districts with each designation and purpose described in this Article.
2. Land may be reclassified to one of a number of comparable conditional zoning districts in accordance with Section 4.2, Zoning District Transition or to one of several planned unit development zoning districts in accordance with Section 4.4, Planned Development.
3. Land within any general use, conditional, or planned unit development zoning district also may be classified into one or more overlay zoning districts, in which case the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the under-lying base zoning district, conditional district, or planned unit development district.

B. COMPLIANCE WITH DISTRICT STANDARDS

No land within the County's planning jurisdiction shall be developed except in accordance with the zoning district regulations of this Article and all other applicable regulations of this Ordinance.

C. ZONING MAP

The Official Zoning Map of Guilford County (Official Zoning Map) designates the location, boundaries, and abbreviations of each zoning districts established in this Ordinance. The Official Zoning Map shall be kept on file and made available in the manner set forth in Article 1 – General Provisions of this Ordinance. It shall be the final authority as to the status of the current zoning district classification of land in the County's planning jurisdiction.

4.2 ZONING DISTRICTS TRANSITION

A. TRANSITION TABLE

The Zoning District Transition Table identifies the zoning districts in effect before and after the adoption of this Ordinance. For ease of transition and to reflect the rich agricultural heritage and established relatively lower-density development patterns of part of the County, the AG: RS-40; RS-30; and RS-20 zoning districts already established remain unchanged from past ordinance(s). Previous districts with strikethroughs are districts that have been either replaced or absorbed by decidedly similar districts.

Previous District	Districts Established
AGRICULTURE	
AG	**AG** Agricultural
RESIDENTIAL[1]	
RS-40	**RS-40**
RS-30	**RS-30**
RS-20	**RS-20**

~~RS-12~~, ~~RS-15~~	**RS-3**
~~RS-7~~, ~~RS-9~~	**RS-5**
~~RS-5~~	**RS-7**
RM-8, ~~RM-5~~	**RM-8**
RM-18, ~~RM-12~~	**RM-18**
RM-26	**RM-26**
CIVIC	
PI	**PI** Public and Institutional
COMMERCIAL – OFFICE & RETAIL	
LO	**LO** Limited Office
NB	**NB** Neighborhood Business
LB	**LB** Limited Business
~~GO-H, GO-M~~	**MXU** Mixed-Use
GB	**GB** General Business
HB, ~~SC~~	**HB** Highway Business
CP	**CP** Corporate Park
INDUSTRIAL	
LI	**LI** Light Industrial
HI	**HI** Heavy Industrial
Planned Unit Development Districts	
RPD	**RPD** Rural Preservation District
PD-R	**PD-R** Planned Unit Dev.- Residential
PD-M	**PD-M** Planned Unit Dev.- Mixed
No Change to Overlay Districts	
[1]RS-40; RS-30; and RS-20 Districts established reflect min. lot sizes x 1,000 ft^2. All other Residential Districts established reflect Dwelling Units Per Acre (DU/Acre).	

B. GENERAL USE DISTRICTS

1. Each general use district shall be labeled on the official zoning map using the character abbreviation noted on the Zoning District Transition Table and in the applicable sections of this Ordinance.
2. Each general use district description contains an intent statement and photograph representing the character of development, typical examples of lot configuration, dimensional standards, and cross-references to other relevant Ordinance sections.

C. PLANNED UNIT DEVELOPMENT DISTRICTS

1. RPD RURAL PRESERVATION DISTRICT. The PD-RP District is intended to accommodate developments with rural preservation characteristics on land to be developed and improved as a whole under a Unified Development Plan in accordance with the requirements of this Ordinance.
2. PD-R PLANNED UNIT DEVELOPMENT-RESIDENTIAL. The PD-R District is intended to accommodate a variety of housing types developed on large tracts in accordance with a Unified Development Plan. The PD-R District also accommodates neighborhood business and office uses which primarily serve nearby residents.
3. PD-M PLANNED UNIT DEVELOPMENT-MIXED. The PD-M District is intended to accommodate residential, commercial and light industrial uses developed on large tracts in accordance with a Unified Development Plan.

4. See Section 4.4 for Planned Development Standards.

D. CONDITIONAL ZONING

1. Districts Established. Conditional Zoning, bearing the designation CZ, is hereby established as a companion district for every district established in this Article. 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. Allregulations 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.
2. Prior zoning designations of "CU-" historically approved prior to adoption of this Ordinance and appeared previously on the Official Zoning Map of Guilford County have been approved historically via a legislative process and thus will be considered and administered henceforth consistent with parcels designated as Conditional Zoning (CZ) as of <ADOPTION DATE>.
3. Application: The Conditional Zoning classification will be considered only upon request of the property owner for rezoning. For conditional rezoning application procedures, see Article 3 – Permits and Procedures.

E. OVERLAY DISTRICTS (4.2.4)

1. Overlay Districts establish certain area regulations which are in addition to the underlying general use, planned unit development or conditional zoning district(s).
   a. WCA - WATERSHED CRITICAL AREA DISTRICT. The WCA Overlay District is intended to set forth regulations for the protection of public drinking water supplies and is applicable to all lands adjacent to and which drain toward existing or proposed water supply intakes or reservoirs. These regulations are specified in Article 9 – Environmental Regulations.
   b. GWA - GENERAL WATERSHED AREA DISTRICT. The GWA Overlay District is intended to set forth regulations for the protection of public drinking water supplies and is applicable to all lands which drain toward such supplies and are outside of the WCA Overlay District. These regulations are specified in Article 9 – Environmental Regulations.
   c. FH - FLOOD HAZARD DISTRICT. The FH Overlay District is intended to set forth regulations which will minimize the damage done by floods. These regulations are specified in Article 9 – Environmental Regulations.
   d. HD - HISTORIC DISTRICT. The HD Overlay District is intended to set forth regulations which will help maintain the historic integrity of certain areas in Guilford County. These regulations are specified in Section 4.12 – Overlay Districts.
   e. RC – ROCK CREEK CORPORATE PARK OVERLAY DISTRICT. See Section 4.12.E.

Commentary: **Property in the Rock Creek Corporate Park area (see Section 4.12.E – Rock Creek Corporate Park Overlay District) is addressed in a Consent Judgment in Case #88 CVS 2758 on file in the General Court of Justice, Superior Court Division, NC. Uses of said Rock Creek property zoned Office-Industrial (O/I) on January 27, 1989 in previous Guilford County Zoning Ordinance remain in effect per the Consent Judgment (see Figure 4.3-2) notwithstanding inconsistent provisions of this Article. Other provisions of this Ordinance, except those specifically varied by the Consent Judgment, apply to this property.**

Additionally, uses that are prohibited in the Watershed Critical Area (WCA) as listed in Table 9.1.4 shall continue to be prohibited. Refer to Figure 4.3-2 – Determining Uses Allowed in the Rock Creek Corp. Park.

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f. SR - SCENIC CORRIDOR DISTRICT. The SR Overlay District is intended to set forth regulations which will enhance the attractiveness of major thoroughfares which enter and/or pass through Guilford County. These regulations are specified in Section 4.12 – Overlay Districts.

g. AR - AIRPORT DISTRICT. The AR Overlay District is intended to prohibit the erection of structures which would, by virtue of their height, interfere with operations at Piedmont Triad International Airport (PTIA). The District also is intended to keep residential densities near the Airport very low so as to minimize the negative effects of aircraft noise on homes. Regulations for the AR Overlay District are specified in Section 4.12 - Overlay Districts.

h. MH - MANUFACTURED HOUSING DISTRICT. The MH Overlay District is intended to set forth regulations governing the development of subdivisions for manufactured housing in certain areas of Guilford County. These regulations are specified in Section 4.12 – Overlay Districts.

i. LWM - LIBERTY ROAD WOODY MILL ROAD VICINITY OVERLAY DISTRICT. The LWM Overlay District is intended to set forth regulations governing the development of a mixed-use area in the Liberty Road/Woody Mill Road Vicinity as set forth by the Liberty Road/Woody Mill Road Vicinity Small Area Plan adopted by the Guilford County Board of County Commissioners. These regulations are specified in Section 4.12 – Overlay Districts.

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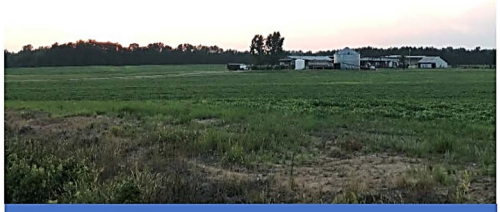
4.2.1 AG – AGRICULTURAL DISTRICT

A. Intent

The AG - Agriculture 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



Typical Lot Pattern



Typical Building Form

B. Lot Standards

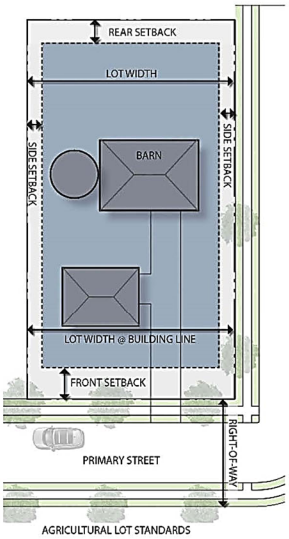
Dimensional Requirements – AG

Dimensional Requirement	Single-Family Detached	Note
Min. Lot Size (ft.[2])	40,000	
Min Lot Width (ft) @ Building Line		
Interior Lot (ft.)	150	
Corner Lot (ft.)	150	
Min. Street Frontage (ft.)	50	
Min Street Setback (ft.)		[1]
Local or Collector, Front or Side	40	
Minor Thoroughfare	45	
Major Thoroughfare	50	
Min. Interior Setbacks (ft.)		
Side Yard (ft.)	15	
Rear Yard (ft.)	30	
Max. Structure Height (ft.)	50	[2]
Max. Building Coverage (% of Lot)	30	
Accessory Structures		[3]
Setbacks (ft.)	Same as above.	
Height (ft.)	N/A	
Maximum Size (% of Floor Area)	N/A	

[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.

C. References

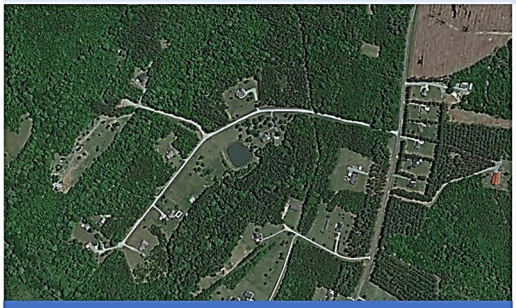
Fences	Art. 6
Environmental	Art. 9
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Subdivisions	Art. 8



4.2.2 RS-40 – RESIDENTIAL

A. Intent

This RS-40 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.



Typical Lot Pattern



B. Lot Standards

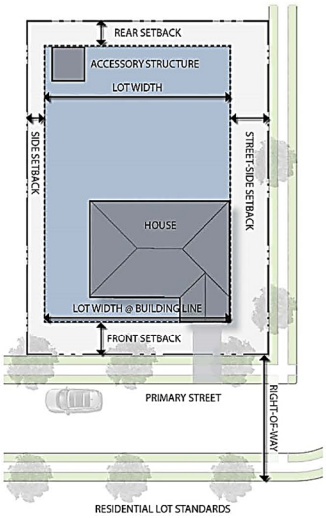
Dimensional Requirements – RS-40

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		

[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.

C. References

Cluster Development	Art. 8
Fences	Art. 6
Environmental	Art. 9
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Subdivisions	Art. 8



4.2.3 RS-30 – RESIDENTIAL

A. Intent

This district is primarily intended to accommodate single-family detached dwellings in areas without access to public water and sewer services. The minimum lot size of this district is 30,000 square feet. Cluster development (conservation subdivisions) are permitted.



Typical Lot Pattern



Typical Building Form

B. Lot Standards

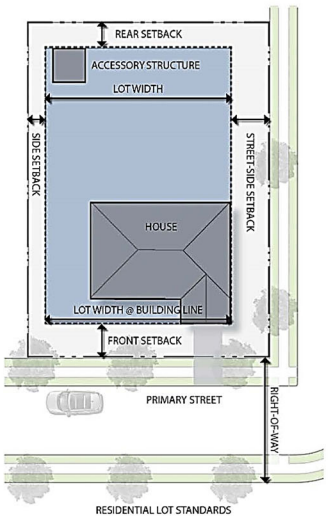
Dimensional Requirements – RS-30

Standard	Dimension	Cluster Development Option	Note
Min. Lot Size (ft.[2])	30,000	For cluster development on properties meeting the minimum tract size requirements set forth in Article 8 and zoned RS-30, see the dimensional/lot requirements for the RS-20 zoning district.	
Minimum Lot Width (ft.) @ Building Line			
Interior Lot	100		
Corner Lot	100		
Min. Street Frontage (ft.)	50		
Min Street Setback (ft.)			[1]
Local and Collector –Front	40		
Local and Collector - Side	20		
Minor Thoroughfare	45		
Major Thoroughfare	50		
Min. Interior Setbacks (ft.)			
Min. Side Setback (ft.)	10		
Rear Setback (ft.)	30		
Max. Structure Height (ft.)	50		[2]
Max. Building Coverage	30%		
Accessory Structures			[3]
Setbacks (ft.)	Same as above.		
Height (ft.)			
Maximum Size (% of Floor Area)	25		

[1] Setback measured from right-of-way line or property line.
[2] No more than three (3) full or partial stories entirely above grade.
[3] 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.

C. References

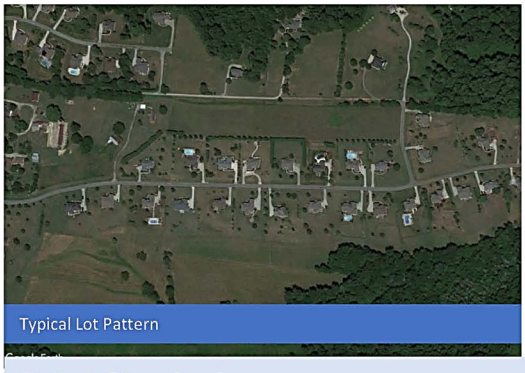
Cluster Development	Art. 8
Fences	Art. 6
Environmental	Art. 9
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Subdivisions	Art. 8



4.2.4 RS-20 – RESIDENTIAL

A. Intent

This district is intended for low to moderate density single-family detached dwellings with a minimum lot size of 20,000 sq. ft. Development shall be characterized by walkable suburban-style neighborhoods on local streets. Compact development, including conservation subdivisions, are allowed.



Typical Lot Pattern



Typical Building Form

B. Lot Standards

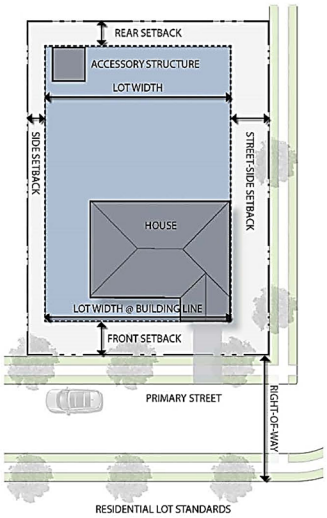
Dimensional Requirements – RS-20

Standard	Dimension	Cluster Development Option	Note
Min. Lot Size (ft.^{2})	20,000	For cluster development on properties meeting the minimum tract size requirements set forth in Article 8 and zoned RS-20, see the dimensional/lot requirements for the RS-12 zoning district.	
Minimum Lot Width (ft.) @ Building Line			
Interior Lot	90		[1]
Corner Lot	100		
Min. Street Frontage (ft.)	45		
Minimum Street Setbacks			[2]
Local and Collector - Front	35		
Local and Collector - Side and Corner	20		
Minor Thoroughfare – Front	40		
Major Thoroughfare – Front	50		
Min. Interior Setbacks (ft.)			
Min. Interior Side Setback (ft.)	10		
Min. Interior Rear Setback (ft.)	30		
Max. Structure Height (ft.)	50		]3]
Max. Building Coverage	30%		
Accessory Structures			[4]
Setbacks (ft.)	Same as above.		
Height (ft.)	Same as above.		
Maximum Size (% of Floor Area)	25		

[1] Setbacks measured from right-of-way line/property line of parcels.
[2] See Article 8 – Subdivisions & Infrastructure Standards for Street Design Standards.
[3] No more than three (3) full or partial stories entirely above grade.
[4] See Section 4.8 for additional requirements for Accessory Uses, Buildings, and Structures.

C. References

Cluster Development	Art. 8
Fences	Art. 6
Environmental	Art. 9
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Subdivisions	Art. 8

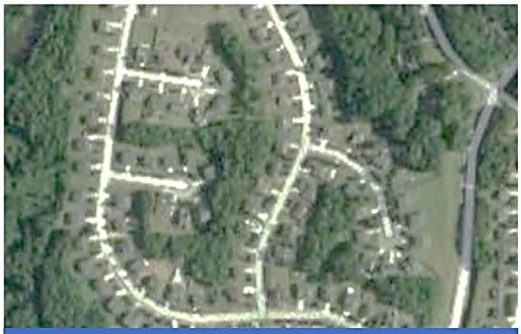


RESIDENTIAL LOT STANDARDS

4.2.5 RS-3 – RESIDENTIAL

A. Intent

This district is intended for moderate density single-and two-family dwellings in a suburban or urban setting at a maximum overall density of 3.0 units per acre. Development shall be characterized by walkable suburban-style neighborhoods on local streets with access to community amenities. Additional building types, smaller lot sizes and increased density may be allowed as part of a conservation subdivisions in exchange for preserving open space.



Typical Lot Pattern



Typical Building Form

B. Lot Standards

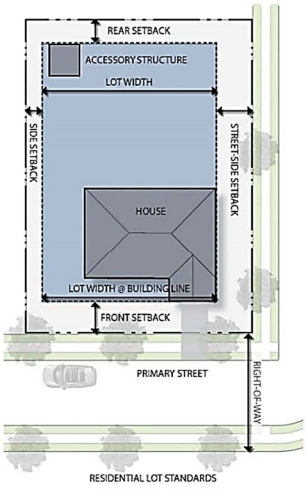
Dimensional Requirements – RS-3

Standard	Dimension	Cluster Development Option	Note
Min. Lot Size (ft.[2])	12,000	For cluster development on properties meeting the minimum tract size requirements set forth in Article 8 and zoned RS-12, see the dimensional/lot requirements for the RS-7 zoning district.	
Minimum Lot Width (ft.) @ Building Line			
Interior Lot	75		[1]
Corner Lot	85		
Min. Street Frontage (ft.)	45		
Min. Street Setbacks (ft.)			
Local or Collector Rd. – Front	30		[2]
Local Collector – Side	15		
Minor Thoroughfare	40		
Major Thoroughfare	50		
Min. Interior Setbacks (ft.)			
Min. Side Setback (ft.)	10		
Rear Setback (ft.)	30		
Max. Structure Height (ft.)	50		[3]
Max. Building Coverage	30%		
Accessory Structures			
Setbacks (ft.)	Same as above.		[4]
Height (ft.)	Same as above.		
Maximum Size (% of Floor Area)	25		

[1] Setbacks measured from right-of-way line/property line of parcels.
[2] See Article 8 – Subdivisions & Infrastructure Standards for Street Design Standards.
[3] No more than three (3) full or partial stories entirely above grade.
[4] See Section 4.8 for additional requirements for Accessory Uses, Buildings and Structures.

C. References

Cluster Development	Art. 8
Fences	Art. 6
Environmental	Art. 9
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Signs	Art. 7
Subdivisions	Art. 8



4.2.6 RS-5 – RESIDENTIAL

A. Intent

This district is primarily intended for a mix of medium to higher density residential housing types in an urban setting adjacent to municipalities at a maximum overall density of 5.0 units per acre. Development in this district shall be compact, pedestrian-oriented with connections to neighborhood and civic amenities.



Typical Lot Pattern



Typical Building Form

B. Lot Standards

Dimensional Requirements – RS-5

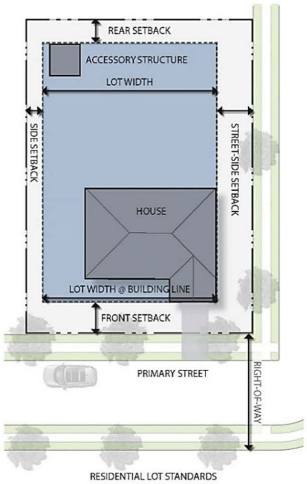
Standard	Single-Family Detached	Cluster Development Option	Note
Min. Lot Size (ft.[2])	7,000	For cluster development on properties meeting the minimum tract size requirements set forth in Article 8 and zoned RS-7, see the dimensional/lot requirements for the RS-5 zoning district.	
Minimum Lot Width (ft.) @ Building Line			
Interior Lot	50		[1]
Corner Lot	70		
Min. Street Frontage (ft.)	30		
Min. Street Setbacks (ft.)			
			[2]
Local or Collector Rd. – Front	25		
Local Side and Collector Side			
Minor Thoroughfare	35		
	15		
Major Thoroughfare	45		
Min. Interior Setbacks (ft.)			
Min. Side Setback (ft.)	5		
Rear Setback (ft.)	20		
Max. Structure Height (ft.)	50		[3]
Max. Building Coverage	40%		
Accessory Structures			[4]
Setbacks (ft.)	Same as above.		[4]
Height (ft.)	Same as above.		
Maximum Size (% of Floor Area)	25		

[1] Setbacks measured from right-of-way line/property line of parcels.
[2] See Article 8 – Subdivisions & Infrastructure Standards for Street Design Standards.

[4] See Section 4.8 for additional requirements for Accessory Uses, Buildings, and Structures.

C. References

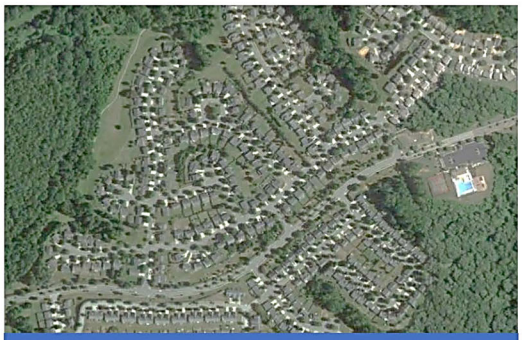
Cluster Development	Art. 8
Fences	Art. 6
Environmental	Art. 9
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Subdivisions	Art. 8



4.2.7 RS-7 – RESIDENTIAL

A. Intent

This district is intended for a mix of higher density residential housing types in an urban setting adjacent to municipalities at a maximum overall density of 7.0 units per acre. Development in this district shall be compact, walkable, with connections to neighborhood and civic amenities and water and sewer infrastructure.



Typical Lot Pattern



Typical Building Form

B. Lot Standards

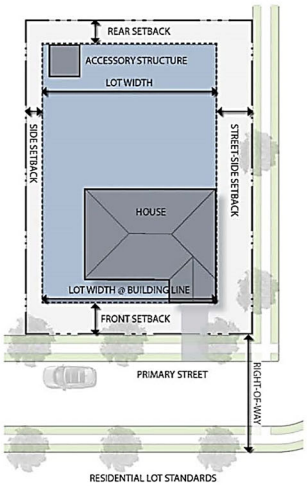
Dimensional Requirements – RS-7

Dimensional Requirement	Single-Family Detached	Cluster Development Option	Note
Min. Lot Size (ft.[2])	5,000	N/A	
Minimum Lot Width (ft.) @ Building Line			
Interior Lot	50		[1]
Corner Lot	70		
Min. Street Frontage (ft.)	30		
Min. Street Setback (ft.)			[2]
Local or Collector Rd. – Front & Side	20		
Minor Thoroughfare	35		
Major Thoroughfare	45		
Min. Interior Setbacks (ft.)			
Min. Side Setback (ft.)	5		
Rear Setback (ft.)	15		
Max. Structure Height (ft.)	50		[3]
Max. Building Coverage	45%		
Accessory Structures			[4]
Setbacks (ft.)	Same as above.		
Height (ft.)	Same as above.		
Maximum Size (% of Floor Area)	25		

[1] Setbacks measured from right-of-way line/property line of parcels.
[2] See Article 8 – Subdivisions & Infrastructure Standards for Street Design Standards.
[3] No more than three (3) full or partial stories entirely above grade.
[4] See Section 4.8 for additional requirements for Accessory Uses, Buildings, & Structures.

C. References

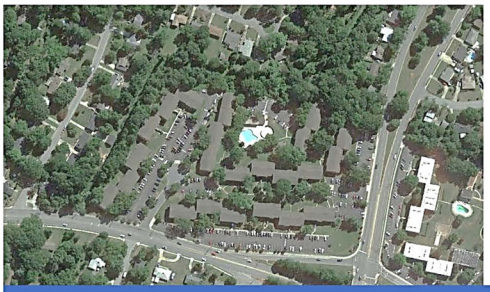
Fences	Art. 6
Environmental	Art. 9
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art .4
Subdivisions	Art. 8



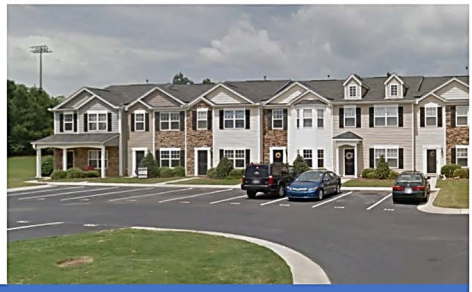
4.2.8 RM-8 – RESIDENTIAL MULTI-FAMILY

A. Intent

This district is primarily intended for a variety of housing types including duplexes, townhomes, cluster housing, and other similar residential uses at a maximum overall density of 8.0 units per acre. Development in this district shall have connections to neighborhood and civic amenities, water and sewer infrastructure.



Typical Lot Pattern



Typical Building Form

B. Lot Standards

Dimensional Requirements – RM-8

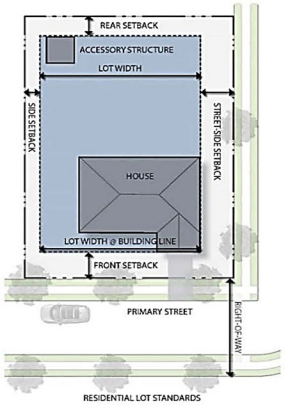
Standard	Single-Family	Two-Family (Duplex)	Multi-Family	Cluster Development Option	Note
Min. Lot Size (ft.²)	7,000	12,000	n/a	For cluster development on properties meeting the minimum tract size requirements set forth in Article 8 and zoned RM-8, see the dimensional/lot requirements for the RS-5 zoning district.	[1]
Min Lot Size for First 3 DUs (ft.²)	n/a		16,000		
Additional Lot Area per Additional Unit (ft.²)	n/a		5,445		
Minimum Lot Width (ft.) @ Building Line					
Interior Lot	50		n/a		[2]
Corner Lot	70		n/a		
Min. Street Frontage (ft.)	30		50		
Minimum Lot Width for First 3 DUs (ft.)	n/a		75		
Additional Lot Width per Additional Unit (ft.)	n/a		5 until total = 120		
Min. Street Setbacks					[3]
Local or Collector Rd.- Front and Side	25		25		
Minor Thoroughfare	35		35		
Major Thoroughfare	45		45		
Min. Interior Setbacks (ft.)					
Min. Side Setback (ft.)	5		10		
Rear Setback (ft.)	20		25		
Minimum Building Separation (ft.)	n/a		20		
Max. Structure Height (ft.)	50		60		[4]
Max. Building Coverage	40%		40		
Accessory Structures					[5] [6]
Setbacks (ft.)	Same as above.				[4] [5]
Height (ft.)	25				
Maximum Size (% of Floor Area)	25				

[1] Non-conforming lots of record in RM-8 may be developed with two-family units provided they meet min. lot size of 9,000 ft.².
[2] Setbacks measured from right-of-way line/property line of parcels.
[3] See Article 8 – Subdivisions & Infrastructure Standards for Street Design Standards.
[4] No more than three (3) full or partial stories entirely above grade.
[5] For multi-family development, clubhouses, rental, or administrative offices, and mailbox kiosks or shelters may be located in front if the building line of the principal building but shall follow the same street setbacks of the principal building. All other accessory buildings and structures shall be located behind the front building line of the principal building(s).
[6] See Section 4.8 for additional requirements for Accessory Uses, Buildings, and Structures.

C. References

See Section 4.5 for additional requirements for Multi-Family Developments.

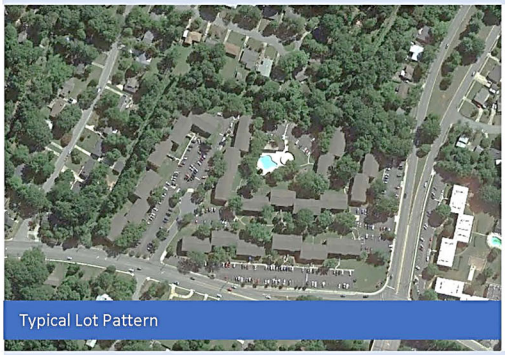
Cluster Development	Art. 8
Fences	Art. 6
Environmental	Art. 9
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Signs	Art. 7
Subdivisions	Art. 8



4.2.9 RM-18 – RESIDENTIAL MULTI-FAMILY

A. Intent

This district is intended to accommodate a variety of housing options including duplexes, townhomes, cluster housing, and other multifamily development with a maximum density of 18.0 units per acre. These developments shall be cohesively designed and served by water and sanitary sewer.



Typical Lot Pattern



Typical Building Form

C. Lot Standards

Dimensional Requirements – RM-18

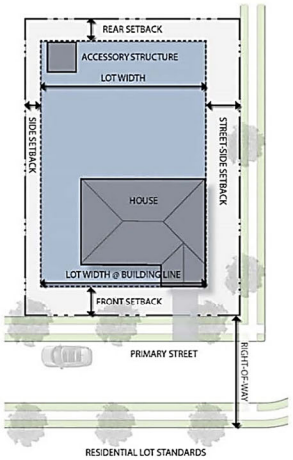
Standard	Single-Family	Two-Family (Duplex)	Multi-Family	Cluster Development Option	Note
Min. Lot Size (ft.²)	5,000	9,000	n/a	For cluster development on properties meeting the minimum tract size requirements set forth in Article 8 and zoned RM-18, see the dimensional/lot requirements for the RS-5 zoning district.	[1]
Min Lot Size for First 3 DUs (ft.²)			12,000		
Additional Lot Area per Additional Unit (ft.²)			2,420		
Minimum Lot Width (ft.) @ Building Line					
Interior Lot	50				[2]
Corner Lot	70				
Min. Street Frontage (ft.)	30				
Minimum Lot Width for First 3 DUs (ft.)	N/A		60		
Additional Lot Width per Additional Unit (ft.)	N/A		5 until total = 120		
Min. Street Setbacks (ft.)					[3]
Local or Collector Rd.	20		25		
Minor Thoroughfare	35		35		
Major Thoroughfare	45		45		
Min. Interior Setbacks (ft.)					
Min. Side Setback (ft.)	5		10		
Rear Setback (ft.)	15		25		
Minimum Building Separation (ft.)					
Max. Structure Height (ft.)	50		60/80		[4]
Max. Building Coverage	45%		45%		
Accessory Structures					[5][6]
Setbacks (ft.)	Same as above.				
Height (ft.)	25				
Maximum Size (% of Floor Area)	25				

[1] Non-conforming lots of record in RM-18 may be developed with two-family units provided they meet min. lot size of 7,000 ft.².
[2] Setbacks measured from right-of-way line/property line of parcels.
[3] See Article 8 – Subdivisions & Infrastructure Standards for Street Design Standards.
[4] For each ft. above 50, the minimum setback on all sides shall increase by 1 ft. up to 80 ft. No additional setback is required for buildings above 80 ft.
[5] For multi-family development, clubhouses, rental, or administrative offices, and mailbox kiosks or shelters may be located in the front if the building line of the principal building but shall follow the same street setbacks of the principal building. All other accessory buildings and structures shall be located behind the front building line of the principal building(s).
[6] See Section 4.8 for additional requirements for Accessory Uses, Buildings, and Structures.

B. References

See Section 4.5 for additional requirements for Multi-Family Developments.

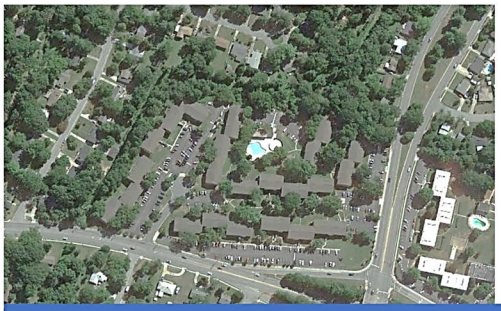
Cluster Development	Art. 8
Fences	Art. 6
Environmental	Art. 9
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Signs	Art. 7
Subdivisions	Art. 8



4.2.10 RM-26 – RESIDENTIAL MULTI-FAMILY

A. Intent

This district is primarily intended to accommodate an array of multifamily housing types including, townhomes, apartments, cluster housing, and other similar residential uses at a maximum overall density of 26.0 units per acre. Development shall provide connectivity to adjacent neighborhoods, civic and institutional uses. and other amenities.



Typical Lot Pattern



Typical Building Form

B. Lot Standards

Dimensional Requirements – RM-26

Standard	Single - Family	Two-Family (Duplex)	Multi-Family	Cluster Development Option	Note
	5,000	7,000	n/a	For cluster development on properties meeting the minimum tract size requirements set forth in Article 8 and zoned RM-26, see the dimensional/lot requirements for the RS-5 zoning district.	[1]
Min Lot Size for First 3 DUs (ft.²)	n/a		9,000		
Additional Lot Area per Additional Unit (ft.²)	n/a		1,675		
Minimum Lot Width (ft.) @ Building Line					
Interior Lot	50		n/a		[2]
Corner Lot	70		n/a		
Min. Street Frontage (ft.)	30		50		
Minimum Lot Width for First 3 DUs (ft.)	n/a		60		
Additional Lot Width per Additional Unit (ft.)	n/a		5 until total = 120		
Min. Street Setbacks (ft.)					[3]
Local or Collector Rd.	20		25		
Minor Thoroughfare	35		35		
Major Thoroughfare	45		45		
Min. Interior Setbacks (ft.)					
Min. Side Setback (ft.)	5		10		
Rear Setback (ft.)	15		25		
Minimum Building Separation (ft.)					
Max. Structure Height (ft.)	50		n/a		[4]
Max. Building Coverage	45%		45%		
Accessory Structures					[5][6]
Setbacks (ft.)	Same as above.				
Height (ft.)	25				
Maximum Size (% of Floor Area)	25				

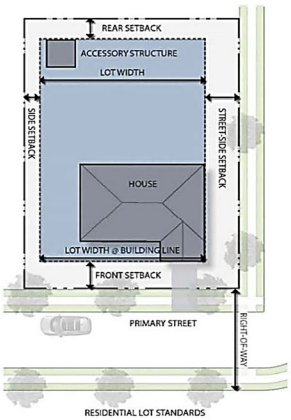
[1] Non-conforming lots of record in RM-8 may be developed with two-family units provided they meet min. lot size of 7,000 ft.².
[2] Setbacks measured from right-of-way line/property line of parcels.
[3] See Article 8 – Subdivisions & Infrastructure Standards for Street Design Standards.
[4] For each ft. above 50, the minimum setback on all sides shall increase by 1 ft. up to 80 ft. No additional setback is required for buildings above 80 ft.
[5] See Section 4.8 for additional requirements for Accessory Uses, Buildings, and Structures.

[6] For multi-family development, clubhouses, rental, or administrative offices, and mailbox kiosks or shelters may be located in front if the building line of the principal building but shall follow the same street setbacks of the principal building. All other accessory buildings and structures shall be located behind the front building line of the principal building(s).

C. References

See Section 4.7 for additional requirements for Multi-Family Developments.

Cluster Development	Art. 8
Fences	Art. 6
Environmental	Art. 9
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Signs	Art. 7
Subdivisions	Art. 8



RESIDENTIAL LOT STANDARDS

4.2.11 PUBLIC AND INSTITUTIONAL

A. Intent

This district is intended accommodate mid to large-sized, campus-style development semi-public and institutional controlled by a single entity. A master plan should be prepared for these uses which address access, circulation, site layout, architectural cohesion, parking, lighting, open space and other factors.



Typical Lot Pattern



Typical Building Form

B. Lot Standards

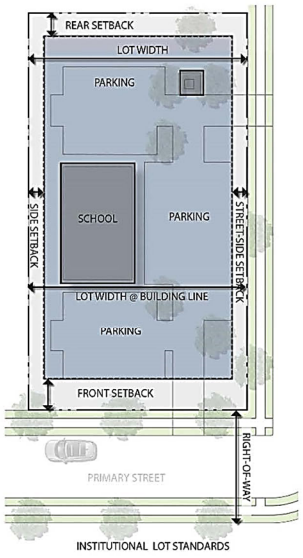
Dimensional Requirements – PI

Standard	Dimension	Note
Min. Development Size (ac.)	5	
Min. Development Width (ft.)	n/a	
Min. Lot Size (ft.^{2})	40,000	[1]
Minimum Lot Width (ft.)	150	
Min. Street Frontage (ft.)	100	
Min. Street Setbacks (ft.)		[2][3]
Local or Collector Rd.	30	
Minor Thoroughfare	40	
Major Thoroughfare	50	
Min. Interior Setbacks (ft.)		
Side/Rear Adj. to Non-Res. (ft.)	20	
Side/Rear Adj. to Res. (ft.)	35	
Max. Structure Height (ft.)	50	[4]
Max. Building Coverage (% of Lot)	n/a	
Accessory Structures		[5]
Setbacks (ft.)	Same as above.	
Height (ft.)	25	
Maximum Size (% of Floor Area)	25	

[1] Lots of record having less than minimum required area may be developed pursuant to Article 11 – Nonconformities.
[2] Setbacks measured from right-of-way line/property line of parcels.
[3] See Article 8 – Subdivisions & Infrastructure Standards for Street Design Standards.
[4] For each ft. above 50, the minimum setback on all sides shall increase by 1 ft. up to 80 ft. No additional setback is required for buildings above 80 ft.
[5] See 4.8 for additional requirements for Accessory Uses, Buildings, and Structures.

C. References

Environmental	Art. 9
Landscaping	Art. 6
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Signs	Art. 7



4.2.12 LO – LIMITED OFFICE

A. Intent

This district is intended to accommodate low intensity medical-related, professional, or administrative office uses on small to mid-sized sites close to residential areas. Development should be consistent in visual character and architectural scale and include pedestrian improvements. Visual buffers may be required adjacent to existing residential.



Typical Lot Pattern



Typical Building Form

B. Lot Standards

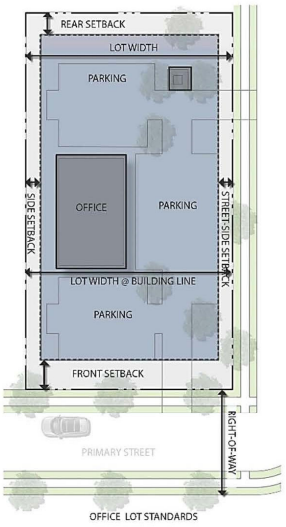
Dimensional Requirements – LO

Standard	Dimension	Note
Min. Development Size (ft.)	n/a	
Min. Development Width (ft.)	n/a	
Min. Lot Size (ft.[2])	9,000	[1]
Minimum Lot Width (ft.) @ Building Line	60	
Min. Street Frontage (ft.)	60	
Min. Street Setbacks (ft.)		[2]
Min. Street Setbacks		[3]
Local or Collector Rd.	20	
Minor Thoroughfare	30	
Major Thoroughfare	35	
Min. Interior Setbacks (ft.)		
If Adj. to Non-Res. Zoning (ft.)	0/5	
If Adj. to Res. Zoning (ft.)	20	
Max. Structure Height (ft.)	50	[4]
Max. Building Coverage	n/a	
Accessory Structures		[5]
Setbacks (ft.)	Same as above.	
Height (ft.)	12	
Maximum Size (% of Floor Area)	25	

[1] Lots of record having less than minimum required area may be developed pursuant to Article 11 – Nonconformities.
[2] Setbacks measured from right-of-way line/property line of parcels.
[3] See Article 8 – Subdivisions & Infrastructure Standards for Street Design Standards.
[4] No more than three (3) full or partial stories entirely above grade.
[5] See Section 4.8 for additional requirements for Accessory Uses, Structures, and Buildings.

C. References

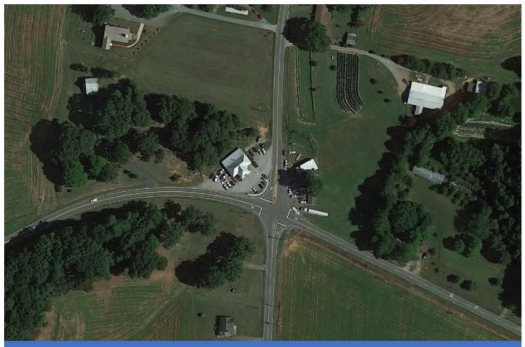
Environmental	Art. 9
Landscaping	Art. 6
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Signs	Art. 7
Subdivisions	Art. 8



4.2.13 NB – NEIGHBORHOOD BUSINESS

A. Intent

This Neighborhood Business district accommodates low intensity office and retail services in a rural setting. This district serves nearby neighborhoods with basic convenience goods and services. It is typically located at the intersection of local collectors or thoroughfares. Pedestrian and vehicular access should be provided.



Typical Lot Pattern



Typical Building Form

B. Lot Standards

Dimensional Requirements – NB

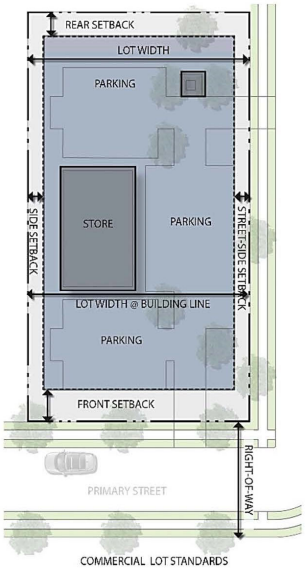
Standard	Dimension	Note
Min. Development Size (ft.)	n/a	
Min. Development Width (ft.)	n/a	
Min. Lot Size (ft.[2])	9,000	[1]
Minimum Lot Width (ft.) @ Building Line	60	
Min. Street Frontage (ft.)	60	
Min. Street Setbacks (ft.)		[2][3]
Local or Collector Rd.	20	
Minor Thoroughfare	30	
Major Thoroughfare	35	
Min. Interior Setbacks (ft.)		
Side/Rear if Adj. to Non-Res. (ft.)	0/5	[4]
Side/Rear if Adj. to Res. (ft.)	20	
Max. Structure Height (ft.)	-50	[5]
Max. Building Coverage	n/a	
Accessory Structures		[6]
Setbacks (ft.)	Same as above.	
Height (ft.)	25	
Maximum Size (% of Floor Area)	25	

[1] Lots of record having less than minimum required area may be developed pursuant to Article 11 - Nonconformities.
[2] Setbacks measured from right-of-way line/property line of parcels.
[3] See Article 8 – Subdivisions & Infrastructure Standards for Street Design Standards.
[4] Zero setback if no setback if provided. If setback is provided it must be a minimum of five (5) feet.
[5] No more than three (3) full or partial stories entirely above grade.
[6] See Section 4.8 for additional requirements for Accessory Uses, Buildings, and Structures.

C. References

See Section 4.6 for additional requirements for NB Districts.

Environmental	Art. 9
Landscaping	Art. 6
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Signs	Art. 7

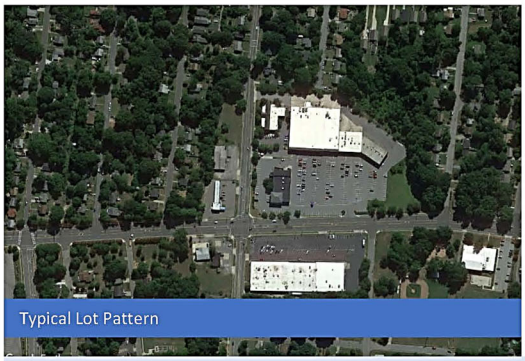


COMMERCIAL LOT STANDARDS

4.2.14 LB – LIMITED BUSINESS

A. Intent

This Limited Business district is primarily intended to accommodate moderate intensity shopping and services convenient to nearby residential uses and typically located at intersections of collectors or thoroughfares.



Typical Lot Pattern



Typical Building Form

B. Lot Standards

Dimensional Requirements – LB

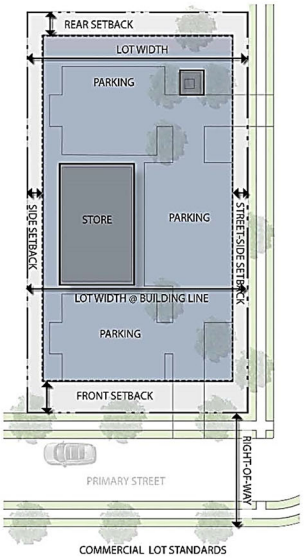
Standard	Dimension	Note
Min. Development Size (ft.)	n/a	
Min. Development Width (ft.)	n/a	
Min. Lot Size (ft.²)	15,000	[1]
Minimum Lot Width (ft.) @ Building Line	80	
Min. Street Frontage (ft.)	80	
Min. Street Setbacks (ft.)		[2][3]
Local or Collector Rd.	25	
Minor Thoroughfare	30	
Major Thoroughfare	35	
Min. Interior Setbacks (ft.)		
Side/Rear if Adj. to Non-Res. (ft.)	10	
Side/Rear if Adj. to Res. (ft.)	25	
Max. Structure Height (ft.)	50	[4]
Max. Building Coverage	n/a	
Accessory Structures		[5]
Setbacks (ft.)	Same as above.	
Height (ft.)	25	
Maximum Size (% of Floor Area)	25	

[1] Lots of record having less than minimum required area may be developed pursuant to Article 11 – Nonconformities.
[2] Setbacks measured from right-of-way line/property line of parcels.
[3] See Article 8 – Subdivisions & Infrastructure Standards for Street Design Standards.
[4] No more than three (3) full or partial stories entirely above grade.
[5] See Section 4.8 for additional requirements for Accessory Uses, Buildings, and Structures.

C. References

See Section 4.6 for additional requirements for LB Districts.

Environmental	Art. 9
Landscaping	Art. 6
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Signs	Art. 7



COMMERCIAL LOT STANDARDS

4.2.15 GB – GENERAL BUSINESS

A. Intent

This district is intended to accommodate moderate to large-scale retail, business, and service uses along thoroughfares and at key intersections. The district is characterized minimal front setbacks, off-street parking. Quality design, shared access, and shared parking are encouraged.



Typical Lot Pattern



Typical Building Form

B. Lot Standards

Dimensional Requirements – GB

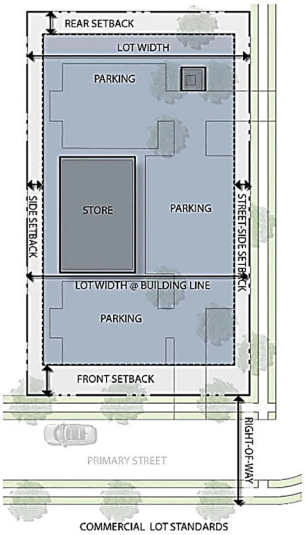
Standard	Dimension	Note
Min. Development Size (ft.)	n/a	[1]
Min. Development Width (ft.)	n/a	
Min. Lot Size (ft.[2])	12,000	
Minimum Lot Width (ft.) @ Building Line	75	
Min. Street Frontage (ft.)	75	
Min. Street Setbacks (ft.)		[2][3]
Local or Collector Rd.	15	
Minor Thoroughfare	15	
Major Thoroughfare	15	
Min. Interior Setbacks (ft.)		
Side/Rear Adj. to Non-Res. (ft.)	0/5	[4]
Side/Rear Adj. to Res. (ft.)	10	
Max. Structure Height (ft.)	50	[5]
Max. Building Coverage	n/a	
Accessory Structures		[6]
Setbacks (ft.)	Same as above.	
Height (ft.)	25	
Maximum Size (% of Floor Area)	25	

[1] Lots of record having less that minimum required area may be developed pursuant to Article 11 – Nonconformities.
[2] Setbacks measured from right-of-way line/property line of parcels.
[3] See Article 8 – Subdivisions & Infrastructure Standards for Street Design Standards.
[4] Zero setback if no setback provided. If setback is provided it must be a minimum of five (5) feet.
[5] For each ft. above 50, the minimum setback on all sides shall increase by 1 ft. up to 80 ft. No additional setback is required for buildings above 80 ft.
[6] See Section 4.8 for additional requirements for Accessory Uses, Buildings, and Structures.

C. References

See Section 4.6 for additional requirements for GB Districts

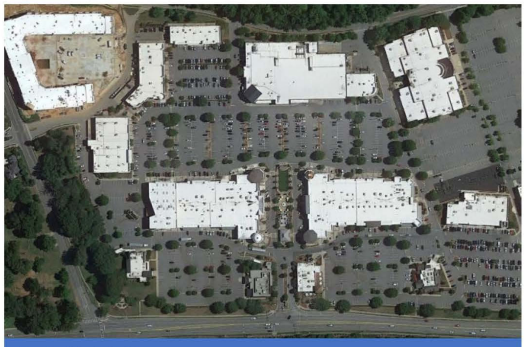
Environmental	Art. 9
Landscaping	Art. 6
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Signs	Art. 7
Subdivisions	Art. 8



4.2.16 HB – HIGHWAY BUSINESS

A. Intent

This district is primarily meant to accommodate auto-oriented retail service and other commercial uses typically located along major thoroughfares. high visibility from the roadway. These highly-visible establishments are characterized by large parking lots in front of the structures, anchor tenants, and outparcels. Attention should be paid to landscaping, site and architectural design.



Typical Lot Pattern



Typical Building Form

B. Lot Standards

Dimensional Requirements – HB

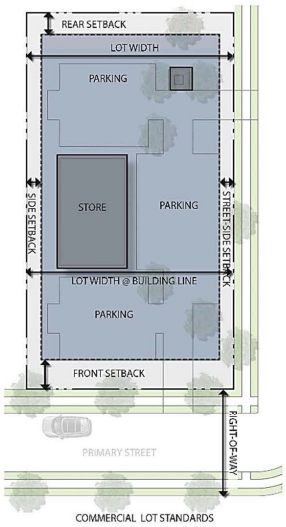
Standard	Dimension	Note
Min. Development Size (ft.)	n/a	
Min. Development Width (ft.)	n/a	
Min. Lot Size (ft.[2])	20,000	[1]
Minimum Lot Width (ft.) @ Building Line	100	
Min. Street Frontage (ft.)	100	
Min. Street Setbacks (ft.)		[2][3]
Lot fronts Local or Collector Rd.	30	
Minor Thoroughfare	40	
Major Thoroughfare	50	
Min. Interior Setbacks (ft.)		
Side/Rear Adj. to Non-Res. (ft.)	10	[4]
Side/Rear Adj. to Res. (ft.)	25	
Max. Structure Height (ft.)	50	[5][6]
Max. Building Coverage	n/a	
Accessory Structures		[7]
Setbacks (ft.)	Same as above.	
Height (ft.)	25	
Maximum Size (% of Floor Area)	25	

[1] Lots of record having less that minimum required area may be developed pursuant to Article 11 – Nonconformities.
[2] Setbacks measured from right-of-way line/property line of parcels.
[3] See Article 8 – Subdivisions & Infrastructure Standards for Street Design Standards.
[4] Zero setback if no setback provided. If setback is provided it must be a minimum of five (5) feet.
[5] No more than three (3) full or partial stories entirely above grade.
[6] For each ft. above 50, the minimum setback on all sides shall increase by 1 ft. up to 80 ft. No additional setback is required for buildings above 80 ft.
[7] See Section 4.8 for additional requirements for Accessory Uses, Buildings, and Structures.

C. References

See Section 4.6 for additional requirements for HB Districts.

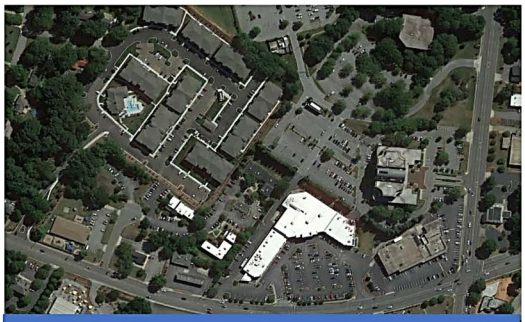
Environmental	Art. 9
Landscaping	Art. 6
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Signs	Art. 7
Subdivisions	Art. 8



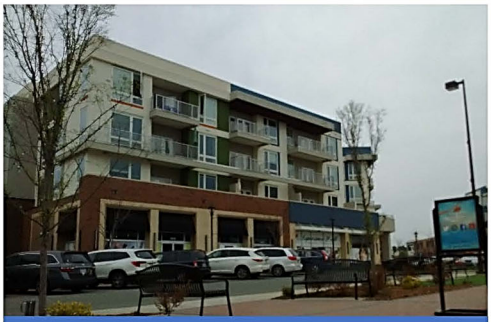
4.2.17 MXU – MIXED-USE

A. Intent

This 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.



Typical Lot Pattern



Typical Building Form

B. Lot Standards

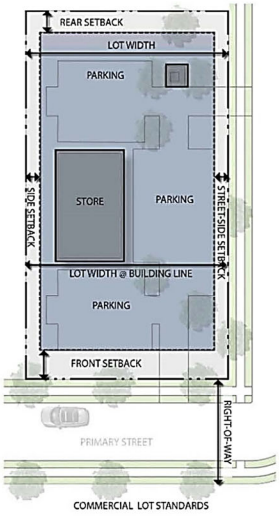
Dimensional Requirements – MXU

Standard	Residential (DU=Dwelling Unit)		Non-Residential	Note
	SF	MF		
Min. Lot Size (ft.²)	5,000	n/a	20,000	
Min Lot Size for First 3 DUs (ft.²)	n/a	9,000	n/a	
Additional Lot Area per Additional Unit (ft.²)	n/a	2,000	n/a	
Minimum Lot Width (ft.) @ Building Line			100	
Interior Lot	50	n/a	n/a	[1]
Corner Lot	70	n/a	n/a	
Min. Street Frontage (ft.)	30	50	75	
Minimum Lot Width for First 3 DUs (ft.)	n/a	60	n/a	
Additional Lot Width per Additional Unit (ft.)	n/a	5 until total = 120	n/a	
Min. Street Setbacks (ft.)				[2]
Local or Collector Rd.	15	25	25	
Minor Thoroughfare	35	35	30	
Major Thoroughfare	45	45	35	
Min. Interior Setbacks (ft.)				
Min. Side Setback (ft.)	5	10	10	
Rear Setback (ft.)	15	25	10	
Minimum Building Separation (ft.)	n/a	20	6	
Max. Structure Height (ft.)	-50	50	n/a	[3]
Max. Building Coverage	45	50	n/a	
Accessory Structures				[4]
Setbacks (ft.)	Same as above.			
Height (ft.)	25			
Maximum Size (% of Floor Area)	25			

[1] Setbacks measured from right-of-way line/property line of parcels.
[2] See Article 8 – Subdivisions & Infrastructure Standards for Street Design Standards.
[3] For each ft. above 50, the minimum setback on all sides shall increase by 1 ft.
[4] See Section 4.8 for additional requirements for Accessory Uses, Buildings, and Structures.

C. References

Environmental	Art. 9
Landscaping	Art. 6
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Signs	Art. 7
Subdivisions	Art. 8



COMMERCIAL LOT STANDARDS

4.2.18 CP – CORPORATE PARK

A. Intent

This district is meant to accommodate regional employment centers including, but not limited to, warehousing, research and development, and other clean industry uses that create a campus-like setting within close proximity to transportation infrastructure.



Typical Lot Pattern



Typical Building Form

B. Lot Standards

Dimensional Requirements – CP

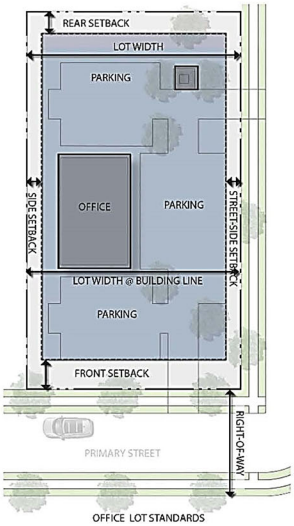
Standard	Dimension	Note
Min. Development Size (ac.)	20	[1]
Min. Development Width (ft.)	n/a	
Min. Lot Size (ft.^{2})	40,000	
Minimum Lot Width (ft.) @ Building Line	n/a	
Min. Street Frontage (ft.)	100	
Min. Street Setbacks (ft.)		[2][3]
Local or Collector Rd.	30	
Minor Thoroughfare	40	
Major Thoroughfare	50	
Min. Interior Setbacks (ft.)		
Side/Rear Adj. to Non-Res.(ft.)	20	[4]
Side/Rear Adj. to Res.(ft.)	35	[5]
Max. Structure Height (ft.)	65	[6]
Max. Building Coverage	n/a	
Accessory Structures		[7]
Setbacks (ft.)	Same as above.	
Height (ft.)	35	
Maximum Size (% of Floor Area)	25	

[1] Lots of record having less that minimum required area may be developed pursuant to Article 11 – Nonconformities.
[2] Setbacks measured from right-of-way line/property line of parcels.
[3] See Article 8 – Subdivisions & Infrastructure Standards for Street Design Standards.
[4] Zero setback if no setback provided. If setback is provided, it must be a minimum of five (5) feet.
[5] Development perimeter only.
[6] For each ft. above 50, the minimum setback on all sides shall increase by 1 ft. up to 80 ft. No additional setback is required for buildings above 80 ft.
[7] See Section 4.8 for additional requirements for Accessory Uses, Buildings, and Structures.

C. References

See Section 4.6 for additional requirements for CP Districts.

Environmental	Art. 9
Landscaping	Art. 6
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Signs	Art. 7
Subdivisions	Art. 8



OFFICE LOT STANDARDS

4.2.19 LI – LIGHT INDUSTRIAL

A. Intent

This district accommodates limited, small-scale manufacturing, wholesaling, warehousing, research and development, and related commercial activities that have little adverse effect, through noise, odor, or visual distraction, on neighboring properties. Development shall Provide adequate screening and buffers and be located where there are adequate public utilities and access to arterial streets and highways.



Typical Lot Pattern



Typical Building Form

B. Lot Standards

Dimensional Requirements – LI

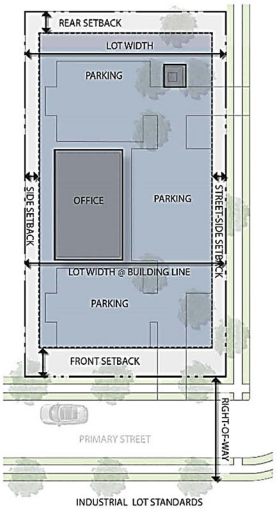
Standard	Dimension	Note
Min. Development Size (ft.)	n/a	
Min. Development Width (ft.)	n/a	
Min. Lot Size (ft.[2])	20,000	
Minimum Lot Width (ft.) @ Building Line	100	
Min. Street Frontage (ft.)	75	
Min. Street Setbacks (ft.)		[1][2]
Local or Collector Rd.	35	
Minor Thoroughfare	40	
Major Thoroughfare	40	
Min. Interior Setbacks (ft.)		
Side/Rear Adj. to Non-Res. (ft.)	15	
Side/Rear Adj. to Res. (ft.)	25	
Max. Structure Height (ft.)	50	[3] [4]
Max. Building Coverage (% of Lot)	60	
Accessory Structures		[5]
Setbacks (ft.)	Same as above.	
Height (ft.)	35	
Maximum Size (% of Floor Area)	25	

[1] Setbacks measured from right-of-way line/property line of parcels.
[2] See Article 8 – Subdivisions & Infrastructure Standards for Street Design Standards.
[3] No more than three (3) full or partial stories entirely above grade.
[4] For each ft. above 50, the minimum setback on all sides shall increase by 1 ft. up to 80 ft. No additional setback is required for buildings above 80 ft.
[5] See Section 4.8 for additional requirements for Accessory Uses, Buildings, and Structures.

C. References

See Section 4.6 for additional requirements for LI Districts.

Environmental	Art. 9
Screening/Buffering	Art. 6
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Signs	Art. 7



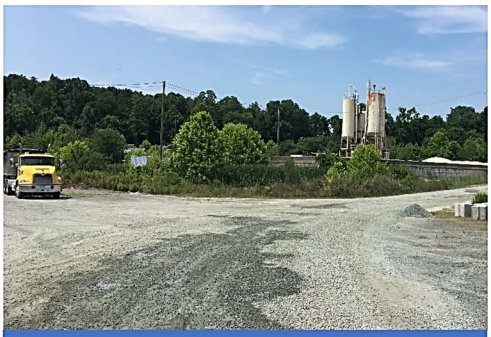
4.2.20 HI – HEAVY INDUSTRIAL

A. Intent

This district is intended to accommodate a broad range of heavy industrial uses including manufacturing, wholesaling, fabrication, resource extraction and specialized industrial operations that may create adverse impacts on incompatible uses including residential or sensitive habitats. Development should have access to arterial streets and highways.



Typical Lot Pattern



Typical Building Form

B. Lot Standards

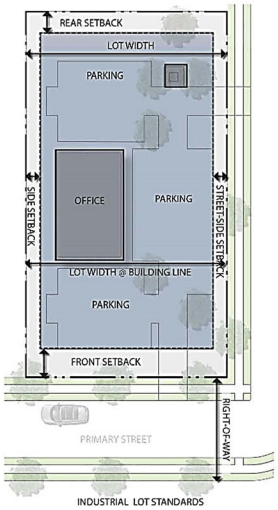
Dimensional Requirements – HI

Standard	Dimension	Note
Min. Development Size (ft.)	n/a	
Min. Development Width (ft.)	n/a	
Min. Lot Size (ft.[2])	20,000	[1]
Minimum Lot Width (ft.) @ Building Line	100	
Min. Street Frontage (ft.)	75	
Min. Street Setbacks (ft.)		[2][3]
Local or Collector Rd.	25	
Minor Thoroughfare	30	
Major Thoroughfare	35	
Min. Interior Setbacks (ft.)	25	
Side/Rear Adj. to Res. (ft.)	50	
Max. Structure Height (ft.)	50	[4]
Max. Building Coverage (% of Lot)	60	
Accessory Structures		[5]
Setbacks (ft.)	Same as above.	
Height (ft.)	50	
Maximum Size (% of Floor Area)	25	

[1] Lots of record having less than minimum required area may be developed pursuant to Article 11 – Nonconformities.
[2] Setbacks measured from right-of-way line/property line of parcels.
[3] See Article 8 – Subdivisions & Infrastructure Standards for Street Design Standards.
[4] For each ft. above 50, the minimum setback on all sides shall increase by 1 ft. up to 80 ft. No additional setback is required for buildings above 80 ft.
[5] See Section 4.8 for additional requirements for Accessory Uses, Buildings, and Structures.

C. References

Environmental	Art. 9
Screening/Buffers	Art. 6
Lighting	Art. 6
Nonconformities	Art. 11
Permitted Uses	Art. 4
Signs	Art. 7



4.3 USE MATRIX

A. PERMITTED USES (4-3)

1. Table 4.3.1: Permitted Uses, provides classifications for various uses based on characteristics and intensity.
2. **Use Categories.** All uses permitted in the UDO have been divided into the following categories, defined as follows:
   a. **Agriculture/Animal Services:** Uses or premises for growing crops, raising animals, harvesting timber and other animals from a farm, ranch or their natural habitat and all related functions.
   b. **Household Living:** Premises available for long-term human habitation by means of ownership and rental, excluding short-term leasing or rentals.
   c. **Group Living/Social Services:** Premises available for short-term human habitation, including daily and weekly rental.
   d. **Recreation and Entertainment:** Uses and premises available for recreation, entertainment and sports and other similar areas of assembly.
   e. **Civic, Educational and Institutional:** Premises available for organizations dedicated to religion, government, arts and culture, recreation and sports, and other similar areas of public assembly. May also include education, social service, health care, and other similar functions.
   f. **Business, Professional, and Personal Services:** Such uses may provide personal services, or provide product repair or services for consumer and business goods. Other activities include uses conducted in an office setting and generally focusing on business, professional, medical or financial services.
   g. **Lodging:** Premises available for short-term human habitation, including daily and weekly rental.
   h. **Retail Trade:** Retail trade uses are involved in the sale, lease or rent of new or used products to the general public.
   i. **Food Service:** Establishments that sell food for on- or off- premise consumption.
   j. **Funeral & Internment Services:** Uses related to funeral homes, crematories, cemeteries and other such uses.
   k. **Transportation, Warehousing & Wholesale Trade:** Premises available for the storage including their wholesale or retail sale. Uses also include the sale, maintenance, servicing and/or storage of automobiles or similar vehicles.
   l. **Utilities & Communications:** Uses and infrastructure dedicated to, communication, information, and other such utilities.
   m. **Waste-Related Uses:** Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material.
   n. **General Industrial:** Uses that are engaged in general industrial, business or consumer machinery, equipment, products or by-products. The uses may have indoor or outdoor operations. Uses are intended to accommodate industrial development in locations with good access to highways and arterial roads.
   o. **Manufacturing:** Uses involved in the manufacturing, processing, fabrication, packaging or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally

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made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site.

p. Mining Uses: Resource extraction uses include those uses that rely on mining, quarrying or other similar activity to extract resources from the ground.

q. Airport: Airport and associated uses.

r. Special Events: Temporary uses and activities that have a specific time limit.

3. Principal Use. A Principal Use is the primary use on a property and is the main purpose for which the property exists. A principal use may be designated as either:

a. Permitted. Permitted by right uses are indicated by a "P".

b. Special Use. Special uses indicated by an "S" require approval by the Board of Adjustment. Development standards associated with the use to determine its suitability in a given zoning district may apply.

c. Not Permitted. No designation indicates that the use is not permitted within that district.

4. Principal Uses in Rock Creek Corporate Park Overlay District.
Please refer to Determining Uses Allowed in the Rock Creek Corp. Park - Figure 4.3-2.

5. Accessory Uses. Accessory uses are allowed in conjunction with a permitted principal use on the same property.

6. Unlisted Uses

a. The Planning and Development Director shall interpret an unlisted land use as permitted in a particular zoning district only after determining the nature, function, and duration of the use and the impact of allowing it in the zoning district.

b. The Planning and Development Director may determine that a use is materially similar ~~if a~~ or dissimilar to a listed permitted use by consulting one or more of the following land use classification systems:

- American Planning Association Land=Based Classification Standards (LBCS)
- North American Industrial Classification System (NAICS)
- Institute of Transportation Engineers (ITS) Trip Generation Guide

c. Uses which are found to be unlisted and dissimilar to an already defined use type are prohibited.

7. Prohibited Uses. Uses not listed as (P), (D) or (S) are presumed to be prohibited.

Within certain overlay districts, some uses are prohibited, regardless of the use permitted in the underlying zoning district(s). The following uses are prohibited in the Overlay Districts listed.

a. Scenic Corridor Overlay District: Class A, B, and C Mobile Home Dwellings are prohibited in the Scenic Corridor Overlay District.

b. Airport Overlay District: Multi-family housing and single-family housing on lots less than forty thousand (40,000) square feet are prohibited in the Airport Overlay District.

c. Watershed Critical Area: Uses denoted with an "X" in Table 4.3.1 are prohibited in the Watershed Critical Areas (WCA) as also referenced in Article 9.

d. Flood Hazard Area: Storage or Processing of materials that are flammable, corrosive, toxic or explosive, or which could otherwise be injurious to human, animal or plant life in time of flood shall be prohibited from the flood hazard areas.

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TABLE 4-3-1 PERMITTED USE SCHEDULE

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

P = Use by Right **D** = Individual Development Standards Apply - See Article 5 **S** = Individual Development Standards per Article 5 Apply & Special Use Permit Required
Z = Overlay Zoning Required "*" = Additional District Requirements

Use Category	Use Type	WCA Prohibited Uses	Residential										Institutional	Commercial						Industrial		
			A	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	*	*	*	*	*	*	*
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					

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	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						
	Live/Work									P	P	P			P	P	P	P	P			
	Mfgr.(HUD)/Mobile Home Dwelling (Class A & B)		P	Z	Z						Z	Z										
	Mfgr.(HUD)/Mobile Home Dwelling (Class C)																					
	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							
	Tiny Housing Developments									D	D	D										
	Temporary Family Healthcare Structures		D	D	D	D	D	D	D	D	D	D		D	D	D						
Group Living/Social Service	Boarding House, 3 - 8 Residents		S								P	P		P	P							
	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							

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	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	Adult-Oriented Establishments																					S
	Indoor Recreation															P	P	P	P	P		
	Outdoor Recreation		S																D		D	D
	Amusement or Water Parks, Fairgrounds																		D		D	
	Athletic Fields		S	S	S	S	S	S	S	S	S	S	P	D	P	D	P	P	P	P	P	P
	Auditorium, Coliseum or Stadium												P						P		P	
	Club or Lodge		S	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	S	D		S			D	D	D	D	
	Equestrian Facility		S	S									S									
	Go-cart Raceway																		P		P	P
	Golf Course, Miniature																P	P	P			

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	Golf Course		P	S	S	S	S	S	S	S	S	S	D						D	D	D	
	Physical Fitness Center														P		P	P	P	P	P	
	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	D
	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									
	Swim and Tennis Club		D	S	S	S	S	S	S	S	S	S	D		D			D	D	D	D	
	Theater (Outdoor)															D	D	D	D			
	Theater (Indoor)																	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
	College or University												P					P				
	Vocational, Business or Secretarial School														P		P	P	P	P	P	P
	Elementary School		D	D	D	D	D	D	D	D	D	D	D	D								

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	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
	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	P
	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	
	Medical or Professional Office													P	P	P	P	P	P	P	P	
	Personal Service													P	P	P	P	P	P	P	P	

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	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
	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			

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	Research, Development or Testing Services																			P	P	P
	Studios-Artists and Recording												P	P	P	P	P	P		P	
	Animal Slaughter or Rendering	X															P	P			
Lodging	Bed and Breakfast Home for 8 or Less Guest Rooms		S	S	S	S	S	S	S	D	D	D		D	D	D	P	P			
	Hotel or Motel													S			P	P	P		
Retail Trade	Retail (General)														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	D	P	P
	Equipment Rental and Repair, Heavy	X																			P

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	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			
	Bar Private Club/Tavern																	D	D			P
	Microbrewery, Private Club/Tavern																	D	D			
	Restaurant (With Drive-thru)																	P	P			
	Restaurant (Without Drive-thru)															P	D	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
	Funeral Home or Crematorium												S		P			P	P			

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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	
	Bus Terminal and Service Facilities	X																P	P		P	P	

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	Courier Service, Central Facility																				P	P
	Courier Service Substation														P			P	P	P	P	P
	Heliport	X											S		S				S	S	S	P
	Moving and Storage Service																				P	P
	Railroad Terminal or Yard	X																	P		P	P
	Communication or Broadcasting Facility														P			P	P	P	P	P
Utilities and Communication	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	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	S
	Utilities, Minor		P	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
	Taxi Terminal	X																P	P		P	P

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	Utility Company Office														P			P	P	P	P	P
	Utility Equipment and Storage Yards																				P	P
	Construction or Demolition Debris Landfill, Major																					S
Waste-Related Uses	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	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	D
	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

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	Trucking or Freight Terminal	X																				P	P
General Industrial	Warehouse (General Storage, Enclosed)																	D	D	P	P	P	
	Warehouse (Self-Storage)																	D	D		P	P	
	Laundry or Dry Cleaning Plant	X														P	D	P	P	P	P	P	
	Laundry or Dry Cleaning Substation	X														P	P	P	P	P	P		
	Petroleum & Petroleum Products	X																				P	
	Welding Shops	X																			P	P	
Manufacturing	Manufacturing Heavy																					S	
	Manufacturing Light																			P	P	P	
	Mining	X																				S	
Mining Uses	Quarrying	X																				S	
	Airport and Flying Field, Commercial	X											D										
Airport	Temporary Events/Uses		D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Special Events	Turkey Shoots		D																				

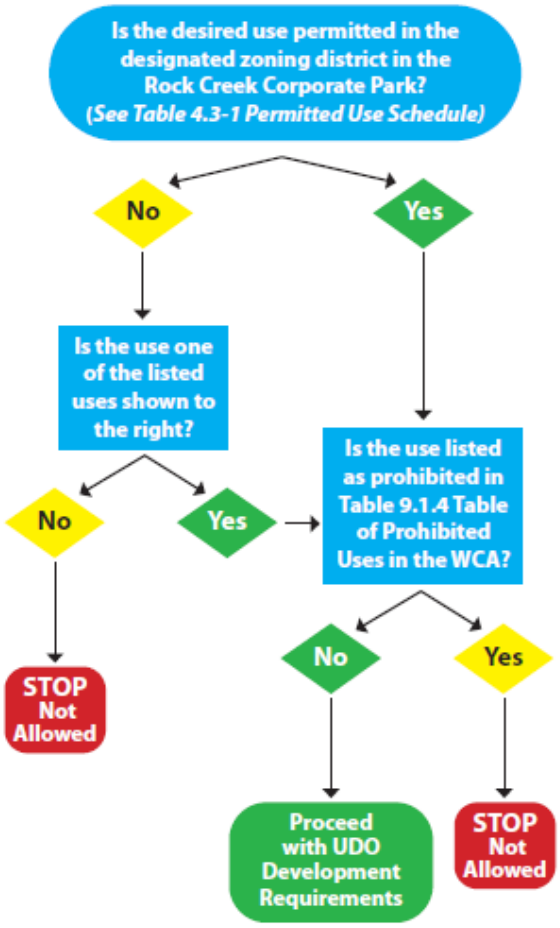
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FIGURE 4.3-2 ROCK CREEK CORP. PARK FLOW CHART

Figure 4.3-2 Determining Uses Allowed in the Rock Creek Corporate Park Overlay District



[1] Per Rock Creek consent judgment in case #88 CVS 2758, Superior Court Division, Guilford County, Office-Industrial district uses allowed in the Rock Creek Corporate Park as of January 27, 1989.

Office-Industrial Uses Allowed in the Rock Creek Corporate Park per Consent Judgement[1]

Agriculture
Veterinary Services

Civic, Education, Institutional
Day Care
Colleges & Tech Schools
Community Centers
Schools
Libraries
Museums & Art Galleries
Trade Schools
Hospitals
Medical & Dental Labs
Outpatient Care

Group Living
Nursing Homes

Manufacturing
Apparel
Bakeries
Bottling Plants
Canneries
Electrical Machinery
Fabricated Metal w/no Outside Storage
Furniture
Grain Mill Products
Manufactured Housing
Precision Instrument Products
Printing & Publishing
Sawmills (Temporary)
Sign Manufacturing
Sporting Goods & Toys
Sugar Products
Textile Manufacturing
Tobacco Manufacturing
Mobile Home Sales
Monuments
Paint & Wallpaper Sales
Lawn & Garden Supplies
Banks & Credit Agencies
Watch & Jewelry Repair

Public Utilities
Transportation Equipment
Post Offices
Taxi Stands
Warehouses & Mini-Warehouses

Retail Trade
Apparel Stores
Eating & Drinking Places
Farm Machinery Sales
Food Stores
Furniture Stores
General Merchandise
Handcrafting G Sales
Hardware
L.P. Gas Sales
Building Materials Sales
Miscellaneous Recall
Lodges & Fraternal Organizations
Outdoor Advertising Firms
Private Clubs
Furniture Repair
Theaters
Health

Services
Assembly Halls
Bowling Alleys
Coin-operated Amusement
Dance Halls & Studios
Electrical Repair Shops
Equipment Rental
Funeral Service
Hotels & Motels
Recreation Establishments

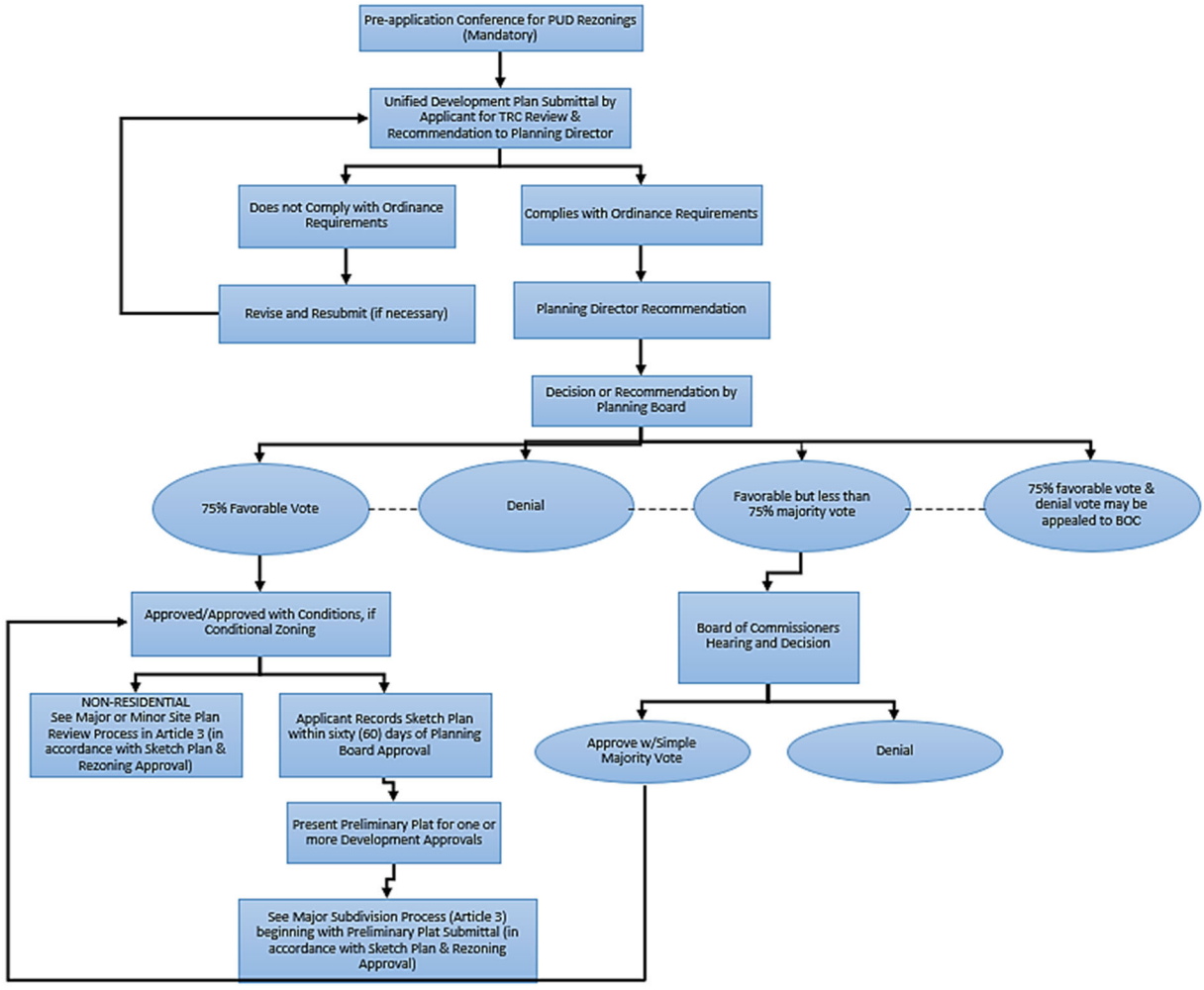
Other
Business & Professional Offices
Management, Research & Development
Turkey Shoots

4.4 PLANNED UNIT DEVELOPMENT DISTRICTS (PD-R, PD-M & RPD)

A Planned Unit Development (PUD) is an area of land under unified ownership or control to be developed and improved as a whole under a Unified Development Plan (UDP) in accordance with the requirements of this Ordinance. Any property meeting the minimum size requirements set forth in this Section may be eligible as a Planned Unit Development regardless of the methods utilized to supply potable water and sewage disposal.

Planned Unit Developments are permitted under the following zoning district designations

- Planned Development-Residential (PD-R)
- Planned Development-Mixed (PD-M)
- Planned Development-Rural Preservation District (RPD)



A planned unit development shall be subject to all of the applicable standards, procedures, and regulations of this ordinance except as varied or changed by the express terms contained herein.

A. SUBMITTAL REQUIREMENTS/PROCEDURES

The application for a Planned Unit Development shall contain a Unified Development Plan (UDP) with the required application for a rezoning. The Unified Development Plan (UDP) shall contain the following:

1. The approved Sketch Plan (see Appendix 2 – Map Standards) with proposed phase lines (see 4.4.B – Phased Development of Planned Unit Developments), if any;
2. Land use(s), density and a Traffic Impact Analysis (TIA);
3. Rezoning application indicating one of the following district designations:
   a. PD-R (Planned Development-Residential); or
   b. PD-M (Planned Development-Mixed); or
   c. RPD (Rural Preservation District).
4. Preliminary plat(s) for the first phase(s) of development (optional);
   a. Utilities Plan in accordance with Appendix 2 (Map Standards);
   b. Grading/Watershed Development Plan in accordance with Appendix 2 (Map Standards); and
   c. Landscaping Plan in accordance with Appendix 2 (Map Standards);
   d. Common Sign Plan in accordance with Article 7 – Signs; and
   e. Documents which specify proposed setbacks or other regulations governing building placement on the land, height restrictions, architectural controls, and other information which TRC may deem pertinent to UDP approval. The applicant may use district regulations provided by this Ordinance or may propose regulations unique to the development. In no case, shall the Unified Development Plan leave any area proposed for development unregulated.
5. The Technical Review Committee shall review the Unified Development Plan and determine if it meets all applicable provisions of this Ordinance and is consistent with the Sketch Plan. If the Unified Development Plan is approved by the Planning Board, it shall be noted on the zoning map with the appropriate zoning district designation. Additionally, the Sketch Plan is to be recorded in the Register of Deeds within sixty (60) days of Planning Board approval. When preliminary plat(s) are submitted for review and if approved, (see Section 4 above for preliminary plat submittals), Common Signage Plan and documents specified in Section 4.e above shall be recorded in the Register of Deeds within sixty (60) days of approval.
6. Following approval of a Unified Development Plan, no building or structure may be erected or building permit issued, nor any lots sold, nor any plats recorded unless such building, structure, permit or plat substantially conforms to the Unified Development Plan. Moreover, no final plat (whether phased or unphased) shall be recorded until the Property Owners' Association documents are prepared in accordance with Section 8.05.D – Common Areas.

B. PHASED DEVELOPMENT OF PLANNED UNIT DEVELOPMENTS

If a Planned Unit Development includes phasing provisions, then:

1. All phases shall be shown with precise boundaries on the Sketch Plan and shall be numbered in the expected order of development;

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2. All data required for the project as a whole shall be given for each phase shown on the Sketch plan;
3. Development of the cumulative area of open space in all recorded phases and the total number of dwelling units approved in those phases shall comply with Section 4-6;
4. A proportionate share of the project's open space and common facilities shall be included in each phase of development;
5. The phasing shall be consistent with the traffic circulation, drainage and utilities plans for the entire planned unit development;
6. No final plat for a phase of a planned unit development shall be approved unless all open space and common facilities included in previous phases are substantially complete; and
7. No final plat for a phase of a planned unit development shall be approved if there is any uncorrected violation of the Unified Development Plan, a Preliminary Plat, a Final Plat or this Article in any previous phase.

C. AMENDMENT(S) TO THE UNIFIED DEVELOPMENT PLAN

Approval of the rezoning application establishes the maximum density and use of each tract or area shown on the Sketch Plan. Any request for change in land use (e.g., residential to commercial or increase in land use intensity) or increase in density shall be considered a change in zoning and shall be subject to all applicable procedures.

D. SITE REQUIREMENTS

Table 4-4-1 – Planned Unit Development Zoning Districts

	Planned Development Residential PD-R	Planned Development Mixed PD-M	Rural Preservation District RPD
Min. Size (Acres)	25	25	Refer to Section 4.4.A.2
Uses Allowed	All uses in any Residential District, Neighborhood Business (NB) & Limited Office (LO) Districts	All uses in any Zoning District	All uses in the Residential Single-Family (RS), Residential Multi-Family (RM), NB & LO Districts
% Commercial Acreage Allowed	20%	No Max.	10%
Parking	Refer to parking requirements in Article 6 – Development Standards for the same use or uses of similar intensity. The Technical Review Committee may reduce the parking spaces if the Unified Development Plan provides convenient pedestrian and/or bicycle access among uses.[1]		
Signage	The size, height setback, location, design, illumination, and number of signs shall be specified in the Unified Development Plan. All signs shall use a coordinated color, style, and lettering scheme.[2]		

[1]For the RPD PUD, the minimum number of parking spaces may be reduced by twenty-five percent (25%) for non-residential uses if the Unified Development Plan provides convenient pedestrian and/or bicycle access among uses.
[2]For the RPD PUD, street signs not installed by the Jurisdiction must be approved by the Technical Review Committee (TRC) and shall contain reflective lettering.

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1. PD-R AND PD-M DEVELOPMENT STANDARDS

a. Dimensional Requirements: The dimensional requirements of this ordinance are waived except that:

(1) No structure of any type greater than thirty-five (35) feet in height shall be erected within fifty (50) feet of a single-family zoning district or single-family portion of a planned unit development; and

(2) Lots planned for single family detached residential use shall each contain an area equal to or greater than the minimum area allowed in the RS-5 zoning district or shall have convenient access to nearby open space.

b. Access:

(1) Areas between structures shall be covered by easements where necessary to preserve access and to provide for maintenance and utility service; and

(2) Primary vehicular access to commercial or industrial development shall not be through intervening residential development.

c. Commercial Areas:

(1) Commercial areas within planned unit developments shall be arranged to:

(i) Separate pedestrian and vehicular traffic such that pedestrians can safely walk between stores within a development and from parking areas to stores; and

(ii) Promote pedestrian access from adjacent residential and office areas into commercial areas.

(2) Commercial uses in a PD-R district shall be located on and shall face an internal street of the development

(3) No more than twenty (20) percent of the total land area in a PD-R may be occupied by or used for commercial purposes. For the purposes of this Section, the land area used for community recreational facilities (e.g. swimming pool) or to support a golf course (public or private), and associated facilities (driving range, putting greens, clubhouse, maintenance facilities, etc.) shall not be subject to the twenty (20) percent total commercial land area limitation; and

(4) Commercial uses in a PD-R district are permitted if they are designed and located to serve primarily the residents of the planned unit development.

d. Street Design:

(1) Collector streets within a planned unit development shall be located and designed to accommodate through traffic with origins or destinations outside of the development.

e. Boundary Treatment:

(1) The scale and setbacks of planned unit development improvements within one hundred fifty (150) feet of the perimeter of the planned unit development shall be in harmony with development on adjacent lands; and

(2) No commercial or industrial use shall be permitted within one hundred fifty (150) feet of the perimeter of a planned unit development unless the same or a similar use exists adjacent to the perimeter at the time of the approval of the planned unit development.

f. Environmentally Sensitive Areas:

(1) The development shall be designed to limit disturbances in the following areas except for road crossings, utilities, erosion control devices, watershed protection devices, and recreational facilities:

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(i) Land within a floodway or floodway fringe.
(ii) Wetlands, steep slopes, and other known or documented critical ecological areas.

g. Open Space and Common Recreational Facilities:

(1) In a planned unit development district, open space is only that land dedicated to the public or designated by the development plan for the use, benefit, and enjoyment of all residents of the planned unit development. Open space may be common area owned by an owner's association or parkland or drainageway and open space dedicated to the public.

(2) To qualify as open space, land shall be usable for recreational purposes, provide visual, aesthetic, or environmental amenities, or utility for stormwater and/or sewage treatment and may not be occupied by street rights-of-way, drives, parking areas or structures, other than recreational structures and those associated with community well or sewage systems. No more than twenty-five (25) percent of the total required open space for the planned unit development may be used to accommodate off-site septic systems.

(3) Land within a floodway or floodway fringe zone may be used to provide not more than fifty (50) percent of the open space required in a planned unit development.

(4) All property owners in the planned unit development shall have access to the open space by means of a public or private street right-of-way or all-weather walkway in an easement a minimum of twenty (20) feet in width.

(5) The following minimum amount of open space is required:

(6) Two (2) acres or five (5%) percent of the total land area of the property seeking PD-R designation, whichever is greater.

(7) Ten (10%) percent of the gross land area for commercial and industrial uses.

(8) Open space requirements may be reduced depending upon the nature and extent of active recreation facilities provided.

(9) Open space shall be provided within each phase of the planned unit development in sufficient amounts to serve the expected population of that phase or the gross land area devoted to nonresidential land uses.

h. Utilities:

(1) Water, sewer, electrical, gas, television and telephone utilities shall be installed in accordance with Article 8 – Subdivision and Infrastructure Standards.

RURAL PRESERVATION DISTRICT (RPD) DEVELOPMENT STANDARDS

a. Maximum Number of Lots/Dwelling Units:

(1) Base Calculation. The maximum number of lots/dwelling units shall be determined as follows:

(i) Calculate the gross acreage of the tract, excluding any existing street right-of-way.

(ii) Subtract three-fourths (¾) of the area of any drainageways and/or open space required to dedicated.

(iii) Multiply by one (1), add credit units allowed per the Table below and round the result up.

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TABLE 4-4-2 RPD DEVELOPMENT STANDARDS CREDIT AVAILABLE	
Credit Type	**Credit Awarded**
Open Space	For every five (5) acres designated as open space in excess of the area required under this Section, one (1) lot/dwelling unit may be added to the maximum number allowed under this Section.
Sidewalk/Trail Network	If public access to the Sidewalk/Trail Network is granted via a public access easement identified on the Sketch Plan, Unified Development Plan, and subdivision plat two (2) residential lots/dwelling units may be added to the maximum number allowed under this Section.
Walkability	If seventy-five (75%) percent of the dwelling units are located within one-fourth (¼) mile of all office or commercial buildings three (3) residential lots/dwelling units may be added to the maximum number allowed under this Section.

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b. Single-Family Detached Dwelling Dimensional Requirements: The dimensional requirements for lots and dwellings shall at a minimum meet the following standards:

(1) Minimum Lot Size: 5,000 square feet.
(2) Minimum Width: Interior Lot—50 feet, Corner Lot—70 feet.
(3) Minimum Street Frontage: 30 feet.
(4) Minimum Front Local or Collector Street Setback: 20 feet.
(5) Minimum Front Major or Minor Thoroughfare Street Setback: 40 feet.
(6) Minimum Side Local or Collector Street Setback: 15 feet.
(7) Minimum Side Major or Minor Thoroughfare Street Setback: 40 feet.
(8) Minimum Interior Setback: Side—5 feet, Rear—15 feet.

c. Single-Family Attached and Multi-Family Dwelling Dimensional Requirements: The location and placement for all principal buildings shall meet the standards found in this Article. Additional Multi- family Developments/Yard Space Triangles and the minimum setbacks listed below:

(1) Minimum Building Local or Collector Street Setback: 10 feet.
(2) Minimum Building Major or Minor Thoroughfare Street Setback: 40 feet.
(3) Minimum Building Interior Setback—Side: 10 feet.
(4) Minimum Building Interior Setback—Rear: 25 feet.
(5) No structure of any type which is in excess of thirty-five (35) feet in height shall be erected within fifty (50) feet of an existing single-family zoning district.

d. Non-residential and Recreational Building and Structure Dimensional Requirements:

(1) The location and placement for all principal buildings and structures shall meet the standards found in this Article for the NB or LB districts.
(2) No structure of any type which is in excess of thirty-five (35) feet in height shall be erected within fifty (50) feet of an existing single family zoning district.

e. Accessory Building and Structure Dimensional Requirements:

(1) The location and placement of all accessory buildings and structures shall conform to the requirements of this Article.

f. Access:

(1) Areas between structures shall be covered by easements where necessary to preserve access and to provide for maintenance and utility service;
(2) Primary vehicular access to commercial or office development shall not be through intervening residential development; and
(3) No single family detached lots shall have access to thoroughfares or Scenic Corridors unless the lot has a minimum street frontage and lot width of three hundred (300) feet and a minimum lot size of three (3) acres.

g. Office and Commercial Areas:

(1) Office and commercial areas within the RPD shall be arranged to:
  (i) Separate pedestrian and vehicular traffic such that pedestrians can safely walk between stores within a development and from parking areas to stores; and
  (ii) Promote pedestrian access from adjacent residential and office areas into commercial areas.
    01. Office and commercial uses in the RPD shall be located on, shall face, and only have access to an internal local or collector street in the development;
    02. No more than ten (10%) percent of the total land area in the RPD may be occupied by or used for office and commercial purposes;
    03. Dwelling units may be and are encouraged to be integrated into office and commercial buildings; and
    04. The architectural style of office and commercial buildings shall be similar to or compatible with the style of the residential buildings planned for the development or those in the vicinity. This can be achieved through the size and scale of the building and limiting the building exteriors to brick, stone, wood or other materials consistent with the development.

h. Street Design:

(1) Local Streets: Local streets within the development shall be located and designed to enhance the local street network and adopted thoroughfare/collector/local street plans and provide reasonable and efficient access and connections designed to reduce travel time within and through the development. Connections to existing public streets and rights of way are required. Connecting or through streets shall be public streets. Cul-de-sac, dead-ends and other non-connecting streets may be private streets.
(2) Collector and Thoroughfare Streets: The Technical Review Committee may require a collector or thoroughfare street through the development in response to anticipated traffic generated by the development and consistency with the Thoroughfare Plan. Collector and thoroughfare streets shall be public streets.
(3) The internal street network shall be integrated as part of the Pedestrian and Bikeway Trail Network.

i. Environmentally Sensitive Areas: The development shall be designed to limit disturbance in the following areas:

(1) Land within a floodway or floodway fringe.
(2) Wetlands and steep slopes.
(3) Ground water recharge areas.
(4) Critical ecological areas including mature tree stands, wildlife habitats, and migration corridors, except for:
(5) Road crossings, utilities, erosion control and watershed protection devices, and recreational facilities.

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j. Rural Character Preservation Areas: The development shall incorporate and be designed to preserve the following areas:

(1) Active pasture land.
(2) Farm house or "home place," farm structures, and other historical structure or archaeological areas.
(3) Wood post fences, stone rows and tree lines.
(4) Farm roads.
(5) Areas identified to preserve rural character maybe included as open space under the provisions of this Section or included in a lot or lots provided that the area(s) or structure(s) are identified on the Sketch and Unified Development Plan (and protected through zoning conditions). The location of farm roads should be used as driveway access to dwelling units or as street access into the development, where feasible.

k. Open Space:

(1) A minimum of fifty (50) percent of the gross land area, less open space credits and excluding existing street right-of-way shall be open space as defined below.
(2) In a RPD, qualifying open space shall be that land:
    (i) Dedicated to the public for parkland, open space, and/or drainageway.
    (ii) Placed under the control of a land trust or conservancy.
    (iii) Designated for agricultural use only.
    (iv) Designated by the development plan as Common Area for the use, benefit, and enjoyment of all residents of the development.
    (v) Special Purpose Lots designated for Off-site Sewage Treatment, Community Well recharge areas and Community Sewage Treatment.
    (vi) Open Space Credits. The Sidewalk/Trail Network area shall be calculated by multiplying linear feet by twenty (20) feet. Every acre or portion thereof provided in sidewalk/trail network shall be deducted from the total minimum fifty (50%) percent open space requirement. (e.g. A one hundred (100) acre site providing one (1) mile [2.42 acres] of trail would reduce the minimum open space requirement from fifty (50) acres to forty-seven and six-tenths (47.6 acres.)
    (vii) To qualify as open space, land shall be useable for sewage treatment, recreation purposes, provide visual, aesthetic, or environmental amenities, or be agriculturally productive land, and may not be occupied by street rights-of-way, drives, parking areas or structures, other than recreational structures and those associated with community well or sewage systems.
    (viii) Land within a floodway, floodway fringe zone, or bodies of water greater than one (1) acre in size may be used to provide not more than fifty (50%) percent of the open space required in development. Other areas required to be dedicated under this Section and rights-of-way for the Trail Network shall count fully toward the open space requirement.
    (ix) All open space not containing planned improvements shall be transferred to the land conservation/trust, owner's association, or dedicated as open space with the recordation of the first phase of the development. Open space containing planned improvements shall be provided within each phase of the planned unit development in sufficient amounts to serve the expected population of that phase or the gross land area devoted to nonresidential land uses.

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(x) Land designated for agricultural use only maybe held in private ownership or by an owner's association.

l. Sidewalk and Trail Network:

(1) Location and Purpose. The development shall provide a pedestrian/bikeway trail network linking:

(i) Residential areas to the open space, recreation facilities, and non-residential areas within the development; and

(ii) The development to existing or proposed trails, those shown on an adopted land use plan, trails.

m. Design Standards: The trail network shall be contained within a public or private right-of-way a minimum of twenty (20) feet in width. The trail network shall consist of a public paved sidewalk or a private all-weather walkway. The width of the travel way shall be a minimum of five (5) feet. When the trail is adjacent to or parallel to a public or private street it shall be separated from the edge of pavement a minimum of six (6) feet. The walkway maybe located within a public street right-of-way subject to the approval of the Jurisdiction maintaining the public street.

n. Maintenance: Maintenance of the trail network shall be the responsibility of a Owners Association for all trails located outside public street right-of-way. Trails located within public street right-of-way may be maintained by the Jurisdiction maintaining the public street, subject to the Jurisdiction's approval. If the Jurisdiction will not assume maintenance, the Owners Association shall be responsible for maintenance.

o. Utilities: Water, sewer, electrical, gas, television and telephone utilities shall be installed in accordance with Article 8 – Subdivisions & Infrastructure Standards are permitted and encouraged in the RPD. The approval process for Community Wells and Sewage Treatment systems shall follow the procedures found in Article 8. The areas designated for Community Wells and Sewage Treatment systems shall be indicated on the Sketch Plan and Unified Development Plan.

4.5 ADDITIONAL REQUIREMENTS FOR MULTI-FAMILY DEVELOPMENTS

A. A multi-family dwelling shall not be placed behind and on the same lot as a single-family dwelling.

B. In order to permit adequate fire protection, all portions of every building shall be located within three hundred (300) feet of a public street that furnishes direct access to the property unless the Fire Marshal determines that the fire hydrants and service drives within the development will offer adequate protection.

C. All common driveways within the development shall have approved traffic circulation and shall be kept available for emergency and service use by any public vehicle.

D. Off-street parking spaces shall be located within two hundred (200) feet of each building in an amount proportional to the number of dwelling units in each building. No parking area with five (5) or more spaces shall be located closer than ten (10) feet to a dwelling wall with windows or doors.

E. All walkways within two (2) feet of and perpendicular to parking spaces shall have a minimum width of six (6) feet. Any walkway serving only one (1) dwelling unit, other than a handicapped

unit, shall have a minimum width of three (3) feet. All other walkways shall have a minimum width of four (4) feet. Walkways shall be of dustless all-weather surfaces.

F. OPEN SPACE AND/OR RECREATION FACILITIES:

1. Open space and/or recreation facilities shall be provided at the rate of ten (10%) percent of the total land area in developments of under three (3) acres or in the MXU district with a building more than four (4) stories and shall be at a single location.
2. In developments of three (3) acres or more, open space shall be provided at the rate of one (1) acre per one hundred (100) dwelling units. Such open space and/or recreation facilities may be at more than one (1) location, but each location must have at least ten thousand (10,000) square feet to be counted toward this requirement.
3. All such areas must have a minimum width of at least twenty-four (24) feet and be accessible to residents of the development. All such areas shall be occupied by recreational areas, grass and landscaping, or woods. Possible uses for these areas may include, but are not limited to, swimming pools, tennis courts, play areas, passive recreation. Uses not permitted in such areas are parking, garbage areas, mechanical equipment/structures, or other similar uses. Land dedicated as parkland or as drainageway and open space shall count toward this requirement.

G. No building shall exceed two hundred fifty (250) feet in length unless it is designed for the elderly and has central facilities for dining and recreation.

H. Trash containers (dumpsters or compactors) of a number and size conforming with the requirements of the Jurisdiction shall be provided. Each container shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or access drives and so as to allow collector trucks adequate maneuvering space to empty the containers without interference from utility lines or other structures and to leave the property without excessive backing. Concrete pads shall be located beneath and in the approach to each trash container.

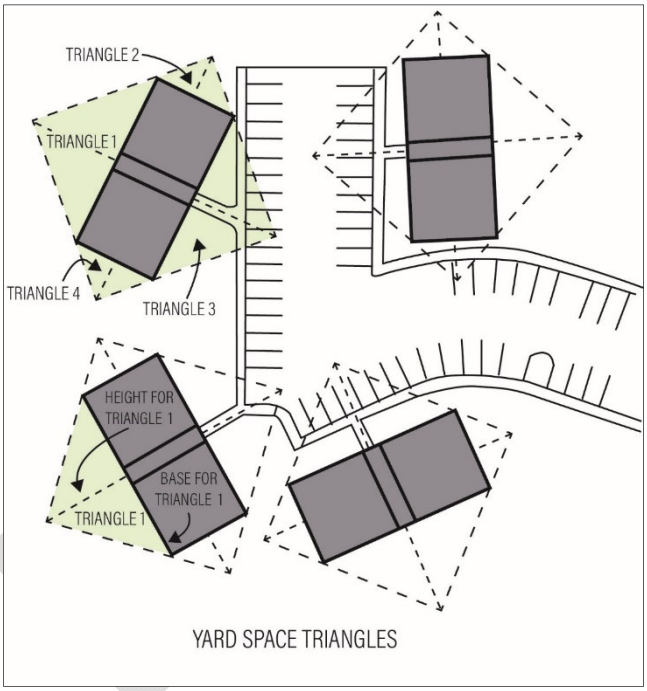
I. On the site plan an isosceles triangle (yard space triangle) shall be drawn from each building facade which, at its closest point, lies within one hundred (100) feet of a lot line other than a street right-of- way line or within one hundred (100) feet of another building in the development. Facades shall be designated so that a minimum number, normally four (4), results. The base of the triangle shall be a line connecting the extreme ends of the facade (ignoring one-story storage rooms and other one-story protrusions of one hundred (100) square feet or less, exterior stairways, and decks), and its altitude shall be the length of the base line multiplied by a factor related to the height of the building as shown below.

Table 4.9.1 Building Height and Altitude Factor

Number of Stories	Altitude factor
1	0.4
2	0.5
3	0.6
4 or More	0.7

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J. **YARD SPACE TRIANGLES** thus established may not overlap any portion of another building, another triangle, or another property, unless that property is public parkland, dedicated drainageway and open space, or street right-of-way. See Figure to the right.



YARD SPACE TRIANGLES

K. **PRIVATE DRIVES** shall be no closer than fifteen (15) feet to a dwelling**.**

L. **PLAY AREAS** and sports facilities shall not be placed within fifty (50) feet of adjacent land used or zoned for single family residential purposes.

M. **ALL UTILITIES SHALL BE UNDERGROUND.**

N. **ARRANGEMENT** of multi-family buildings should not be placed in parallel rows.

4.6 ADDITIONAL REQUIREMENTS FOR NON-RESIDENTIAL DISTRICTS

A. NEIGHBORHOOD BUSINESS DISTRICT (NB)

1. No more than three thousand (3,000) square feet of gross floor area per use shall be permitted on a lot.
2. Outside storage is prohibited.
3. Hours of operation shall be restricted to between 6:00 a.m. to midnight. Drive-thru sales and services are not permitted.
4. Exterior lighting is limited to indirect illumination and safety lighting. All exterior lighting shall be hooded or shielded so that the light source is not directly visible from adjacent streets or properties. No exterior lighting shall be located higher than fifteen (15) feet above ground or pavement.
5. All off-street parking shall be located to the rear of the building.
6. Buildings must be reflective of the architectural styles, exterior material, and colors of nearby residences.
7. A maximum of two (2) dwellings units are permitted above each business.

B. LIMITED BUSINESS (LB)

1. No more than fifty thousand (50,000) square feet of gross floor area per use shall be permitted on a lot.
2. No more than one hundred thousand (100,000) square feet of gross floor area per development shall be permitted.
3. Outside storage is prohibited.

C. GENERAL BUSINESS (GB): ALL PERMITTED USES WITHIN THE WHOLESALE TRADE CATEGORY, EXCEPT MARKET SHOWROOMS, SHALL MEET THE FOLLOWING STANDARDS.

1. A maximum of ten thousand (10,000) square feet of gross floor area intended for wholesale trade shall be permitted per establishment; and
2. No outside storage of materials shall be permitted.

D. HIGHWAY BUSINESS (HB): ALL PERMITTED USES WITHIN THE WHOLESALE TRADE CATEGORY SHALL MEET THE FOLLOWING STANDARDS:

1. A maximum of ten thousand (10,000) square feet of gross floor area intended for wholesale trade shall be permitted per establishment; and
2. No outside storage of materials shall be permitted.

E. CORPORATE PARK DISTRICT (CP)

1. Loading areas shall not be located on the side of a building facing a public street.
2. Accessory outside storage shall not cover an area exceeding twenty-five (25) percent of the ground level gross floor area of the principal building(s), shall be restricted to the area between the rear property line and the building(s), and shall be fully screened from ground level view.
3. Outside assembly, manufacturing, or processing shall not be permitted.

F. LIGHT INDUSTRIAL DISTRICT (LI)

1. Loading areas shall not be located on the side of a building facing a public street, unless such areas are screened from view by plant materials, earthen berm, or combination thereof, with a minimum height of six (6) feet; or unless the street is classified as a local industrial or industrial cul-de-sac street.
2. Outside storage or assembly shall be fully screened from ground level view or public streets

4.7 SUPPLEMENTARY DIMENSIONAL REQUIREMENTS

A. STRUCTURES PERMITTED ABOVE HEIGHT LIMITS

1. Except as otherwise prohibited by the Airport Overlay District, the height limitations of this Ordinance shall not apply to public buildings, church spires, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, silos, grain elevators, chimneys, smokestacks, derricks, conveyors, flag poles, radio, television and communication towers, masts, aerials and similar structures, provided such structures meet the required NC Building Code.

B. PREVAILING STREET SETBACK

1. Where fifty (50) percent or more of the lots on the same side of the block as the lot in question are developed with less than the required street setbacks, the average setback of the two (2) principal buildings nearest that lot shall be observed as the required minimum setback.

C. ENCROACHMENTS INTO REQUIRED SETBACKS

1. **Encroachments Permitted in Required Setbacks:** The following are permitted in required setbacks provided there is no interference with any sight area:
   a. Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths.

b. Pet shelters, at grade patios, play equipment or outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps or wells, and fences or retaining walls subject to the requirements of Article 6.

c. Handicapped ramps.

d. Gatehouses/guardhouse and bus shelter.

2. **Structures Permitted in Required Setbacks:** The following structures may encroach into any required setback:
   a. Cornices, steps, overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one-half (2½) feet into any required setback, but in no case shall be closer than three (3) feet to any property line; and
   b. Porches may encroach into the required front and rear setbacks as follows:

Table 4.10.1, Porch Setback Encroachment Allowances

Type	Yard	Maximum Encroachment	Maximum area
Covered or Uncovered	Front	5 feet	35 square feet
Uncovered Only	Rear	50% of setback	n/a

3. **Permitted Projections:** Canopies, awnings, and marquees or similar covers attached to a building in the GB districts may project into the street right-of-way provided that:
   a. No portion of the cover is located closer to the face of the street curb than a horizontal distance of three (3) feet.
   b. No portion of the cover or sign hanging below the cover is less than nine (9) feet above the grade.
   c. No cover requiring vertical support to the sidewalk is located over a sidewalk with a total width of less than eight (8) feet.
4. **Canopy Projections:** Gas station and convenience store pump canopies may be located in the street setback provided that no equipment or part of a canopy is located closer than fifteen (15) feet to a street right-of-way line.

D. EASEMENT ENCROACHMENTS

1. **Utility Easements:** In addition to the lines, boxes, structures, and substation buildings for which utility easements are intended, fences without foundations may be located within utility easements.

> ***Commentary: Prior to fence construction the property owner should contact 811.***

2. Drainage Maintenance and Utility Easements: Water-related improvements, such as boat docks, may be placed or constructed within drainage maintenance and utility easements.
3. Water Quality Conservation Easements: Water-related improvements, such as boat docks and soil erosion and sedimentation control structures, may be placed or constructed within water quality conservation easements.

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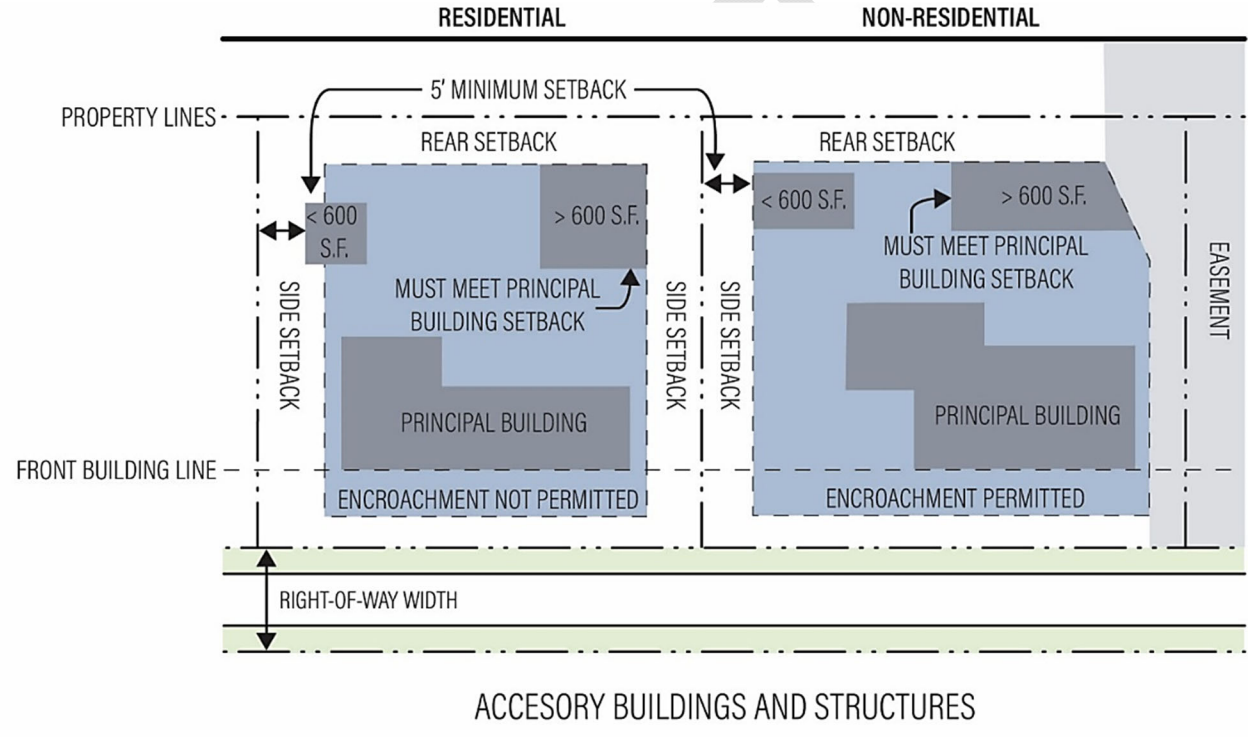
4.8 ACCESSORY USES, BUILDINGS, AND STRUCTURES

The following requirements are for customary accessory buildings and structures. Also, see Sections 4.2.1 through 4.2.20 of this Article for specific requirements. Other accessory buildings and structures containing specific accessory uses listed in Table 4-3-1 (Permitted Use Schedule) may have additional development requirements found in Article 5 – Individual Use Development Standards.

District	Setbacks	Location*	Height (ft.)	Use Area (% of Gross Sales, Building Volume, Floor Area, Land Area, or Any Other Measure of Usage)	Maximum Size (% of floor area)
AG	See Section 4.2.1	n/a	n/a	n/a	n/a
RS-40	See Section 4.2.2	See Note 2 in Section 4.2.2	50	n/a	25%
RS-30	See Section 4.2.3	n/a	50	n/a	25%
RS-20	See Section 4.2.4	n/a	35	n/a	25%
RS-3	See Section 4.2.5	n/a	40	n/a	25%
RS-5	See Section 4.2.6	n/a	35	n/a	25%
RS-7	See Section 4.2.7	n/a	35	n/a	25
RM-8	See Section 4.2.8	See Note 4 in Section 4.2.8	25	n/a	25%
RM-18	See Section 4.2.9	See Note 4 in Section 4.2.9	25	n/a	25%
RM-26	See Section 4.2.10	See Note 4 in Section 4.2.10	25	n/a	25%
PI	See Section 4.2.11	See Note 4 in Section 4.2.11	25	25%	25%
LO	See Section 4.2.12	n/a	12	25%	25%
NB	See Section 4.2.13	n/a	25	25%	25%
LB	See Section 4.2.14	n/a	25	25%	25%
GB	See Section 4.2.15	n/a	25	25%	25%
HB	See Section 4.2.16	n/a	25	25%	25%
MXU	See Section 4.2.17	n/a	25	25%	25%
CP	See Section 4.2.18	n/a	35	25%	25%

LI	See Section 4.2.19	n/a	35	25%	25%
HI	See Section 4.2.20	n/a	50	25%	25%
PD-R	n/a	See Section 4.4	See Section 4.4	n/a	n/a
PD-M	n/a	See Section 4.4	See Section 4.4	n/a	n/a
RPD	See Section 4.5	See Section 4.5	See Section 4.5	See Section 4.5	See Section 4.5

*No accessory structure or building, except a utility substation, shall be erected in an easement.



ACCESORY BUILDINGS AND STRUCTURES

Encroachment in the front setback in the AG and RS-40 Zoning Districts are allowed in accordance with Section 4.2.1 and 4.2.2 Accessory Structures.

4.9 OVERLAY DISTRICT REQUIREMENTS

A. HISTORIC DISTRICT OVERLAY DESIGNATION

1. Adoption of Ordinance of Designation

The Board of County Commissioners may adopt, amend or repeal an ordinance designating a Historic District Overlay. The ordinance shall include information which shall describe the physical area proposed for designation, its boundaries, and general historical, architectural, archaeological, and/or cultural significance. The district designation process may be initiated by either the Historic Preservation Commission (HPC) or at the request of any number of property owners. No ordinance to designate a district shall be adopted or amended until all the requirements of this ordinance and its subsections have been satisfied.

2. Criteria for Designation.

To be designated as a Historic District Overlay, an area shall be found by the HPC to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

3. Procedure for Designation

a. The Historic Preservation Commission (HPC) shall make, or cause to be made, an investigation and designation report which includes:

(1) an assessment of the significance of the buildings, sites, structures, features, objects, or environs to be included in a proposed district;

(2) a description of its boundaries;

(3) a map clearly indicating the boundaries of the district and the properties, showing their tax map parcel numbers, contained therein; and
review guidelines at minimum including the Secretary of Interior's Standards. (See Section 3.5D).

> ***Commentary: Review guidelines guide both Major and Minor Work activities for which a Certificate of Appropriateness (COA) is required within Historic District Overlays. See Article 3.5D – Permits and Procedures. "Major and Minor Work Items" may be obtained from the Guilford County Planning and Development Department.***

b. The Historic District Overlay designation report shall be:

(1) referred to the Planning Board for review and comment according to procedures set forth in the zoning ordinance Guilford County and

(2) submitted to the North Carolina Department of Cultural Resources (NCDCR), or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the Board of Commissioners regarding the substance and effect of the proposed designation. Failure of the NCDCR to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the NCDCR and relieve the Board of County Commissioners of all responsibility to consider the NCDCR's comments or recommendations concerning the report.

c. At the expiration of the thirty (30) 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 defer a decision until completion of a period of

further study, not to exceed sixty (60) days. The HPC shall forward to Board of County Commissioners a copy of the report, copies of written comments received from NCDCR, and a recommendation either to approve or deny designation of the district, stating in its recommendation the extent to which the proposed area meets the criteria for designation as set forth in this ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation. A recommendation for disapproval shall not necessarily prevent any future consideration of an area for designation as a historic district overlay.

d. Upon receipt of a recommendation and designation report from the HPC, the Board of County Commissioners shall proceed in the same manner as would otherwise be required for the adoption or amendment of any other appropriate zoning provision.

4. Revisions to Boundaries. Procedures for revisions to the boundaries of designated Historic District Overlay subsequent to its initial designation shall be those as provided in this Section for initial district designation.

5. **Zoning Standards**. All applicable zoning regulations of the underlying zoning district including those in Article 7 – Signage shall apply to property within the Historic District Overlay unless a variance is approved by the Board of Adjustments after first receiving a recommendation from the Historic Preservation Commission.

6. **Prohibited Uses**. The following uses are deemed incompatible and are specifically prohibited within the Historic District Overlay:

a. Land clearing and inert debris (LCID);

b. Landfills [major or minor];

c. Construction & Demolition (C&D) landfills [minor]; or

d. Junked motor vehicles.

7. **Adjacent Properties.** The requirements, standards and prohibited uses for the Historic District Overlay do not apply to any adjacent property situated outside the overlay. Further, the establishment of the Historic District shall not affect, restrict, or limit the development rights, as provided for in the Guilford County Development Ordinance, of any adjacent property owners located outside of the Historic District Overlay.

8. **Enforcement**. Any development activity within the Historic District Overlay not in compliance with the provisions of this section shall be a violation of this ordinance and subject to remedies found in Article 10 – Enforcement.

B. SCENIC CORRIDOR OVERLAY DISTRICT

1. **Overlay District Based on Corridor Plan.** Before a Scenic Corridor Overlay District is established for any particular road, a Corridor Plan shall be prepared. The plan shall, at a minimum, address the following issues:

a. The arrangement of land uses along the corridor which will create a visually pleasing impression.

b. The unique qualities of the corridor, such as landmark buildings, views and vistas, and natural features which merit special consideration or protection.

c. The value of the corridor as an entryway to Guilford County which can influence the perception of individuals or firms considering residence or investment in the community.

d. The location, size, shape, illumination, spacing, and number of signs.

e. Transportation, including vehicular access, dedication of right-of-way, driveway limitations, and traffic impact.

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2. **Establishment of Scenic Corridor Overlay Zones.** Scenic Corridor Overlay Zones may be adopted, amended or repealed through the following procedures:
   - **a.** A corridor plan shall be prepared by the Planning and Development Department describing the conditions, boundaries, and requirements for each proposed Scenic Corridor Overlay zone. The plan shall be forwarded, with the recommendation of the Planning Board, to the Board of County Commissioners for approval.
   - **b.** The boundaries and requirements of each corridor plan shall be adopted as a separate and distinct Scenic Corridor Overlay zoning district. Adoption, amendment or repeal of the boundaries or requirements of the Overlay district shall be in conformance with the procedures and standards established for conventional zoning districts.
   - **c.** Districts Established. The following Scenic Corridors are hereby established as overlay districts and are listed in the table below:

Scenic Corridor Overlay	District Boundaries	Applicable Requirements
West Wendover Avenue	Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of West Wendover Avenue, beginning at the Greensboro City Limits and extending south along West Wendover Avenue to NC 68, excluding those portions which lie within the jurisdiction of the cities of Greensboro or High Point.	General requirements B.3.a. (1), (2), and (3) as listed above shall apply to the West Wendover Scenic Corridor.
NC 68	Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of NC 68, beginning at Penny Road and extending north along NC 68 to the northern side of the bridge over Reedy Fork Creek, excluding those portions which lie within the City Limits of Greensboro and High Point.	General requirements B.3.a. (1), (2), and (3) as listed above shall apply to the NC 68 Scenic Corridor.
US 220	○ Except for areas other- wise mapped, the scenic corridor extends for a distance of fifteen hundred (1,500) feet on either side of the centerline of US 220; ○ Beginning at Brassfield Road and extending north along US 220 North to the Guilford/ Rockingham County Line, excluding those portions that lie within the City Limits of Greensboro; and ○ Beginning at the Greensboro City Limits and extending south along US 220 South to the Guilford/ Randolph County Line.	General requirements B.3.a (2) and (3) shall apply to the US 220 Scenic Corridor.
US 421 South	Except for areas otherwise mapped, the scenic corridor extends for a distance of	General requirements B.3.a (2) and (3) shall apply to the US 421 South Scenic

	fifteen hundred (1,500) feet on either side of the centerline of US 421 South, beginning at the Greensboro City Limits and extending south to the Guilford/Randolph County Line.	Corridor.
I-85	○ Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of I-85; ○ Beginning at the Greensboro City Limits and extending east along I-85 North to the Guilford/ Alamance County Line; and ○ Beginning at the Greensboro City Limits and extending west along I-85 South to the I-85/ NC 62 Interchange.	General requirements B.3.a (2) and (3) shall apply to the I-85 Scenic Corridor.
I-85 Business	Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of I-85 Business beginning at its intersection with I-85 West and extending to I-85 Business intersection with Kivett Drive, excluding all portions within High Point's City Limits and Extraterritorial Jurisdiction.	General requirements B.3.a (2) and (3) shall apply to the I-85 Business Scenic Corridor.
I-40 West	Except for areas otherwise mapped, the scenic corridor extends for a distance of fifteen hundred (1,500) feet on either side of the centerline of I-40 Bypass, beginning at its intersection with I-40 West and extending west to the Guilford/Forsyth County Line.	General requirements B.3.a (2) and (3) shall apply to the I-40 West Scenic Corridor.
I-40 Bypass	Except for areas otherwise mapped, the scenic corridor extends for a distance of fifteen hundred (1,500) feet on either side of the centerline of I-40 Bypass, beginning at its intersection with I-40 West and extending west to the Guilford/Forsyth County Line.	General requirements B.3.a (2) and (3) shall apply to the I-40 Bypass Scenic Corridor.
US-29 North	Except for areas otherwise mapped, the scenic corridor extends for a distance of fifteen hundred (1,500) feet on either side of the centerline of US- 29 North, beginning at the Greensboro City Limits and extending north along US-29 North to the Guilford/ Rockingham County Line, excluding those portions that lie within the City Limits of Greensboro.	General requirements B.3.a (2) and (3) shall apply to the US-29 North Scenic Corridor.
US 311	Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of the proposed US 311, beginning at the High Point Extraterritorial Jurisdiction line and extending south to the Guilford/Randolph County Line, excluding	General requirements B.3.a (2) and (3) shall apply to the US-311 Scenic Corridor.

	those portions that lie within the City Limits of Archdale.	
Bryan Boulevard-Airport Parkway	Extending for a distance of fifteen hundred (1,500) feet on either side of the centerline of Bryan Boulevard-Air- port Parkway, beginning at the Greensboro City Limits and extending west along Bryan Boulevard to its connection with Airport Parkway and along Airport Parkway west to the Airport Parkway/NC 68 interchange.	General requirements B.3.a (2) and (3) shall apply to the Bryan Boulevard-Airport Parkway Scenic Corridor. In addition, no billboards shall be permitted in the Bryan Boulevard-Airport Parkway Scenic Corridor.
I840 Urban Loop	Those areas in the County along the entire length of the Urban Loop containing all land located within one thousand (1,000) feet on either side of the centerline of the existing or proposed controlled access highway is included within the overlay zone.	General requirements 2 and 3 and Additional requirements 4 shall apply to properties within the limits of the district that are visible from the Urban Loop controlled access highway.

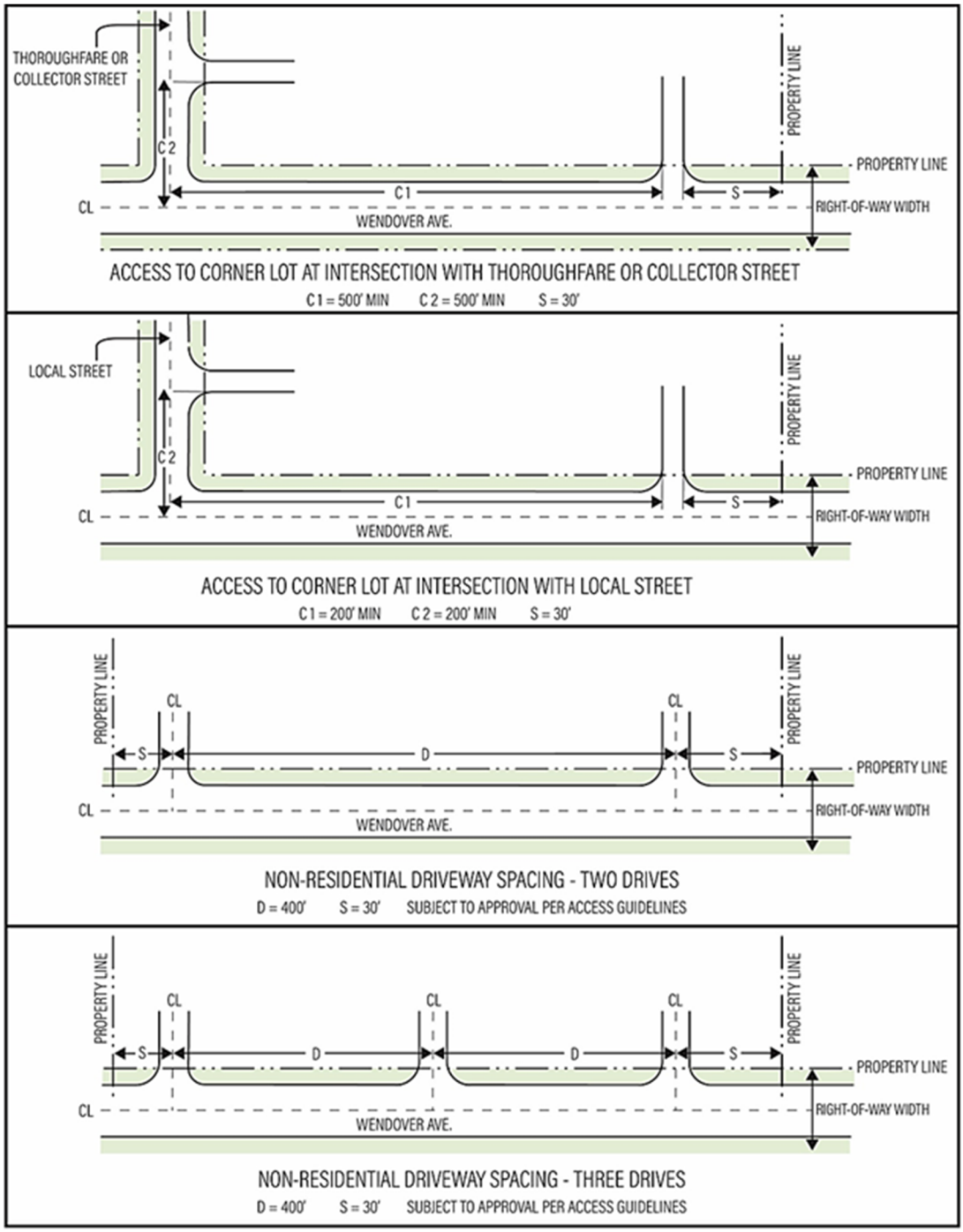
3. Scenic Corridor Overlay District Requirements.

a. General Requirements:

(1) Access Control:

(1) Allowed Access. If any street(s) or routes(s) other than the thoroughfare protected by this Section is available for access to any parcel, tract or development, access must be taken from the alternate street(s). If this access is not adequate to serve the parcel, tract or development, a single access point to the regulated thoroughfare may be allowed provided it is demonstrated to be a necessity by an approved Site Access Study (SAS) and provided all other applicable regulations herein can be met. If alternate access is not available, one (1) access point shall be allowed. Two (2) access points may be allowed if property frontage along the regulated thoroughfare Avenue exceeds five hundred (500) linear feet and an approved SAS is submitted documenting the necessity of the second access point. Three (3) access points may be allowed if property frontage along the regulated thoroughfare equals or exceeds one thousand (1,000) feet and an approved SAS is submitted documenting the necessity of the second and third access points. Three (3) access points shall be the maximum number allowed to any street front- age. The subdivision of land shall not result in any increase in the total number of access points permitted along any given segment of road frontage. Joint driveway locations, access easements, and assignment of permitted access points to particular lots shall be shown on final plats as required by the appropriate Technical Review Committee of the jurisdiction involved.

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LOCATION AND SPACING OF DRIVEWAY ACCESS

(2) Type of Access. Transition tapers and deceleration lanes may be required to any driveway or development and shall be constructed as approved by the appropriate highway authority and Technical Review Committee.

(3) Technical Requirements.

(i) Location and Spacing of Access (see figure to right).

(ii) Corner Clearance. No driveway except residential access shall be allowed within five hundred (500) feet of the centerline of an intersecting

thoroughfare or collector street. No driveway except residential access shall be allowed within two hundred (200) feet of the centerline of any other street.

(4) Side Clearance. No driveway except residential access shall be allowed within thirty (30) feet of the side property line of any property or development except where a mutual joint access agreement exists between adjoining owners.

(5) Spacing. The spacing of non-residential driveways shall be as follows:
   (i) Distance between two (2) drives shall be four hundred (400) feet.
   (ii) These dimensions are to be measured along the right-of-way line from the centerline of the driveway to the centerline of the driveway.

(6) Access not Prohibited: Any parcel of record on the effective date of this Section that has been prohibited all vehicular access based on the provisions herein shall be allowed one (1) access point to its street frontage.

(7) Site Access Study (SAS) Requirements.
   (i) Minimum Standards. A Site Access Study shall be performed by a professional engineer registered in the State of North Carolina and familiar with the standard practice and procedure of site access analysis.
   (ii) Required Elements. A Site Access Study shall include (1) peak hour trip generation for proposed land use(s). Trip generation rates shall be obtained from Trip Generation, an ITE Publication, (2) trip distribution to major attractors and surrounding areas, (3) for a development with greater than or equal to fifteen thousand (15,000) square feet gross floor area, capacity analysis of adjacent intersections and all proposed access points in accordance with FHWA 1985 Highway Capacity Manual, (4) alternatives analysis for number of access points and any other alternatives proposed by developer or governmental agency, (5) recommendations for number and location of access points in accordance with calculated capacity and alternatives analysis, and (6) an appendix which shall include all calculations and other applicable information.

(2) Permitted Uses. All uses permitted in the underlying zoning districts are permitted except Class A, B and C manufactured dwellings.

(3) Conditional Uses. Uses which display one (1) or more of the following characteristics may be permitted provided that they are completely screened from view of motorists on the scenic corridor highway:
   (1) Uses with outside storage of building materials, scrap, pipe, vehicles or equipment.
   (2) Uses with outside processing or assembly operations.
   (3) Uses with truck parking areas.

4. I840 Urban Loop

a. Additional Requirements. The following additional requirements shall apply to the Urban Loop Scenic Corridor:

(1) Permitted Uses. Subject to the provisions of this overlay zone, all uses permitted in the underlying zoning districts are allowed except those listed below, which are prohibited if visible from the highway:
   (i) Flea markets, outdoor.
   (ii) Land clearing and inert debris landfills, major.
   (iii) Miscellaneous non-agricultural retail sales with outdoor display. Salvage yards, auto parts.

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(2) Buffer Requirements. A Type B planting yard shall be required and maintained along the portion of any lot immediately adjacent to the highway right-of-way. AG (Agricultural) and RS Single Family Residentially-zoned properties shall not be required to buffer.

(3) Architecture. Where non-residential buildings are within five hundred (500) feet of the Urban Loop right-of-way and are visible from the Urban Loop, the following architectural controls shall apply:

i. Metal siding shall have corrugations that do not exceed five-sixteenths of an inch (5/16) in depth and fasteners concealed from view from the exterior. This shall not apply to AG-Agricultural zoned land.

ii. No awnings or canopy fascia shall be internally lit.

iii. Appropriate screening shall be provided to obscure as much as reasonably possible all roof-mounted equipment, roof vents, or other unsightly building appurtenances. Screening shall comply with Type B landscaping, fencing, or architectural standards of this ordinance.

(4) Signage. The underlying zoning district standards shall apply.

(5) Access Management.

(i) Major or minor thoroughfares that interest the highway shall have a minimum of five hundred (500) feet of corner clearance when determined to be practical by NCDOT or GDOT.

(ii) Local, collector or sub-collector streets that intersect the highway shall have a minimum of two hundred (200) feet of corner clearance when determined to be practical by NCDOT or Greensboro DOT.

(6) Expansions. Once the impervious surface area of the property is increased by twenty-five (25) percent of the area existing at the time of the Urban Loop overlay adoption, street protective yards shall be required containing fifty (50) percent of the required width and fifty (50) percent of all required plantings along the entire length of the frontage adjoining the Urban Loop, excluding built-upon areas. Additional

(7) Other Requirements.

(i) Loading areas, docks, and doors shall be screened as much as reasonably possible from ground level view from the highway.

(ii) All outdoor lighting shall include diffusers or minimal wattage bulbs that minimize glare to adjoining roadways and properties. This Subsection shall not apply to residentially zoned property.

(iii) All new on-site utilities shall be located underground unless required by the utility to be otherwise.

C. AIRPORT OVERLAY DISTRICT

1. Height Limits. Pursuant to the "Airport Zoning Regulations of the Piedmont Triad International Airport" adopted by the Piedmont Triad International Airport (PTIA) Authority, no structure shall be erected which exceeds the height limits set forth on a map titled "Approach and Clear Zone Plan and Profiles".

2. Noise Compatibility. Within the 65 LDN Noise Contour around Piedmont Triad International Airport, as delineated in the Airport Master Plan, no residential uses shall be permitted

except single-family homes on lots which meet or exceed the requirements of the RS-40 zone.

D. MANUFACTURED HOUSING (HUD) OVERLAY DISTRICT

1. Manufactured (HUD) housing (i.e., mobile homes) may be permitted on single-family lots in any residential zone provided overlay district zoning is approved by the Jurisdiction and meeting the following criteria for minimum development size:
   - **a.** Ten (10) existing contiguous lots covering at least ninety thousand (90,000) square feet, excluding public street right-of-way; or
   - **b.** One hundred twenty thousand (120,000) square feet of unsubdivided land, excluding public street right-of-way.

> ***Commentary: The Manufactured Housing (HUD) Overlay District is intended to accommodate manufactured housing (HUD) which is governed by Federal standards promulgated by the Dept. of Housing and Urban Development (HUD) and commonly may be referred to as a mobile home in the context of a type of dwelling unit.***
>
> ***Modular homes, on the other hand, are strictly governed by the NC State Building Code (GS 143-139.1).***

E. ROCK CREEK CORPORATE PARK OVERLAY DISTRICT

1. **Purpose.** Property in the Rock Creek Corporate Park area is addressed in a Consent Judgment in case number 88 CVS 2758 on file in Guilford County Superior Court. Uses of said Rock Creek property zoned O/I, Office-Industrial on January 27, 1989 remain in effect per the Consent Judgment notwithstanding inconsistent provisions of this Article. Other provisions of this Ordinance, except those specifically varied by the Consent Judgment, apply to said property.

> ***Commentary: To assist in determining Permitted and Prohibited Uses in Rock Creek Corporate Park, see Section 4.3 and Figure 4.3-2.***

2. **Interpretation and Application.** The Overlay District is intended to function as an "overlay" to the underlying zoning districts, and these regulations are in addition to other requirements of the applicable zoning district. If provisions of the Overlay District conflict with underlying zoning requirements, the provisions of the Overlay District shall prevail.
3. **Boundaries Established.** The Overlay District includes area along I-85 and Rock Creek Dairy Road as depicted on the Official Zoning Map per the Rock Creek Corporate Park Consent Judgement on file in the Guilford County Planning & Development Department.
4. **Permitted Uses/Use Exclusions.** Refer to Section 4.3 and Figure 4.3-2. Permitted use as well as use exclusions are outlined in the file in the Guilford County Planning & Development Department.

F. LIBERTY ROAD/WOODY MILL ROAD VICINITY OVERLAY DISTRICT

1. **Purpose.** The district is adopted to promote development of a mixed-use area between Liberty Road and US Highway 421 at Woody Mill Road in accordance with the recommendations of the Liberty Road/Woody Mill Road Vicinity Small Area Plan adopted by the Guilford County Board of Commissioners.

2. **Interpretation and Application.** The Overlay District is intended to function as an "overlay" to the underlying zoning districts, and these regulations are in addition to other requirements of the applicable zoning district. If provisions of the Overlay District conflict with underlying zoning requirements, the provisions of the Overlay District shall prevail.
3. **Boundaries Established.** The Overlay District includes the land area bounded on the west by US Highway 421, on the east by Liberty Road, on the north by Chapparal Road, and on the south by BigAlamance Creek, as depicted on the Official Zoning Map.
4. **General Requirements.**
   - **a.** Permitted Uses. All uses permitted in the underlying zoning districts and applicable scenic corridor.
   - **b.** Architectural Standards for New Non-Residential, Attached Single-Family, and Multi-Family Residential Structures:
     (1) Permitted Building Materials: At least fifty percent (50%) 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) per-cent 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.



BUILDINGS WITHOUT ROOF ARTICULATION



BUILDINGS WITH ROOF ARTICULATION

     (2) 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.
     (3) Permitted Roof Types and Materials.
       i. 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.
       ii. 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.

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iii. 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.

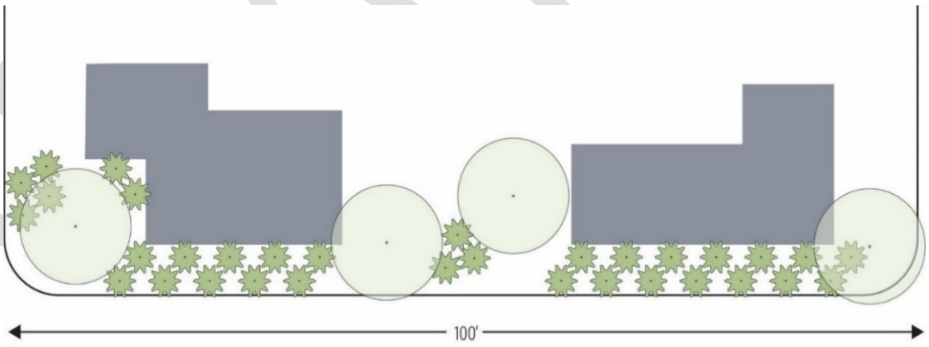
c. Maximum Building Height. Buildings shall not exceed fifty (50) feet in height.

(1) 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.

(2) Exemptions. Detached single-family principal and accessory structures are exempt from architectural standards. 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.

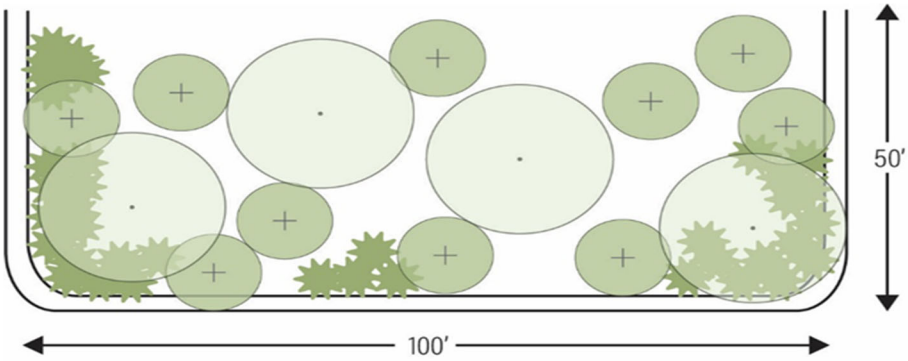
(3) Required landscaping shall be as provided in Article 6 unless expressly modified by this Overlay:

i. Street Yard. Street planting yard rates shall be four (4) canopy trees and thirty-three (33) shrubs per one hundred (100) linear feet. Street planting yards shall be required of all developments unless exempted in this Section.



STREET PLANTING YARD

ii. US Highway 421 Buffer and Setback. In order to best protect residents from noise associated with US Highway 421 traffic, all new single and multi-family residential developments shall provide a Type A planting yard or equivalent between US Highway 421 and any dwelling unit within two hundred (200) feet of the public right-of-way unless exempted in this Section. All required plantings within the planting yard shall be evergreen varieties. In addition, a minimum set- back of one hundred (100) feet shall be required as measured from the right-of-way of US Highway 421 to any new single-family or multifamily dwelling located within a major single-family subdivision or multi-family development.



TYPE A PLANTING YARD

(2) Tree Preservation. Protection and preservation of significant tree canopy is strongly encouraged, especially adjacent to US Highway 421 and Liberty Road. Credits shall be awarded for trees preserved as provided in Article 6.

(3) Expansions. Landscaping requirements shall apply to all building additions or parking expansions which result in a cumulative expansion of more than three thousand (3,000) square feet after the effective date of the Overlay District. In such cases, the requirements shall apply only to the expanded areas.

(4) Exemptions. New single-family dwellings built on existing lots of record, recombined lots of record, or on new lots within a minor subdivision shall be exempt from this Section.

(4) Signage

(1) Free-Standing Signs. All new free-standing signs requiring a permit shall be monument-style and shall be regulated by Article 7 except that no sign shall exceed ten (10) feet in height and/or two hundred (200) square feet in area. A monument-style sign is defined as a sign, other than a pole or pylon sign, on which the face of the sign is permanently mounted on an enclosed decorative base.

(2) Attached Signs (Wall Signs). All new attached signs requiring a permit shall consist of individual internally-illuminated channel lettering, individual reverse channel lettering, or open channel lettering. Enclosed cabinet-style signs that display a logo or image that is part of the business' identity shall be permitted provided such signs do not exceed twenty-five percent (25%) of the total sign area. The word "individual" means that such lettering is detached or if attached so minimally attached that it gives the appearance of being individualized.

(3) Existing legal-non conforming signs shall be permitted to be repaired, rebuilt, or replaced provided the degree or extent of the non-conformity is not increased.

(5) Lighting

(1) Except for lighting on residentially zoned properties and lighting associated with temporary activities, all new lighting shall be designed and installed to be fully shielded (full cutoff) and shall have a maximum lamp wattage of 250 watts HID (or lumen equivalent) or 100 watts incandescent. "Fully shielded" shall mean that the lamp is not directly visible outside the property perimeter.

(2) Flashing lights, revolving lights, and high-intensity light beams such as searchlights, lasers, or strobe lights visible from any property other than that property from which the light is emanating from shall be prohibited.

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(6) Access Control

(1) All driveways shall be regulated by the following requirements and the North Carolina Department of Transportation (NCDOT), as applicable, except that single family dwellings built on existing lots of record, recombined lots of record, or on new lots within a minor subdivision shall be exempt from this Section.

(2) The number of driveway on Liberty Road and Woody Mill Road shall be limited to one on each road where a lot has less than five hundred (500) feet of frontage on the applicable road. Two driveways on one road may be permitted provided the lot has more than five hundred (500) feet of frontage on the applicable road. Three driveways on one road may be permitted provided the lot has more than one thousand feet of frontage on the applicable road. The subdivision of land shall not result in any increase in the total number of access points permitted along any given segment of road frontage. Joint driveways and/or access easements shall be provided and shown on final subdivision plats as required to comply with the provisions of this Section.

(3) When two or more driveways are permitted on a single lot, a minimum separation of one hundred (100) feet shall be provided between driveways. This separation requirement may be reduced upon receipt of written approval by the NCDOT.

5. Pedestrian Improvements

a. Sidewalks shall be built along all public and private streets as part of any major subdivision of land or any project proposing new non-residential, attached single-family, or multi-family development. Sidewalks shall also be built along private driveways that provide access to one or more lots or uses.

b. Standards. All sidewalks shall comply with the minimum Americans with Disabilities Act requirements.

c. Exemptions. The Technical Review Committee shall be authorized to waive sidewalk requirements in cases where the character and size of proposed development will not result in a need for pedestrian facilities. Characteristics including but not limited to proposed uses(s), intensity, surrounding land uses, and residential density, if applicable, shall be considered during review of any waiver request.

(1) Interior sidewalks along private drives connecting retail uses on separate properties.

(2) Sidewalks built along public streets.

(3) Sidewalk connecting retail uses with off-site residential uses.

6. Conditions for Continuance of Nonconforming Structures. In the event of damage by fire or other causes up to or exceeding one hundred (100) percent of its tax value prior to such damage as established by the County Tax Department, reconstruction of a nonconforming structure shall be permitted provided it is constructed:

a. In the same manner in which it originally existed.

b. In compliance with the overlay district requirements.

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ARTICLE 5 – DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

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ADOPTION DRAFT – 09.28.2020

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ARTICLE 5 – DEVELOPMENT STANDARDS FOR INDIVIDUAL USES

5.1 APPLICABILITY

A. The development standards for individual use listed herein are additional to other requirements in this Ordinance. These standards are use-specific and apply to those uses designated with a "D" in Table 4-3.1 Permitted Uses.

B. Uses requiring approval of a Special Use Permit shall also be subject to these standards and any additional standards or conditions required by the Special Use Permit and designated with a "S" in Table 4-3.1 Permitted Uses.

C. Bonafide Farm Uses. G.S. § 160D-903 exempts land used for Bona Fide Farm purposes from County zoning. Residential dwellings built to local building code are only exempt if occupied by owner, lessor, or operator of the farm. Non-farm buildings are not exempt from County zoning.

5.2 CONFLICT WITH OTHER REGULATIONS

A. If there is a conflict between the standards set forth in this article and any other requirements of this ordinance, the standards of this article shall control except as set forth below.

B. The zoning district in which a particular use is permitted is controlled by the use listings found for the individual districts. (In the event of any inconsistency between this article and the use listings for the districts, the use listings found in Article 4 - Zoning shall control.)

5.3 AGRICULTURE/ANIMAL SERVICE

A. AGRICULTURAL MAINTENANCE BARN (WHERE REQUIRED: AG)

1. **Minimum Lot Area**: Five (5) acres
2. **Uses**:
   - **a.** Barn shall be used to store equipment used to maintain site.
   - **b.** Outside storage shall be prohibited.
3. **Minimum Setback**: 100 feet from all property lines.

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4. **Accessory Structure**: If a dwelling is later added to the site, the structure shall comply with the regulations found in Section 4.8 – Accessory Uses, Buildings And Structures.

B. AGRICULTURAL TOURISM (WHERE REQUIRED: AG)

Commentary: An advisory letter from the N.C. Attorney General's office to the Department of Insurance, dated March 4, 2019 indicates that such buildings are exempt from the NC Building Codes if the buildings are not occupied for sleeping purposes and is outside the building-rules jurisdiction. Such buildings are then exempt because they are considered "agritourism" buildings. However, electrical systems of such building are not exempt and are thus required to comply with the NC Electrical Code.

The following guidance is offered:

- ***An existing farm building that is to be used for a function such as a wedding venue and adds plumbing or HVAC systems for that function, those systems are exempt from the requirements of the codes, but any associated electrical wiring is not exempt.***
- ***New buildings constructed for functions such as wedding venues are exempt from the requirements of the codes, but any associated electrical wiring is not exempt.***
- ***Electrical systems are never exempt from the requirements of the codes.***

1. **Bonafide Farm Exemptions:** Agritourism shall be considered as a bonafide farm use based on holding one of two qualifiers, which are:
   a. Is owned by a person who holds qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to G.S. § 105-277.3.
   b. Is enrolled in the present-use value program pursuant to G.S. § 105-277.3.
2. **Applicability:** Unless exempted above, agritourism shall comply with the following
   a. Minimum Area: Five (5) Acres.
   b. Uses: Public or private events (weddings, receptions, meetings, demonstration of farm activities, meals, and other events taking place on the farm because of its farm or rural setting) per G.S. § Section 160D-903.
   c. Gross Floor Area: Facilities associated with the display, sales and consumption of the product shall not exceed five thousand (5,000) square feet of gross floor area. A maximum of one thousand (1,000) square feet of gross floor area shall be permitted for product retail sales. Gross floor sales area of associated non-agricultural products shall not exceed forty (40) percent of the total floor area devoted retail to sales.
   d. Use Separations: All structures, buildings, storage areas associated with the operation shall observe a minimum fifty (50) foot setback from all property lines and rights-of-way. All bonafide farm equipment used in the processing, blending, making and storage that produces noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest property line.
   e. Operation:
      (1) The facility must be operated in association with an existing vineyard, dairy farm or farm use located on the same property, or adjoining properties in the same ownership.
      (2) Retail sales hours of operation shall be permitted between 7:00 AM and 7:00 PM, except on Sunday when permitted hours are from 10:00 AM to 7:00 PM.
      (3) Associated outdoor events, activity centers, restaurants, tourist homes and similar uses will require special use permit approval.
      (4) Site Plan approval does not supersede any required Federal, State or other local licenses or permits required for operation.

f. **Land Use:** All non-farming activities associated with the use shall have a land use classification of two (2). If a non-farm activity shall be located one hundred (100) feet or more from a property line or street right-of-way, no landscaping shall be required.
g. **Parking:** Parking areas related to the use shall locate at least thirty (30) feet from the property line or street right-of-way. The number of required parking spaces shall be the same as that required for manufacturing and industrial uses.
h. **Signs:** Signs are limited to Identification Signs and one Development Entrance Sign.

C. ANIMAL FEEDER/BREEDER (WHERE REQUIRED: AG)

1. **Setback:** All structures, buildings or enclosed areas, used for housing of poultry, hogs, cattle or other livestock or animals being bred shall be a minimum of one hundred (100) feet from all property lines.
2. **Operation:** Any violation of County Health Department regulations concerning the operation of the feeder/breeder shall be considered a violation of this Ordinance.
3. **Noise:** Mechanical equipment producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.

D. ANIMAL SERVICES - OTHER (WHERE REQUIRED: MXU, LB, GB, HB, CP)

1. Outside Storage: Pens and runs located outdoors are prohibited.

5.4 HOUSEHOLD LIVING

A. MOBILE HOME/MANUFACTURED (HUD) HOME PARK (WHERE REQUIRED: RM8, RM18, RM26)

1. **General Requirements:** The following requirements apply to Mobile Home Parks.
   a. It shall be unlawful for any person to construct a new park or to make an addition or alteration to an existing park, unless a Site Plan for the park has been approved by the Technical Review Committee.
   b. **Compliance with Article 8 - Subdivisions & Infrastructure Standards:** Mobile Home Parks shall be considered a group development and be subject to all procedures and standards of Article 8 - Subdivisions & Infrastructure Standards.
   c. **Mobile Home Sales:** The sale of mobile homes in a park on a commercial basis shall not be permitted.

> ***Commentary: The Manufactured Housing (HUD) Overlay District is intended to accommodate manufactured housing (HUD) which is governed by Federal standards promulgated by the Dept. of Housing and Urban Development (HUD) and commonly may be referred to as a mobile home in the context of a type of dwelling unit.***
>
> ***Modular homes, on the other hand, are strictly governed by the NC State Building Code (GS 143-139.1).***

2. **Minimum Tract Area:** Five (5) acres.
3. **Minimum and Maximum Number of Spaces**: At least fifteen (15) spaces but not more than three hundred (300) spaces.
4. **Setback:** All spaces shall be located a minimum of one hundred (100) feet from all public rights-of-ways and property lines.

5. **Number of Homes in Each Space:** No more than one (1) mobile home may be parked or set-up on any one (1) space.
6. **Access:**
   a. No space shall have direct vehicular access to a public street.
   b. All spaces shall directly abut a private street or drive contained within the park.
   c. Adequate access shall be provided to each space, with a minimum access width of twenty (20) feet unless more is deemed necessary because of topographical conditions or street curvature.
7. **Recreational Areas and Facilities:** Recreational areas and facilities to serve the needs of the anticipated population within the mobile home park shall be provided and shall consist of at least the following:
   a. A play lot for pre-school children containing a minimum size of one thousand two hundred (1,200) square feet provided within five hundred (500) feet of every space.
   b. One (1) or more playgrounds for school-age children and adults, containing a minimum size of one (1) acre per one hundred (100) spaces.
   c. These recreation areas shall not be in an area utilized for septic tank fields.
8. **Drainage and Grading:**
   a. The spaces shall be located on ground with an elevation that is not susceptible to flooding and which is graded to prevent any water from ponding or accumulating on or around the mobile home park. Where storm drainage pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the mobile home park.
   b. Each space shall be graded and grassed to prevent erosion and provide adequate storm drainage away from the mobile home pad.
   c. The slope of the surface of the stand or pad shall not exceed three (3) percent.
   d. No banks, except along drainage ditches, in the park shall have a slope steeper than three (3) feet to one (1) foot.
9. **Garbage and Refuse Disposal.**
   a. **Containers:** All refuse shall be stored in conveniently located, and in leakproof containers with tight-fitting lids. Containers shall be provided in sufficient number and capacity for proper storage of all refuse. Screening shall be required per Article 6 – General Development Standards.
   b. **Container Storage:** Racks or concrete platforms shall be provided on which to store containers for refuse. Dumpsters shall be required in lieu of individual containers in areas where public water or sewer are available. Such container racks or platforms shall be so designed as to prevent tipping, to minimize spillage and container deterioration, and to facilitate cleaning.
   c. **Collection:** All refuse and recycling shall be collected at least twice weekly, or more often if the need is indicated.
10. **Registration:** It shall be the duty of the operator to keep an accurate register containing a record of all mobile homes. The register shall contain the following information:
    a. Name, address and space number of each occupant.
    b. The date the mobile homes were placed in park.
    c. The operator shall keep the register available at all times for inspection by the Administrator, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.

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11. **Park Manager Residence:** A single-family detached dwelling may be constructed for the manager of the park.
12. **Pre-existing Dwellings:** Pre-existing dwellings on the site may remain provided they occupy approved spaces.
13. **Minimum Mobile Home Space Size:** A mobile home space shall consist of a minimum of six thousand (6,000) square feet and shall have a width of at least forty-five (45) feet at the location of the mobile home stand. Every mobile home space shall be clearly established on the ground by permanent monuments or markers. Each mobile home space shall contain:
    - **a.** A mobile home stand consisting of a properly graded and compacted surface no less than thirteen (13) feet by sixty (60) feet.
    - **b.** A patio space constructed of concrete, brick, flagstone or other hard surface material a minimum of two hundred and forty (240) square feet in area.
    - **c.** A hard surface walkway a minimum of two (2) feet wide leading from the patio to the parking space or road. See Figure 5.4.1.
14. **Mobile Home Additions**: Mobile home additions meeting the North Carolina Building Code may be added to any mobile home provided that setback within the space are met and a building permit is obtained.
    - **a. Construction and Design of Private Streets:**
        - **(1)** Private entrance, collector, and interior streets with no parking, minor or cul-de-sac streets with no parking, shall meet the minimum design standards of Article 8 – Subdivisions & Infrastructure Standards.
        - **(2)** One-way minor streets with no parking (acceptable only if less than five hundred (500) feet total length and serving less than fifteen (15) mobile home stands) shall have a twenty (20) foot wide common area with twelve (12) foot minimum paved surface.

***Figure 5.4.1. Typical Mobile Home Space**

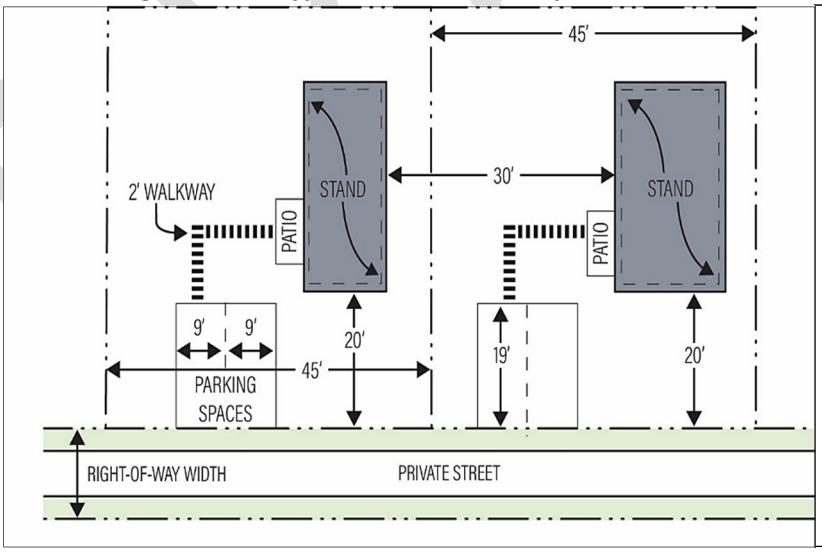


Figure 5.4.1 Notes:

**If the mobile home space is served with an on-site individual septic tank system, the space shall be a minimum of 40,000 s.f. and a minimum lot width of 150' or a minimum of 6,000 s.f. if the lot is served by a private or public sewer system.*

**All stands shall be a minimum of 13'x 60'.*

**All patios shall be a minimum of 240 s.f.*

- **(3)** The private streets shall be lighted at night with no less than two (2) foot-candles of light measured at a height of five (5) feet from the ground along the entire length of the street or drive center line.

b. Park Access: If a mobile home park has more than one (1) direct access to a public street, such access points shall be no less than two hundred (200) feet apart and no closer than three hundred (300) feet to a public street intersection.

c. Parking:

(1) Two parking spaces, nine (9) feet by nineteen (19) feet shall be provided within each mobile home space.

(2) All parking spaces shall be paved or covered with four (4) inches of crushed stone. A pavement surface is not required. The area outside the roadway shall be treated with stabilizing vegetation or other materials approved by the Administrator.

(3) No parking will be allowed on private entrance and collector streets.

d. Landscaping: See Article 6 – General Development Standards.

e. Removal of Rubbish: All cut or fallen trees, stumps, or rubbish shall be completely burned or removed from the mobile home park.

f. Utilities Installation: Each mobile home shall comply with the current North Carolina Department of Insurance regulations for mobile homes in both manufacture and installation and must be inspected to assure compliance prior to occupancy.

(1) All utilities shall be installed underground except where extreme conditions of topography make this requirement unreasonable.

(2) Placement of utilities serving the mobile home stand shall comply with the North Carolina Building Code for Plumbing.

(3) Minimum electrical service of two hundred (200) ampere, one hundred and twenty (120) to two hundred forty (240) volt single phase shall be provided to each mobile home stand. The service panel and location as well as all wiring shall be in accordance with the National Electrical Code.

(4) Each mobile home shall be required to connect to the utilities provided at each mobile home space.

(5) Each mobile home park shall obtain water from a public water supply when available, and when unavailable, from a source approved by the Guilford County Health Department. The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual mobile home shall be obtained only from faucets or other plumbing connections located within each mobile home.

(6) Each mobile home park shall be provided with an adequate sewage disposal system, either by connection to a public sewer or a septic tank constructed in compliance with the regulations of the Guilford County Health and Human Services. All sewage wastes from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned shall be piped into the mobile home park sewage disposal system.

g. Fuel Oil Drum: Each mobile home that requires the use of fuel oil shall be furnished with an oil drum having a minimum capacity of one hundred and fifty (150) gallons, set upon a painted, prefabricated metal stand.

B. ACCESSORY APARTMENTS / DWELLING UNITS (WHERE REQUIRED: AG, ALL RESIDENTIAL DISTRICTS, MXU)

1. General Requirements:

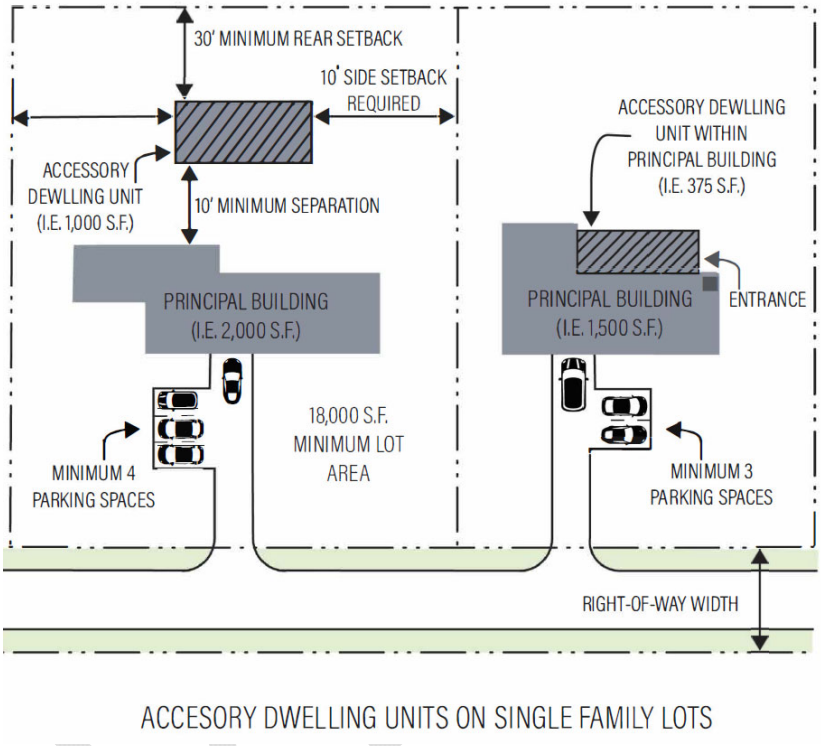
a. Street address assignment shall be in accordance with the Street Name and Address Assignment Standards in the Guilford County Procedures Manual.

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b. No more than one (1) accessory dwelling unit is permitted on the same lot with a principal dwelling unit.

c. No accessory dwelling unit shall be permitted on the same zone lot with a two-family or multi-family dwelling.

Figure 5.4.3 Accessory Apartments/Dwelling Units on Single Family Lots



2. Accessory Apartment Unit with a Principal Single-Family Dwelling & Detached Accessory & Detached Accessory Dwellings:

Accessory Apartment Unit Within a Principal Single-Family Dwelling	The principal building shall not be altered in any way so as to appear from a public or private street to be multi-family housing. Prohibited alterations include, but are not limited to, multiple entranceways, or multiple mailboxes. Access to the accessory dwelling unit shall be by means of an existing side or rear door, except where a new entrance is required by the NC Building Code. No new doorways or stairways to upper floors are permitted if they are attached to the side of a building facing a public or private street.	
	An accessory dwelling unit shall occupy no more than twenty-five (25) percent of the heated floor area of the principal building.	
	The minimum size of an accessory dwelling unit shall be two hundred and fifty (250) square feet.	
	The accessory dwelling unit shall have, water, sanitary sewer, and electrical utilities as part of the principal building.	
Accessory Dwelling Units	A detached accessory dwelling unit may be:	A manufactured (HUD) dwelling in zones which permit this use.
		A dwelling unit which is part of an accessory detached garage.
		A freestanding dwelling unit meeting the NC Building Code.
	The detached accessory dwelling unit shall:	Have an approved sewage disposal connection or system.
		Meet all setbacks applicable to the principal building.
		Be erected at least ten (10) feet from the principal building; and
		Not exceed the maximum building coverage of the zoning district when added to the square footage of all accessory buildings on the lot.

**Based on RS-3 Zoning.*
**An accessory dwelling unit within principal building shall be a maximum of 25% of the heated floor area of the principal building.*

3. Size and Type of Accessory Dwelling Unit:

a. When the detached accessory dwelling unit is a mobile home, the principal dwelling unit shall be a Class AA Double-wide Mobile Home or a freestanding principal dwelling unit meeting the NC Building Code. In no case shall a single-wide Class A or B Mobile Home be accessory to another Class A or B Mobile Home.

(1) Basements or cellars shall not be used unless they meet the specifications for habitable rooms as follows:

i. **Light.** Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area measured between stops, for every habitable room shall be eight (8) percent of the floor area of such room. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total area of such room.

ii. **Ventilation.** Every habitable room shall have at least one (1) window or skylight which can be safely opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area size or minimum skylight-type size, as required, or the room shall have other approved equivalent ventilation.

iii. **Bathroom.** Every bathroom shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an approved ventilation system.

iv. **Electric lights and outlets.** Every dwelling shall be adequately and safely wired for electric lights and convenience receptacles. Every habitable room and hallway shall have provisions for adequate lighting and other necessary electrical service.

C. TINY HOUSING DEVELOPMENTS (WHERE REQUIRED: RM8, RM18, RM26)

1. General Requirements:

a. A tiny housing development shall be considered a group development and be subject to all procedures and standards of Article 8 - Subdivisions & Infrastructure Standards.

b. The sale of tiny homes in the development on a commercial basis shall not be permitted.

Commentary: Per the N.C. Dept. of Insurance (NCDOI) memo dated February 15, 2019 (replaces October 21, 2015 Tiny Homes in North Carolina memo) regarding Tiny Homes in NC, Tiny Homes are acceptable as permanent single-family dwellings in North Carolina provided they meet certain minimum requirements (refer to the North Carolina State Residential Code, most recent edition).

If the unit is constructed through the NC Modular Construction Program, the unit must also meet the certain minimum construction and design standards for modular homes (see G.S. § 143-139.1).

If the unit is constructed through the HUD Manufactured Housing Construction Program, the unit must also contain a minimum of 320 sq. ft. of floor area when erected (24 CFR 3280.2 – Definition of Manufactured Home).

Units that are manufactured and certified by the Recreational Vehicular Industry Association (RVIA) are considered recreational vehicles and should be treated as such. Please refer to the NCDOI Recreational Park Trailer Memo for Requirements for Recreational Park Trailers (Park Models, Park Model RVs).

2. Minimum Tract Area: Five (5) acres.

3. **Minimum and Maximum Number of Spaces**: At least fifteen (15) spaces but not more than three hundred (300) spaces.
4. **Setback:** All spaces shall be located a minimum of one hundred (100) feet from all public rights-of-ways and property lines.
5. **Number of Homes in Each Space:** No more than one (1) home may be placed on any one (1) space.
6. **Access:**
    a. No space shall have direct vehicular access to a public street.
    b. All spaces shall directly abut a private street or drive contained within the development.
    c. Adequate access shall be provided to each space, with a minimum access width of twenty (20) feet unless more is deemed necessary because of topographical conditions or street curvature.
7. **Recreational Areas and Facilities:** Recreational areas and facilities to serve the needs of the anticipated population within the development shall be provided and shall consist of at least the following:
    a. One (1) or more playgrounds for school-age children and adults, containing a minimum size of one (1) acre per one hundred (100) spaces.
    b. These recreation areas shall not be in an area utilized for septic tank fields.
8. **Drainage and Grading:**
    a. The spaces shall be located on ground with an elevation that is not susceptible to flooding and which is graded to prevent any water from ponding or accumulating on or around the development. Where storm drainage pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the development.
    b. Each space shall be graded and grassed to prevent erosion and provide adequate storm drainage away from the home pad.
    c. The slope of the surface of the stand or pad shall not exceed three (3) percent.
    d. No banks, except along drainage ditches, in the park shall have a slope steeper than three (3) feet to one (1) foot.
9. **Garbage and Refuse Disposal.**
    a. **Containers:** All refuse shall be stored in conveniently located, and in leakproof containers with tight-fitting lids. Containers shall be provided in sufficient number and capacity for proper storage of all refuse. These should also be screened.
    b. **Container Storage:** Racks or concrete platforms shall be provided on which to store containers for refuse. Dumpsters shall be required in lieu of individual containers in areas where municipal water or sewer are available. Such containers racks or platforms shall be so designed as to prevent tipping, to minimize spillage and container deterioration, and to facilitate cleaning.
    c. **Collection:** All refuse shall be collected at least twice weekly, or more often if the need is indicated.
10. **Registration:** It shall be the duty of the operator to keep an accurate register containing a record of all occupants. The register shall contain the following information:
    a. Name, address and space number of each occupant.
    b. The date the tiny home was delivered or built.

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c. The operator shall keep the register available at all times for inspection by the Administrator, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.

11. **Park Manager Residence:** A single-family detached dwelling may be constructed for the manager of the park.
12. **Pre-existing Dwellings:** Pre-existing dwellings on the site may remain provided they occupy approved spaces.
13. **Development Standards:**
    a. **Minimum Home Space Size:** A tiny home space shall consist of a minimum of six thousand (6,000) square feet and shall have a width of at least forty-five (45) feet. Every space shall be clearly established on the ground by permanent monuments or markers. Every tiny home space shall be clearly established on the ground by permanent monuments or markers.
    b. **Each space shall contain:**
        (1) A stand consisting of a properly graded and compacted surface no less than thirteen (13) feet by sixty (60) feet.
        (2) A patio space constructed of concrete, brick, flagstone or other hard surface material a minimum of two hundred and forty (240) square feet in area.
        (3) A hard surface walkway a minimum of two (2) feet wide leading from the patio to the parking space or road.
    c. **Additions**: Homes specifically designed by the manufacturer meeting the North Carolina Building Code may be added to any home provided that setback within the space are met and a building permit is obtained.
    d. **Construction and Design of Private Streets:**
        (1) Private entrance, collector, and interior streets with no parking or minor or cul-de-sac streets with no parking shall meet the minimum design standards of Article 8 – Subdivisions & Infrastructure Standards.
        (2) One-way minor streets with no parking (acceptable only if less than five hundred (500) feet total length and serving less than fifteen (15) mobile home stands) shall have a twenty (20) foot minimum common area with twelve (12) foot minimum paved surface.
    e. **Park Access:** If a development has more than one (1) direct access to a public street, such access points shall be no less than two hundred (200) feet apart and no closer than three hundred (300) feet to a public street intersection.
    f. **Parking:**
        (1) Two parking spaces, nine (9) feet by nineteen (19) feet shall be provided within each space.
        (2) All parking spaces shall be paved or covered with four (4) inches of crushed stone. A pavement surface is not required. The area outside the roadway shall be treated with stabilizing vegetation or other materials approved by the Administrator.
        (3) No parking will be allowed on private entrance and collector streets.
    g. **Landscaping:** See Article 6 – General Development Standards.
    h. **Removal of Rubbish:** All cut or fallen trees, stumps, or rubbish shall be completely burned or removed from the development.

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i. **Utilities Installation:** Each home shall comply with the current North Carolina Regulations in both manufacture and installation and must be inspected to assure compliance prior to occupancy.
   (1) All utilities shall be installed underground except where extreme conditions of topography make this requirement unreasonable.
   (2) Placement of utilities serving the home stand shall comply with the North Carolina Building Code for Plumbing.
   (3) Minimum electrical service of two hundred (200) ampere, one hundred and twenty (120) to two hundred and forty (240) volt single phase shall be provided to each home stand. The service panel and location as well as all wiring shall be in accordance with the National Electrical Code.
   (4) Each home shall be required to connect to the utilities provided at each home space.
   (5) Each development shall obtain water from a public water supply when available, and when unavailable, from a source approved by the Guilford County Health Department. The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual home shall be obtained only from faucets or other plumbing connections located within each home.
   (6) Each development shall be provided with an adequate sewage disposal system, either by connection to a public sewer or a septic tank constructed in compliance with the regulations of the Guilford County Health Department. All sewage wastes from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned shall be piped into the development sewage disposal system.

j. **Fuel Oil Drum:** Each home that requires the use of fuel oil shall be furnished with an oil drum having a minimum capacity of one hundred and fifty (150) gallons, set upon a painted, prefabricated metal stand.

D. TEMPORARY FAMILY HEALTHCARE STRUCTURE (WHERE REQUIRED: AG, RS, RM, LO, MXU, NB)

1. **Accessory to a Single-family detached dwelling:** One temporary family health care structure shall be permitted as an accessory to an existing principal single-family detached dwelling on the lot. The caregiver shall obtain a permit, which shall be valid for one (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.
2. **Temporary family health care structure shall:**
   a. Contain no more than three hundred (300) gross square feet.
   b. Not be installed on a permanent foundation.
   c. Be connected to water, sewer, or electric utilities serving the lot.
   d. Be occupied by one mentally or physically impaired person.
   e. Comply with setback requirements applicable to the principal dwelling.
   f. Comply with applicable State Building Code and GS 140-139.1 (b).
3. **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.
4. **Signage:** No exterior signage advertising or otherwise promoting the temporary family health care structure is allowed on any structure or the property.

5. **Removal of Structure:**
   a. The temporary family health care structure shall be removed within sixty (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.
   b. 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 sixty (60) days of removal.

5.5 GROUP LIVING SOCIAL SERVICE

A. BOARDING HOUSE (3 TO 8 RESIDENTS) (WHERE REQUIRED: AG)

1. **Parking:** Parking areas shall not be permitted in the front yard and shall be screened from adjacent properties, at minimum, by a Type C planting yard.
2. **Owner:** The owner shall serve as a full-time manager or otherwise designate a fulltime manager, either of which shall reside on the premises.
3. **Building and Lot Standards**
   a. The minimum size of any sleeping room shall be two hundred (200) square feet per resident.
   b. One full bath consisting of tub or shower, toilet and sink shall be provided for each four (4) residents.
   c. Full kitchen facilities, consisting of a stove, oven, sink, refrigerator, food preparation area, and storage areas shall be provided and accessible to all tenants.
   d. Only tenant identification and address signs are permitted per Article 7 - Signs.
   e. All of the lot area which is not used for parking, sidewalks, buildings, utility structures or site access must be landscaped and maintained.

B. ROOMING HOUSE (9 OR MORE RESIDENTS) (WHERE REQUIRED: RM18, RM26, LO)

1. Tenancy is arranged on a month to month basis, rather than for longer terms.
2. Must house a common eating area for residents.
3. Must have one (1) motor vehicle parking space per bedroom.
4. Must have a minimum of one (1) bicycle space per three (3) bedrooms.
5. Does not meet the definition of Household Living.

C. CONGREGATE CARE FACILITY (WHERE REQUIRED: RM8, RM18, RM26, PI, MXU)

1. **Operation:**
   a. The facility shall provide centrally located shared food preparation, service and major dining areas.
   b. Common recreation, social and service facilities shall be provided at a minimum rate of thirty (30) square feet per dwelling unit or per rooming unit.
   c. All facilities shall be solely for the use of residents and their guests.
   d. Facilities for administrative services and limited medical services for the exclusive use of the residents shall be located on the site.
2. **Density Requirements:**
   a. Conversions of existing hotels or motels to a congregate care facility shall be exempt from the density requirement of the base zoning district.

D. GROUP CARE FACILITY (WHERE REQUIRED: RM18, RM26, PI, MXU)

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1. **Property Separation:** No such facility shall be located within one-half (½) mile of an existing group care facility.
2. **Operation:** The facility shall be limited to not more than thirty (30) persons.

E. SINGLE ROOM OCCUPANCY RESIDENCE (WHERE REQUIRED: RM8, RM18, RM26, PI, MXU)

1. **Minimum Area:** Rooming units shall be a minimum of seventy (70) square feet for first occupant, with an additional minimum of fifty (50) square feet for each additional occupant.
2. **Minimum Common Area**: The building shall contain common space such as recreation areas, lounges, living rooms, dining rooms, or other congregate living spaces at a rate of five (5) square feet per rooming unit, but totaling not less than two hundred and fifty (250) square feet. Bathrooms, laundries, hallways, the main lobby, vending areas, and kitchens shall not be counted as common space.
3. **Operation:** On-site management shall be provided on a twenty-four (24) hour basis.
4. **Density Requirements:**
   Conversions of existing hotels or motels to a single room occupancy residence shall be exempt from the density requirement of the underlying zoning district.

Commentary: It is recommended that applicants consult the following State Agency(ies) and local Departments/Divisions, at minimum, as part of his/her decision-making process:

- ***NC Department of Health and Human Services***
- ***Guilford County Planning and Development Dept.***
- ***Guilford County Fire Marshal's Office***
- ***Guilford County Health Dept.***
- ***Guilford County Plan Review & Inspections***
- ***Guilford County Social Services***

F. HOMELESS SHELTER (WHERE REQUIRED: PI, MXU, GB, HB, LI, HI)

1. **Property Separation:** No such facility shall be located within one-quarter (¼) mile of an existing shelter for the homeless.
2. **Minimum Floor Area:** A minimum floor space of fifty (50) square feet shall be provided for each individual sheltered.
3. **Operation:**
   a. The facility shall be contained within the building and operated by a government agency or nonprofit organization.
   b. The facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or volunteer(s) during the hours of operation

5.6 RECREATION AND ENTERTAINMENT

A. ADULT-ORIENTED ESTABLISHMENT (WHERE REQUIRED: HI)

1. **Property Separation.** No adult-oriented establishment shall locate within one thousand (1,000) feet of a church, public or private elementary or secondary school, child day care center or nursery school, public park, or residentially zoned property.
2. **Prohibition of Sleeping Quarters.** Except for an adult motel, no adult oriented establishment may have sleeping quarters.

3. **Restriction of Uses on the Same Property or in the Same Building.** There shall not be more than one (1) adult-oriented establishment in the same building, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any adult oriented establishment. This restriction does not apply to food services.
4. **Signs**. Except for business signs permitted by Article 7 – Signs of this Ordinance, promotional materials shall not be visible to the public from sidewalks, walkways, or streets.

B. OUTDOOR RECREATION (WHERE REQUIRED: AG, HB, LI, HI)

1. **Principal Uses of Outdoor Recreation.** Stadium, amphitheater, paintball field, drive-in theatre, campground, marina, batting cage, amusement park, miniature golf facility, skateboarding or bicycle park, ballfield.
2. **Related Uses.** Clubhouse, concession stands, indoor storage, and other structures supporting the principal uses.
3. **Use Separation.** Shall not abut a residential district.
4. **Lighting.** Lighting shall be placed at least one hundred (100) feet away from residential uses and abide by lighting standards set forth in this ordinance.

C. AMUSEMENT OR WATER PARK, FAIRGROUNDS (WHERE REQUIRED: HB, LI)

1. **Minimum Area.** Minimum lot size shall be five (5) acres.
2. **Use Separation.**
   a. No buildings or structures, temporary or otherwise, shall be located within fifty (50) feet of any property line.
   b. No amusement equipment, machinery or mechanical device of any kind may be operated within two hundred (200) feet of any developed residentially, publicly, or institutionally-zoned property.
3. **Security Fencing.** Security fencing, a minimum six (6) feet in height, shall be provided along the entire boundary of the park activities.

D. ATHLETIC FIELDS (WHERE REQUIRED: AG, ALL RESIDENTIAL DISTRICTS, LO, NB)

1. **Access.** All athletic fields shall have access to collector or higher capacity street.

E. CLUB OR LODGE (WHERE REQUIRED: ALL RESIDENTIAL DISTRICTS, LO, NB)

1. **Access:** Clubs and lodges shall have direct access to a collector or higher capacity street.

F. COUNTRY CLUB WITH GOLF COURSE (WHERE REQUIRED: ALL RESIDENTIAL DISTRICTS, LO, NB)

1. **Minimum Area.** The minimum area shall be two (2) acres in addition to the golf course(s). The minimum shall be one (1) acre if located on common area within a development.
2. **Use Separation.** Fifty (50) foot minimum distance between clubhouse, swimming pool, lighted tennis court, or athletic field and any adjacent residentially-zoned property.
3. **Security Fencing.** Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.
4. Allowed in residential subdivision and multi-family complexes.
5. May be located in common areas.
6. For sole use of residents of development or complex.

G. EQUESTRIAN FACILITY (WHERE REQUIRED: AG, RS40, PI)

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1. **Minimum Area.** Minimum area required for an Equestrian Facility to be established is twenty-five (25) acres.
2. **Use Separation**. There shall be minimum one hundred (100) foot distance between manure storage areas, barns or stables and any adjacent residentially zoned property.
3. **Dust.** All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjoining properties.

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

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

I. PRIVATE CLUB OR RECREATION FACILITY, OTHER (WHERE REQUIRED: AG)

1. Private clubs may not count towards open space requirements required by this Ordinance.
2. **Security Fencing.** Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.
3. All facilities shall have access to collector or higher capacity street.

J. PUBLIC PARK {INCLUDING PUBLIC RECREATION FACILITY} (WHERE REQUIRED: ALL DISTRICTS)

1. **Parking.** Overflow parking (in addition to required parking) must be designated on the site plan and be kept available to handle all traffic from special events such as softball tournaments and outdoor concerts.
2. **Access.** All parks greater than ten (10) acres shall have primary access to a collector or higher capacity street.

K. RECREATION VEHICLE PARK (RVP) OR CAMPSITE (WHERE REQUIRED: HB)

1. **Minimum space requirements:**
   a. Each RV space shall consist of a minimum of two thousand (2,000) square feet.
   b. Each RV space shall be designated on the ground by permanent markers or monuments.
2. **Setbacks:** All structures, buildings, and sewage facilities shall meet the setbacks requirement for the district in which they are located.
3. **Roads and Driveways:**
   a. Each RV space shall directly abut a private concrete or asphalt paved road and driveway. See Section 8 of this Ordinance.
   b. Entrance and circulation drives must meet the minimum design standards of Article VIII (Subdivisions and Infrastructure Standards).
4. **Parking:** Parking spaces shall be sufficient to accommodate at least one (1) automobile and camping vehicle and shall be constructed within each space and shall be paved.
5. **Installation, Alteration, and Use of Utilities:**
   a. The installation, alteration, or use of all utilities including, but not limited to, electrical service, plumbing fixtures, and sewage disposal systems shall conform with all applicable codes.
   b. Water Supply.
      (1) A safe, adequate, and conveniently located water supply must be provided for each park in compliance with applicable regulations.
      (2) Areas around faucets or drinking fountains shall be properly drained.
   c. Sanitary Facilities.
      (1) Each park shall have a central structure or structures that will provide separate toilet and bathing facilities for each gender.

(2) The minimum number of sanitary facilities per gender shall follow the schedule below:

Toilets	1 per 15 spaces
Urinals	1 per 30 spaces (male facilities only)
Lavatories	1 per 15 spaces
Showers	1 per 15 spaces

(3) All sanitary facilities shall be provided and maintained in sanitary conditions and kept in good repair at all times. These facilities shall be adequately lighted. Required site plans shall indicate compliance with the outdoor lighting standards, fixture types, shielding, and fixture heights per Section 6 (Development Standards).

d. Sewage Disposal: Each park shall provide a sewage dumping station. In accordance with Guilford County Health Department regulations, all sewage wastes from the park, including waste from toilets, showers, bathtubs, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned, shall be piped into the park's sewage disposal system approved by the Guilford County Health Department.

6. **Insect and Rodent Control Measures:** Insect and rodent control measures to safeguard the public health and comfort shall be practiced in the park.
7. **Retail Sales:** The RVP may contain a retail sales counter and/or coin operated machines for the park residents' use only, provided they are completely enclosed within a structure and there is no exterior advertising.
8. **Permanent Sleeping Quarters:** Permanent sleeping quarters shall not be permitted within the park for guests.
9. **Mobile Homes in RVPs:** One (1) mobile home may be located within the park for exclusive use as the dwelling quarters for the park manager or operator. Such a mobile home be located in an area designated on the site plan.

L. SPECIAL EVENT VENUE (WHERE REQUIRED: AG)

1. **Special Events.** Weddings, receptions and similar events are permitted.
2. A caretaker is allowed to live on site.
3. An outdoor event shall be no closer than one hundred (l00) feet of a residentially-zoned or used property.
4. A Type A planting yard is required between single-family uses and the event venue.

M. SHOOTING RANGE, INDOOR (WHERE REQUIRED: GB, HB, LI, HI)

1. **Noise:** The facility shall be designed to absorb sound to the maximum extent feasible in accordance with the Guilford County Sound Ordinance.

N. SHOOTING RANGE, OUTDOOR (WHERE REQUIRED: AG, PI)

1. **Use Separation:** Separation shall be a minimum three hundred (300) feet between range back stop and closest exterior property line.
2. **Security Fencing:** Security fencing to prevent an individual from crossing the property downrange.
3. **Berms:** Berms shall be of sufficient height and thickness as approved by the Guilford County Sheriff's Office to stop all rounds fired downrange. Elevation control is required along the shooting stands to prevent rounds from being fired over the berm.
4. Refer to the Discharge of Firearms in the Guilford County Code of Ordinances Section 11-1.

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O. SWIM AND TENNIS CLUB (WHERE REQUIRED: AG, ALL RESIDENTIAL DISTRICTS, PI, MXU, GB, HB, CP, LI)

1. **Use Separation:** Fifty (50) foot minimum distance between clubhouse, swimming pool, lighted tennis court, or athletic field and any adjacent residentially-zoned property.
2. **Security Fencing:** Outdoor swimming pools shall be protected by a fence at minimum four (4) feet in height and equipped with a self-closing and positive self-latching gate equipped with hardware for permanent locking.

P. THEATER, OUTDOOR (WHERE REQUIRED 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 Article 6 – General Development Standards.
2. **Access:** Primary access to all outdoor parking areas shall be to a collector or higher order street.

5.7 CIVIC, EDUCATIONAL & INSTITUTIONAL

A. PLACE OF WORSHIP (WHERE REQUIRED: ALL RS AND RM ZONING DISTRICTS: PI, LO, MXU, NB, LB, GB, HB, CP, LI, HI)

1. **Location:** Facilities located on sites of three (3) acres or more shall have direct access to a collector or higher capacity street.

B. ELEMENTARY AND SECONDARY SCHOOL (WHERE REQUIRED: AG, ALL RESIDENTIAL DISTRICTS, LO)

1. **Access:** All elementary and secondary schools shall have direct access to a collector street or higher capacity street.
2. Facilities Design: Refer to the latest edition of The Public Schools Facilities Guidelines, North Carolina State Board of Education, Department of Public Instruction.

C. DAYCARE CENTERS (IN RESIDENCE) (WHERE REQUIRED: ALL DISTRICTS)

1. **Maximum Number of Attendees for a Day Care:**
   a. A Child Day Care home with twelve (12) or fewer attendees, including after school attendees (see G.S. § 110-86).
   b. An Adult Day Care with a maximum of sixteen (16) attendees are subject to commercial review per the Adult Day Care and Day Services Standards for Certification.
2. Operator of the Day Care center shall reside in the facility.
3. **Open Space and Recreation:** Play space and open space requirements for a Child Daycare shall be provided in accordance with the regulations of the North Carolina Department of Health and Human Services (DHHS), Child Development Division.
4. **Security Fencing or Barrier (as applicable):** Outdoor activity area(s) for children shall be provided in accordance with the regulations of the North Carolina Department of Health and Human Services. Fences shall comply with the requirements in Article 6 – General Development Standards of this Ordinance and shall be located outside the street setback.

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5. No more than one (1) program, including after school care, may be operated at the same location during a twenty-four-hour period. After school care is separate from childcare. After school care is up to four hours of care per day on school days.

Commentary: It is recommended that applicants consult the following State Agency(ies) and local Departments/Divisions, at minimum, as part of his/her decision-making process:

- ***NC Department of Health and Human Services***
- ***Guilford County Planning and Development Dept.***
- ***Guilford County Fire Marshal's Office***
- ***Guilford County Health Dept.***
- ***Guilford County Plan Review & Inspections***
- ***Guilford County Social Services***

D. DAYCARE CENTER, (NOT IN-RESIDENCE) (WHERE REQUIRED: AG, RM8, RM18, RM26, PI, LO, MXU, NB, LB, GB, HB, CP, LI)

1. **Open Space and Recreation.** Play space and open space requirements for a Child Daycare shall be provided in accordance with the regulations of the North Carolina Department of Health and Human Services. (See G.S. § 110-86).
2. **Security Fencing or Barrier (as applicable):** Outdoor activity area(s) for children shall be provided in accordance with the regulations of the North Carolina Department of Health and Human Services (DHHS), Child Development Division. Fences shall comply with the requirements in Article 6 – General Development Standards of this Ordinance and shall be located outside the street setback.
3. **Location:** Centers on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.
4. After school care is separate from childcare. After school care is up to four hours of care per day on school days.

Commentary: It is recommended that applicants consult the following State Agency(ies) and local Departments/Divisions, at minimum, as part of his/her decision-making process:

- ***NC Department of Health and Human Services***
- ***Guilford County Planning and Development Dept.***
- ***Guilford County Fire Marshal's Office***
- ***Guilford County Health Dept.***
- ***Guilford County Plan Review & Inspections***
- ***Guilford County Social Services***

5.8 BUSINESS, PROFESSIONAL & PERSONAL SERVICES

A. ADVERTISING, OUTDOOR SERVICES (WHERE REQUIRED: GB, HB)

1. **Outdoor Storage:** No outdoor storage of any materials related to outdoor advertising shall be permitted.

B. BANK OR FINANCE WITHOUT DRIVE-THROUGH (WHERE REQUIRED: MXU, CP)

1. **Maximum Area:** The total direct customer service floor space shall not exceed four thousand (4,000) square feet.
2. **Automatic Teller Machines (ATM):** The point of service for window tellers, remote tellers, or automated teller machines (ATM's) shall be located no closer than seventy-five (75) feet to residentially-zoned property. Not needed for banks without a drive-thru.

C. RURAL RESIDENTIAL OCCUPATION (NEW)

1. **Where Required***:* AG District (with a special use permit.)
2. **Minimum Area**:
   a. The Rural Residential Occupation (RRO) must be located on a tract of two acres or more.
   b. A portion of the tract measuring forty thousand (40,000) square feet with at least one hundred and fifty (150) feet of width must be designated and reserved as exclusively single-family residential.
3. **Maximum Area***:* The total floor area of all buildings associated with the RRO shall not exceed five thousand (5,000) square feet. The total land area that may be used in conjunction with the Rural Residential Occupation is at least fifteen thousand (15,000) square feet.
4. **Use Separation**: All activities associated with the RRO shall be located one hundred (100) feet from all property lines.
5. **Location**: All operations of the RRO shall be located at least twenty feet behind the principal dwelling unit.
6. **Landscaping***:* All operation of the RRO, including buildings, outside storage areas, and parking shall be treated as a separate use and subject to the landscaping provisions of this Ordinance. The required landscaping would vary depending on the classification of the proposed business operation associated with the RRO.
7. **Environmental Review***:* The Guilford County Environmental Health Department shall evaluate each RRO request to determine the occupation's impact on the surrounding area with respect to excessive noise, dust, air emissions, odors and surface or groundwater discharge. The RRO shall mitigate the impact of these and other environmental concerns. A written evaluation of these potential impacts is required by the Environmental Health Department prior to the consideration of any request as part of the site plan review for an RRO. Environmental Health would also evaluate each RRO request to determine whether well & septic system improvements would be required.
8. **Operation**:
   a. No more than five (5) persons shall be employed other than those residing on the property.
   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. All parking shall be provided with an all-weather surface and meet applicable American Disability Act (ADA) standards for non-resident employees and customers.
   c. There shall be no more than two (2) commercial vehicles operating in and out of the property.
   d. The RRO shall not be operated between the hours of 9 P.M. to 6 A.M.
   e. Permitted uses shall be limited to those products assembled or manufactured on-site for resale elsewhere, merchandise prepared for resale through internet sales, services

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sold or provided on or off premises, stock-in-trade clearly incidental to such services, and educational or instructional operations that are limited to no more than five (5) students.

f. Outside storage associated with RRO operation shall be fully screened from adjacent properties.

5.9 LODGING

A. BED & BREAKFAST HOME FOR 8 OR LESS GUEST ROOMS (WHERE REQUIRED: AG, ALL RESIDENTIAL DISTRICTS, MXU, NB, LB)

Commentary: The operation standards found in this section are per § 130A-247(5a) Part 6 – Regulation of Food & Lodging Facilities.

1. **Use Separation:** No such facility shall locate within four hundred (400) feet of a rooming house, boarding house or another Bed & Breakfast Home.
2. **Operation:**
   - **a.** The bed and breakfast must be the permanent residence of the owner or the manager of the business, operating as a home occupation.
   - **b.** The use shall be located in a structure which was originally constructed as a
   - **c.** dwelling.
   - **d.** Meals served on the premise shall be only for overnight guests of the facility and not to the general public.
3. **Signs:** There shall be no exterior advertising except that which is permitted for a home occupation.
4. **Parking:** Two (2) spaces for single family residence and one (1) per designated guest room.

Commentary: A single-family home shall become a commercial motel/hotel if more than eight (8) guest rooms. Bed and Breakfast Homes shall be subject to commercial permit review if more than six (6) guest rooms.

Commentary: It is recommended that applicants consult the following State Agency(ies) and local Departments/Divisions, at minimum, as part of his/her decision-making process:

- ***NC Department of Health and Human Services***
- ***Guilford County Planning and Development Dept.***
- ***Guilford County Fire Marshal's Office***
- ***Guilford County Health Dept.***
- ***Guilford County Plan Review & Inspections***
- ***Guilford County Social Services***

5.10 RETAIL AND TRADE

A. BUILDING SUPPLY SALES WITH STORAGE YARD (WHERE REQUIRED: GB, HB)

1. **Screening:** All outside storage shall be completely screened from view from all streets and adjacent residential uses or residentially zoned property.
2. **Security Fencing:** Security fencing, a minimum six (6) feet in height, shall be provided around all outside storage areas.
3. **Dust:** All storage yard shall be maintained in a manner so as to limit dust from drifting onto adjoining properties.

B. CONVENIENCE STORE WITH GASOLINE PUMPS (WHERE REQUIRED: CP)

1. **Maximum Area:** A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
2. **Outside Storage:** No outside storage of materials shall be permitted.

C. FREESTANDING ICE VENDING MACHINES (WHERE REQUIRED: NB, LB, GB, HB)

1. **Written Approval:** Written approval from the property owner must be received indicating permission to locate ice vending unit on-site.
2. **Setbacks:** Ice vending units shall conform to the setback requirements of the underlying zoning district.
3. **Signage:** Each vending unit shall be limited to the amount of wall signage as set forth in Article 7 - Signs, except however, in no case shall such vending unit be allowed to have more than two (2) wall signs.
4. **Landscaping:** Vending units shall not require any landscaping or vegetative screening unless such unit is to be placed within one hundred (100) feet of a residentially zoned or used lot. If such unit is located within one hundred (100) feet, a Type B planting yard as set forth in Article 6 – General Development Standards of this Ordinance shall be required.
5. **Parking:** If a vending unit is to be placed within an existing parking lot serving an existing business(es), then an analysis should be conducted to ensure that the loss of any parking spaces shall not result in the loss of any required minimum parking for the existing business(es). If such placement will result in the loss of (or further reduction of) required parking, then the free-standing vending unit shall not be permitted at that location.

5.11 FOOD SERVICE

A. MICROBREWERY, PRIVATE CLUB/TAVERN (WHERE REQUIRED: GB, HB)

1. **Property Separation:** No such establishment shall be located within two hundred (200) feet of a church, elementary or secondary school, public park or residentially-zoned property.
2. **Frontage:** The main entrance of the building shall be toward a street zoned predominantly for non-residential uses.
3. **Screening:** A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residences.
4. **Parking:** Parking areas related to the establishment shall be located no closer than thirty (30) feet to the property line of abutting residences.

B. RESTAURANT WITHOUT DRIVE-THRU (WHERE REQUIRED: LB)

1. **Maximum Area:** A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
2. **Outside Storage:** No outside storage of materials shall be permitted.

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5.12 FUNERAL AND INTERNMENT

A. CEMETERY OR MAUSOLEUM (WHERE REQUIRED: ALL DISTRICTS)

1. **Minimum Area:** A minimum of three (3) contiguous acres shall be required to establish a cemetery or mausoleum not located on the same tract of land as a church.
2. **Location:** Principal access must be from a collector street or higher capacity street.

B. FUNERAL HOME OR CREMATORIUM (WHERE REQUIRED: PI)

1. **Parking.** Stacking lanes must be shown on site plan, and should be distinct from employee and visitor parking.
2. **Siting.** Separation from residential uses must be maximized to the greatest possible extent.
3. **Screening:** Type A vegetation must separate the site and specific features, such as the smoke stack, from adjoining residential areas, whether existing or zoned.

5.13 TRANSPORTATION, WAREHOUSING & WHOLESALE TRADE

A. AUTOMOTIVE TOWING & STORAGE SERVICES (WHERE REQUIRED: GB, HB, LI, HI)

1. **Maximum Automotive Storage:**
   a. In the GB and HB districts no more than twenty (20) motor vehicles shall be stored on the premises at any one time.
   b. In the LI district no more than one hundred (100) motor vehicles shall be stored on the premise at any one time.
2. **Screening:** The automotive storage area must be screened with a minimum six (6) foot high opaque fence in addition to the required planting yard.
3. **Operation:** No outdoor disassembly or salvaging shall be permitted.

B. CAR WASH (WHERE REQUIRED: GB, HB)

1. **Use Separation:** Principal Building(s) shall be not less than seventy-five (75) feet from any interior side or rear property line which adjoins residentially or public-institutionally zoned property.
2. **Screening:** A minimum six (6) foot high opaque fence shall be provided adjacent to all residentially-zoned property.
3. **Operation:**
   a. All washing operations shall be contained in a building.
   b. Specific areas shall be provided for the manual drying, waxing, polishing and vacuuming of automobiles and other motor vehicles when these services are offered on the site. These areas shall not conflict with on-site circulation patterns.
   c. Hours of operation shall be between 7:00 AM and 10:00 PM when adjoining developed residentially zoned property.
4. Adequate provision shall be made for the safe and efficient disposal of waste products.

C. EQUIPMENT REPAIR, LIGHT (WHERE REQUIRED: GB, HB)

1. **Outside Storage:** Outside storage is prohibited.

D. TRUCK STOP (WHERE REQUIRED: HB)

1. **Maximum Area:** The maximum area shall be four (4) acres.
2. **Lighting:** The maximum height of any outdoor lighting source or structure shall be thirty (35) feet.

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3. **Screening:** A minimum six-foot-high opaque fence shall be provided adjacent to residentially zoned property.

E. BENEFICIAL FILL AREA (WHERE REQUIRED: ALL DISTRICTS)

1. **Maximum Area:** Two (2) acres.
2. **Maximum Duration:** The Beneficial Fill Area shall be in operation no longer than one (1) year.

5.14 WIRELESS COMMUNICATION TOWER (PRINCIPAL)

A. 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.
2. **General:**
   - **a.** Any existing tower or any tower approved for erection on or before the effective date of this amendment is exempt from Nonconforming Use of Land and Nonconforming Structure provisions in Section 3-14.
   - **b.** No structure may receive a building permit until a letter of intent or executed lease has been provided from the cell carrier. Structure must be occupied with a carrier within twenty-four (24) months of permit issuance, otherwise permit is void and tower must be removed.
   - **c.** The provisions of Section 4-9 regarding Special Purpose Lots may be applied.
   - **d.** The tower lot shall be of sufficient size to accommodate the intended use and the planting yard if required.
   - **e.** When adjacent to an existing residence or RM or RS zoned property, ground equipment shall be screened at a Type "A" planting rate.
   - **f.** Access drive to any new or co-location site must be a minimum of twenty (20) feet wide constructed of an all-weather surface sufficient to handle intended vehicles accessing the site. Stealth tower site access will be evaluated by Staff and the Guilford County Fire Marshal and approved by Technical Review Committee (TRC) for any waiver of this provision.
3. **Non-Stealth Design (Freestanding Tower)**
   - **a.** Co-location of new non-stealth is encouraged.
   - **b.** New towers shall be permitted only if there is no feasible method to share an existing tower or towers.
   - **c.** Any request to locate within one-half (½) mile of an existing non-stealth will require evidence through a co-location analysis that no existing structure or previously approved tower within the search ring can reasonably be used for the wireless facility.
   - **d.** Co-location Analysis: The following evidence will be required to determine new non-stealth tower location feasibility:
     - **(1)** Detailed description of proposed coverage area;
     - **(2)** Site Plan showing tower location, tower height, ground elevation, and type of tower;
     - **(3)** Detailed description of all existing towers or other structures of significant height within the search ring of the proposed tower including height of structure, ground elevation, number of existing antenna, height available for co-location, if any, and structural and technical deficiencies, if any;

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(4) Written description why any existing towers are unavailable and documentation from any tower owners denying access of a co-location request;

(5) Additional information may be requested after initial review for further analysis. If the Department determines that co-location is feasible, staff may submit information used in the determination to a consultant for an independent analysis.

e. Any request to locate within two hundred fifty (250) feet of an existing non-stealth anchor tower shall be permitted for up to two (2) additional non-stealth design towers provided:

(1) Permitted anchor tower is established;

(2) The anchor tower will be used to determine distances;

(3) A site plan demonstrating the anchor location and new tower location must be approved as part of the application;

f. All non-stealth towers shall have a minimum setback equal to one hundred (100) percent of the tower fall zone or district setback, whichever is greater or for guyed towers, one hundred (100) percent of the tower fall zone plus the area necessary to contain all guy wires and appurtenances on the tower site within the district's required setbacks.

g. Guy wires, anchors, and supporting cables shall be contained on the same zone lot with the tower and shall not encroach more than one-half (1/2) the width of the planting yard.

h. No triangular platforms greater than fifteen (15) feet on any side shall be permitted. Triangular or T-bar platforms shall not be permitted if mounting of required antennas can be accomplished without such platforms.

i. New non-stealth towers shall be designed to accommodate additional antennas as follows:

(1) Freestanding towers up to one hundred and twenty (120 ft.) in height shall be engineered and constructed to accommodate no less than four (4) antenna arrays.

(2) Freestanding towers more than one hundred twenty (120 ft.) shall be engineered and constructed to accommodate no less than five (5) antenna arrays.

(3) Freestanding towers more than one hundred fifty (150 ft.) shall be engineered and constructed to accommodate no less than six (6) antenna arrays.

4. Stealth Design/Camouflage Design:

a. All Stealth/Camouflage Design towers shall meet district setbacks or be designed to accommodate one hundred (100%) percent of the tower fall zone, whichever is greater.

b. Stealth/Camouflage Design towers may be located within one half (½) mile of any permitted tower.

c. All Stealth/Camouflage Design towers incorporated into existing structures must satisfy all applicable NC Building Code requirements.

B. SMALL CELL WIRELESS TOWER (WHERE REQUIRED: PI, LO, MXU, NB, LB, GB, HB, CP, LI, HI)

1. Height. Maximum height is one hundred 100 feet, but the county may approve up to one hundred and eighty (180) based on need.

2. Lighting. None permitted, unless mandated by FAA standards or other governmental agency.

3. Camouflaging and concealment is encouraged.

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4. County noise regulations must be followed.

C. UTILITIES, MAJOR (WHERE REQUIRED: ALL DISTRICTS)

1. **Dimensional Requirements:** All buildings shall be considered accessory buildings or structures.
2. **Noise:** Equipment producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.
3. **Security Fencing:** Security fencing, a minimum of six (6) feet in height, shall be provided around the entire facility.
4. **Termination of Easement:** Upon the termination of a utility easement, documentation referencing and abandoning such easement shall be recorded by the utility provider and property owner at the Guilford County Register of Deeds.

D. SOLAR COLLECTORS, PRINCIPAL (WHERE REQUIRED: AG, PI, LI, HI)

1. **Use Separation:** No solar collectors shall be located within one hundred (100) feet of any residential structure.
2. **Maximum Height:** Twenty-five (25) feet, as measured from grade at the base of the structure to the apex of the structure.
3. **Screening:** Solar collectors and associated outside storage shall be completely screened with a vegetative buffer from view from all streets and adjacent residential uses. Required screening shall be at a Type B Planting Yard, except understory-trees may be substituted for canopy tree requirements.
4. **Parking Minimum:** Minimum number of spaces associated with use or maintenance of facility, shall be determined at two (2) per three (3) employees at largest shift plus one for vehicle operation on site.

E. SOLAR COLLECTORS, ACCESSORY

1. **Solar collectors as accessory (roof-mounted):**
   a. **Where Required:** All Districts
   b. **Maximum height non-single family residential structures:** roof-mounted solar systems shall not exceed district maximum building heights.
   c. **Maximum height single-family residential structures and accessory buildings:** roof-mounted solar systems shall be integrated shingles, tiles or panels as the surface layer or flush frame mounted panels attached to the roof surface.
2. **Solar collectors accessory (freestanding):**
   a. **Where Required:** residential districts, when accessory to single-family residential uses.
   b. **Maximum area:** total area of freestanding solar collector panels shall not exceed twenty-five (25) percent of primary residence heated square feet.
   c. **Maximum height:** twelve (12) feet, as measured from grade at the base of the structure to the apex of the structure.
   d. **Location:** Side or rear yard only.

5.15 WASTE-RELATED USES

A. CONSTRUCTION OR DEMOLITION DEBRIS LANDFILL, MAJOR (WHERE REQUIRED: HI)

1. **Type of Debris:** Debris consists of solid waste resulting solely from construction, remodeling, repair, or demolition operations on payment, buildings, or other structures, but does not include inert debris, land-clearing debris or yard debris per G.S. § 130A-290 (a)(4).

2. **Placement.** Construction or demolition debris may not be located in a 100-year floodplain or any wetland per 15A NCAC 13B. 0536 (4) and (5).

3. **Franchise Required.** The permit applicant must obtain a franchise in accordance with G.S. § 130A-294 (b1)(3).

B. CONSTRUCTION OR DEMOLITION DEBRIS LANDFILL, MINOR (WHERE REQUIRED: ALL DISTRICTS)

1. **Area, Siting, and Location Requirements:**
   a. Waste disposal area cannot exceed one (1) acre and must be at least four (4) feet above the seasonal high groundwater table.
   b. The landfill must be located at least one-quarter (¼) mile from any other landfill of any type.
   c. The perimeter of the landfill must be at least two hundred (200) feet from the boundary of the property and five hundred (500) feet from the nearest existing drinking water and residential structures per 15A NCAC 13B. 0540(1)(a) and (b).
2. **Closure and Post Closure:**
   a. Within thirty (30) days of the completion or termination of demolition activities, the landfill must be closed pursuant to 15A NCAC 13B. 0543.
   b. The site must be covered with at least two (2) feet of compacted earth, graded to minimize erosion, and planted with suitable vegetation.
   c. No building may be built or located immediately above any part of the landfill and no construction on any part of the site may in initiated before the landfill is closed.
   d. The property owner is responsible for filing with the Guilford County Register of Deeds and with the North Carolina Department of Environmental Quality a survey of the site and proper notice for disclosure purposes pursuant to G.S. § 47-30 and 15A NCAC 13B. 0543.

C. LAND CLEARING & INERT DEBRIS LANDFILL, MAJOR (WHERE REQUIRED: AG, HI)

1. **Use separation:** One hundred (100) feet minimum from property lines, residential dwellings, commercial or public buildings, and wells per 15 NCAC 13B. 0564(9)(b).
2. **Buffer:** Fifty (50) feet from the waste boundary to all surface waters of the state as defined in G.S, § 143-212. Where possible, a minimum fifteen (15) foot tree buffer shall be retained around the exterior property line.
3. **Access:** Access to the landfill shall be controlled with gates, chains, berms, fences, etc. to prevent unauthorized access per 15A NCAC 13B. 0566 (8).
4. **Dust:** All unpaved areas shall be maintained in a manner which prevents dust from leaving the property.
5. **Operation:**
   a. No filling is permitted in any stream or one hundred (100) year floodplain. Filling to the edge of the one hundred (100) year floodplain is permitted only if the back slope is stable and no steeper than three to one (3:1);
   b. No filling is permitted in minor drainageways unless the drainage has been piped or otherwise diverted in accordance with approved plans; and
   c. No filling is permitted in utility easements, except electrical transmission easements for 44kv or greater lines.

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6. **Closure:** Landfills shall be closed with a minimum of one (1) foot of clean soil, graded to a maximum slope of three to one (3:1), and stabilized with vegetation or by other approved means.

D. LAND CLEARING & INERT DEBRIS LANDFILL, MINOR (WHERE REQUIRED: ALL DISTRICTS)

1. **Maximum Area:** Two (2) acres.
2. **Maximum Duration:** Landfills are limited to a maximum period of operation of three (3) years from the date of issuance of the Certificate of Occupancy by Guilford County, provided that the Planning Board may upon request grant one (1) two-year renewal.
3. **Use separation:** One hundred (100) feet minimum from property lines, residential dwellings, commercial or public buildings, and wells per 15 NCAC 13B. 0564(9)(b).
4. **Buffer:** A minimum fifteen (15) foot tree buffer shall be retained around the exterior property line.
5. **Access:** Access to the landfill shall be from a state maintained paved road, provided that the Administrator may grant a waiver to the paving requirement upon reasonable conditions. Access shall be controlled with gates, chains, berms, fences, etc. to unauthorized access per 15A NCAC 13B. 0566(8)..
6. **Dust:** All unpaved areas shall be maintained in a manner which prevents dust from leaving the property.
7. **Operation:**
   a. No filling is permitted in the one hundred (100) year floodplain of any stream. Filling to the edge of the one hundred (100) year floodplain is permitted only if the back slope is stable and no steeper than three to one (3:1);
   b. No filling is permitted in minor drainageways unless the drainage has been piped or otherwise diverted in accordance with approved plans; and
   c. No filling is permitted in utility easements, except electrical transmission easements for 44kv or greater lines.
8. **Closures:**
   a. Landfills shall be closed with a minimum of one (1) foot of clean soil, graded to a maximum slope of three to one (3:1), and stabilized with vegetation or by other approved means.

E. SOLID WASTE DISPOSAL, NON-HAZARDOUS (WHERE REQUIRED: AG, HI)

1. All solid waste must be disposed of at a solid waste facility by a permitted hauler.
2. Waste must be deposited in a designated container or location. It is prohibited to dispose of waste along a highway, right of way, private property, or any other location that is not designated for the deposit of waste.
3. Trash shall not be burned. Vegetative waste can be burned in small quantities or after a permit is obtained from the NC Forest Service.
4. Open dumps are not to be formed or utilized by any person.

F. HAZARDOUS & RADIOACTIVE WASTE, TRANSPORTATION, STORAGE & DISPOSAL (WHERE REQUIRED: HI)

1. Compliance with State and Federal regulations, Guilford County Health Department, and City and County fire department regulations for hazardous and radioactive waste must be followed. The city nor the county is responsible for the collection of hazardous waste.

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2. Any storage areas must be located fifteen hundred (1,500) feet away from any residential zone. The site must be enclosed by a fence of at least six (6) feet in height and gate must be locked during non-business hours.
3. Site maps and engineering designs must include drainage, sewer system design, water table depth, existing uses surrounding the site within a quarter mile, all existing surface water and soil composition.

5.16 GENERAL INDUSTRIAL

A. WAREHOUSE, GENERAL STORAGE, ENCLOSED (WHERE REQUIRED: GB, HB)

1. **Maximum Area:** A maximum of ten thousand (10,000) square feet of gross floor area shall be permitted for warehouse or wholesaling per establishment per lot.
2. **Outdoor Storage:** No outdoor storage of warehousing or wholesaling items is permitted.

B. WAREHOUSE, SELF-STORAGE (WHERE REQUIRED: GB, HB)

1. **Minimum Size:** Minimum lot size shall be two (2) acres.
2. **Maximum Size:** Maximum lot size shall be five (5) acres.
3. **Lot Coverage:** The total ground area covered by buildings shall not exceed fifty (50%) percent of the site.
4. **Maximum Height:** Maximum height of building(s) shall be twenty (20) feet.
5. **Storage:**
   a. No outside storage shall be permitted.
   b. Storage of hazardous, toxic or explosive substances shall be prohibited.
6. **Operation:**
   a. No business activity other than the rental of storage units shall be conducted on the premises.
   b. One residential dwelling unit shall be allowed on the same lot for use as a caretaker dwelling.

C. LAUNDRY OR DRY CLEANING PLANT (WHERE REQUIRED: LB)

1. **Maximum Area:** A maximum of five thousand (5,000) square feet of gross floor area shall be permitted per establishment.
2. **Outside Storage:** No outside storage of materials shall be permitted.

5.17 MANUFACTURING

A. MANUFACTURING, HEAVY (WHERE REQUIRED: HI)

1. **Location.** These uses must be located at least fifteen hundred (1,500) feet away from residential zones. It may not be next to hospitals, day cares, educational facilities, worship centers, assisted living centers or convalescent centers. The site must be surrounded by a six (6) foot fence, or higher, with vegetation or other screening on at least two thirds of the fence.
2. **Definition.** See Article 12 – Definitions.
3. **Area.** Site must be at least four (4) acres.
4. **Access.** Must be connected to a major or minor thoroughfare or boulevard.

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5.18 MINING USES

A. MINING (WHERE REQUIRED: HI)

1. **Use Separation:**
   a. The edges of any pit where a mining operation is taking place and any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial uses operated in conjunction with the mine or quarry shall be located at least fifteen hundred (1,500) feet from any property line. It must also abide by the permitting process and security measures set forth in the Mining Act of 1971 and by all applicable environmental regulations set forth in Article 9 of this Ordinance and by the State of North Carolina.
   b. Where the mining operation site is bounded by a railroad right-of-way currently being used for rail service to the mining operation, no setback shall be required between the railroad right-of-way and such operation.
2. **Security Fencing:**
   a. The mining operation shall be enclosed by a non-climbable fence of at least eight (8) feet in height.
   b. Abandoned locations shall have a fence of at least six (6) feet in height around the perimeter of the site.
3. **Rehabilitation:**
   a. Within one (1) year after the cessation of production at all mining operations, all equipment and stock piles, incidental to such operation, shall be dismantled and removed by and at the expense of the owner.
   b. Except in a case where redevelopment for another permitted use is in progress on the site of an abandoned extractive operation, all excavations shall be graded to reduce the surface to gently rolling topography in substantial conformity to the land area immediately surrounding; and shall be planted with a cover of sod, trees, shrubs, legumes, or grasses, which will minimize erosion due to wind or rainfall.
   c. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.
4. **Noise:** All operations involving blasting discernible beyond the external property line on a quarry shall only be conducted between the hours of 7:00 A.M. to 6:00 P.M.
5. **Dust:** All non-paved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.
6. **Access:**
   a. Access roads leading to any part of the operation shall be constructed with a gravel or crushed stone surface and maintained in a dust-free manner.
   b. No part of such roads shall be located closer than fifteen (15) feet to an external property line other than a limited access highway or railroad right-of-way line.
   c. A truck route plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools or other uses which will be negatively affected by truck traffic.

B. QUARRYING (WHERE REQUIRED: HI)

1. **Use Separation:**

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a. The edges of any pit where a mining operation is taking place and any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial uses operated in conjunction with the mine or quarry shall be located at least fifteen hundred (1,500) feet from any property line. It must also abide by the permitting process and security measures set forth in the Mining Act of 1971 and by all applicable environmental regulations set forth in Article 9 of this Ordinance and by the State of North Carolina.
b. Where the mining operation site is bounded by a railroad right-of-way currently being used for rail service to the mining operation, no setback shall be required between the railroad right-of-way and such operation.

2. **Security Fencing:**
   a. The mining operation shall be enclosed by a non-climbable fence of at least eight (8) feet in height.
   b. Abandoned locations shall have a fence of at least six (6) feet in height around the perimeter of the site.
3. **Rehabilitation:**
   a. Within one (1) year after the cessation of production at all mining operations, all equipment and stock piles, incidental to such operation, shall be dismantled and removed by and at the expense of the owner.
   b. Except in a case where redevelopment for another permitted use is in progress on the site of an abandoned extractive operation, all excavations shall be graded to reduce the surface to gently rolling topography in substantial conformity to the land area immediately surrounding; and shall be planted with a cover of sod, trees, shrubs, legumes, or grasses, which will minimize erosion due to wind or rainfall.
   c. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.
4. **Noise:** All operations involving blasting discernible beyond the external property line on a quarry shall only be conducted between the hours of 7:00 A.M. to 6:00 P.M.
5. **Dust:** All non-paved storage areas shall be maintained in a manner so as to limit dust from leaving the storage area.
6. **Access:**
   a. Access roads leading to any part of the operation shall be constructed with a gravel or crushed stone surface and maintained in a dust-free manner.
   b. No part of such roads shall be located closer than fifteen (15) feet to an external property line other than a limited access highway or railroad right-of-way line.
   c. A truck route plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools or other uses which will be negatively affected by truck traffic.

C. ASPHALT PLANTS (WHERE REQUIRED: HI)

1. **Location.** Must be located at least fifteen hundred (1,500) feet away from residential zones.
2. A security fence or wall, at least eight (8) feet high, must completely enclose the site. The building itself must be fireproof.

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5.19 AIRPORT

A. AIRPORT & FLYING FIELD, COMMERCIAL (WHERE REQUIRED: PI)

1. **Minimum Area:** Fifty (50) acres for Basic Utility Stage 1 airport with two thousand (2,000) foot runway. More area is required for larger airports. Airport size and layout shall conform to current FAA requirements.
2. **Use Separation:** There shall be a minimum three hundred (300) foot distance between any portion of the airport property and the nearest residence.
3. **Fencing:** Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6) feet in height.

5.20 TEMPORARY EVENTS/USES

A. TEMPORARY EVENT/USES (WHERE REQUIRED: ALL DISTRICTS)

1. **Where Required:** All Districts
2. A temporary event permit shall be acquired from the Guildford County Planning & Development Department in order to ensure compliance with the Ordinance. The application must include the following:
   a. Dates and times of operation, including duration (See Section 3.5.H).
   b. Number of persons attending at maximum capacity.
   c. Access points for attendees and emergency personnel.
   d. Amount of parking provided and placement of parking locations.
3. **Special events include:** Carnivals, circuses, bazaars, carnivals, fairs, religious services, seasonal greenhouses, tents, open lot sales of Christmas trees. These uses are not to exceed thirty (30) days to be considered temporary but shall abide by the administered permit.
4. **Location:** Outdoor area uses as part of the temporary event/use shall be a minimum of one hundred (100) feet of a residentially zoned or used property.

B. TURKEY SHOOTS

1. **Where Required***:* AG district.
2. **Setbacks**:
   a. No turkey shoot shall be allowed within a required setback.
   b. All turkey shoots shall be established with the line of fire perpendicular to and away from a road right-of-way. The line of fire is a line which passes through the firing point and bisects the target. The back stop or target area shall be located not less than five hundred (500) feet from rights-of-way.
   c. Sites adjacent to more than one (1) road right-of-way must designate the higher classified road as the front and set the line of fire perpendicular thereto. Any resultant line of fire parallel to a road must be a minimum distance of two (200) feet from and parallel to the road right-of-way.
   d. All backstops shall be constructed a minimum of five hundred (500) feet from a residence located to the rear and/or side of the backstop.
3. **Parking**: An off-street parking area adequate in size to store two (2) cars for every back stop shall be provided.
4. **Operation**:

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a. Backstops shall be constructed of a material that will allow the shot to penetrate and not pass through. It shall be of a minimum thickness of two (2) feet and maintained at a height of four (4) feet above the target.

b. The firearms used in turkey shoots shall be limited to shotguns firing shot no larger than number eight (#8). No firearms may be used which have been altered from manufacturer's specifications.

c. The operators of the turkey shoot shall be responsible for maintaining adequate fire protection by notifying the local fire department as to the dates and times of the turkey shoot.

d. Operation days for turkey shoots shall be limited to Thursdays, Fridays, and Saturdays and be in operation no later than 11:00 PM.

e. Provisions for sanitation and refuse disposal must be made in accordance with Guilford County health standards.

5. Temporary Use Permit:. Permits shall be valid for no more than ninety (90) operating days, which shall be designated in the application, in the calendar year. A second permit on the same parcel shall not be issued within one (1) year from date a previous permit issuance.

a. A Temporary Use Permit shall be valid for no more than ninety (90) operating days (Thursdays through Fridays only) in any 12-month period, which shall be designated in the application.

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ARTICLE 6 – GENERAL DEVELOPMENT STANDARDS

ADOPTION DRAFT – 09.28.2020

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ARTICLE 6 – General Development Standards

6.1 PARKING STANDARDS (6-2)

A. PURPOSE AND INTENT

The purpose of this Section is to ensure provision of off-street parking and loading facilities in proportion to the generalized parking, loading, and transportation demand of the different uses allowed by this Ordinance. The standards in this article are intended to provide for adequate off-street parking while allowing the flexibility needed to accommodate alternative solutions.

B. APPLICABILITY

These off-street parking and loading standards shall apply to all development in the County.

C. GENERAL REQUIREMENTS

3. **Parking, Stacking and Loading Space Required**
   When any building or structure is erected, modified, enlarged or increased in capacity, or any open use is established, modified or enlarged, the requirements of this Section shall be met. For enlargements, modifications, or increase in capacity, the requirements of this Section shall apply only to such enlargements, modifications or increases in capacity.
4. **Required Number**
   The minimum number of required off-street parking spaces, loading spaces, and stacking spaces can be found in Table 6-1-1, Table 6-1-5, and Table 6-1-7, respectively. In cases of mixed occupancy, the minimum number of off-street parking, stacking and loading spaces shall be the cumulative total of individual use requirements unless otherwise specified.
5. **Handicapped Spaces**
   Spaces for the physically handicapped shall be provided as required by the North Carolina Building Code, and other applicable state and federal regulations governing van accessibility.
6. **Reduction of Minimum Requirements**
   Unless there is a change in use requiring fewer spaces, the number of spaces shall not be reduced below the minimum requirements of this Ordinance except as provided for in Section 6.3.F - Parking Credits.
7. **Maintenance**
   All off-street parking, loading, and circulation areas shall be maintained in good repair and in safe condition at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land.
8. **Access**
   All parking, stacking and loading facilities shall have vehicular access to a public street.
9. **Use for No Other Purpose**
   Land used to provide required parking, stacking, and loading shall not be used for any other purposes, except for temporary events. If such land is devoted to any other purpose, the Certificate of Occupancy of the affected principal use shall immediately become void.

D. MAXIMUM NUMBER OF SPACES PERMITTED

1. If a commercial use exceeds one hundred twenty-five percent (125%) of the minimum number of parking spaces required in Table 6-1-1, but no more than one hundred seventy-five percent (175%), approval of an alternative parking plan (see Section 6.1.F Parking

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Credits; see Section 6.1.L Combined Parking; and/or Section 9.1.F Low-Impact Design) by the Planning Director, or designee, shall be required.

2. If a commercial use exceeds one hundred seventy-five percent (175%) of the minimum number of parking spaces required in Table 6-1-1, then an alternative parking plan (see Section 6.1.F Parking Credits; see Section 6.1.L Combined Parking; and/or Section 9.1.F Low-Impact Design) must be approved by the Technical Review Committee.

TABLE 6-1-1: PARKING REQUIREMENTS

USE CATEGORY/SPECIFIC TYPE	MINIMUM REQUIRED AUTO SPACE
AGRICULTURAL/ANIMAL SERVICES:	
All	No Requirements
HOUSEHOLD LIVING:	
Single-Family & Two-Family Detached Dwelling	1.5 per unit
Townhouse Dwelling and Multi-Family	1.8 per unit within 200 ft. of unit plus 0.25 spaces for visitor parking
Accessory Dwelling	1 per unit
Live/Work	1 per 500 sf (GFA)
Cluster Mailbox Unit	2 spaces per location, one space must meet ADA accessibility requirements
Other	1 per unit
GROUP LIVING/SOCIAL SERVICES:	1 per 2 resident rooms
RECREATION & ENTERTAINMENT:	
Adult Use	1 per 200 sf (GFA)
Theater	1 per 1,000 sf of seating area
Indoor Recreation	1 per 300 sf (GFA)
Other	See Subsection E - Uses with Flexible Parking Demand Characteristics
CIVIC, EDUCATIONAL & INSTITUTIONAL:	
Place of Worship	1 per every 6 seats in worship area
Schools	1 per 8 seats in the main assembly hall
Daycare Centers (not in home)	1 per classroom
Other	1 per 400 sf (GFA)
BUSINESS, PROFESSIONAL & PERSONAL SERVICES:	
Medical Office	1 per examination table
Studio, Artist & Recording	1 per 400 sf (GFA)
Other	1 per 600 sf (GFA)
LODGING:	1 per room
RETAIL TRADE:	1 per 400 sf (GFA)
FOOD SERVICES:	1 per 200 sf (GFA)
FUNERAL & INTERNMENT SERVICES	
Funeral Home or Crematorium	1 per 4 seats in main assembly room

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Cemetery or Mausoleum	See Subsection E - Uses with Flexible Parking Demand Characteristics
TRANSPORTATION, WAREHOUSING & WHOLESALE TRADE:	
Wholesale Trades (Heavy & Light)	1 per 1,000 sf (GFA)
Car Wash	1 per 500 sf (GFA)
Automobile Repair Services (Major & Minor)	1 per 300 sf (GFA)
All other transportation, warehousing & wholesale trade uses	1 per 2,500 sf (GFA)
UTILITIES & COMMUNICATIONS:	
Utilities, Major	1 per 1,500 sf (GFA)
All other utilities & communications uses	See Subsection E - Uses with Flexible Parking Demand Characteristics
WASTE-RELATED USES:	1 per 2,500 sf (GFA)
GENERAL INDUSTRIAL:	
Warehouse (General Storage Enclosed)	1 per 2,500 sf (GFA)
Laundry or Dry-Cleaning Plant	1 per 500 sf (GFA)
Self-Storage	1 per 400 sf of office space area
MANUFACTURING:	
All	.67 spaces per employee on peak shift + 1 per 200 sf of retail sales or customer service area + 1 per vehicle used in operations
MINING USES:	
All	See Subsection E - Uses with Flexible Parking Demand Characteristics
AIRPORT:	
All	See Subsection E - Uses with Flexible Parking Demand Characteristics
SPECIAL EVENTS:	
All	See Subsection E - Uses with Flexible Parking Demand Characteristics

E. USES WITH FLEXIBLE PARKING DEMAND CHARACTERISTICS

Uses that reference this Subsection in Table 6-1-1, have widely varying parking and loading demand characteristics, making it difficult to establish a single off-street parking or loading standard. Upon receiving a plan review application for a use subject to this Subsection, the Planning & Development Director is authorized to apply the off-street parking standard in the table that is deemed most similar to the use, or establish the off-street parking requirements by reference to standard parking resources published by the National Parking Association or the American Planning Association. Alternatively, the Planning & Development Director may require the applicant to submit a parking demand study that justifies estimates of parking demand based on the recommendations of the Institute of Traffic Engineers (ITE), and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

F. PARKING CREDITS

1. For office or manufacturing uses that require forty (40) or more spaces, total required parking may be reduced by one (1) space for every carpool space provided, up to a maximum of twenty percent (20%) of the total required parking. Certified carpool spaces

must be clearly marked and must be located closest to the building entrance, but not closer than any required handicapped spaces.

2. For every four (4) bicycle parking spaces provided, the total parking requirement may be reduced by one (1) space, up to a maximum of five percent (5%) of the total required parking. Bicycle parking racks shall be located close to the building entrance and shall be separated from vehicle parking areas to minimize motor vehicle damage to bicycles. Bicycle racks shall be securely anchored to the supporting surface and shall be at least three (3) feet in height and able to support a locked bicycle in an upright position.
3. For all uses within five hundred (500) feet of a fixed-route transit stop, total required parking may be reduced by five percent (5%).
4. A combination of parking credits may be used but may not exceed a total reduction in required parking of twenty percent (20%).

G. UNLISTED USES

For any use not specifically listed in this Article, the parking, stacking and loading requirements shall be those of the most similar use.

H. PARKING REQUIREMENTS FOR CHANGE IN USES

If a change in use causes an increase in the required number of off-street parking, stacking or loading spaces, such additional spaces shall be provided in accordance with the requirements of this Ordinance; except that if the change in use would require an increase of less than five percent (5%) in the required number of parking spaces or fewer than five (5) spaces, no additional off-street parking shall be required.

I. DESIGN STANDARDS

1. Design

Parking facilities shall be designed and constructed to:

a. Allow unobstructed movement into and out of each parking space (without interfering with fixed objects or vehicles).

b. Minimize delay and interference with traffic on public streets and access drives.

c. Maximize sight distances from parking lot exits and access drives.

d. All off-street parking spaces in parking lots shall have access from parking lot driveways and not directly from streets.

2. Cross-Access Encouraged

In order to reduce the traffic burden created by vehicles traveling short distances on the public roadway, cross-access driveways constructed between adjoining properties to provide unified circulation and access between sites without entering and exiting the roadway are encouraged. These cross-accesses are intended to link parking areas on neighboring developments.

a. Applicability

(1) Cross-access is encouraged for all non-residential sites within a related project (as evidenced by a common development plan or site plan); even if the properties are subdivided.

(2) [Reserved]

b. Standards

(1) Cross-access, where utilized, should be designed to provide an alternative passageway to access adjoining developments without entering and exiting the roadway.

(2) The minimum paved width for a cross-access driveway is twenty-four (24) feet.

(3) Cross-access should be set back outside the required street planning yard (see Section 6.2.C).

(4) If a site is developed adjoining to an undeveloped piece of property, consideration should be given to the parking and circulation design so that its parking, access and circulation are easily tied together to create a unified system, if feasible.

c. Maintenance and Operation

(1) In order to maintain a clear passage for emergency and non-emergency travel, no parking shall be allowed within a cross-access.

(2) [Reserved]

3. Dimensional Requirements

Parking facilities shall be designed and constructed to meet minimum standards found in Table 6-1-2.

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) Access drives shall 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.

(3) Paving shall not be required for:

(i) Parking facilities used on an irregular basis for churches, private clubs or other similar nonprofit organizations.

(ii) Parking facilities for residential uses where six (6) or fewer spaces are required.

(iii) Parking areas, isles and loading for agricultural uses in the Agricultural (AG) District.

(iv) Parking areas in the Heavy Industrial (HI) District or manufacturing and industrial uses in the Light Industrial (LI) District, provided they are constructed with an all-weather surface.

(v) Parking areas for tracked heavy construction equipment, skid-mounted equipment and similar equipment, provided they are constructed with an all-weather surface.

(4) Where parking facilities are paved, curb and gutter or an equivalent drainage system shall be provided along the periphery of the parking lot, except where it is determined by the Planning and Development Director that such system is not practical for storm drainage purposes.

(5) All facilities shall be graded, properly drained, stabilized and maintained to minimize dust and erosion.

(6) All parking spaces and stacking lanes shall be clearly identified with paint lines, bumper guards, curbs, or similar treatment.

(7) All parking spaces shall be provided with wheel guards or curbs located so that no part of the parked vehicle will extend beyond the property line or encroach more than two (2) feet into a required planting area. (Vehicle encroachment is calculated as two (2) feet beyond curb.)

(8) Parking lots shall be designed and constructed such that walkways maintain a

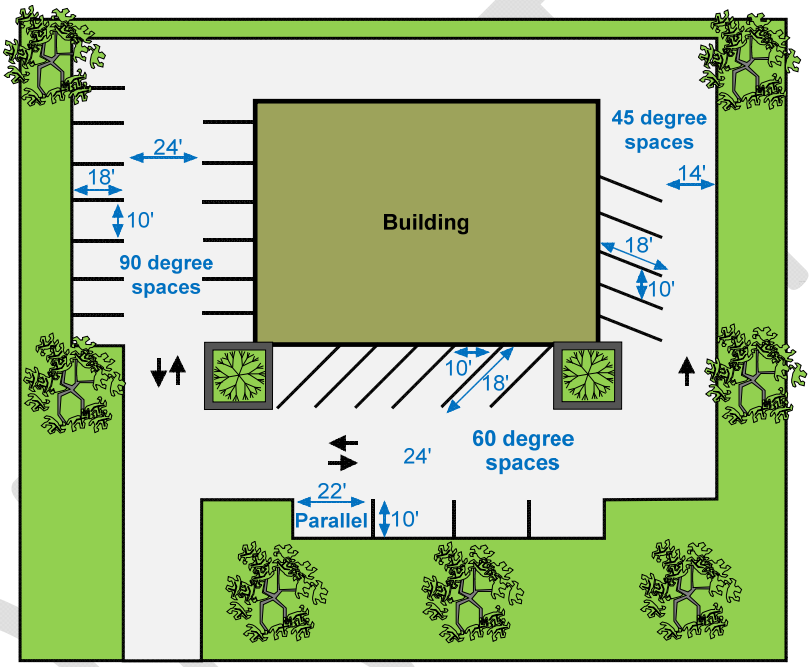
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minimum unobstructed width of four (4) feet.

TABLE 6-1-2: DESIGN AND DIMENSIONAL REQUIREMENTS

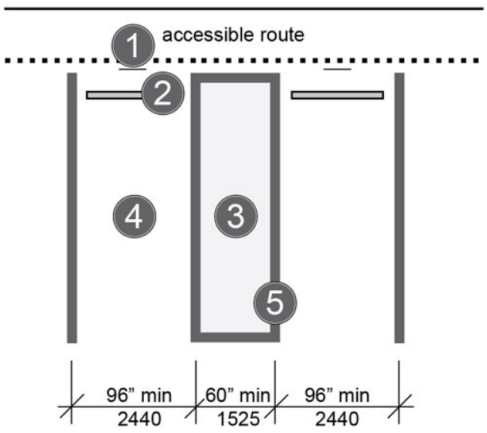
Parking Space Type	Minimum Width	Minimum Depth	Minimum Isle Width	
			One-Way	Two-Way
Parallel (0º)	10	22	12	20
Angled (45º)		18	14	20
Angled (60º)			16	24
Perpendicular (90º)			12	24

FIGURE 6-1-3: PARKING STALL MEASUREMENTS



J. HANDICAPPED ACCESSIBLE PARKING

1. A handicapped accessible parking space can be reduced to an eight-foot width as long as the space is adjacent to a minimum five-foot access aisle marked and constructed to ADA standards. Otherwise, the parking space shall be sized as a standard parking space.
2. All off-street handicapped accessible parking spaces shall be located in the closest parking area to a public entrance to the building but no more than two hundred fifty (250) feet from such entrance.
3. All off-street handicapped accessible parking spaces shall be designated by a sign or other means as specified by North Carolina Building Code and any other state requirements.
4. The minimum number of spaces shall be provided according to the following table:



Accessible Parking Spaces with
60-inch Minimum Width Access Aisle for Cars

TABLE 6-1-4: HANDICAPPED ACCESSIBLE PARKING

Parking Spaces Provided	Minimum Handicapped Spaces Required
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of spaces provided
>1,001	20 spaces, plus one for every 100 spaces over the first 1,000 spaces provided.

K. LOCATION

1. Off-site Parking Lots

When required off-street parking may be located off site, it shall begin within four hundred (400) feet of the zone lot containing the principal use. Required off-site parking shall not be located across an intervening major or minor thoroughfare.

2. Parking in Nonresidential Districts

Automobile parking for any use may be provided in any nonresidential district.

3. Parking in Residential Districts

Auto parking in a residential district for any use not permitted in that district is allowed under the following conditions:

a. Property on which the parking is located must abut the lot containing the use which the parking serves. The property must be under the same ownership or subject to a parking encumbrance agreement approved by the Enforcement Officer. All access to such property shall be through non-residentially zoned property;

b. Parking shall be used only during daylight hours except by Special Use Permit. No parking shall be located more than one hundred twenty (120) feet into the residential zoning district.

c. No parking shall be permitted closer than one hundred fifty (150) feet to any public street right-of-way upon which the principal use would not be permitted driveway access. Parking may be allowed to extend up to four hundred (400) feet into the residential zoning district with approval of a Special Use Permit.

d. Long-term or dead storage of vehicles for more than sixty (60) days, loading, sales, repair work or servicing of vehicles is prohibited.

4. Townhouse Developments

In developments using individual driveways and garages to meet parking requirements, visitor parking areas shall be distributed such that the front entrance to each unit is not farther than two hundred (200) feet from such area.

L. COMBINED PARKING

1. Separate Uses

The required parking for separate or mixed uses may be combined in one (1) facility.

2. **Shared Parking**
   A maximum of fifty percent (50%) of the parking spaces required for a church, theater, auditorium, special events center or assembly hall or other similar use also may serve as required spaces for another use located on the same zone lot. Shared spaces also may be located off-site. In either case, the Planning & Development Director must determine that the various activities will have peak parking demands at different periods of the day or week. Otherwise, no off-street parking required for one (1) building or use shall be applied toward the requirements of any other building or use.
3. **Documentation**
   Documentation approving such combined parking arrangement is required.
4. **Reassignment**
   Required off-street parking spaces shall not be leased or otherwise assigned to another use except as provided Subsection H – Location of this Article.

M. LOADING AREAS

1. Off-street loading areas shall be located on the same zone lot as the use they serve.
2. The following table provided the minimum number of loading spaces required:

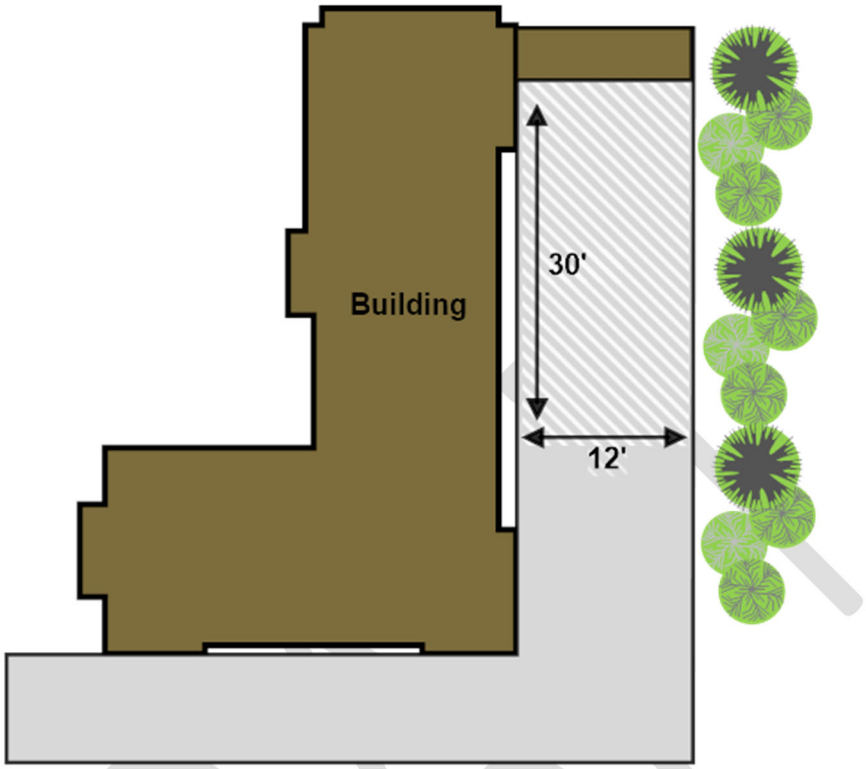
TABLE 6-1-5: LOADING AREAS

Use Type	Gross Floor Area	Minimum Number of Loading Spaces
Office & personal service establishments	10,000 sf or more	1
All other commercial or industrial use types	10,000 sf – 30,000 sf	1
	Over 30,000 sf	2+1 per every additional 50,000

3. **Standards**
   a. **Minimum Dimensions**
   Each loading space required by this Subsection shall be at least twelve (12) feet wide by thirty (30) feet long (or deep), with at least fifteen (15) feet of overhead clearance. Each off-street loading space shall have adequate, unobstructed means for the ingress and egress of vehicles.

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FIGURE 6-1-6: LOADING SPACE CONFIGURATION:



b. Location

Where possible, loading areas shall be located to the rear of the use they serve. In addition, the loading area shall be located adjacent to the buildings loading doors, in an area that promotes their practical use.

c. Delineation of Loading Spaces

All loading spaces shall be delineated by signage, striping, and labeling of the pavement.

d. Access to a Street

Every loading area shall be provided with safe and convenient access to a street, but in no case shall the loading space extend into the required aisle of the parking lot. Off-street loading spaces shall be configured to avoid the need for vehicles to back up within the street right-of-way, to the maximum extent practicable.

e. Paving

The ground surface of loading areas shall be paved with a durable, dust free, and hard material, such as surface and seal treatment, bituminous hot mix, Portland cement, concrete, or some comparable material. Such paving shall be maintained for safe and convenient use at all times.

N. STACKING AREAS

In addition to meeting the off-street parking standards in Table 6-1-1, uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service shall provide the minimum number of stacking/standing spaces established in Table 6-1-7 below:

TABLE 6-1-7: STACKING REQUIREMENTS

Use or Activity	Minimum Number of Stacking Spaces[1]	Measured From
ATM (drive-up)	2	Teller Window
Auto Repair Services	2 per bay	Bay Entrance
Car Wash	1 per bay	Bay Entrance
Daycare Centers (not-in-home), Elementary & Middle school	2	Main building entrance
Bank or Financial Institution or General Retail (i.e. Pharmacy) Stores with drive-through service	3 per drive-through lane	Service Window
Convenience Store with Gasoline Pumps	1	Each end of the outermost gas pump island
Nursing & Convalescent Home or Congregate Care Facility	3	Building entrance
Retail Services with drive-through	3 per lane	Service Window
Restaurant with drive-through	3 per window + 3 per order board	
[1]NCDOT may require additional stacking spaces on State or federal highways.		

6.2 LANDSCAPING, BUFFERING & SCREENING REQUIREMENTS

A. PURPOSE AND INTENT

The purpose of this Section is to promote and protect the public health, safety, and general welfare by providing for the planting, maintenance, and preservation of trees, shrubs, and other plants within the county. The intent of this Section is to promote this purpose by:

1. Ensuring and encouraging the planting, maintenance, restoration and survival of trees, shrubs, and other plants;
2. Contributing to the protection of community residents and visitors from personal injury and property damage, and the protection of the county from property damage, caused or threatened by the improper planting, maintenance or removal of trees, shrubs or other plants;
3. Mitigating against erosion and sedimentation and reduce stormwater runoff;
4. Increasing the tree canopy to provide shade;
5. Protecting and enhancing property values and aesthetic qualities;
6. Providing visual screening, where appropriate.

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B. APPLICABILITY

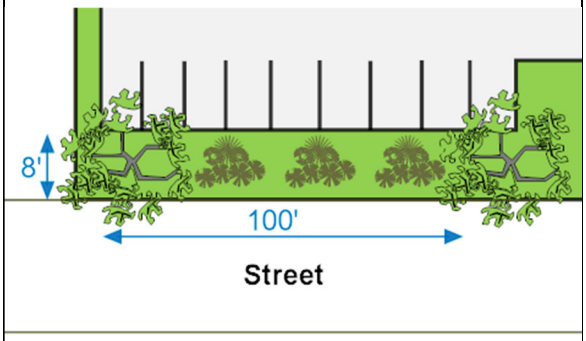
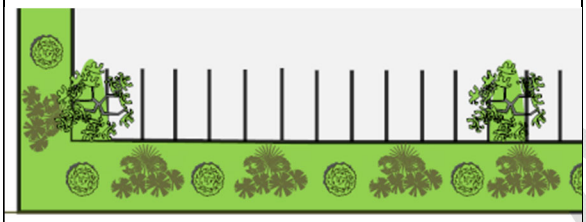
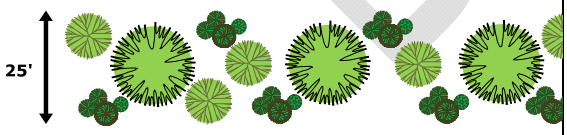
1. The regulations in this Section shall not apply to the following:
   a. Single-family detached dwellings or two-family dwellings on an individual lot;
   b. Multi-family developments containing eight (8) or fewer dwelling units in a single zone (building) lot;
   c. Property lines abutting railroad rights-of-way and utility easements more than sixty (60) feet in width;
   d. Property lines abutting dedicated street right-of-way which has remained unopened for at least fifteen (15) years.
2. The regulations in this Section shall apply to the following:
   a. **New Principal Building or Use**
   Principal buildings or open uses of land constructed or established after the adoption of this Ordinance.
   b. **Changes In Use Category (see Table 4-3-1 – Permitted Use Schedule)**
   The requirements of this Section shall be applicable to the entire lot. (see Table 6-2-2: Planting a Yard Chart)
   c. **Expansions or Reconstruction**
   Expansions which will result in a parking or building square footage increase of more than three thousand (3,000) square feet for developments existing on the effective date of this Ordinance. In such cases, the landscaping requirements shall apply only to the expansion.
3. **Reduction in Parking Requirements for Pre-Existing Developments**
   To allow compliance with the landscaping regulations, the number of required off-street parking spaces may be reduced by the Planning & Development Director up to ten percent (10%).

C. PLANTING YARD REQUIREMENTS

1. **Required Planting Areas**
   The following areas are required to be landscaped:
   a. Street planting yards
   b. Parking lots
   c. Planting yards (Types A through D)
2. **Planting Area Descriptions:**

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TABLE 6-2-1: PLANTING AREA DESCRIPTIONS

Planting Yard Type	Description	Min. Width	Min. Average Width	Max. Width	Planting Requirement Rate
STREET PLANTING YARD					
	A planting area parallel to a public street designed to provide continuity of vegetation along the right-of-way and a pleasing view from the road. No more than fifteen percent 15% of the street planting yard may be used for walkways or signs. Parking, merchandise display and off-street loading are prohibited in the street planting yard.	8’	8’	25’	Tree Canopy: 2 per 100 lf. Tree Understory: No requirement Shrubs: 17 per 100 lf.
PARKING LOT PLANTINGS					
	Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.	10’	N/A	N/A	Interior: 1 canopy tree per 12 spaces; Perimeter: 1 canopy tree every 30’, continuous row of evergreen shrubs
TYPE A PLANTING YARD					
	A high density screen intended to block substantially visual contact between adjacent uses and create spatial separation. A Type A Planting Yard reduces lighting and noise which would otherwise intrude upon adjacent uses.	40’	50’	75’	Canopy: 4 per 100 lf. Understory: 10 per 100 lf. Shrubs: 33 per 100 lf.
TYPE B PLANTING YARD					
	A medium density screen intended to partially block visual contact between uses and create spatial separation.	25’	30’	50’	Canopy: 3 per 100 lf. Understory: 5 per 100 lf. Shrubs: 25 per 100 lf.

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Planting Yard Type	Description	Min. Width	Min. Average Width	Max. Width	Planting Requirement Rate
TYPE C PLANTING YARD					
	A low-density screen intended to partially block visual contact between uses and create spatial separation.	15'	20'	40'	Canopy: 2 per 100 lf. Understory: 3 per 100 lf. Shrubs: 17 per 100 lf.
Type D PLANTING YARD					
	A peripheral planting strip intended to separate uses, provide vegetation in densely developed areas and enhance the appearance of individual properties.	5'	5'	10'	Canopy: N/A Understory: 2 per 100 lf Shrubs: 18 per 100 lf

3. Grouping

For the Type B, C, and D planting yards, shrubs and trees may be grouped or clustered; however, not more than fifty percent (50%) of each required plant material may be grouped or clustered. The remainder of the materials shall be distributed throughout the planting yard. There shall be at least one (1) row of evergreen shrubs or evergreen understory trees in all Type A planting yards.

D. PLANTING YARD DETERMINATION

To determine the planting yards required by this Ordinance, the following steps shall be taken:

1. Identify the zoning classification(s)/district(s) of the subject site(s) for proposed development and zoning classification(s)/district(s) of adjacent site(s).
2. Use the Planting Yard Chart, Table 6-2-2 below, to determine the appropriate letter designation for each planting yard.
3. Match the letter designation obtained from the Planting Yard Chart with the Planting Requirement Rate Column in Table 6-2-1 above to determine the types and numbers of shrubs and trees required.

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:

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 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.

E. DESIGN AND MAINTENANCE STANDARDS

1. Calculation of Street Planting Yards

Street planting yard rate and width calculations shall exclude access drives.

2. Plant Species

Species used in required street planting yards, parking lots and planting yards shall be of a locally adapted nature. Refer to the recommended plant species list.

3. Dimension of Planting Areas or Islands

Each planting area containing trees, including those located in parking lots, shall have a minimum inside dimension of seven (7) feet and be at least two hundred (200) square feet in area.

4. Parking Lot Spacing

Required canopy tree areas shall be distributed throughout parking lots and shall be located within or adjacent to parking lots as tree islands, at the end of parking bays, medians, or between rows of parking spaces.

5. Canopy Tree Size

Canopy trees must be a minimum of eight (8) feet high and two (2) inches in caliper, measured six (6) inches above grade, when planted. When mature, a canopy tree should be at least forty (40) feet high and have a crown width of thirty (30) feet or greater. Height calculations for landscaping must account for future interference with utility lines and shall remain out of any other utility easements. When such conditions exist, an alternative planting plan may be approved by the Planning & Development Director on a case by case basis.

6. Understory Tree Size

Understory trees must be a minimum of four (4) feet high and one (1) inch in caliper, measured six (6) inches above grade, when planted.

7. Shrub Size

All approved shrubs shall be installed at a minimum size of eighteen (18) inches, spread or height and are expected to reach a minimum height of thirty-six (36) inches, and a minimum spread of thirty (30) inches within three (3) years of planting.

8. Berms

Berms may be used in an alternate planting plan as a substitute for some plant materials, subject to approval of the Planning & Development Director.

9. Wall Planters

Wall planters shall be constructed of masonry, stone, or pressure treated lumber stamped for ground contact. The minimum height of the wall planter shall be thirty (30) inches. The minimum height of shrubs in the wall planter shall be six (6) inches. The effective planting

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area of the wall planter shall be four (4) feet in width. If the wall planter is to contain trees, the effective planting width shall be seven (7) feet.

10. **Encroachments Permitted in Required Planting Yards**
    The following are permitted in required planting yards provided the landscaping requirements are met and there is no interference with any sight area:
    - **a.** Landscaping features, including but not limited to, ornamental pools, planting boxes, sculpture, arbors, trellises, and birdbaths.
    - **b.** Pet shelters, at-grade patios, play equipment, outdoor furniture, ornamental entry columns and gates, flag poles, lamp posts, address posts, HVAC equipment, mailboxes, outdoor fire places, public utility wires and poles, pumps, wells, fences, retaining walls, or similar structures.
    - **c.** Cornices, steps, canopies overhanging eaves and gutters, window sills, bay windows or similar architectural features, chimneys and fire places, fire escapes, fire balconies, and fire towers may project not more than two and one-half (2½) feet into any required planting yard, but no closer than three (3) feet to any property line.
    - **d.** Permanent runoff control structures.
11. **Fence Location Within Required Planting Yards**
    The setback of fences within a required planting yard shall be subject to the approval of a landscaping plan.
12. **Setback Less than Planting Yard**
    If the required building setback is less than the required planting yard, the building setback shall control, reducing the required planting yard width only alongside the building. The planting rate of the required planting yard shall still apply unless an alternate method of compliance is approved in accordance with Section 6.2.H – Alternate Method of Compliance.
13. **Location of Planting Material Outside Shade of Building**
    Where a building is located less than ten (10) feet from a property line, and the planting yard would be heavily shaded by buildings on both sides of the property line, the required trees and shrubs may be planted outside the shaded area to improve survivability.
14. **Obstructions**
    Landscaping shall not obstruct the view of motorists using any street, driveway or parking access aisle.
15. **Location**
    Required trees and shrubs shall not be installed in street rights-of-way. Required trees and shrubs may be placed in water quality conservation easements. Required trees and shrubs may be planted in electric utility easements below overhead lines and in drainage maintenance and utility easements by approval of the Technical Review Committee.
16. **Plant Protection**
    Whenever planting areas are adjacent to parking lots or drives, the planting areas shall be protected from damage by vehicles, lubricants or fuels.
17. **Maintenance**
    The owner is responsible for maintaining all required plant materials and planting areas in good health and appearance. Any dead, unhealthy or missing plants must be replaced within one hundred and eighty (180) days with vegetation which conforms to the initial planting rates and standards. When plant material is severely damaged due to unusual weather conditions or other acts of God, the owner shall have two (2) years to replant.

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F. SPECIFIC SCREENING REQUIREMENTS

1. Applicability

These screening standards are required as a means of screening objectionable site features like refuse collection areas, service and loading facilities, ground-based utility equipment, or similar site features from view of adjacent land and streets.

2. General Requirements

In addition to the site landscaping, vehicular use area landscaping, and perimeter buffer standards in this Section, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from both on-site and off-site views. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

3. Items to be Screened

The following areas shall be screened from off-site views in accordance with this Section:

- **a.** Dumpsters and refuse collection points (including cardboard recycling containers);
- **b.** Loading docks or bays;
- **c.** Outdoor storage areas;
- **d.** To the extent feasible given access requirements, ground-based utility equipment in excess of twelve (12) cubic feet; and
- **e.** Ground level mechanical units from public streets only.

4. Screening Methods

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;
- **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 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
- **d.** A masonry wall that is the minimum height necessary to fully-screen the object being screened, and that is constructed of brick, textured concrete masonry units, or stuccoed block; or
- **e.** Use of chain link fencing with wooden or plastic slats shall be limited to access gates only.

5. Exemptions:

Screening is not required in the HI district, unless the item listed in Subsection 6.2.F.3, Items to be Screened, of this Ordinance are located within one hundred (100) feet of a residential land use.

G. PROCEDURES

1. Landscaping Plan Required

Prior to obtaining a building permit, an applicant must receive approval of a landscaping plan from the Planning & Development Director. Site plans may include a conceptual landscaping plan and delay submission of the landscaping plan for up to ninety (90) days after issuance of the building permit but prior to issuance of a Certificate of Occupancy.

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2. Installation of Plant Materials

a. Installation of plant material shall occur prior to the issuance of a Certificate of Occupancy.

b. If at the time of a request for a Certificate of Occupancy, the required planting areas are not complete, and it can be determined that:

(1) Plant materials are unavailable;

(2) Completion of the planting areas would jeopardize the health of the plant materials; or

(3) Weather conditions prohibit completion of the planting areas, then the installation of plant materials may be deferred by the Planning & Development 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 Twenty-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.

H. ALTERNATE METHOD OF COMPLIANCE

1. General Provisions:

a. Alternate landscaping plans, plant materials or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements. Such situations may result from utility easements, streams, natural rock formations, topography, lot configuration, or where other physical conditions exist, or where other site conditions exist such as unified development design.

b. The Planning & Development Director may approve an alternate plan which proposes different plant materials, planting yard widths, or methods provided that quality, effectiveness, durability and performance are equivalent to that required by this Ordinance.

c. The performance of alternate landscaping plans must be reviewed by the Planning & Development Director to determine if the alternate plan meets the intent and purpose of this Ordinance. This determination shall take into account the land use of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lot, and the level of screening, height, spread, and canopy of the plantings at maturity.

2. Lot of Record Provisions: For lots less than one hundred (100) feet in width the following provisions may be applied:

a. For lots less than one hundred (100) feet and greater than eighty (80) feet in width where Type D Planting Yards 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.

b. For lots less than eighty (80) feet in width where Type D planting yards are required, two (2) Type D planting yards 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. All required plants for these yards shall be installed in remaining planting yards.

I. TREE PRESERVATION

1. **General:** Any existing tree or group of trees which stands within or near a required planting area and meets or exceeds the standards of this Ordinance may be used to satisfy the tree requirements of the planting area. The protection of tree stands, rather than individual trees, is strongly encouraged. Trees of greater age shall be prioritized.
2. **Protection of Existing Trees:** To receive credit, trees must be protected from any root damage and trunk and crown disturbance. The following standards shall apply:
   a. The protected area around trees shall include all land within the canopy drip line or enough area to ensure the health of the tree.
   b. Construction site activities such as parking, material storage, soil stock piling and concrete washout shall not be permitted within tree protection areas.
   c. Protective fencing shall be installed around tree protection areas prior to any land disturbance. Such fences shall be at least four (4) feet high and may consist of snow fence or polyethylene safety fencing. Fencing shall remain in place until construction is complete and other landscaping has been installed.
3. **Dead or Unhealthy Trees:** No credit will be allowed for any dead tree, any tree in poor health or any tree subjected to grade alterations. The death of any tree used for preservation credit shall require the owner to plant new trees equal to the number of credited trees.
4. **Rate of Credit:** Credits shall be allowed at the rate of one (1) canopy tree for every three (3) inches of circumference measured at four and one-half (4½) feet above grade. Credits shall be subtracted from the total number of canopy and understory trees required in the same planting yard where the tree is located. In every case, however, there shall be at least one (1) canopy tree for every fifty (50) linear feet of street planting yard, existing or planted.

6.3 LIGHTING

A. PURPOSE AND INTENT

The purpose of this Section is to regulate light spillage and glare to ensure the safety of motorists and pedestrians, and to ensure lighting does not adversely affect land uses on adjacent lands. More specifically, this Section is intended to:

1. Regulate lighting to assure that excessive light spillage and glare are not directed at adjacent lands, neighboring areas, and motorists;
2. Ensure that all site lighting is designed and installed to maintain adequate lighting levels on site;
3. Avoid negative impacts from exterior lighting on wildlife habitat; and
4. Provide security for persons and land.

B. APPLICABILITY

This Section regulates any new outdoor lighting after December 15, 2011, unless exempt in this Ordinance.

C. EXEMPTIONS

The following are exempt from all lighting requirements in this Section:

1. Temporary events and holiday displays;
2. Bona-fide farms, Voluntary or Enhanced Voluntary Agricultural Districts
3. Airport runway and aviation safety lights required by the FAA (e.g., warning light on radio, television, communication towers);
4. Security lights controlled and activated by motion sensor devices for a duration of fifteen (15) minutes or less;
5. Kerosene lanterns, gas lamps or similar lighting produced by combustion of fuels;
6. Street lighting;
7. Lighting of official governmental flags;
8. Temporary lighting necessary for construction or emergencies used by construction workers or emergency personnel; and
9. Single-family detached dwellings or two-family dwellings on their lots.

D. PROHIBITED LIGHTING

The following lighting is prohibited:

1. Light fixtures that imitate an official highway or traffic control light or sign;
2. Light fixtures in the direct line of vision with any traffic control light or sign;
3. Light fixtures that have a flashing or intermittent pattern of illumination, except for time and temperature displays;
4. Privately-owned light fixtures located in the public right-of-way; or
5. Searchlights, except when used by Federal, State or local authorities.

E. GENERAL STANDARDS

1. Hours of Illumination

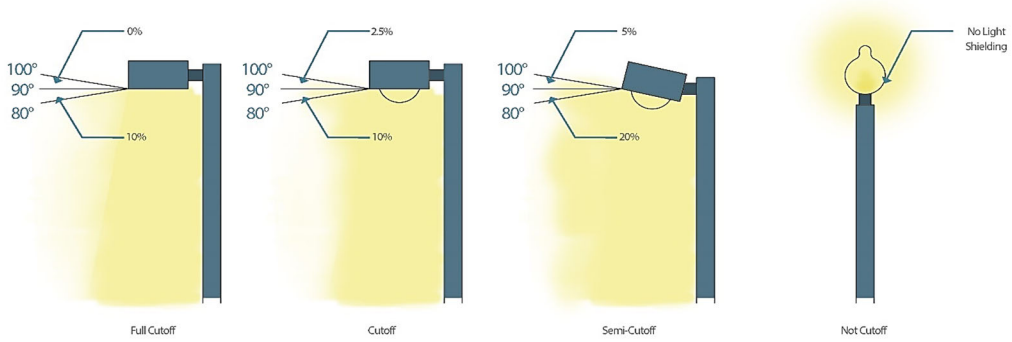
Commercial and industrial uses – both of which are adjacent to existing residential development – shall extinguish all exterior lighting—except lighting necessary for security or emergency purposes—by 10:00 P.M. For the purposes of this Subsection, lighting "necessary for security or emergency purposes" shall be construed to mean the minimum amount of exterior lighting necessary to illuminate possible points of entry or exit into a structure, to illuminate exterior walkways, or to illuminate outdoor storage areas. Lighting activated by motion sensor devices is strongly encouraged.

2. Light Shielding

All exterior luminaries, including security lighting, shall be full cut-off fixtures and directed downward, consistent with Figure 6-3-1 below. In no case shall lighting be directed above a horizontal plane through the lighting fixture.

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FIGURE 6-3-1: LIGHT SHIELDING



3. **Maximum Height**
   Except for athletic fields or performance areas, the height of outdoor lighting, whether mounted on poles, walls, or by other means, shall be no greater than thirty-five (35) feet above grade.
4. **Maximum Illumination Levels**
   All outdoor lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured in footcandles at ground level at a lot line shall not exceed the standards in Table 6-3-2 below:

TABLE 6-3-2: MAXIMUM ILLUSTRATION LEVELS

Type of Use Abutting Lot	Maximum Illumination Level at Lot Line (Footcandles)
Residential use or vacant land zoned residential	0.5
Civic, Educational & Institutional	1.0
Commercial, Mixed Use or Vacant Land	2.0
Industrial Use	3.0
Parking Lot	2.5

5. **Canopy Lighting**
   Lighting under vehicular canopies must not exceed thirty (30) initial foot-candles measured at grade on a horizontal plane and must be designed to prevent off-site glare.
6. **Outdoor Recreation**
   Sports fields and outdoor recreational areas are subject to the following standards:
   a. Lighting must be designed and directed to fall within the activity or performance areas, minimize adverse impacts on traffic safety and residentially-zoned property.
   b. Lighting must minimize glare with glare control packages such as louvers, shields or similar cut-off fixtures or devices.

c. Hours of operation for the lighting system must not exceed one hour after the end of the event or until activity/performance area has been cleared and closed.

F. LIGHTING PLANS

Required site plans shall indicate compliance with the outdoor lighting standards, fixture types, shielding, and fixture heights.

G. ALTERNATE METHOD OF COMPLIANCE

Alternate lighting plans or fixtures may be approved by the Technical Review Committee where unreasonable or impractical situations would result from physical constraints, from other site constraints, or when Federal, State or local law prevents compliance with this Ordinance. Alternate plans or fixtures must provide equal or better performance to meet the intent and purpose of this Ordinance.

6.4 FENCES

A. PURPOSE AND INTENT

The purpose and intent of this Section is to regulate the location, height, and appearance of fences and walls to maintain visual harmony within neighborhoods and throughout the County, protect adjacent properties from the indiscriminate placement and unsightliness of fences and walls, and ensure the safety, security, and privacy of properties.

B. APPLICABILITY

This Section regulates all fences unless otherwise provided in this Ordinance. Fences are permitted in required setbacks according to Article 4 - Zoning, provided the requirements of this Section are met.

1. Permitted Fence Types

The following fence types are permitted in all zoning districts:

a. Masonry or stone walls;
b. Ornamental iron;
c. Chain-link or woven wire; and
d. Wood or similar material

2. Prohibited Fence Types

The following fence types are prohibited:

a. Fences constructed primarily of barbed or razor wire, except for the purpose of enclosing livestock in agricultural zoning districts, and fences topped with barbed wire or metal spikes in residential zoning districts, except those serving a public institution requiring a security fence for public safety purposes;
b. Fences carrying electrical current, except for the purpose of enclosing livestock in agricultural zoning districts; or as allowed in Subsection C– General Fence Requirements;
c. Fences constructed in whole or in part of readily flammable material such as paper, cloth or canvas;
d. Fences constructed of concertina wire.

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C. GENERAL FENCE REQUIREMENTS

1. **Obstruction of View**
   No fence shall be placed or retained in such a manner as to obstruct vision at any intersection of public or private streets.
2. **Obstruction of Drainageway**
   Fence construction shall not alter or impede the natural flow of water in any stream, creek, drainage swale or ditch.
3. **Historic Districts**
   Fences in Historic Districts shall meet the guidelines for the particular Historic District in which it is located.
4. **Obstruction of Access**
   No fence shall block access from doors or windows. Fences must have a clearance of at least two (2) feet from building walls, except where fences project from or to a building wall.
5. **Orientation of Barbed Wire.** On fences topped with barbed wire, the bottom strand must be at least six (6) feet above grade with vertical supports slanting at a minimum thirty (30) degree angle.
6. **Low-Voltage Electrified Fencing.** Low-voltage electrified fencing with a maximum of twelve (12) volts, primary voltage, is allowed in the Light Industrial and Heavy Industrial Districts provided that:
   a. An electrified fence may not exceed ten (10) feet in height;
   b. An electrified fence must be inside of or enclosed by a non-electrified fence or wall with a minimum height of six (6) feet;
   c. The entire electrified fence must be separated from the non-electrified fence or wall by a minimum distance of at least six (6) inches at the closest point;
   d. The electrified fence must be identified by a warning sign displayed at the rate of at least one sign per fifty (50) linear feet of fencing; and
   e. A Knox Box shall be required and installed per the standards and direction of the Fire Department (optional).
7. **Location Within Required Planting Yards.** The setback of fences within a required planting yard shall be subject to the approval of a landscaping plan.

D. MAINTENANCE REQUIRED

Any fence which endangers any person, animal or property is hereby deemed a nuisance. If such conditions exist, the Enforcement Officer shall require the owner or occupant of the property upon which the fence is located to repair, replace or demolish the fence causing the nuisance.

E. HEIGHT

1. **Residential Uses**:
   a. Before Front Setback: No fence shall exceed four (4) feet in height up to the front setback line.
   b. Behind Front Setback: No fence shall exceed eight (8) feet in height behind the front setback line.
   c. Exceptions:
   (1) No fence shall exceed four (4) feet in height within fifteen (15) feet of any public or private street right-of-way line in a group housing development unless the sole purpose is to enclose a patio; a patio enclosure shall not exceed seven (7) feet in height.

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(2) On through lots where a front setback abuts a major or minor thoroughfare and there is no driveway access or sight distance interference, a fence may be seven (7) feet in height as long as such fence is no closer than fifteen (15) feet from the thoroughfare right-of-way.

2. **Recreational Uses:** No fence shall exceed twelve (12) feet in height if the fence is within the required setback and transparent. Otherwise, no fence shall exceed eight (8) feet in height.
3. **Commercial, Industrial, Institutional or Office Uses:** No fence shall exceed eight (8) feet in height unless it meets the requirements of Subsection C – General Fence Requirements.
4. **Measurement:**
   a. Fence height shall be measured in the same manner as buildings. However, where fences are located on retaining walls or man-made berms, the height of the retaining wall or berm shall be considered as part of the overall height of the fence.
   b. Fence height limitations do not apply to fences built in conjunction with electric or gas substations, utility facilities, sewer plants or facilities, radio and television masts, towers and similar structures, municipal water storage facilities, public correctional and mental institutions, or military facilities, or hazardous or radioactive waste, storage, and disposal facilities.

F. TEMPORARY FENCES

Nothing in this Section shall preclude the installation of temporary fences around construction works, erected or maintained pursuant to the North Carolina State Building Code or the Soil Erosion and Sedimentation Control regulations.

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ARTICLE 7 – SIGNS

ADOPTION DRAFT – 09.28.2020

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ARTICLE 7 – SIGNS

7.1 PURPOSE (1-3.9)

The sign regulations, adopted and prescribed in this Ordinance, are found by the Governing Body Board of Commissioners to be necessary and appropriate to:

A. Encourage the effective use of signs as a means of visual communication.

B. Promote a positive community appearance for the enjoyment of all citizens.

C. Maintain and enhance the aesthetic environment and the community's ability to attract sources of economic development and growth.

D. Protect the public from damage or injury attributable to distractions and/or obstructions caused by improperly designed or located signs.

E. Protect existing property values in both residential and nonresidential areas.

7.2 GENERAL PROVISIONS (6-1.1)

For the purposes of this Ordinance, a sign shall be defined as follows:

Any object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, included but not limited to words, letters, pennants, banners, emblems, trademarks, tradenames, insignias, numerals, figures, design, symbols, fixtures, colors, illumination, or projected images or any other attention-directing device.

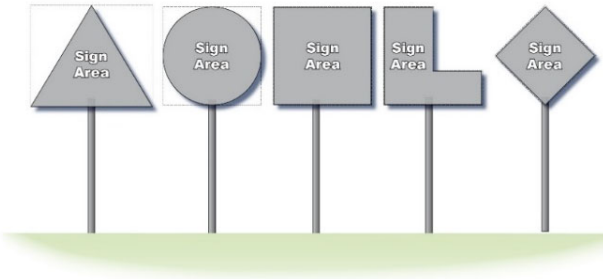
All signs located in the County's jurisdiction, with the exception of those erected by State or Federal government, are subject to the provisions of this Article. Signs under this Ordinance are identified in the following ways:

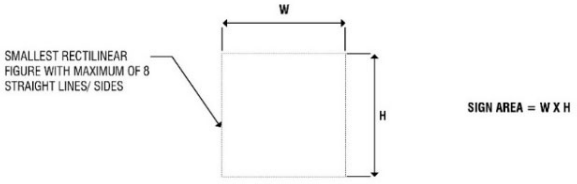
A. Types of signs specifically prohibited everywhere;

B. Signs allowed by-right and do not require permits prior to installation;

C. Signs considered to be accessory uses and may be installed provided that they meet the provisions of this Section and a permit is obtained; and

D. Billboards.





SIGN MEASUREMENT

ARTICLE 7

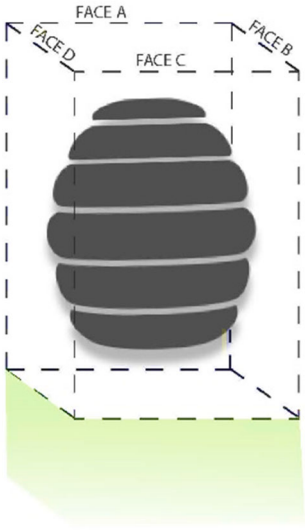
7.3 COMPUTATION OF SIGN MEASUREMENTS (6-1.6)

A. AREA

1. The area of a sign shall be computed by means of the smallest geometric shape (e.g., square, circle, rectangle, triangle or combination thereof) which will encompass the extreme limits of the text, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall.

B. AREA FOR MULTI-FACED SIGNS

1. For multi-faced signs, the sign area shall be computed by including all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.



THREE-DIMENSIONAL SIGNS

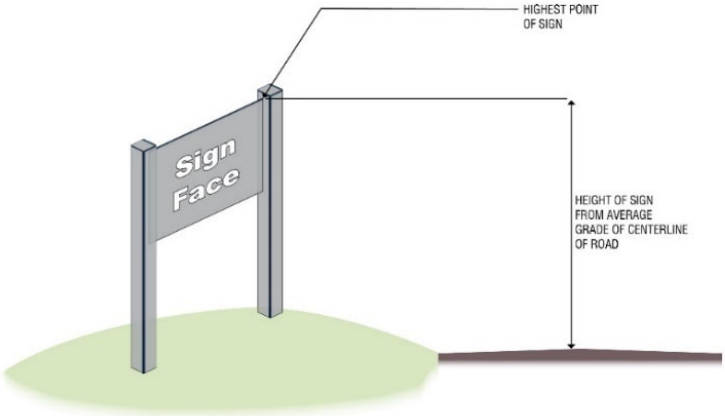
C. AREA FOR THREE-DIMENSIONAL SIGNS

1. The area of a three-dimensional sign shall be the sum of all vertical sign faces of the smallest cube encompassing the structure.

D. HEIGHT

1. Sign height shall be computed as:

a. The distance from the base of the sign at finished lot grade, to the top of the highest component of the sign.



SIGN HEIGHT

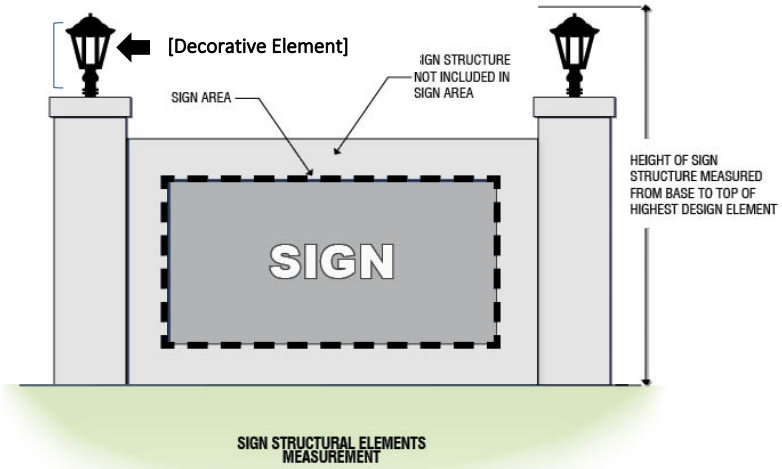
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b. Finished grade shall be the grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

2. Structural and/or decorative elements not included in the measurement of the sign area shall not:

a. Measure more than two (2) feet above in height and is included in calculating the total sign height.

b. Total height more than the prescribed height allowance per tables 7.7.1, 7.9.1, and 7.9.2.



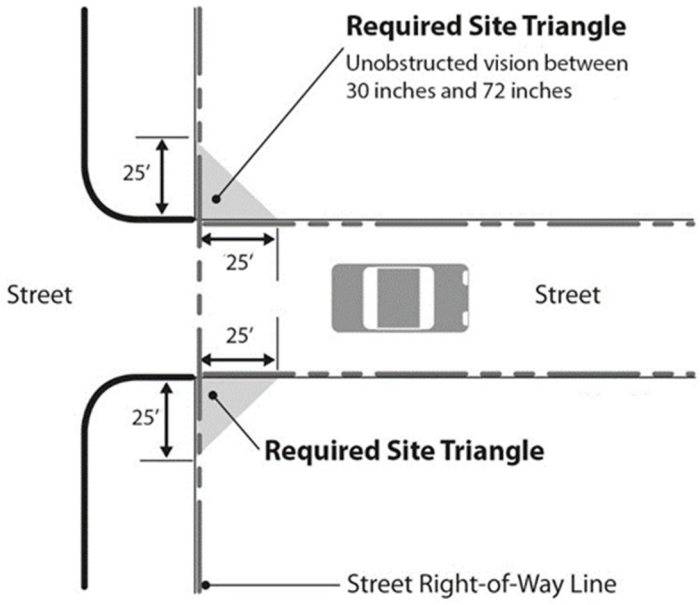
E. LOTS WITH FRONTAGE ALONG MULTIPLE STREETS

1. Lots fronting on two (2) or more streets are allowed the permitted sign area for each street frontage. The total sign area that is oriented toward a particular street, however, may not exceed the portion of the lot's total sign area that is derived from that street frontage or building frontage.

F. CLEAR SIGHT DISTANCE REQUIRED

1. Clear sight distance is required for any street intersection or driveway access point to provide drivers a clear view on oncoming conflicts. All signs described in this Ordinance with a height of more than thirty (30) inches shall be located outside of the required sight triangle.

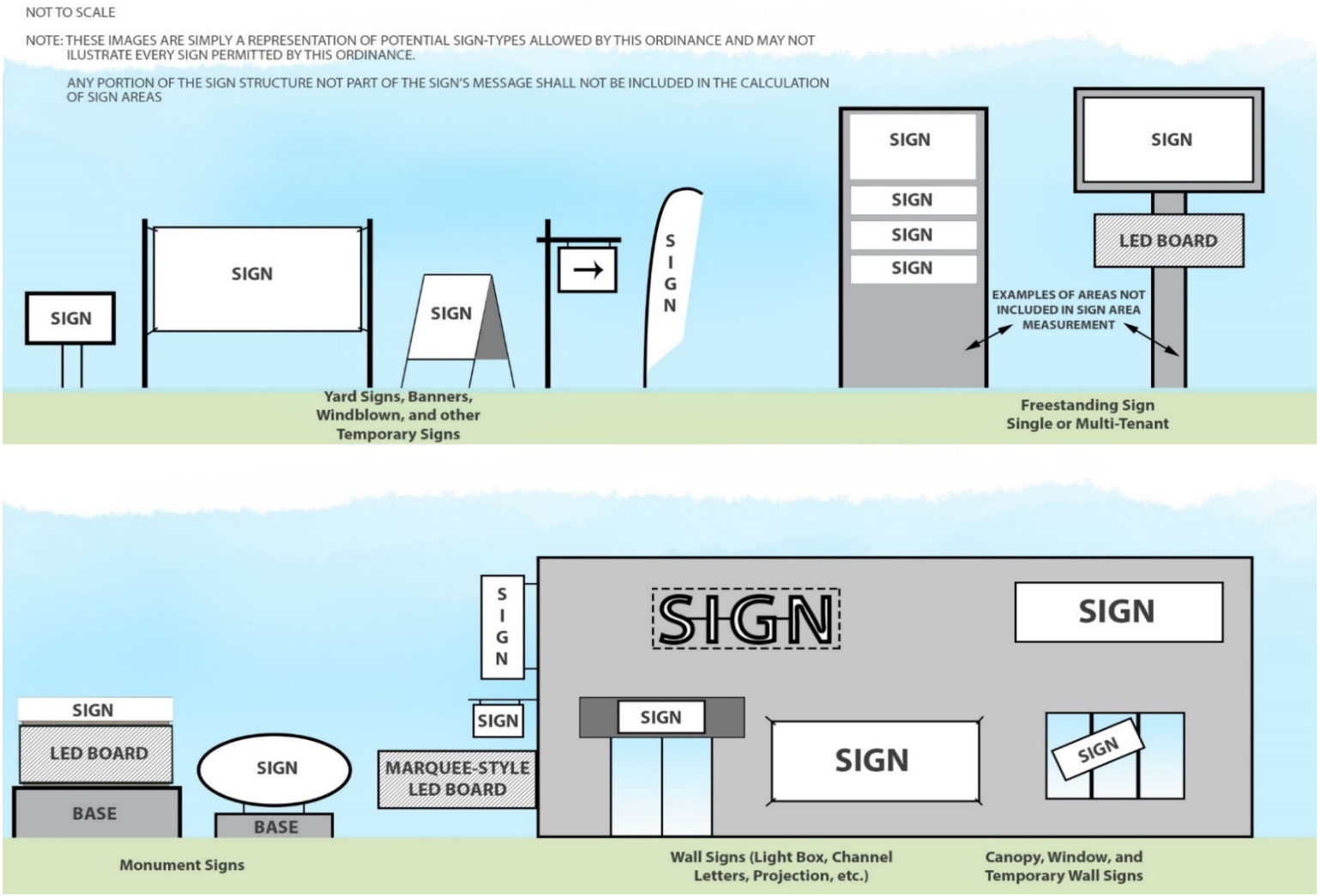
2. Signs shall be placed outside an established sight triangle of twenty-five (25) feet measured along the right of way line of each street. A 10' x 70' sight triangle shall be required at all intersections of NCDOT streets.



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7.4 ILLUSTRATIONS OF SIGNS ALLOWED BY THIS SECTION

Figure 7.4.1 – Examples of Allowed



7.5 PROHIBITED SIGNS (6-1.2)

Unless otherwise permitted under this Section, the following signs are prohibited in all zoning districts:

A. Windblown devices such as, pennants, streamers, spinners, balloons, gas-filled figures and other similar devices, except as advertising for a Temporary Event/Use Permit or special promotion.
  1. In the instance that one or more of the above mentioned signs are utilized for a temporary event, special promotion, sale, grand opening, liquidation, or any other similar event, no sign shall be consecutively displayed more than fourteen (14) days, shall not be placed in the rights-of-way, and shall be removed no more than one (1) business day after the conclusion of the event.

B. Signs with animated features in which the sign changes physical position by any movement or rotation that gives the visual impression of such movement.

C. Portable signs, but not including signs which are not visible from the public right-of-way.

D. Signs which project over a public right-of-way, except that wall signs may project up to eighteen (18) inches over a public right-of-way in zones which permit structures to be built at the property line adjoining the street.

E. Signs on vehicles that are parked in a location which is visible to the public and for a period of time of five (5) days which indicates that the principal use of the vehicle is for advertising rather than transport.

Image 7.2 – Vehicular Sign



Source: Stewart

F. Signs which are affixed to trees, rocks or other natural features.

G. Signs of any type which imitate traffic control devices or resemble a public safety warning.

H. Signs which extend vertically above the highest portion of the roof of any structure.

I. Signs containing words or graphics that are obscene, as defined in G.S. § 14-190.1.

7.6 EXEMPTIONS (6-1.3)

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

A. Government signs.

B. Works of art, as defined in Art 11 - Definitions, which in no way identify or specifically relate to a product or service which may include but are not limited to the following types of original visual art:
  1. Murals.
  2. Sculpture.
  3. Mosaics.
  4. Architectural stylings or embellishments.

Image 7.3 – Governmental Sign



Source: Stewart

C. Lights and decorations with no commercial message temporarily displayed on traditionally adopted civic, patriotic or religious holidays.

D. Hand carried signs.

E. Signs located on the interior of buildings, courts, lobbies, stadiums, or other structures which are not intended to be seen from the exterior of such structures.

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F. Signs affixed to vehicles and trailers used in the normal transport of goods or persons where the sign is incidental and accessory to the primary use of the vehicle or trailer.
G. Signs affixed to windows of vehicles displaying information on the terms of sale for said vehicles.
H. Signs not visible from a public or private street.
I. Flags of the United States, North Carolina, local governmental jurisdictions, foreign nations having diplomatic relations with the United States, and any other flags adopted or sanctioned by the Jurisdiction, subject to U.S. Congressional protocol.

7.7 NO PERMIT REQUIRED (6-1.4)

The following signs are permitted in all zoning districts and may be installed without obtaining a sign permit provided that they conform to the specifications shown on Table 7.7.1

A. Directional, instructional or warning signs provided that such signs contain no commercial message except a business logo or name.
B. Flags, emblems or insignia of corporate, political, professional, fraternal, civic, religious, or educational organizations.
C. On-site temporary real estate and construction signs which are removed within seven (7) days of the completion of sale.
D. Off-site directional real-estate lead-in signs shall only be displayed from 12:00 P.M. (noon) on Friday to 12:00 P.M. (noon) the following Monday.
E. Temporary yard sale signs which are posted for no longer than three (3) days per sale.
F. Temporary political signs located on private property which are removed within seven (7) days after the election.
G. Historical or memorial plaques, tablets or markers.
H. Identification signs including:
  1. Name and address plates, including those identifying home occupations and rural family occupations.
  2. Directory signs in developments with multiple occupants.
  3. Building Name and Address signs for buildings with multiple occupants.
  4. Building Markers (cornerstones or plaques).
I. Signs painted or attached to vending machines, gas pumps, ice machines (not to include large ice vending buildings) or similar devices which indicate the contents of the machine, name or logo of supplier, the price or operating instructions.
J. Information Board signs, in non-residential districts and for institutional uses (e.g. places of worship, schools or cemeteries)

Image 7.4 – Flags

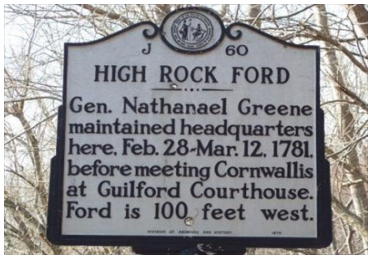


Source: Stewart

Image 7.5 – Identification Sign



Image 7.6 – Historical Marker



Source: waymarking.com

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permitted in residential zones that list activities or events provided that no advertising of any type is displayed.

K. Window signs painted on or attached to the inside of a window.

L. Any ground/freestanding sign containing any message on any single-family or multifamily residential lot may be erected without a permit provided the following standards are met:

1. No more than two (2) signs per lot;

2. Total area for each sign does not exceed six (6) square feet; and

3. Height for each sign does not exceed three (3) feet.

Image 7.7 – Fence Wraps



Source: bpggraphics.com

M. Fence wraps displaying signage when affixed to perimeter fencing on construction sites, as described by G.S. § 160D-908, shall be exempt from the requirements of this ordinance and allowed to remain until:

1. A final Certificate of Occupancy is issued, or

2. Twenty-Four (24) months have elapsed from when the signage was installed, whichever is shorter.

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
Directional Signs	All Districts	NA	4	R/W[a]	6	indirect	N/A
Instructional and Warning Signs	All Districts	NA	6	NA	8	direct	N/A
Window Signs	Non-Residential Districts	N/A	25% of individual window area	NA	NA	direct	N/A
Historical, Memorial Markers	All Districts	1 per lot	4	R/W[a]	6	indirect	N/A
Flags, Emblems, Insignia	All Districts	1 per lot frontage	64	R/W[a]	40	indirect	N/A
Temporary Yard Sale Signs	All Districts	1 per lot frontage	6	R/W[a]	2	none	N/A
Off-site directional real-estate lead-in sign	All Districts	N/A	6	R/W[a]	2	none	See Section 7.7.C
Large Temporary Political Signs[c]	All Districts	1 per lot frontage	32	R/W[a]	6	none	Permitted from the start of an election cycle filing date until seven (7) days after election
Small Temporary Political Signs[c]	All Districts	NA	6	R/W[a]	2		
Identification Signs	All Districts	1 per building	4 per unit	R/W[a]	6	indirect	N/A
Information Boards;	All Districts	1 per building	50	15	8	indirect	N/A
Sandwich Boards; A-frame signs	All Districts	1 per business	12	R/W[a]	4	None	Permitted only during open hours. Must be stored inside overnight.

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Type	Zoning District Allowed	Number Permitted	Max. Area (sq. ft.)	Min. Setback (ft.)	Max. Height (ft.)	Illumination Allowed[b]	Time Restrictions
Temporary Banner Signs (e.g. "grand opening signs")	All Districts	1 per lot frontage[c]	64	R/W[a]	8	None	4 times annually; 30 days per occurrence
Manual Changeable Copy Signs	All Districts	1 per parcel	32	R/W[a]	4	Direct	N/A
Feather-Style Signs	All Districts	2 per entrance for single-tenant businesses; 4 per entrance for multi-tenant	20	R/W[a]	10	N/A	4 times annually; 30 days per occurrence
On-site Temporary Real Estate & Construction Signs	All Districts	N/A	6	R/W[a]	6	None	Removed within seven (7) days of the completion of sale or completion of construction

Footnotes:
a Signs must be located outside public street right of way and outside any sight distance triangle.
b Electrical permit required if sign is illuminated.
c 1 per 500 linear feet of lot frontage or portion thereof.

7.8 SIGN REQUIREMENTS WITHIN OVERLAY DISTRICTS (NEW)

See Article 4 - Zoning Districts, for additional sign requirements within overlay districts.

> ***Commentary*: For requirements for Certificates of Appropriateness (COA) for signage within Historic District Overlay or local Historic Landmark property boundaries, see "Major and Minor Work Items" which may be obtained from the Guilford County Planning and Development Department.**

7.9 GENERAL SIGN STANDARDS

A. IN GENERAL

All signs, except those listed in Sections 7.6 and 7.7 shall not be installed until a permit has been obtained.

Table 7.9.1 – Specifications for Freestanding Signs Requiring a Permit

Sign Type	Zoning District	Number Permitted	Area (sq. ft.)		Min. Setback (ft.)	Max. Height (ft.)	Area Computation	Electronic Changeable Copy Allowed?
			Max	Min[a]				
Single Tenant Freestanding Sign	**All Residential Districts**	1 per lot	64	N/A	R/W	6	N/A	Yes
	PI, LO, NB	1 per lot frontage	100	25	R/W	6	.25 square feet per linear feet of lot frontage	Yes
	CP, LB	1 per lot frontage	100	50	R/W	15	.50 square feet per linear feet of lot frontage	Yes

	GB, HB, LI, HI, MXU	1 per lot frontage[e]	100[d]	75	R/W	30[d]	1.0 square feet per linear feet of lot frontage	Yes
Multi-tenant Freestanding Sign	**All Office/Commercial Districts**	1 per street frontage	200	200	10	30[d]	**# of Businesses** 4—15 = 200 sq. ft. 16+ = 300 sq. ft.	N/A
Monument Sign[c]	**All districts**	1 per street frontage/ entrance	32	NA	R/W	6	**N/A**	Yes
Outparcel Sign	**All districts**	1 per parcel	50	NA	R/W	6	NA	N/A

1) Free-standing signs shall be allowed only as accessories to a principal use.
2) All signs may be directly illuminated.
3) Any sign greater than six (6) feet in height shall not be located within one hundred (100) feet of any residential zone.

Footnotes:
a "Minimum" area refers to the minimum sign size allowed by right, regardless of the size which would be allowed by computation.
b Signs must be located outside public street right-of-way (R/W) and outside any sight distance triangle .
c Permitted only in 1) major subdivisions, 2) developments over fifteen thousand (15,000) square feet of gross floor area, 3) multi-family developments with more than eight (8) dwelling units in a single building, or 4) developments with more than forty thousand (40,000) square feet in open uses of land.
d Within four hundred (400) feet of an Interstate Highway the maximum height is fifty (50) feet and the maximum size may be increased by seventy-five (75) square feet.
e See Section 7.11.C.4.

Table 7.9.2 – Specifications for Attached/Wall Signs Requiring a Permit

Sign Type	District Allowed	Number Permitted	Area (sq. ft.)		Max. Height (ft.)	Area Computation	Electronic Changeable Copy Allowance	Illumination	Temporary Sign Restrictions
			Maximum	Minimum[a]					
Wall Signs (including neon, channel letters, or light boxes)	PI, LO, NB	NA	100	25	Top of Wall	5% of Wall Area[cd]	N/A	Direct or Indirect	N/A
	MXU, CP, LB	NA	100	50	Top of Wall	7.5% of Wall Area[cd]	N/A		
	GB, HB, LI, HI	NA	200	50	Top of Wall	10% of Wall Area[cd]	N/A		
Awning, Canopy, or Marquee Signs	All Non-Residential Districts	1 per wall face	32	NA	Top of Canopy[b]	25% of the canopy, awning or marquee face[e]	Yes – for projecting marquee signs	Direct or Indirect	N/A
Suspended or Projecting Signs	All Non-Residential Districts	1 per entrance	6	NA	[b]	N/A	N/A	Direct	N/A
Temporary Banners (Attached to Wall)	RM and Non-Residential Districts	1 per 500 feet of frontage	20	12	[b]	Linear Frontage: 0—100 ft. = 12 ft^2 101—200 ft. = 16 ft^2 201—500 ft. = 20 ft^2	N/A	N/A	4 times annually; 30 days per occurrence

Note: All signs may be directly illuminated.
a "Minimum" sign size refers to the minimum area allowed by right, regardless of the size which would be allowed by computation.
b Nine (9) feet height to clear pedestrian walkways or fifteen (15) feet to clear vehicular drives.

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c Based on the first thirty (30) feet of height of the wall on which the sign is located. Buildings more than thirty (30) feet in height may have additional sign area based on five percent (5%) of the wall area above thirty (30) feet in height, provided the sign is located at or near the top of the building.
d In multi-tenant buildings, the area computation shall be based on the wall area of each separate occupancy.
e When the awning, canopy or marquee is attached to a multi-tenant building, the area computation for all attached signs shall be based on the area computation for the district. Any portion of this sign allocation may be affixed to the wall, awning, canopy or marquee provided that no part of the sign projects above the top of the wall.

B. ELECTRONIC CHANGEABLE COPY SIGNS (LED MESSAGE BOARDS) STANDARDS

1. In general, LED message boards are allowed in Guilford County provided they meet the standards of this subsection.
2. Table 7.9.3 outlines standards for LED message boards by zoning district and include maximum area allowed, minimum message duration, hours of operation, and brightness allowed.
3. Portable LED message boards shall be allowed in conjunction with a Temporary Event/Use Permit provided that:
   a. The size of the message board does not exceed thirty-two (32) square feet, excluding towing apparatus.
   b. Maximum height, including towing apparatus, does not exceed 5 feet.
   c. The sign is not placed within any sight triangle, public right-of-way, or vacant lot.
   d. The sign follows district standards, message duration, hours of operation, and brightness standards found in this Section.
   e. The sign shall be displayed no more than thirty (30) calendar days from the date the permit is issued.
   f. No more than four (4) permits may be issued for a portable LED message board for any address.

Image 7.8 – Examples of portable and permanent LED Sign



Source: star-promo.com

Table 7.9.3 – Electronic Changeable Copy Sign Standards

District	Max. Area Allowed[a]	Min. Message Duration[b]	Hours of Operation
AG, RS-40, RS-30, RS-20, RS-3, RS-5, RS-7, RM-26, RM-18, RM-8	70%	12 Seconds	7:00 AM – 9:00 PM
PI, CP, LO, NB	70%	12 Seconds	6:00 AM – 10:00 PM
LB, MXU, GB, HB	70%	8 seconds	5:30 AM – 12:00 AM
LI & HI	75%	8 seconds	5:30 AM – 12:00 AM

Footnotes:
[a] Maximum area allowed is the percentage of the allowable sign area outlined in Tables 7.9.1 and 7.9.2 and may be double-sided
[b] Messages shall be static and shall not display any animated features during and in between message transition.
[c] Sign must have installed photo sensor to adjust brightness based on ambient lighting conditions, specifically during daylight hours.

C. ILLUMINATION STANDARDS

1. Unless otherwise specified in this Article, signs may be illuminated either directly (contained within the sign) or indirectly (projected onto the sign from an external source).
2. Direct illumination shall not exceed three-hundred fifty (350) watts.

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3. Indirect illumination on any sign shall be directed onto the sign at ninety (90) degree angles.

7.10 LOCATION, CONSTRUCTION, AND MAINTENANCE SPECIFICATIONS (6-1.7)

All signs permitted by this Section shall be constructed and maintained in accordance with the following provisions:

A. OBSTRUCTION
No sign shall be erected so as to obstruct any fire escape, required exit, window, door opening, or wall opening intended as a means of ingress or egress.

B. VENTILATION INTERFERENCE
No signs shall be erected so as to interfere with any opening required for ventilation.

C. ABOVE GROUND CLEARANCE
All signs shall be located in such a way that they maintain horizontal and vertical clearance from all electrical power lines and communication lines in accordance with the applicable provisions of the N.C. Codes and utility requirements. Further, all signs shall be located so as to avoid obstruction of pedestrian and vehicular traffic and to maintain safe sight distances at the intersection of all streets, drives and sidewalks.

D. GROUND CLEARANCE
All signs and their supporting structures shall maintain clearance from surface and underground utilities, conduits or easements for water, sewage, gas, electricity or communication equipment. In addition, the placement of signs and their supporting structures shall not interfere with natural or artificial drainageways.

E. INTERFERENCE TO WARNING OR INSTRUCTIONAL SIGN
No sign shall be erected so as to interfere with any existing warning or instructional sign.

F. PERMANENCE
Except for banners, flags, temporary signs and window signs conforming with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure. Banners and flags shall be constructed of a fire-retardant material or treated to be fire retardant.

G. MAINTENANCE
All signs shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this Ordinance at all times.

H. MINIMUM WIND LOADS AND OTHER CODES
1. All signs, except those attached flat against the wall of a building, shall be designed and constructed to withstand minimum wind loads and earthquake loads as specified by the NC State Building Code.

7.11 BILLBOARDS (OFF-PREMISE ADVERTISING SIGNS) (6-4.25)

A. WHERE REQUIRED
HB, LI, HI, and Urban Loop Scenic Corridor Overlay Districts.

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B. SPACING

1. Standards for districts **outside** Urban Loop Scenic Corridor: No billboard shall be erected within one thousand (1,000) linear feet along the same street frontage of another billboard as measured from the billboard pole(s).
2. Standards for districts **within** Urban Loop Scenic Corridor:
   a. Billboards shall not be allowed within a five hundred (500) foot area beginning from the taper of the pavement of each on/off ramp as measured from the point at which the pavement widens, and the direction of such measurement shall be along the pavement away from the interchange.
   b. No billboard shall be erected within one thousand (1,000) linear feet along the same street frontage of another billboard as measured from the billboard pole(s).
   c. Regardless of spacing or other restrictions, no more than three (3) billboards shall be permitted on each side of the Urban Loop within any two-mile segment.

C. HEIGHT

No billboard shall exceed thirty (30) feet in height; however, the height may be increased to fifty (50) feet if the billboard is within four hundred (400) feet of an Interstate Highway.

D. SIZE

The sign area of any billboard shall not exceed four hundred and fifty (450) square feet.

E. ILLUMINATION

Billboards may be indirectly illuminated or non-illuminated. No billboard may contain any animated features as defined in Article 12 - Definitions, or any form of direct illumination per NCAC 19A.2E.023.

F. ADJACENT RESIDENTIAL

No billboard shall be erected closer than three hundred (300) feet to any residentially-zoned property as measured from the base of the pole to the nearest property line of the residentially-zoned property.

G. SETBACK

The support post(s) of any billboard shall meet the minimum setbacks of the district in which it is located. No sign portion of a billboard shall project closer than fifteen (15) feet to a street right-of-way or closer than five feet to any other property line, measured horizontally.

H. AUXILIARY SPECIFICATIONS

All billboards shall meet the minimum requirements of Section 7.10 (Location, Construction and Maintenance Specifications).

I. ADDITIONAL STANDARDS FOR URBAN LOOP SCENIC CORRIDOR

1. The pole(s) of any new billboard shall be painted a natural dark brown.
2. A sign viewing zone shall be permitted for each sign face. The viewing zone shall be measured five hundred (500) feet along the edge of pavement from the point at the edge of the right-of-way that is the closest point to the center of the sign structure. This viewing zone includes the entire area from the five hundred-foot point on the edge of the pavement to the back edge of the sign.

J. VEGETATION REMOVAL

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, or remove trees, shrubs, or other vegetation located within any publicly owned road or

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highway right-of-way outside the maximum removal zone as described in G.S. § 136-133.1, except as permitted through the North Carolina Department of Transportation per G.S. § 136.133.4.

K. MODERNIZATION

So long as the square footage of the advertising surface is not increased, repairs, reconstruction, and/or modernization of any off-premise advertising signs (billboards) shall be permitted per G.S. § 136-131.2.

L. PERMITS

A permit to erect or install a billboard shall be required in accordance with the requirements and procedures of Article 3 - Permits and Procedures and require Site Plan approval.

7.12 MASTER OR COMMON SIGNAGE PLAN (6-1.8)

After the effective date of this Ordinance no permit shall be issued for an individual sign requiring a permit unless and until a Master Signage Plan or a Common Signage Plan for the lot on which the sign will be erected has been approved. A Master Signage Plan shall be prepared for developments containing a single principal building on a single lot, while a Common Signage Plan shall be prepared for developments containing more than one (1) principal building or more than one (1) lot.

A. INFORMATION REQUIRED FOR A MASTER SIGNAGE PLAN

1. A Site Layout Plan in accordance with Appendix 2 (Map Standards).
2. Specifications for each sign in sufficient detail to determine that the height and area requirements of this Ordinance have been met.
3. Accurate location(s) on the Site Layout Plan for each existing and proposed sign.

B. COMMON SIGN PLAN INFORMATION

A Common Signage Plan shall contain all of the information required above plus provisions for shared usage of freestanding and attached signs.

C. OTHER PROVISIONS

1. A Master or Common Signage Plan shall be a part of any development plan, site plan, planned unit development or other plan required for development and may be processed simultaneously with such plan(s) and shall be approved prior to the issuance of any sign permit.
2. A Master or Common Signage Plan may be amended by filing a new plan which conforms with all requirements of this Ordinance. Minor changes may be approved and noted by the Enforcement Officer on the existing plan.
3. After approval of a Master or Common Signage Plan, no sign shall be erected, placed, painted or maintained except in conformance with such plan and such plan may be enforced in the same way as any other provision of this Ordinance. In case of any conflict between the provisions of such a plan and any other provision of this Ordinance, the Ordinance shall control.
4. An additional freestanding sign in excess of the general limitation of one (1) per frontage as shown in Table 7.9.1 will be approved provided:
   a. The lot frontage exceeds two hundred and fifty (250) linear feet.
   b. There is sufficient excess frontage to support the request for an additional sign based on the rates in Table 7.9.1. Note that if more than one (1) sign is requested, there is no

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minimum area by right, and in no case shall the maximum area for a sign exceed two hundred (200) square feet.

c. Each sign shall be a minimum of one hundred (100) feet from any other freestanding sign on the same zone lot and one hundred (100) feet from any other freestanding sign on an adjacent zone lot that contains more than one (1) freestanding sign.

7.13 PERMITS TO CONSTRUCT OR MODIFY SIGNS (6-1.9)

Billboards and signs shown as requiring a permit on Tables 7.9.1 and 7.9.2 shall be constructed or modified only in accordance with a duly-issued and valid sign permit (and site plan review for billboards). Such permits shall be issued in accordance with the requirements and procedures of Article 3 - Permits and Procedures.

7.14 COMPLIANCE WITH THE ORDINANCE (6-1.11)

A. REMOVAL OF SIGNS

A sign for which a permit has been revoked, or for which the time allowed for the continuance of a nonconforming sign has expired, shall be removed.

B. SIGNS IN RIGHT-OF-WAY

Any sign installed or placed on public property or rights-of-way, except in compliance with this Section or under an encroachment agreement with the North Carolina Department of Transportation, shall be forfeited to the public and be subject to confiscation.

C. OBSOLETE SIGNS

Any sign which advertises a business no longer conducted on the premises shall be removed within ninety (90) days of cessation of such business.

D. UNSAFE SIGNS

Any sign which is unsafe or unsecure or is a menace to the public shall be removed after due notice by the Planning & Development Director and/or Building Inspector has been given.

E. DETERIORATED OR ABANDONED SIGNS

Any sign which has been abandoned or which has not been properly maintained, to include cleaning and painting of painted surfaces and replacement of damaged parts, shall be removed after due notice by the Planning & Development Director has been given.

7.15 NONCONFORMITIES

For regulations regarding signs that do not conform to the standards of this Article, see Article 11 - Nonconformities.

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ARTICLE 8 – SUBDIVISIONS AND INFRASTRUCTURE STANDARDS

ADOPTION DRAFT – 09.28.2020

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ARTICLE 8 – SUBDIVISIONS AND INFRASTRUCTURE STANDARDS

8.01 PURPOSE

A. PURPOSE

The purpose of this section is to establish procedures and standards for the subdivision of land within the County. More specifically, this section is intended to:

1. Provide for the orderly growth and development of the County;
2. Maintain conditions essential to the public's health, safety, and general welfare;
3. Facilitate adequate provision of public services; and
4. Facilitate the further re-subdivision of larger tracts into smaller parcels of land.

B. SUBDIVISION DEFINED

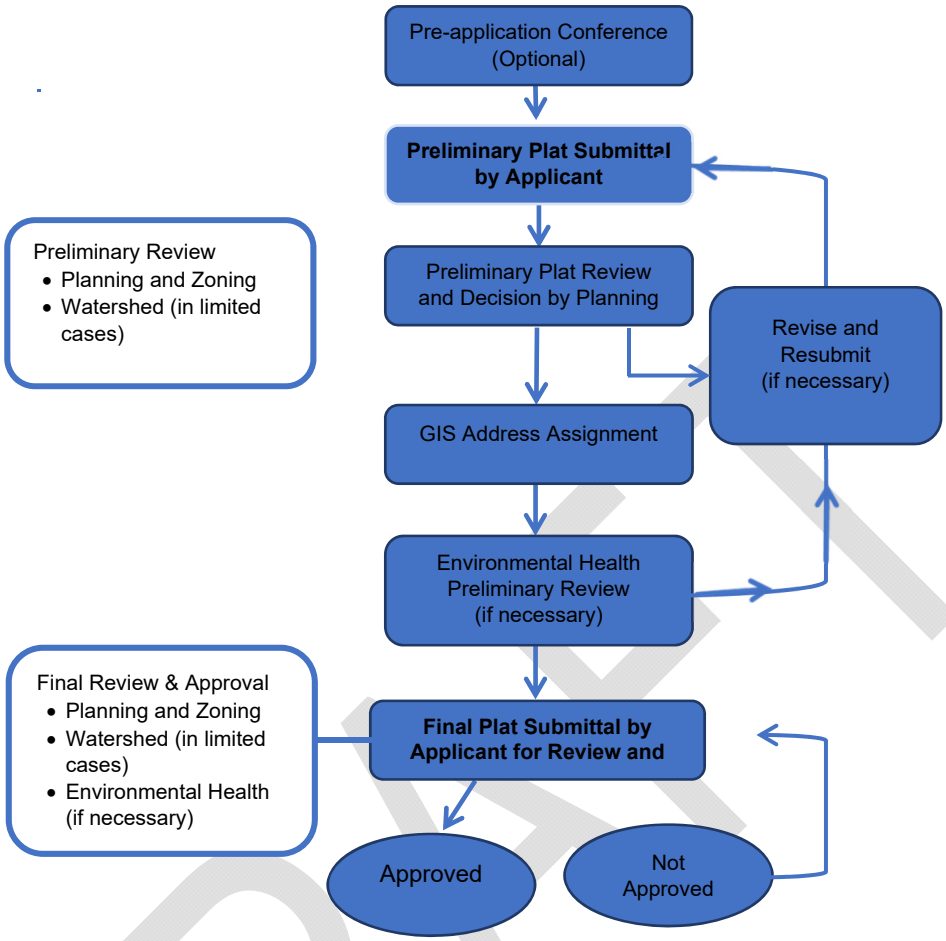
For the purpose of this part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets.

8.02 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, 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 of the General Statutes.

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8.03 APPLICABILITY *(5-13)*

A. TYPE OF SUBDIVISIONS

The standards in this section are the minimum standards applied to all Minor Subdivisions [five (5) lots or less] and Major Subdivisions [six (6) or more lots] in the unincorporated area of Guilford County.

The following are subdivision types regulated by this Ordinance (see Article 3 - Permits & Procedures):

1. **MINOR SUBDIVISION:** Minor Subdivisions are all divisions of land into five (5) lots or less.

   Commentary: Previous division(s) of parent lots of record count towards classifying minor subdivisions.

2. **MAJOR SUBDIVISION:** Major Subdivisions are all divisions of land into six (6) or more lots.
3. **PLANNED UNIT DEVELOPMENT:** A planned unit development (PUD) is an area of land under unified ownership or control to be developed and improved as a whole under a Unified Development Plan in accordance with the requirements of this Ordinance. Any property

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meeting the minimum size requirements set forth in this Ordinance may be eligible as a planned unit development regardless of the methods utilized to supply potable water and sewage disposal (See Section 8.06 and Article 4). Planned Unit Developments are comprised of the following zoning district designations:

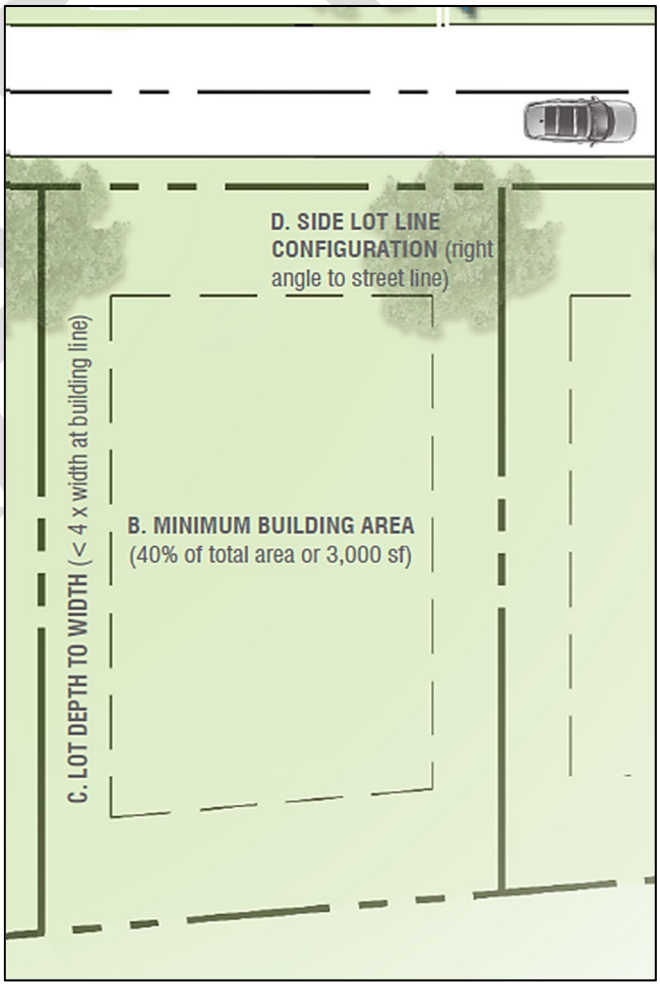
a. Planned Development-Residential (PD-R)
b. Planned Development-Mixed (PD-M)
c. Planned Development-Rural Preservation (RPD)

4. CLUSTER DEVELOPMENT: Cluster developments may be used in any district which permits single-family uses if the tract is ten (10) acres or more and is served by public sanitary sewer (See Section 8.07).

B. SUBDIVISION LOT AND DIMENSIONAL STANDARDS

1. Lot Configuration

Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all zoning and other requirements of this Ordinance.



2. Minimum Building Area

Every lot shall have at least forty (40) percent of its total area, or three thousand (3,000) square feet, whichever is less, of contiguous buildable area of a shape sufficient to hold a principal building. Said area shall lie at or be filled to an elevation at least two (2) feet above the one hundred (100) year flood elevation.

3. Lot Depth to Width Ratio

No lot shall have a depth greater than five (5) times the width at the minimum building setback line.

4. Side lot line configuration

Side lines of lots should be configured as closely as possible at or near right angles to street lines.

5. Lot Lines and Drainage

Lot boundaries shall coincide with natural or pre-existing man-made drainageways to the extent practicable to avoid altering drainageways in order to create a buildable lot.

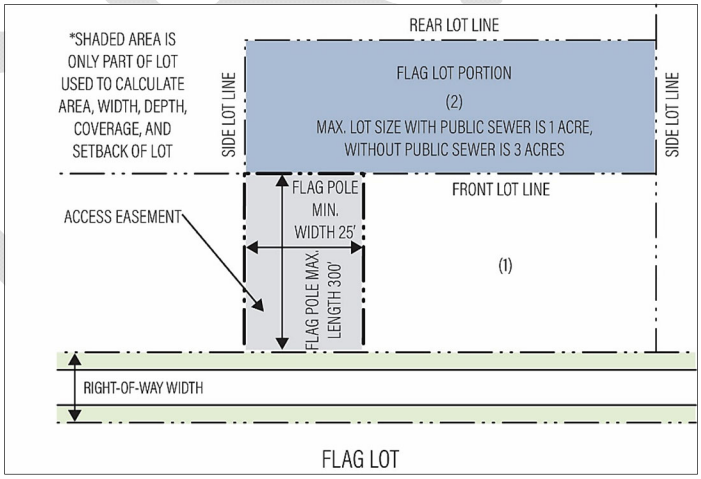
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Commentary: See Article 9 - Environmental Regulations which may prohibit or restrict fill placement in certain locations.

6. Flag Lot

Flag Lots (See Flag Lot Figure below) approved by the Technical Review Committee 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 Article 4 – Accessory, Uses, Buildings, and Structures.	300 feet	25 feet	1 acre	3 acres
[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. *[2]Environmental Health septic suitability and other applicable Ordinance requirements apply.*				



Commentary: Flagpole portion of lot may not be used to calculate area, width, depth, coverage or setbacks of the lot or to provide off-street parking.

1) Where public water is available, any building on the flag lot must be within five hundred (500) feet of a fire hydrant. This distance shall be measured along the street, then along the flagpole, then in a straight line to the building location;
2) Where public sewer is available, occupied buildings on the flag lot shall have a gravity service line, or the sewer pump requirement shall be noted on the plat;

3) Use of a single driveway to serve a flag lot and an adjoining lot is permitted and encouraged; the preferred location for the driveway is on the flagpole portion of the flag lot where an access easement over the flagpole is granted to the conventional lot.

7. Nonconforming Lots to be Combined

See Article 11 – Nonconformities.

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 8.08 - 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

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

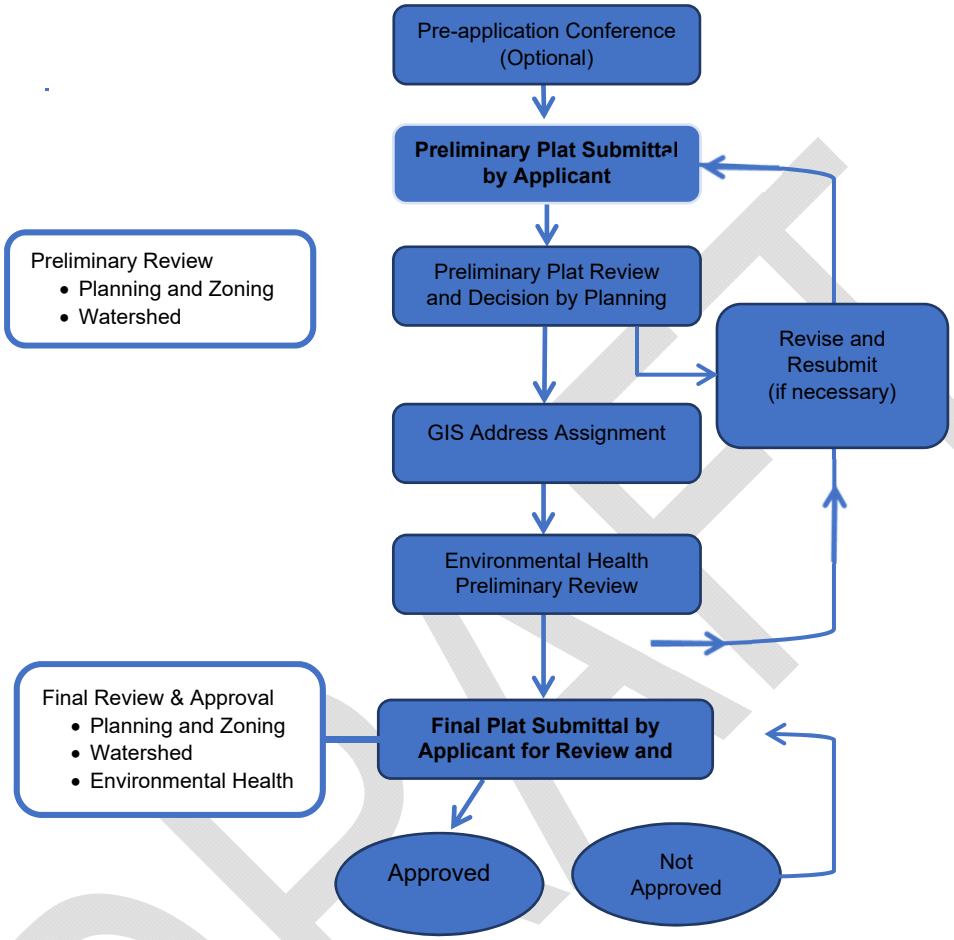
All required improvements, easements, and rights-of-way (other than required reservations) shall benefit the development or bear a reasonable connection to the need for public facilities attributable to the new development.

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.

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8.04 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.



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A. STREET ACCESS STANDARDS

Access requirements for Minor Subdivisions are reviewed and approved administratively by the Planning Director based on the following:

1. **Access for Minor Subdivisions**. Access for Minor Subdivisions may be approved where lot(s) have access through direct frontage on a public or private street, or by an exclusive access easement meeting the following requirements:

Minor Subdivision Street/Access Standards Five (5) Lots or Less [1]						
Street/Access Options	**Minimum Right-of-Way or Easement Width [2]**	**Minimum Street Width**	**Length [3]**	**Street/Access Construction Standard**	**Street Maintenance Responsibility**	**Other Requirements**
Public Street [7,]	50 ft.	14 ft. One-Way 20 ft. Two-Way	Max. 800 ft. / 1600 ft. (WCA) [5]	Must Meet or Exceed NCDOT Subdivision Streets Minimum Construction Standards	POA [6]	Certification of Street Construction to NCDOT Subdivision Streets Minimum Construction Standards
Private Street (new) [7]	50 ft.	14 ft. One-Way 20 ft. Two-Way	Max. 800 ft. / 1600 ft. (WCA) [5]	6" ABC Stone and Meet NCDOT Subdivision Streets Minimum Construction Standards EXCEPT No Paving Required [8]	POA [6]	Private Street Disclosure Certification Statement (G.S. § 136-102.6) Must Have Direct Access to a Public Street
Exclusive Access Easement (Public & Private Streets; Exclusive Access Easement must be Recorded) [9]	25 ft.	N/A	Allowable if more than 300 ft. from Public Street Minimum separation between centerline of easement of any other platted right-of-way shall be one hundred twenty-five (125) ft.	N/A	- Property Owner(s)	Only One (1) Lot a Minimum of Three (3) Acres in Size One (1) Single-Family Dwelling & One (1) Accessory Dwelling Unit1[10]. Uninhabited accessory structure(s) also allowed per Article 4 – Accessory, Uses, Buildings, and Structures.

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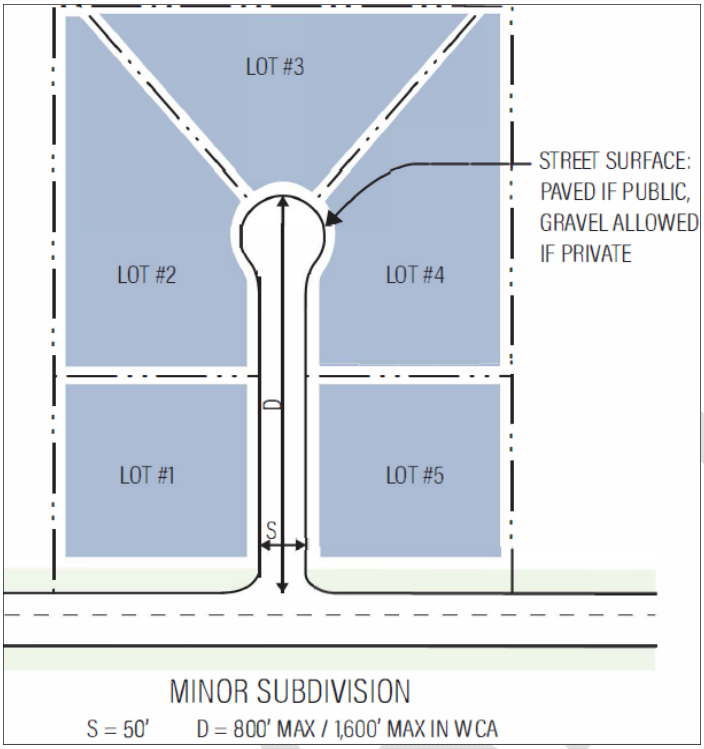
[1] The number of lots that are existing, created, or combination thereof.
[2] In some instances, minimum street Right-of-Way or Easement width of public and private Streets may be required to exceed minimum width based on Street function, number of lots served, and/or other factors specific to proposed development.
[3] See Section 8.05 for approved Street terminus/turnaround.
[4]See Public/Private Street Illustration below.
[5,]WCA - Watershed Critical Area. See Article 9 – Environmental Regulations.
[6]Streets shall be dedicated to a Property Owners' Association (POA) or accepted by NCDOT for maintenance prior to further subdivision activity. See Section 8.04.
[7]See Public/Private Illustration below.
[8]Private Streets are required to meet minimum design guidelines for thickness of base and surface course per the most recent NC Dept. of Transportation Subdivision Streets Minimum Construction Standards.
[9]See Exclusive Access Easement illustration below.
[10]Environmental Health septic suitability and other applicable Ordinance requirements apply.

Commentary: For roads to be added to the N.C. Dept. of Transportation (NCDOT) system, individual(s) or property owners' associations (POA) must submit a SR-1 form (petition) to NCDOT. The requirements for addition are listed on the petition.

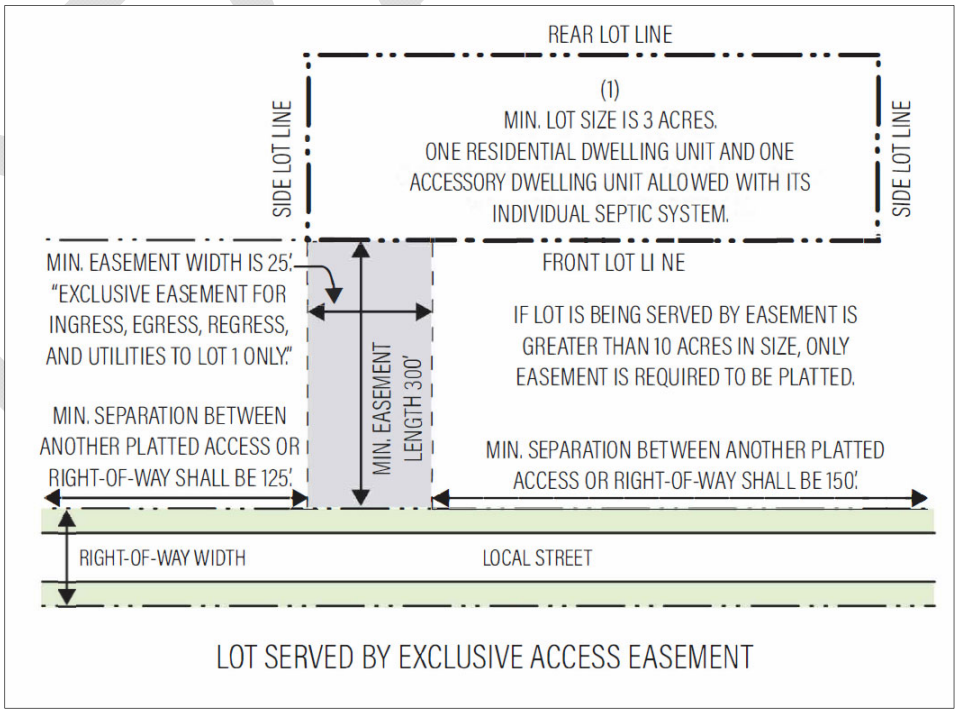
2. **Utility Easements**
   Lots fronting on public streets with access to existing utilities are not required to have utility easements. All other lots shall show a twenty (20) foot utility easement to the front, side, or rear of each lot unless easement releases are obtained from all utility companies, in which case no utility easement will be required.
3. **Reserve Strips**
   Reserve strips adjoining street rights-of-way for the purpose of preventing access to adjacent property shall not be permitted under any condition.

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4. Public/Private Street Illustration:



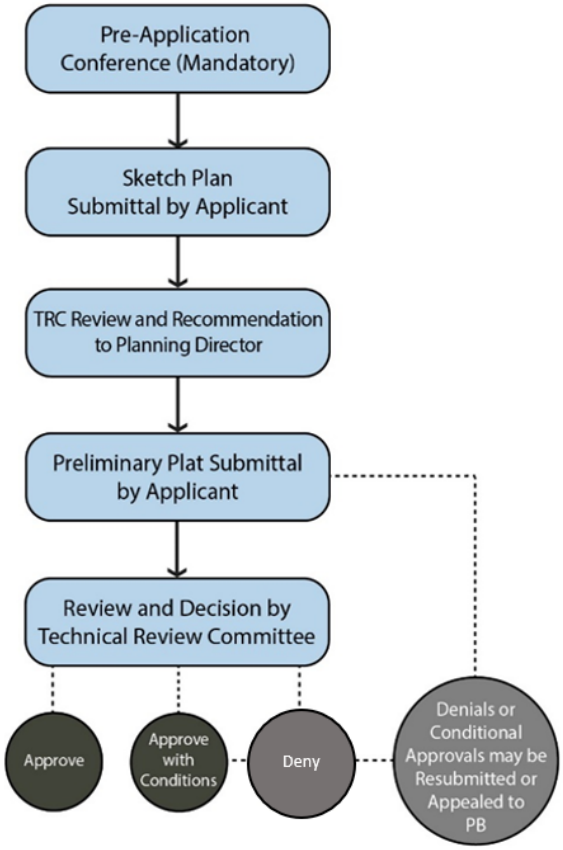
5. Exclusive Access Easement Illustration:



8.05 MAJOR SUBDIVISIONS

Major Subdivisions are all divisions of land into six (6) or more lots.

A. STREET ACCESS AND SIDEWALK STANDARDS *(5-13.3 – 5-13.6)*



1. **Lots on Thoroughfares**
   Major subdivisions shall not be approved that permit individual residential lots direct access to thoroughfares as designated on the adopted Comprehensive Transportation Plan (CTP).

2. **Conformance with CTP and Collector Street Plans**
   The location and design of streets shall conform with the most recent CTP and collector street plan. Where conditions warrant, street right-of-way widths and pavement widths in excess of the minimum street standards may be required.

3. **Conformance with Adjoining Street Systems**
   The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.

4. **Reserve Strips**
   Reserve strips adjoining street rights-of-way for the purpose of preventing access to adjacent property shall not be permitted under any condition.

5. **Connection to Public Street Right-of-Way**
   All private streets or private access easements must be established and designed to have access via a public street right-of-way.

6. **Sidewalks**
   a. Except along controlled access roadways, sidewalks shall be required on all thoroughfares, collector, sub-collector and local residential streets (except cul-de-sacs) within one (1) mile of a park/recreation facility, school, shopping center, employment center or other major pedestrian generator. Where sidewalks are installed, they shall have a minimum width of five (5) feet and be constructed on one (1) side of the street right-of-way as determined by the Technical Review Committee (TRC).

b. Alternative provisions for pedestrian sidewalk movement meeting the intent of this Section may be used where unreasonable or impractical situations would result from application of these requirements. Such situations may result from significant vegetation, impending street widening, topography, utility easements, lot configuration or other unusual site conditions. In such instances, the Planning & Development Director may approve an alternate plan that proposes different pedestrian routes provided such that the intent of this Section is fulfilled.

B. STREET DESIGN STANDARDS

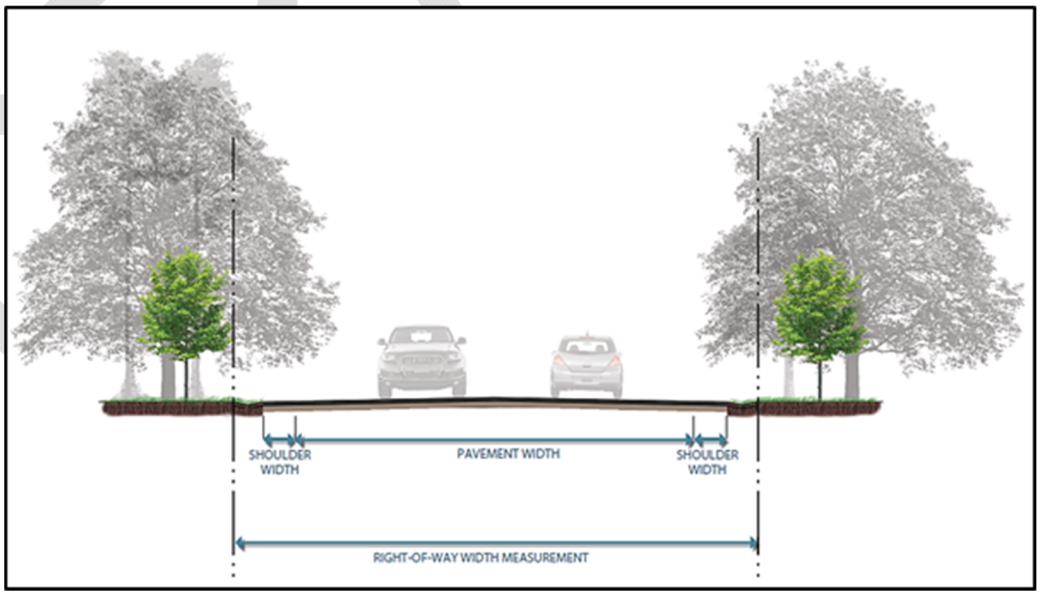
1. Conformance with Existing Plans

a. The street layout shall conform to the arrangement, width, and location indicated on any applicable CTP and collector street plan. In areas where plans have not been completed, the streets shall be designed and located in proper relation to existing and proposed streets, topography, natural features (e.g., streams and tree growth), public convenience and safety, and to the proposed land use to be served by such streets; and

b. In cases where a proposed subdivision fronts or extends an existing street that does not comply with the minimum standards of this Ordinance, the subdivider shall upgrade the portion of the existing street abutting the subdivision, in accordance with the standards of this Ordinance.

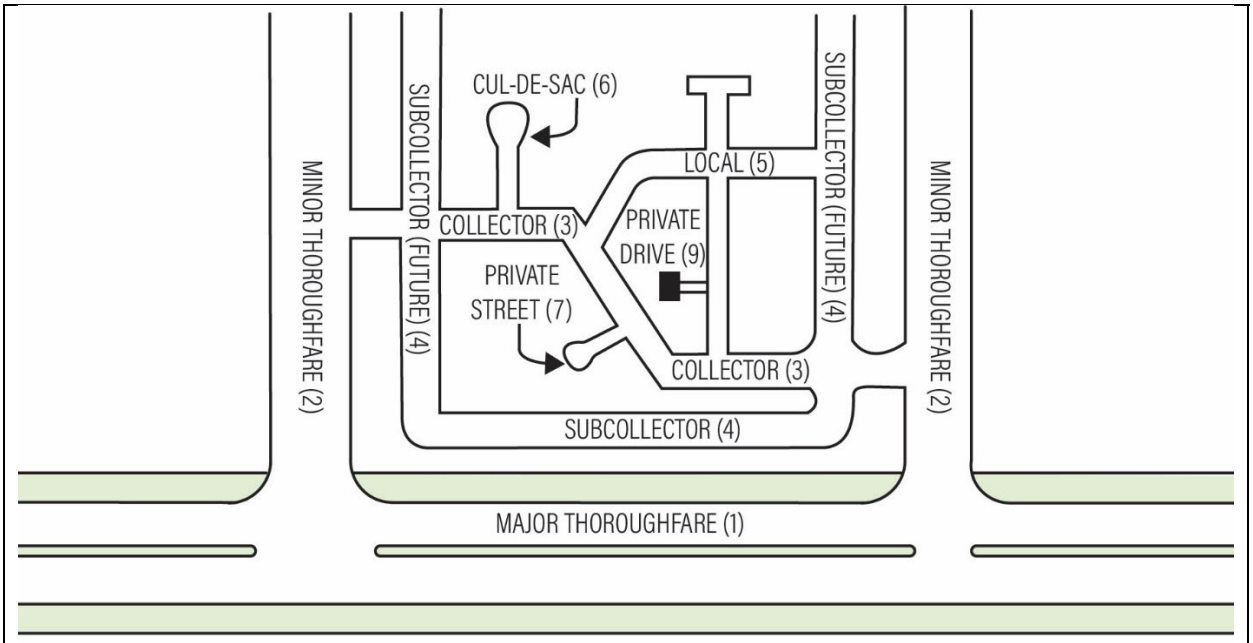
2. Street Classification (2-1.7)

a. The final determination of the classification of streets in a proposed subdivision shall be made by the County. A typical street cross-section is illustrated below:



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b. Specific Street classification descriptions are listed below:



STREET CLASSIFICATION	DESCRIPTION
ALLEY	A roadway which affords only a secondary means of access to abutting property.
COLLECTOR STREET (3)	A street whose principal function is to carry traffic between cul-de-sac, local and other collector streets, and street of higher classification, but which may also provide direct access to abutting properties.
CUL-DE-SACS (6)	A short local street having one (1) end open to traffic and the other end permanently terminated by a vehicular turnaround.
LOCAL STREET (5)	A street whose primary function is to provide access to abutting properties.
MAJOR THOROUGHFARE (2)	Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.
MINOR THOROUGHFARE (1)	Minor thoroughfares collect traffic from collector, sub-collector, and local street and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

PRIVATE DRIVE (9)	A vehicular travelway not dedicated or offered for dedication as a public street, providing access to parking lot(s) for two (2) or more principal buildings in a group housing or group nonresidential development.
PRIVATE STREET (7)	A vehicular travelway not dedicated or offered for dedication as a public street, but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system.

c. Public Street Design Criteria *(5-13.3)*

The minimum street design standards for the street classifications listed in this Section are listed below. Street right-of-way dedication and paving of streets in and adjacent to the subdivision shall be in conformance with the street right-of-way and pavement width requirements listed below and shall be designed in accordance with the NC Building Code – Fire Prevention Code & Appendices and the North Carolina Department of Transportation (NCDOT) Subdivision Streets: Minimum Construction Standards, whichever is applicable.

1) Minimum Public Street Design Standards

Classification	Minimum Right-of-Way [1]	Minimum Pavement Width [1, 2, 3]	Stopping Sight Distance	Centerline Radius [3]
MAJOR THOROUGHFARE	90 – 100’	64-68’	650’	1,530’
MINOR THOROUGHFARE Five Lane Four Lane	 80’ 68’	 60’ 48’	 550 475’	 1,240’ 955’
COLLECTOR [6]	60’	40’	400’	765’
SUB-COLLECTOR [6]	56’	36’	250’	440’
LOCAL RESIDENTIAL				
*With Ribbon [4]	50’	22’	200’	300’
With Curb/Gutter	50’	30’	200’	300’
RESIDENTIAL CUL-DE-SAC				
*With Ribbon [4]	50’	22’	200’	300’
With Curb/Gutter	50’	30’ [5]	200’	300’
LOCAL INDUSTRIAL	60’	40’	325’	575’
INDUSTRIAL CUL-DE-SAC	60’	40’	325’	575’

[1] *Recommended design standards. Exceptions may be approved by the TRC due to 1)relation of design standards to existing and proposed streets, 2)topography, 3)natural features (e.g., streams and tree growth), 4)public convenience and safety, and 5)proposed land use to be served by such streets.*

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[2] *Unless additional width required under this Section.*
[3] *Dimension in this column are from face of curb to face of curb, except ribbon pavement.*
[4] *Watershed Critical Area (WCA) only.*
[5] *With twenty (20) dwelling units or less, twenty-six (26) feet.*
[6] *Wider right-of-way and pavement width may be required to accommodate pedestrian and bicycle facilities on streets recognized on the official Greensboro Urban Area Metropolitan Planning Organization Collector Street Plan.*

d. Private Street Design Criteria *(5-13.3 – 5-13.4)*

Private streets shall be permitted in developments with Property Owners' Associations and group developments.

Private Street Minimum Design Standards[1]			
Minimum Common Area Free of Obstructions	**Minimum Pavement Width (face to face)**	**Stopping Sight Distance**	**Centerline Radius Minimum**
40'[2]	24'[3]	150'	215'

[1]*All private streets will have a standard, thirty (30) inch curb and gutter section, unless the street is located in the WCA.*
[2]*Common area may need to be wider when using ribbon pavement in the Watershed Critical Area (WCA).*
[3]*Ribbon pavement width in Watershed Critical Area is 22 ft.*

1) The pavement design for all private streets will be equivalent to the minimum design standards for local residential streets of the NCDOT unless the developer supplies an alternate pavement design supported by an engineering study. The developer must furnish an engineer's seal and certification that the private streets have been tested and certified for the subgrade, base and asphalt. Streets located in the WCA may be twenty-two (22) feet of asphalt construction with shoulders and a ditch section. Common area may need to be widened to retain the ditch section within the common area. All turnarounds must comply with D103.1 of NC Fire Prevention Code (See chart below).

2) A Property Owners' Association is required to own and maintain all private streets allowed under this Ordinance. All private streets will be indicated as such on the final plat.

3) No through street in a residential area connecting two (2) public streets can be designated as a private street, unless approved by the Technical Review Committee.

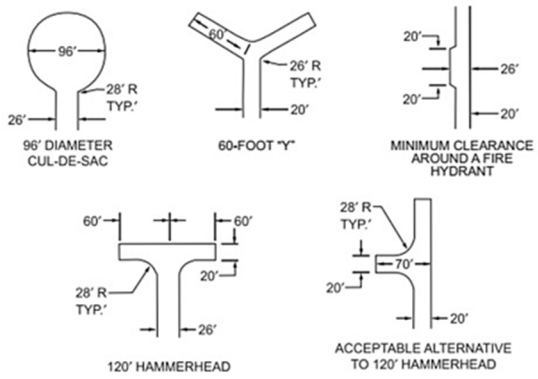
4) All private streets connecting with public streets require an approved driveway permit from NCDOT. Where street returns are permitted, the developer shall construct a concrete band running parallel with the public street. The width of this band shall commence at the gutter line and extend to the street right-of-way of the public street.

e. Access & Turnaround

All streets must provide sufficient access & turnaround provisions for public safety in compliance with the current adopted version of the North Carolina State Building Code – Fire Prevention Code Appendix D as illustrated below:

D103.1 Access road width with a hydrant.

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).



For SI: 1 foot = 304.8 mm.

FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

**For the purposes of this graphic, the terms street and road shall be synonymous.*

f. Existing Substandard Streets (new)

An existing private street or unimproved platted street right-of-way shall be improved to NCDOT standards if the total number of lots to be served is more than five (5) (existing, created or combination thereof).

g. Connectivity

1) Adjacent Property(ies) (new)

(a) Where it is determined by the Technical Review Committee that it is desirable to provide for street access to adjoining property(ies), proposed streets shall be extended, purposed, and where appropriate, constructed to the boundary of such property(ies).

(b) It is the intention of this Section to promote the orderly development of a local street system that provides interconnection between developed or developing properties. These requirements may vary at the discretion of the Technical Review Committee (TRC) where compliance is determined not feasible because of topography, the existence of environmentally sensitive lands, the need to preserve cultural resources, and/or other similar considerations. In general, connections shall be required where one of the following conditions exist:

i. Where the zoning and/or land use on the adjoining property(ies) are compatible with the proposed subdivision. For purposes of this Section, compatible land use shall mean any residential to residential land use or nonresidential to nonresidential land use.

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ii. Where there are no natural or man-made barriers that make the street extension impractical;

iii. Where the street extension will result in desirable traffic flows and patterns and where inappropriate levels of through traffic are avoided; and/or

iv. Where the street extension will promote public safety and the overall orderly development of the area. Where required to be built, all stub streets shall be designed and constructed in accordance with the appropriate standards per Subsection e above.

Development Type	Fire Apparatus Access Streets	Fire Apparatus Access Street Exceptions	Sight Distance Triangle Easements [1]	Minimum Street Offset [2]	Grades at Intersections [3]	Curb and Gutter
Single or Two Family Dwelling Residential Developments over 30 units	Shall provide two (2) separate and approved fire apparatus access streets meeting the standards in this Ordinance and minimum NCDOT's standards shall be provided. In some instances, the Technical Review Committee may allow a stub street to count as an additional development entry point when there is a reasonable likelihood of the stub street connecting to a future roadway.	Where there are more than thirty (30) dwelling units (existing or created) on a single public or private fire apparatus access Street and all dwelling units are equipped throughout with an approved automatic sprinkler system, access from two directions shall not be required. The number of dwelling units on a single fire apparatus access Street shall not be increased unless fire apparatus access Streets will connect with future development, as determined by the Fire Marshal.	NCDOT standard of 10 feet x 70 feet in size along the intersecting rights-of-way, with the seventy (70) foot dimension along the cross street.	One hundred and twenty-five (125) feet.	Not exceed five (5) percent for a distance of not less than one hundred (100) feet from the centerline of the intersection.	Required in developments where public water and/or sewer is provided.
Multiple-Family Residential Developments	Shall be equipped throughout with two (2) separate	A single approved fire apparatus access Street may be provided when	NCDOT standard of ten (10) feet x seventy (70) feet in size along the	One hundred and twenty-five (125) feet	Not exceed five (5) percent for a distance of not less than one	Required in developments where public water and/or

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(more than 100 dwelling units)	and approved fire apparatus access streets.	all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with this ordinance.	intersecting rights-of-way, with the seventy (70) foot dimension along the cross street.		hundred (100) feet from the centerline of the intersection.	sewer is provided.
Multiple-Family Residential Developments (more than 200 dwelling units)	Shall provide three (3) separate and approved fire apparatus access streets regardless of whether they are equipped with an approved automatic sprinkler system.	N/A	NCDOT standard of ten (10) feet x seventy (70) feet in size along the intersecting rights-of-way, with the seventy (70) foot dimension along the cross street.	One hundred and twenty-five (125) feet	Not exceed five (5) percent for a distance of not less than one hundred (100) feet from the centerline of the intersection.	Required in developments where public water and/or sewer is provided.

[1] *Triangular sight distance easements shall be shown at all street intersections and so noted on the final plat. These easements will remain free of all structures: fences; trees; shrubbery; and signs, except utility poles; fire hydrants; and traffic control signs.*
[2] *Where streets are offset, the centerlines shall be offset no less than one hundred and twenty-five (125) feet.*
[3] *The grade on streets approaching an intersection with stop signs shall not exceed five (5) percent for a distance of not less than one hundred (100) feet from the centerline of the intersection.*

h. Block Length

Blocks shall not exceed a perimeter length of six thousand (6,000) feet, except that a perimeter length of up to twelve thousand (12,000) feet may be approved in the Watershed Critical Area. Perimeter length is the shortest lineal measurement along the abutting street right-of-way lines.

i. Street Naming & Street Signs

1) Street Names

Street names shall conform to the standards set forth in Appendix 1 (Street Name and Address Assignment Standards). Proposed street names shall be presented with preliminary plat.

2) Public Street Intersection

At each intersection of a public or private street, drive or lane, the developer shall pay a fee to the County for the installation of each required street name sign. The County shall erect the street name sign(s).

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3) Private Street Intersections

The developer shall be required to erect and maintain reflective signs at all intersections between private streets, drives, or lanes or shall pay a fee to the County for the installation of each required street name sign. Signs for private streets not installed by the County shall be approved by the County as part of a Master or Common Sign Plan (see Section 7.12). Signs shall exhibit a reflective white background with green lettering.

4) Traffic Control Devices

i. If NCDOT determines traffic control signs and signals are necessary, they shall be erected and maintained by the subdivider at each street intersection within the subdivision.

ii. Traffic control signs also shall be installed where subdivision streets intersect with an improved or State-maintained street.

iii. Traffic control signs shall comply with NCDOT standards related to size, shape, color, location, and information contained thereon.

iv. Traffic control signs shall be installed free of visual obstruction.

v. Traffic calming devices (e.g., speed humps and bumps) shall be prohibited unless approved by the Fire Marshal.

5) Maintenance

Maintenance of signs on private streets, drives or lanes shall be the responsibility of the adjacent owners or Property Owners' Association, as appropriate.

j. Street Trees (new)

Street trees shall be required in accordance with the following standards:

Applicability	Location [1]	Timing	Configuration [2]	Maintenance Provision	Maximum On-Center Spacing [3]
All multi-family and non-residential developments within the City of Greensboro's Growth Tier I, City of High Point's Future Growth Area, or other adopted municipal growth strategies map.	Both sides of streets, a minimum of fifty (50) feet of the street centerline.	Required street trees on individual building lots shall be installed prior to occupancy of the dwelling unit on such lot.	Street trees shall be canopy trees except beneath overhead utilities or other projections into the public street right-of-way, where understory trees shall be installed instead.	Street trees shall be maintained by the individual property owners or Property Owners' Association.	Understory Trees: Twenty (20) – Thirty (30) feet on center. Canopy Trees: Fifty (50) feet on center.

[1] *Street trees shall be located within fifty (50) feet of the centerline of the street they serve, and may be located within front and corner side setbacks, outside of the street right-of-way. Street trees should be located within tree easements of a sufficient size to allow access by maintenance equipment to the entirety of the expected mature tree canopy.*

[2] *All trees planted along or within a NCDOT street right-of-way shall conform to NCDOT guidelines.*

[3] *Spacing may be reduced to avoid driveways or sight distance triangles as approved by the Technical Review Committee.*

[4] *Existing trees shall be retained to the greatest extent possible during development and may be used to meet these requirements.*

B. UTILITY STANDARDS

1. **Water and Sewer**
   - **a.** Water and sewer lines, connections, and equipment shall be constructed in accordance with State and local regulations.
   - **b.** Where public sewer is not available, lots shall be evaluated in accordance with "Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal 11 NCGS 130A. Approval of the Environmental Health Division, the North Carolina Department of Environment and Natural Resources, or a Certified Soil Scientist shall be obtained after Preliminary Plan approval.
2. **Other Utilities**
   - **a.** Electrical, television cable, and telephone utility lines installed within major subdivisions shall be underground unless the applicant, through consultation with the utility provider, demonstrates to the Technical Review Committee that underground installation is inappropriate.
3. **Utility Easements *(5-13.6)***
   - **a. Major Subdivisions**
     To provide for electric, telephone, gas and community antenna television services conduits, and sewer or water lines within the subdivision appropriate utility easements not to exceed thirty (30) feet in width shall be provided. The location of such easements shall be reviewed and approved by the County, with advice from utility providers, before Final Plat approval.
   - **b. No Buildings or Improvements In Utility Easements**
     Utility easements shall be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. The County shall not be liable for damages to any improvement located within the utility easement area caused by maintenance or replacement of utilities located therein.
4. **Stormwater Controls *(5-8)***
   - **a.** See Article 9 – Environmental Regulations for stormwater control requirements.
   - **b.** Plat Recordation: The permanent stormwater control measures shall be substantially completed and have full design volume available prior to any plat recordation for the site. This may require the cleanout and disposal of sediment from the stormwater control facility.
5. **Fire Hydrants**
   - **a.** All development serviced by a public water supply system shall include a system of fire hydrants sufficient to provide adequate fire protection for buildings to be located within the development. Fire hydrants shall be spaced a maximum of one thousand (1,000) linear feet apart and every portion of lot frontage is within five hundred (500) linear feet of a fire hydrant. The Fire Marshal may authorize or

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require a deviation from this standard if the Fire Marshal determines another arrangement more satisfactorily complies with the intent or standards in this Ordinance.

b. Fire hydrants shall be placed no more than three (3) feet or at a distance as approved by the Fire Marshal behind the public curb.

C. PUBLIC OPEN SPACE & SITES FOR PUBLIC USE

1. <Reserved>

D. COMMON AREAS *(PROPERTY OWNERS' ASSOCIATION 5-9)*

1. Designation of Common Areas

All private streets, open space, recreation areas, and similar uses not dedicated to the public shall be designated as common areas.

2. Conveyance of Property Owners' Association

a. Creation. A Property Owners' Association shall be established to fulfill the requirement of the North Carolina Condominium Act or to accept conveyance and maintenance of all common areas and facilities within a development containing common areas.

b. Conveyance. Where developments have common areas or facilities serving more than one (1) dwelling unit, these areas shall be conveyed to the Property Owners' Association in which all owners of lots in the development shall be members. All private streets, open space, recreation areas, and similar uses not dedicated to the public shall be designated as common areas. The fee-simple title of the common area shall be conveyed by the subdivider or developer to the Property Owners' Association.

c. Subdivision or Conveyance of Common Area. Common areas shall not be subsequently subdivided or conveyed by the Property Owners' Association, unless a revised Preliminary Plat and a revised Final Plat showing such subdivision or conveyance have been submitted and approved.

d. Maintenance. Maintenance of common areas shall be the responsibility of the Property Owners' Association. Interim maintenance of public streets also shall be the responsibility of the Property Owners' Association until accepted by NCDOT.

> ***Commentary: For roads to be added to the N.C. Dept. of Transportation (NCDOT) system, individual(s) or property owners' associations (POA) must submit a SR-1 form (petition) to NCDOT. The requirements for addition are listed on the petition.***

3. Submission of Property Owners' Association Declaration

Prior to or concurrently with the submission of the Final Plat for review and approval, the subdivider shall submit a copy of the proposed Bylaws of the Property Owners' Association containing covenants and restraints governing the Property Owners' Association, plats, and common areas. The restrictions shall include (but not be limited to) provisions for the following:

a. Existence Before Any Conveyance. The Property Owner's Association declaration shall be organized and in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development.

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b. Membership: Membership in the Property Owner's Association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent sections of the development.

c. Property Owners' Association Declaration: The Property Owners' Association declaration shall contain the following items:

1) Responsibilities of Property Owners' Association: The Property Owners' Association declaration shall state that association is responsible for:

i. The payment of premiums for liability insurance and local taxes;

ii. Maintenance of recreational and/or other facilities located on the common areas; and

iii. Payment of assessments for public and private improvements made to or for the benefit of the common areas.

2) Default of Property Owners' Association: Upon default by the Property Owners' Association in the payment to the County entitled thereto of any assessments for public improvements or ad valorem taxes levied against the common areas, which default shall continue for a period of six (6) months, each Owner of a lot in the development shall become personally obligated to pay to the County a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the County by the total number of lots in the development. If the sum is not paid by the Owner within thirty (30) days following receipt of notice of the amount due; the sum shall become a continuing lien on the property of the Owner, his/her heirs, devisees, personal representatives and assigns. The taxing or assessing County may either bring an action at law against the Owner personally obligated to pay the same, or may elect to foreclose the lien against the property of the Owner.

3) Powers of the Property Owners' Association: The Property Owners' Association shall be empowered to levy assessments against the Owners of lots or units within the development. Such assessments shall be for the payment of expenditures made by the Property Owners' Association for the items set forth in this Section, and any assessments not paid by the owner against whom such assessments are made shall constitute a lien on the lot of the Owner.

4) Easements: Easements over the common areas for access, ingress, and egress from and to public streets and walkways and easements for enjoyment of the common areas, and for parking, shall be granted to each lot Owner.

5) Maintenance and Restoration: Provisions for common area maintenance of and restoration in the event of destruction or damage shall be established.

d. Nonresidential Condominiums: If a condominium is nonresidential, the declaration shall contain the following provision:

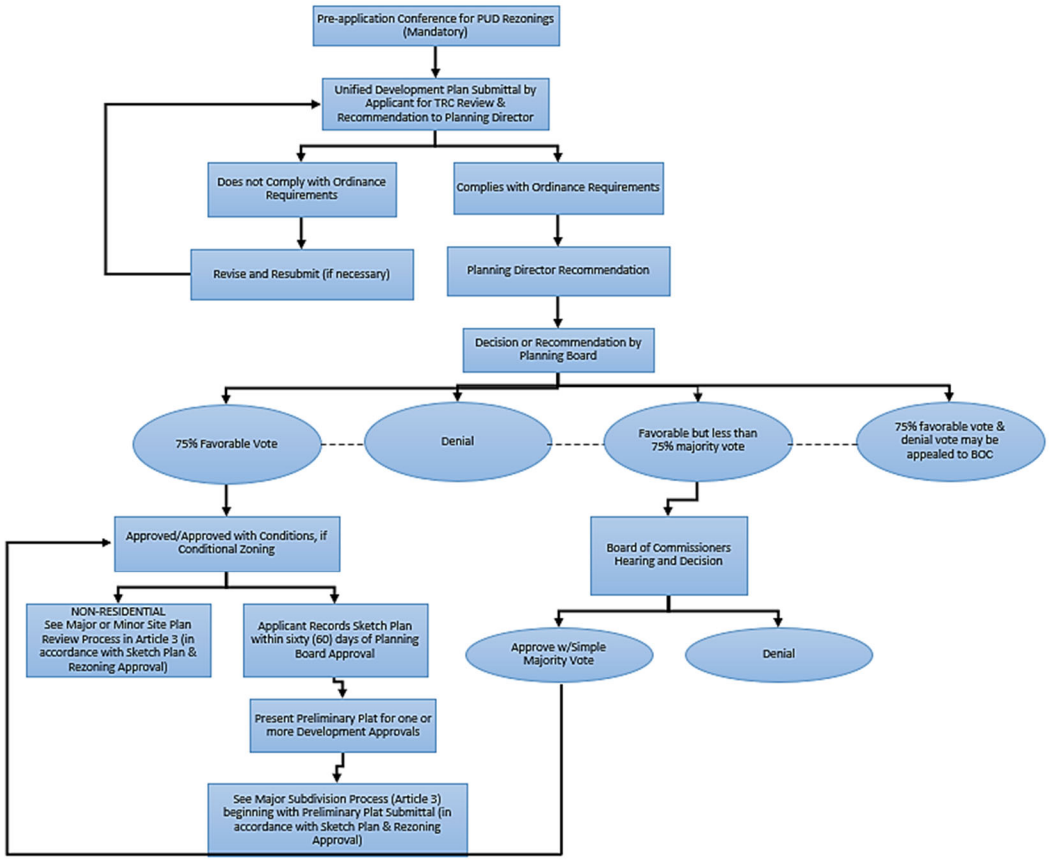
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"Parking spaces shall be allocated among the individual lots or units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply with this Ordinance for the use intended to be located therein. The Property Owners' Association shall maintain a register listing the total number of parking spaces in the development and the number of parking spaces allocated to each lot or unit. A copy of this register shall be available to the Enforcement Officer at his/her request. The Property Owners' Association shall not reduce the number of parking spaces allocated to an individual lot or unit without the express written consent of the owner thereof, and in no case shall the number of parking spaces allocated to an individual unit be reduced to a number below that required by this Ordinance."

8.06 PLANNED UNIT DEVELOPMENT DISTRICTS (PD-R, PD-M & RPD)

Planned Unit Developments are permitted under the following zoning district designations (See Article 4.4 for Planned Unit Development Design Requirements):

- Planned Development-Residential (PD-R)
- Planned Development-Mixed (PD-M)
- Planned Development-Rural Preservation (RPD)



8.07 CLUSTER DEVELOPMENTS

The objective of the cluster option is to locate smaller lots than would normally be permitted by the zoning district in which the development is located, and to preserve land which would otherwise have been included in private lots into public dedication or common area.

A. CLUSTER OPTION

Cluster development may be used in any district that permits single-family uses and where the development will be served by public sanitary sewer according to the following:

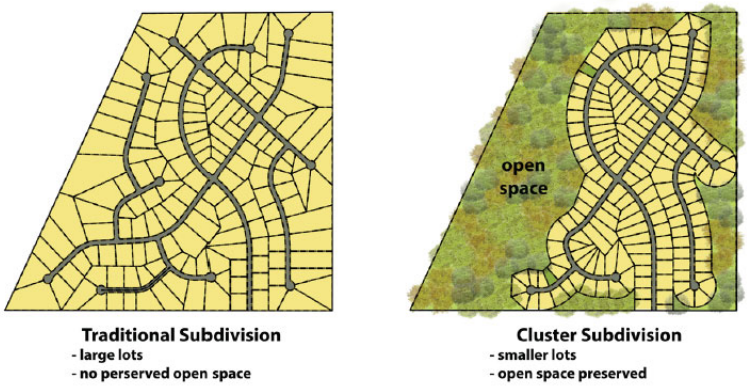
1. Minimum Tract Size
   a. Ten (10) acres or greater; or
   b. Less than ten (10) acres if street right-of-way in a street or highway corridor pursuant to G.S. § 136-66.10 is dedicated and the development will be served by public sanitary sewer.
2. Cluster development is allowed in Watershed Critical Area (WCA) and General Watershed Areas (GWA) of WS-III and WS-IV water supply watersheds. If the low-density option for any WCA and GWA area is chosen, the total number of lots shall not exceed the number of units allowed for single family detached developments under the low-density option as listed in Table 8.07.1 below.
3. The Fire Marshal must approve fire protection options where there is no public water.

B. CLUSTER REQUIRED

The Technical Review Committee may require that cluster development be used if street right-of-way dedication is required pursuant to G.S. § 136-66.10 or the development lies partially or wholly within a Watershed Critical Area (WCA).

C. CLUSTER DEVELOPMENT STANDARDS

1. When cluster development is implemented, all lot size and other dimensional requirements for single-family dwellings are decreased to comply with a more compact, smaller-lot RS zone.
2. The sum of those areas placed into common area as open space, those areas dedicated as public open space in excess of any required dedication for such purposes, and those areas dedicated as street right-of-way pursuant to G.S. § 136-66.10 shall not be less than fifteen percent 15%) of the total area of the development.



3. The maximum number of lots shall be determined as follows:
   a. Calculate the gross acreage of the tract, excluding any existing street right-of-way;

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b. Subtract three-fourths (¾) of the area of any drainageway and/or open space required to be dedicated by this Ordinance;

c. Multiply by the density factor from the Table below:

TABLE 8.07.1		
Development Zoning	**Lots and Buildings Must Meet Requirements of Zoning District Below**	**Density Factor per Acre**
RS-40 (WCA Tier 2)	RS-40	0.20
RS-40 (WCA Tier 3)	RS-40	0.33
RS-40 (WCA Tier 4)	RS-40	1.0
RS-40	RS-20	1.0
RS-30	RS-3	1.3
RS-20	RS-3	1.9
RS-3	RS-5	3.0
RS-5, RM-8	RS-7	5.0
RM-18, RM-26, MXU	RS-5	5.0

4. Common areas shall be located within the development to:

- **a.** Preserve stands of trees, lakes, steep slopes, historic sites or other significant features;
- **b.** Provide common open area(s)/green space(s) in the development for aesthetic purposes and pedestrian use;
- **c.** Provide space for common recreation facilities and meeting places (for residents only);
- **d.** Provide buffering from adjacent land uses of higher intensity; and/or
- **e.** Minimize stormwater flow and runoff impacts to receiving waters in WCA and GWA areas.

5. Common area for open space shall be of dimensions usable for the purpose stated, including a minimum width of twenty-four (24) feet, and shall be accessible from public or private street rights-of-way or easements to all homeowners in the development.

6. If approved by the Technical Review Committee, a site may be reserved for a school, civic club, recreation center or library within the area that would otherwise have been common area.

7. When the cluster option is chosen for a development type, a statement shall be provided on the subdivision Final Plat indicating such option was used along with the associated individual development requirements.

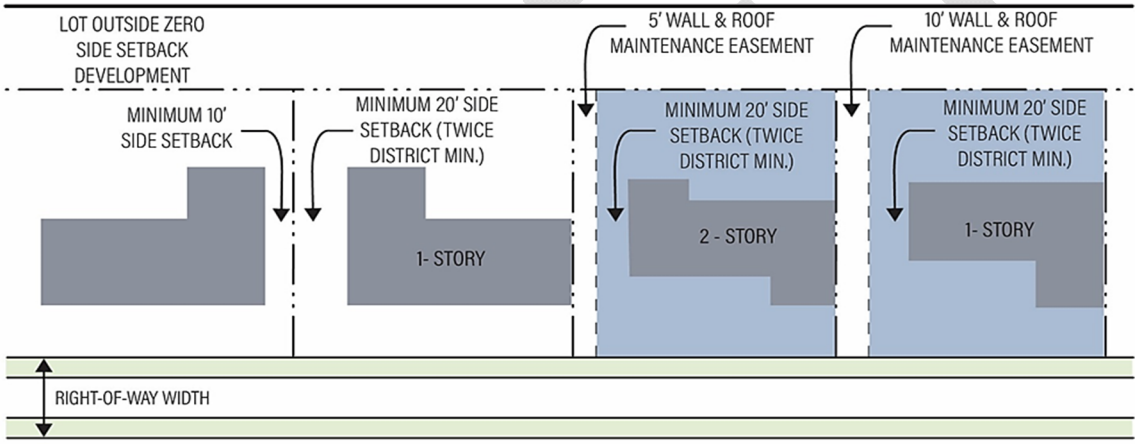
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8.08 (NEW) ALTERNATIVE DEVELOPMENT STANDARDS WITH PUBLIC SEWER

A. ZERO SIDE SETBACK OPTION

Zero side setback development may be used in any district which permits single-family uses if the development contains ten (10) or more contiguous lots and is served by public sanitary sewer.

1. **Development Standards:**
   a. Setbacks of zero (0) feet are permitted only where the lots on both of the affected lot line are part of a zero (0) side setback development.
   b. A wall and roof maintenance easement (five [5] feet along one-story walls, ten [10] feet along two-story walls) shall be provided on the opposite side of the zero (0) setback lot line.
   c. Whenever one (1) side setback is zero, the minimum setback on the opposite side of the same lot shall be twice the minimum side setback required by this Ordinance for the zoning district in which the development is located.

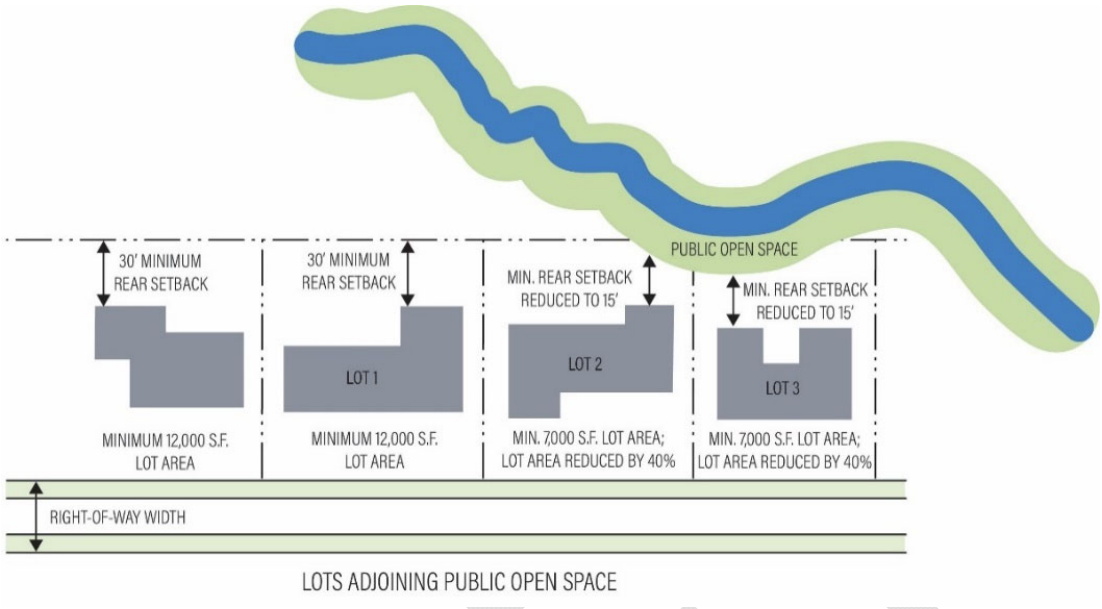


ZERO SIDE SETBACK

B. LOTS ADJOINING PUBLIC OR COMMON OPEN SPACE

Single family lots with public sewer service which abut dedicated public or common open space may be developed with less than the minimum lot size provided the following requirements are met:

1. No lot shall be less than sixty percent (60%) of the minimum lot area for the zoning district in which it is located, or five thousand (5,000) square feet, whichever is greater.
2. Rear setbacks may be reduced to fifteen (15) feet, if the rear property line abuts open space (should probably define) areas.



LOTS ADJOINING PUBLIC OPEN SPACE

8.09 PERFORMANCE GUARANTEES *(MODIFIED 3-10)*

A. GENERAL

A performance guarantee shall be required in the following circumstances:

1. To ensure the completion of public infrastructure improvements that are required as part of an approved subdivision but are not approved by the Planning & Development Director or County Engineer as complete before approval of a final plat;
2. To ensure completion of public infrastructure improvements that are required as part of a site plan (e.g., streets, sidewalks, landscaping, erosion control), but are not installed before occupancy of the development; and
3. To ensure completion of private site improvements that are required as part of a site plan (e.g., landscaping, parking, screening, etc.), but are not installed before occupancy, provided the Planning & Development Director determines that the property may be safely occupied and used regardless of the delayed installation of the improvements.

B. TERMS OF PERFORMANCE GUARANTEES

The term of a performance guarantee shall state any time limit to complete installation of required improvements that is included in approval of the final plat or associated permit, as appropriate, but in no case shall the term exceed two (2) years. The Planning & Development Director may, for good cause shown and with approval of the provider of the guarantee, grant up to one (1) extension of the term, for a time period not exceeding one (1) year accompanied by an updated Opinion of Probable Cost (OPC).

C. FORM OF PERFORMANCE GUARANTEES

The Owner or Developer shall furnish a performance guarantee in any of the following acceptable forms:

1. **Letter of Credit**

   If the Developer provides a Letter of Credit, it must be accompanied by an Improvement Performance Guarantee Agreement (written in substantial form as the template shown

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in Appendix 3), be valid for at least one (1) year, and be payable to Guilford County at any time upon presentation of:

a. A sight draft drawn on the issuing Bank;

b. An affidavit executed by an authorized County official stating that the Developer is in default under this Agreement, and

(1) An authorized official for purpose of this subsection shall include the County Manager, the Planning Director, or their designees. The Developer shall renew the Letter of Credit for successive one (1)-year terms until this Agreement is of no further effect.

(2) The original Letter of Credit. The Letter of Credit must be issued by a financial institution approved by the County and located within Guilford County, North Carolina, and must be irrevocable.

2. Surety or Performance Bond

a. If the Developer provides a performance bond, (written in substantial form as the template shown in Appendix 3) using the Development Bond template, it must be valid for at least one (1) year and payable to the County upon default of this Agreement. The bonding company must be licensed to do business in North Carolina. The bond also must detail the procedure for drawing funds once the Developer is determined to be in default under this Agreement. The Developer shall renew the performance bond for successive one-year terms until this Agreement is of no further effect. If a performance bond is deemed to be perpetual in form the bonding company will be required to provide annual notice of the performance bond's continuance.

b. An authorized County official for purpose of this subsection shall include the County Manager, the Planning & Development Director, or their designees.

3. Cash Deposit or Equivalent Security

a. Cash deposits or equivalent security will be placed in a separate Guilford County account and designated for this purpose.

b. An Improvement Performance Guarantee Agreement (written in substantial form as the template shown in Appendix 3) shall accompany a cash deposit or equivalent security.

c. The performance guarantee and the Improvement Performance Guarantee Agreement (see template in Appendix 3) shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the performance guarantee. Performance guarantees shall provide that in case of the Owner's or Developer's failure to complete the guaranteed improvements, the County shall be able to immediately obtain the funds necessary to complete installation of the improvements.

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d. An authorized official for purpose of this subsection shall include the County Manager, the Planning & Development Director, or their designees.

4. Improvements to be Completed

Upon recordation of seventy-five percent (75%) of the total lots approved within a subdivision, the Developer shall be required to complete all remaining public improvements (i.e., infrastructures, landscaping, and buffering) prior to consideration of extension of both the Performance Guarantee and Agreement, if applicable. Exceptions may be provided on a case-by-case basis as approved by the Planning Director.

D. AMOUNT OF PERFORMANCE GUARANTEE

1. Performance guarantees for required improvements shall equal one hundred and twenty-five percent (125%) of the estimated full cost of completing the installation of the required improvements, including the costs of materials, labor, and project management.

2. An Opinion of Probable Cost for completing installation of required public infrastructure improvements shall be itemized by improvement type and certified by the Owner's or Developer's registered engineer and are subject to approval by the Planning & Development Director. Estimated costs for completing installation of required landscaping or other private site improvements (non- infrastructure improvements) shall be itemized and certified by the Owner's or Developer's contractor and are subject to approval by the Planning & Development Director.

E. REDUCTION AND RELEASE OF PERFORMANCE GUARANTEE

1. The Planning & Development Director shall authorize the release of all or a portion of any performance guarantee posted as the improvements are completed. Such completion shall be certified as completed by a North Carolina Registered Professional Engineer or the owner's or developer's contractor for non-infrastructure improvements. The County may reduce the total financial security by the ratio that the completed improvements compared to the total estimated cost of improvements required, provided that no more than one such reduction may be permitted prior to releasing the performance guarantee.

2. The County will release the security when all required Completion Certification Forms have been provided and any required maintenance guarantee and corresponding documents have been provided.

F. EXTENSION OF PERFORMANCE GUARANTEE

1. If the Opinion of Probable Cost or contractor's estimate, as appropriate, is updated and the guarantee is renewed, the amount of the performance guarantee and agreement shall be updated to reflect cost increases and duration of the extension.

G. DEFAULT OF PERFORMANCE GUARANTEE

1. All developments whose improvements are not completed and accepted fourteen (14) days prior to the expiration of the performance guarantee shall be considered to be in default. Said guarantee may be extended with the consent of the County, if such extension takes place prior to default.

2. If the Owner or Developer fails to complete the installation of the guaranteed improvements within the term of the performance guarantee, the Planning & Development

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Director or his/her designee shall give the Owner or Developer a minimum sixty (60) days written notice of the default by certified mail.

3. After the notice period expires, the County may draw on the guarantee and use the funds to perform work necessary to complete installation of the guaranteed improvements. After completing such work, the County shall provide a complete accounting of the expenditures to the Owner or Developer and, as applicable, refund all unused funds, without interest.
4. In no case shall a performance guarantee be extended without written approval from the County.

H. OVERSIZED IMPROVEMENTS

The County may require installation of certain oversized utilities or the extension of infrastructure to adjacent property when it is in the interest of future development. If the County requires the installation of oversized improvements, the County shall reimburse the Developer for the oversizing based on the rates set by the County.

8.10 RESERVED

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ARTICLE 9 – ENVIRONMENTAL REGULATIONS

ADOPTION DRAFT – 09.28.2020

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ARTICLE 9 – ENVIRONMENTAL REGULATIONS

9.1 STORMWATER MANAGEMENT AND WATERSHED PROTECTION DISTRICTS (7-1 & 7-2)

A. DISTRICT DESCRIPTIONS

Two overlay districts cover the unincorporated areas of Guilford County. They are the National Pollutant Discharge Elimination System (NPDES) and the Water Supply Watershed overlays. The Water Supply Watershed area is further divided into the Watershed Critical Area (WCA) and the General Watershed Area (GWA). The WCA covers the portion of the watershed adjacent to a water supply intake or reservoir. The GWA covers the remaining watershed draining to the reservoir or intake.

B. INCORPORATION OF STORMWATER MAP

1. The provisions of this Ordinance shall apply to all unincorporated areas of Guilford County, as shown on the map titled "Designated Water Supply Watershed & NPDES Phase II Stormwater Map of Guilford County, North Carolina" ("the Stormwater Map"), which is adopted simultaneously herewith. The Stormwater Map and all explanatory matter contained thereon accompanies, and is hereby made a part of, this Ordinance.
2. The Stormwater Map shall be kept on file by the Enforcement Officer and shall be updated to take into account changes in the land area covered by this Ordinance and the geographic location of all structural Stormwater Control Measures (SCM) permitted under this Ordinance. In the event of a dispute, the applicability of this Ordinance to a specific area of land or SCM shall be determined by reference to the North Carolina General Statutes, North Carolina Administrative Code, and local zoning and jurisdictional boundary maps and the Guilford County Unified Development Ordinance.

C. APPLICABILITY

1. Coverage:
    a. Section 9.1 shall apply to all sites in unincorporated Guilford County unless specifically exempted pursuant to Section 9.1.C.2 of this Article.
    b. The construction of new streets shall comply with Stormwater Control Measures developed in response to the City of Greensboro's or NCDOT's EPA-NPDES Stormwater Management Program which is incorporated herein by reference.
    c. Widening of existing streets and the installation of sidewalks shall comply with the provisions of this Ordinance to the extent practicable. When determined by the Enforcement Officer that the provisions of these sections cannot be met, the widening of existing streets and the installation of sidewalks shall comply with Stormwater Control Measures developed in response to the City of Greensboro's or NCDOT's EPA-NPDES Stormwater Management Program which is incorporated herein by reference.
2. Exempt Activities:
   The following activities are exempt from the Stormwater Management/Watershed Development requirements of this Section. However, any restrictions upon building location, drainageways, pavement or other built-upon area, or any other matter appearing on any previously approved Stormwater Management/Watershed Development plan covering the

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subject property shall be complied with unless and until replaced by an approved revised plan.

a. Construction of a single-family dwelling and its accessory structures on a legal lot of record established prior to the regulations for the watershed protection district. This exemption does not apply to Riparian Buffer Protection rules for the Jordan Lake Watershed, Randleman Lake Watershed, and other areas described in Subsection 9.1.I Stream Buffers.

b. Redevelopment land disturbing activity that does not result in a net increase in Built-Upon Area (BUA) and that provides greater or equal stormwater control than the previous development. Submittal of a site plan documenting removal/relocation of BUA is required. The Enforcement Office may require the applicant for a Redevelopment project to provide a site plan and report that demonstrates how stormwater control greater or equal to the previous development will be accomplished.

c. Placement of small accessory buildings, structures, or small amounts of other BUA provided that the total additional BUA is no greater than four hundred (400) square feet. This exemption shall apply to an individual property for one time only after January 1, 1994. Submittal of a site plan documenting location of new BUA within the four hundred (400) square-foot threshold is required. This provision shall not allow any development to circumvent the standards as set forth by the State. This exemption does not apply to Riparian Buffer Protection rules for the Jordan Lake Watershed, Randleman Lake Watershed, and other areas described in Subsection 9.1.I.

d. Existing development in non-water supply districts that was in place prior to July 1, 2007. Any water quality device required by new development shall be sized to treat runoff from all BUA (existing and proposed) that naturally flow to that device. Required water quality control for an area of new development can be substituted for an equal area of existing development, if the Enforcement Officer has determined that equal or improved water quality will result.

e. Existing development in water supply watershed districts until such time that additional new development is initiated on the site.

D. HOW TO USE THIS ARTICLE

The following general steps should be followed to determine the applicability of these watershed protection requirements to a particular property:

1. Identify the location of the property on the Stormwater Map to determine which rules of this Section apply;
2. Determine any exemptions;
3. Identify any fragile areas or development limitations (e.g. surface waters, steep slopes, etc.) on the property;
4. Classify the development as high or low density;
5. Based on the development density or Built-Upon Area (BUA), determine the method of stormwater control required and surface water buffers that apply; and
6. Adhere to the requirements of the North Carolina Department of Environmental Quality (NCDEQ) Minimum Design Criteria (MDC), NCDEQ Stormwater Design Manual, and the

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Guilford County Water Quality Protection Manual which may be obtained from the Guilford County Planning and Development Department

E. PARTICIPATION IN A PUBLIC REGIONAL WATER QUALITY LAKE PROGRAM

Where a regional water quality lake program has been established by one or more local governments, or by an authority operating on behalf of one or more local governments, and approved by the N.C. Environmental Management Commission, a development may participate in said program in lieu of any certification of runoff control required by this Article, provided that:

1. The development is within an area covered by a public regional water quality lake program;
2. Runoff from the development drains to an existing or funded public regional water quality lake which is part of said program;
3. Participation is in the form of contribution of funds, contribution of land, contribution of lake construction work, or a combination of these, the total value of which shall be in accordance with a fee schedule adopted by the Governing Body; and
4. The Enforcement Officer finds that the watershed development plan is in compliance with all other applicable requirements of this Article.

Each contribution from a development participating in a public regional water quality lake program shall be used for acquisition, design, or construction of one or more such lakes in the same water supply watershed that the development lies within.

F. WATERSHED PROTECTION DISTRICTS AND PERFORMANCE STANDARDS

1. National Pollutant Discharge Elimination System (NPDES)

a. NPDES District Boundaries:
The NPDES district covers all the territory encompassed in Guilford County, North Carolina except for those areas within incorporated municipalities and their extraterritorial jurisdiction, and property owned by the Piedmont Triad International Airport.

b. Maximum Development Density and Minimum Lot Size (also see Article 4 – Zoning Districts):

(1) All developments located in the NPDES non-water supply district shall be limited to the maximum density and minimum lot size based upon the development's current zoning.

(2) All developments located in the NPDES water supply district shall follow the density and development requirements of the Water Supply Watershed GWA and WCA performance tables.

c. Performance Standards:
The Stormwater Management / Watershed Development Plan for any development covered by this Section shall be prepared and submitted in accordance with the performance standards found below in Table 9.1.1 – NPDES Performance Standards. The owner, developer, or person submitting the Stormwater Management / Watershed Development Plan shall indicate which performance standards apply to the property.

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Table 9.1.1 - NPDES Performance Standards

DISTRICT	LOW DENSITY OPTION	HIGH-DENSITY OPTION *(Requires Stormwater Control Measures – see Subsection d below)*
NPDES, non-water supply areas	2 DU/1 AC; 0-24% BUA	Greater than 2 DU/1 AC; greater than 24 % BUA

NOTES:
1) DU = Dwelling Unit(s); AC=Acre; Percentage (%) refers to Built-Upon Area of the zone lot, parcel, or tract.
2) Single-family detached residential developments will be evaluated on the basis of dwelling units per acre.
3) All other residential and all non-residential developments will be evaluated on the basis of built-upon area percentage.

d. Stormwater Management Requirements:
See Section 9.1.F.5.

e. Exemptions:
Development that cumulatively disturbs less than one (1) acre is exempt from the requirements of this Section.

2. Water Supply Watershed - General Watershed Area (GWA)

a. GWA District Boundaries*:*
The GWA district extends from the outer boundary of the WCA to the outer boundary of the watershed of a designated water supply reservoir or intake.

b. Performance Standards:
The Stormwater Management / Watershed Development Plan for any development covered by this Section shall be prepared and submitted in accordance with the performance standards found in Table 9.1.2 – GWA Performance Standards. The owner, developer, or person submitting the Stormwater Management / Watershed Development Plan shall indicate which performance standards apply to the property.

Table 9.1.2 – GWA Performance Standards

Watershed	Low Density Option	HIGH-DENSITY OPTION *(Requires stormwater control measures – see Subsection d below)*
WS--III Reidsville (Troublesome Creek), Greensboro (Reedy Fork), Polecat Creek, & Sandy Creek	2 DU/1 AC; 0--24% BUA	greater than 2 DU/1 AC; 24.01%-50% BUA[a]
WS--IV High Point (East and West Fork Deep River), Lake Mackintosh (Big Alamance Creek), Jamestown (Deep River), & Haw River(Haw River)	2 DU/1 AC; 0--24% BUA	greater than 2 DU/1 AC; 24.01%-70% BUA
WS-IV Lower Randleman Lake (Deep River)	1 DU/1 AC; 0--12% BUA	greater than 1 DU/1 AC; 12.01%-50% BUA

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[a] Development cannot exceed fifty percent (50%) BUA unless it is non-residential development and has received an additional allocation option in compliance with Section 9.1.F.2.f.

NOTES:

1. DU = Dwelling Unit(s); AC=Acre; Percentage (%) refers to built-upon area of the zone lot, parcel, or tract.

2. Single-family detached residential developments will be evaluated on the basis of dwelling units per acre

3. All other residential and all non-residential developments will be evaluated on the basis of built-upon area percentage.

c. Stormwater Management Requirements:

See Section 9.1.F.5.

d. Exemptions:

Development in the Lake Mackintosh Watershed that cumulatively disturbs less than one (1) acre is exempt from the requirements of this Section.

e. GWA - Watershed Classification WS-III*:*

(1) Built-Upon Area Limit*:* Development shall not exceed fifty (50) percent BUA.

(2) Ten/Seventy (10/70) Option for Non-Residential:

(a) Ten (10) percent of the local jurisdiction's portion of a WS-III GWA, as delineated on July 1, 1993 may be developed with new non-residential development at up to seventy percent (70%) BUA.

(b) Allocation shall be made on a first come-first served basis. When a building permit for the site is issued or the subdivision plat for a development is recorded, an allocation shall be assigned. Expiration of a building permit shall terminate the allocation under this Section.

(c) 10/70 Provision-Watershed Record Keeping:

The Enforcement Officer shall keep records on the County's use of the provisions that a maximum of ten percent (10%) of the non-critical area of WS-III watersheds may be developed with new development at a maximum of seventy percent (70%) built-upon surface area. Records for each watershed shall include the total area of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, number of developed acres, type of land use and Stormwater Management / Watershed Development Plan (if applicable).

(3) Prohibited Uses*:* No new discharging landfills.

f. GWA - Watershed Classification WS-IV:

(1) Development in all WS-IV watersheds, except the Lower Randleman Lake, shall not exceed seventy percent (70%) maximum built-upon area. Development in the Lower Randleman Lake Watershed shall not exceed fifty percent (50%) maximum built-upon area.

3. Water Supply Watershed - Watershed Critical Area (WCA)

a. General:

The Watershed Critical Area (WCA) is a district covering the portion of the watershed adjacent to a designated existing or proposed water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed.

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b. District Description:

(1) WCA Boundary: The Guilford County Stormwater Map shows the defined WCA boundaries. The WCA boundary shall not be less than one-half (1/2) mile from the normal pool elevation and draining to existing or proposed designated reservoirs.

(2) Divisions within the WCA (except the Haw River Watershed which has no Tier divisions). The WCA consists of four tiered divisions as follows:

(a) Tier 1

(i) Tier 1 consists of those lands within two hundred (200) feet of the existing or proposed normal pool elevation and those lands within one-half (1/2) mile (High Point Lake, Oak Hollow Lake, Lake Brandt) or one (1) mile (Lake Townsend) upstream of water intake structure(s).

(ii) Tier 1 areas are intended for public purpose and should remain undisturbed.

(b) Tier 2

(i) Tier 2 consists of those lands lying within an area bounded by Tier 1 and a line parallel to and seven hundred and fifty (750) feet in distance from the normal pool elevation.

(ii) Tier 2 areas are intended primarily for public purpose with the following exception. Tier 2 areas surrounding Randleman Lake and Lake Mackintosh are not intended for public purpose unless and until more than twenty-five percent (25%) of the WCA for the reservoir becomes urban in character, by meeting any of the tests defined in NCGS 160A-48(c).

(c) Tier 3

(i) Tier 3 consists of those lands lying within an area bounded by Tier 2 and a line parallel to and three thousand (3,000) feet from the normal pool elevation.

(ii)Tier 3 areas shall not exceed the WCA boundary.

(d) Tier 4

(i)Tier 4 consists of those lands lying in the area between the outer boundary of Tier 3 and the WCA boundary.

c. Performance Standards:

The density and Built-Upon Area (BUA) coverage limits are defined in Table 9.1.3.

Table 9.1.3 - WCA Density and Built-Upon Area Coverage Limits

(Expressed as dwelling units/gross acre or % maximum)

LOW DENSITY OPTION				
WATERSHED	Tier 1	Tier 2	Tier 3	Tier 4
Greensboro (Reedy Fork)	N/A	1 DU/5 AC; 0-2.5%	1 DU/3 AC; 0-4.0%	1 DU/1 AC; 0-12.0%
High Point (East and West Fork Deep River)	N/A	1 DU/5 AC; 0-2.5%	1 DU/3 AC; 0-4.0%	1 DU/1 AC; 0-12.0%
Lake Mackintosh (Big Alamance Creek)	N/A	1 DU/5 AC; 0-2.5%	1 DU/3 AC; 0-4.0%	1 DU/1 AC; 0-12.0%
Jamestown (Deep River)	N/A	1 DU/5 AC; 0-2.5%	1 DU/3 AC; 0-4.0%	1 DU/1 AC; 0-12.0%
Lower Randleman Lake (Deep River)	N/A	1 DU/5 AC; 0-2.5%	1 DU/3 AC; 0-4.0%	1 DU/ 1 AC; 0-12.0%
HIGH-DENSITY OPTION				

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(REQUIRES PUBLIC SEWER & STORMWATER CONTROL MEASURES)				
Greensboro (Reedy Fork)	N/A	N/A	2 DU/1 AC; 4.01- 30%	2 DU/1 AC; 12.01- 40%
High Point (East and West Fork Deep River)	N/A	N/A	2 DU/1 AC; 4.01-34%	2 DU/1 AC; 12.01-40%
Lake Mackintosh (Big Alamance Creek)	N/A	N/A	2 DU/1 AC; 4.01-34%	2 DU/1 AC; 12.01-40%
Jamestown (Deep River)	N/A	N/A	2 DU/1 AC; 4.01-34%	2 DU/1 AC; 12.01-40%
Lower Randleman Lake (Deep River)	N/A	N/A	2 DU/1 AC; 4.01-30%	2 DU/1 AC; 12.01-40%

WATERSHED	LOW DENSITY OPTION	HIGH-DENSITY OPTION
Haw River [a]	2 DU/AC; 0-24.0 %	Greater than 2 DU/AC; 24.01 – 50.0%

a Haw River Watershed has no Tier divisions.

NOTES:

1) DU= Dwelling Unit(s); AC = Acre; Percentage (%) refers to built-upon area of the zone lot, parcel, or tract.

2) There is no WCA area in Guilford County's jurisdiction for the following watersheds: Reidsville, Polecat Creek, and Sandy Creek. Therefore, they are not listed in the table above.

3) Single-family detached residential developments will be evaluated on the basis of dwelling units per acre

4) All other residential and all non-residential developments will be evaluated on the basis of built-upon area percentage.

Commentary: Property in the Rock Creek Corporate Park area (see Section 4.12.E – Rock Creek Corporate Park Overlay District) is addressed in a Consent Judgment in Case #88 CVS 2758 on file in the General Court of Justice, Superior Court Division, NC. January 27, 1989 notwithstanding inconsistent provisions of this Article. Other provisions of this Ordinance, except those specifically varied by the Consent Judgment, apply to this property.

d. Stormwater Management Requirements
See Section 9.1.F.5.

e. Land Disturbance Minimization:

(1) Soil and Erosion Control Plan: See Section 9.2.A (General Requirements) to determine when a Soil and Erosion Control Plan is required.

(2) Street Standards: Refer to Article 8 – Subdivisions and Infrastructure Standards for the minimum street standards. To the extent practicable, the construction of new roads in the WCA should be avoided.

f. Protection of Fragile Areas:

(1) Slopes greater than fifteen (15) percent and wetlands.

(a) Slopes greater than fifteen (15) percent lying adjacent and parallel to natural drainageways or streams, and wetlands shall remain in a natural and undisturbed condition except for road crossings, utilities, erosion control devices and runoff control devices.

(b) Recordation of these areas as Drainageway and Open Space Easements may be required wherever authorized in this Article or any other provision in local Ordinances.
(c) If not included in a Drainageway and Open Space Easement, a Water Quality Conservation Easement shall be recorded over such wetlands and slopes.
(d) Where a Water Quality Conservation Easement serves to bring two (2) or more properties into compliance with WCA requirements, the Technical Review Committee may require that the wetlands and slopes covered by such easements be held as common area by an owners' association.

(2) Drainage.
(a) Drainage shall be provided by means of open channels. Piping of drainage to cross roadways is allowed.
(b) All open channel drainageways carrying runoff from a 6.01 acre or greater drainage basin shall have protected channels or remain in a natural and undisturbed state, except for road crossings, utilities, erosion control devices and runoff control devices.
(c) The undisturbed area width shall be the width as specified in Section 9.1.H (Drainage).
(d) Development on the best soils and terrain of any site is encouraged.
(e) Clustering of residential development may be required by the Technical Review Committee in accordance with Article 8 – Subdivisions and Infrastructure Standards.

g. Spill Risk Reduction

(1) Prohibited Uses: The following uses shall be prohibited in a WCA district:

Table 9.1.4 Table of Prohibited Uses in the WCA.

Use Group	Use Type
Agricultural Uses	Animal Feeder/Breeder
Agricultural Services	Chemical treatment and fertilizer application for crops, weed control for crop operations, including aerial crop dusting
Mining Uses	Mining and quarrying
Business, Professional, and Personal Services	Automobile rental or leasing
	Automobile repair services, major and minor
	Automobile towing and storage services
	Boat repairs
	Car wash
	Commercial chemical and biological research
	Furniture stripping or refinishing (including secondary or accessory operations)
	Equipment repair, heavy
	Agricultural Equipment Repair, Boiler Cleaning and Repair, Cesspool Cleaning, Engine Repair, except automotive, Farm Machinery Repair, Industrial Truck Repair, Machinery Cleaning, Motorcycle Repair Service, Rebaiting, Repair of Service Station Equipment, Sewer Cleaning and Rodding, Tank and Boiler Cleaning Service, Tank Truck Cleaning Service, Tractor repair, and Welding Repair Shops

	Heavy Construction Equipment Rental and Leasing
	Lawn care, lawn fertilizing services, lawn spraying services, ornamental shrub and tree services with spraying
	Laundry or dry-cleaning plant
	Laundromats, coin-operated
	Pest or termite control services
	Septic tank services
	Truck driving schools
	Truck and utility trailer rental and leasing, heavy and light
	Truck washing
Retail Trade	Fuel oil sales
	Convenience stores with fuel sales
	Motor vehicles sales
	Motorcycle sales
	Recreational vehicle sales
	Service stations, gasoline
	Truck stops
Wholesale Trade	Agricultural chemicals, pesticides, fertilizers
	Chemical and allied products
	Motor vehicles
	Nursery stock, plants potted
	Paints and varnishes
	Petroleum and petroleum products
	Scrap and waste materials
Transportation, Warehousing, and Utilities	Air transportation facilities
	Bus terminal and service facilities
	Hazardous and radioactive waste (transportation, storage, disposal)
	Inert debris landfills, major
	Landfills of any character, minor or major in Lower Randleman Lake Watershed – WCA. No new or expansion of existing landfills of any description are permitted in the Lower Randleman Lake Watershed - WCA.
	Petroleum contaminated soil remediation sites
	Pipelines, except natural gas
	Railroad terminal or yard
	Recycling processing centers
	Refuse and raw material handling
	Sanitary sewer and water treatment plant sludge application sites
	Sewage treatment sites
Manufacturing and Industrial Uses	Animal slaughter or rendering
	Arms and weapons
	Asbestos, abrasive, and related products
	Asphalt plant
	Batteries
	Chemicals, paints and allied products
	Concrete, cut stone, and clay products

	Cement, hydraulic
	Contractors, heavy construction
	Contractors, special trade
	Dairy products
	Fats and oils, animal
	Fats and oils, plant
	Fish canned, cured, or frozen
	Leather and leather products (tanning)
	Magnetic and optical recording media
	Meat and poultry, packing and processing (no rendering)
	Metal coating and engraving
	Paper products (no coating or laminating)
	Paper products (coating or laminating)
	Petroleum and related products
	Primary metal products and foundries
	Pulp and paper mills
	Rubbers and plastics (raw and misc.)
	Salvage yards, auto parts and scrap processing
	Solvent recovery
	Surface active agents
	Textile products (with or without dyeing and finishing)

(2) Containment Structures:
   (a) Storage tanks for fuels and chemicals and associated pumping and are required to have a secondary containment system.
   (b) Secondary containment systems shall be of sufficient volume to contain one hundred percent (100%) of all the tank(s) contents stored in the area and shall have a leak detection system installed.
   (c) The containment system shall be approved by the Enforcement Officer and the Fire Marshal.
   (d) Such tanks and containment structures shall not be placed closer than one thousand (1,000) feet to the normal pool elevation of the existing or proposed reservoir.

(3) Underground Storage Tanks: Underground storage tanks for fuels and chemicals shall not be permitted.

(4) Point Source Discharges:
   (a) No expansion of any existing private wastewater facilities or establishment of any new public or private wastewater treatment plants of any kind shall be permitted. On-site individual residential septic systems approved by the Guilford County Health Department are permitted. Off-site individual residential septic systems are permitted in Tier 4 only, with a) reduction in overall density to 1 DU/1.25 Acre or b) in a Rural Preservation District (or equivalent clustered) zoning.
   (b) Industrial pre-treatment facilities which prepare wastewater for discharge into a public sewer system shall be permitted in WCA districts.

4. Stormwater Management / Watershed Development Plan

a. Plan Required:

A Stormwater Management / Watershed Development plan in accordance with the performance standards specified in this Section and with other requirements of this Ordinance shall be submitted to the Enforcement Officer and shall include all applicable information of this Ordinance.

b. Plan Approval:

The Enforcement Officer is authorized to approve any Stormwater Management / Watershed Development Plan which is in conformance with the performance standards specified in this Section.

c. Approved Plan Prerequisite:

The Enforcement Officer is not authorized to issue any permits, except as provided in this Section for development on any land unless and until a Stormwater Management/Watershed Development Plan in compliance with the requirements of this Section has been approved.

d. Plats and Deeds:

(1) The Enforcement Officer shall review and approve plats and deeds prior to recording or prior to issuing a building permit. A copy of the recorded document shall be forwarded to the Enforcement Officer prior to issuing a certificate of occupancy.

(2) Deed Restriction-Restrictive Covenant:
In accordance with applicable National Pollutant Discharge Elimination System (NPDES) Phase II regulations recorded deed restrictions and protective covenants shall be required to ensure that development activities maintain the development consistent with the approved project plans., The following deed restriction and protective covenants note shall take the following form for plats and deeds:

DEED RESTRICTION – RESTRICTIVE COVENANT
"Development of subject property is required to be in accordance with applicable state and federal regulations for the National Pollutant Discharge Elimination System (NPDES) Phase II stormwater management program. The recording of this document establishes an enforceable restriction on property usage that runs with the land to ensure that future development and/or redevelopment shall maintain the site in a manner consistent with applicable law and the approved project plans. Any alterations to the site shall not be permitted without review and approval by the local governmental office having jurisdiction for watershed/stormwater management protection."

e. Permanent Runoff Control Structures:
When a permanent runoff control structure is required for a development to meet the requirements of this Article, a North Carolina registered professional engineer shall prepare the plan with the Engineer's Statement of Runoff Control from 9-2.F.5. affixed, signed, sealed, and dated.

f. Appeals:
Appeals of the Enforcement Officer's decision on a Stormwater Management/Watershed Development plan shall be made in writing to the Planning Board. The Technical Review Committee shall review the appeal at its first regularly scheduled meeting after receipt of the written appeal and make a recommendation to the Planning Board.

5. Stormwater Management Requirements

a. Requirements for All Projects subject to the Guilford County Stormwater Management Program

i. Be performed by a North Carolina registered professional engineer.

ii. Be subject to approval of the Enforcement Officer; and

iii. The Enforcement Officer may recommend, and the Technical Review Committee may require, that a given runoff control structure(s) be positioned on a site such that water quality protection is improved.

iv. When a permanent engineered stormwater control structure or alternate measure is required for a development to comply with the requirements of this section, a North Carolina registered Professional Engineer shall prepare the plan with the Engineer's Certification of Runoff Control as set forth in the North Carolina Professional Engineer's Rules and Laws Guide affixed, signed, sealed, and dated.

v. In the event that new development or redevelopment has, in the opinion of the Stormwater Administrator or designee, the potential to cause downstream flooding or erosion, a structural stormwater management system will be required that does not allow stormwater runoff to leave the site in the post-development condition at a peak discharge rate greater than the pre-development peak discharge rate for the 2-year, 10-year,, and 25-year, 6-hour storm events.

b. Redevelopment Project Requirement

i. When an existing SCM is proposed to treat stormwater from a new development project, the applicant shall demonstrate that the existing SCM has the capacity to treat the stormwater generated from the new impervious surface. Also, the existing SCM shall be upgraded to the standards in the latest edition of the NCDEQ MDC Stormwater Design Manual, and the Guilford County Water Quality Protection Manual to the extent practicable.

c. Low Density Project Design Requirements

i. Low density projects shall be designed with a built-upon area (BUA) percentage below the threshold that pertains to the applicable stormwater program.

1. All Low Density projects shall be designed to meet the requirements of the NCDEQ MDC and the Guilford County Water Quality Protection Manual.
2. Minimum Design Criteria:
    a. Dispersed Flow
    b. Vegetated Conveyances- stormwater runoff shall be transported from the development by vegetated conveyances to the maximum extent practical, as determined by the TRC.
    c. Curb Outlet Systems
    d. Vegetated Setbacks
    e. Stormwater Outlets
    f. Deed Restrictions and Protective Covenants

d. High-Density Project Design Requirements

i. Project Procedures

1. Watershed Development Plan required.
2. The construction plans for required SCMs shall be approved prior to construction of any portion of the SCM and prior to issuance of any building permit on a site. For subdivisions, construction plans shall be

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submitted in accordance with Article 8 – Subdivisions and Infrastructure Standards.

3. The construction of all improvements designed for post construction runoff control and shown on an approved Stormwater Management/Watershed Development plan shall be substantially completed and the Engineer's Statement of Completion signed and sealed by the Engineer of Record prior to any plat recordation or issuance of any building certificate of occupancy (compliance).
4. Final approval of installed post construction SCMs will be required before issuance of the final building certificate of occupancy.
5. All permanent SCMs and associated access/maintenance easement(s) (specific or general, at the owner's option) shall be recorded on a final plat; and an Operation and Maintenance Agreement, as outlined in the latest edition of the NCDEQ MDC Stormwater Design Manual shall be submitted to the Enforcement Officer for review and approval.
6. The permanent runoff control structure(s) shall be substantially completed and have full design volume available prior to any plat recordation for the site. This may require the cleanout and disposal of sediment from the pond.

ii. Stormwater Control Measure (SCM) Design Requirements

1. When runoff control is required for development using the high-density option [see Tables 9.1.1, 9.1.2, 9.1.3, and definition in Article 12 (Drainage and Watershed Protection)] the SCM shall meet the following performance standards:
    a. Control and treat the runoff from the first one inch of rain.
    b. Discharge the storage volume at a rate equal to or less than the pre-development discharge rate for the 1-year, 24-hour storm.
    c. All SCM design shall meet the requirements of the NCDEQ Minimum Design Criteria (MDC), NCDEQ Stormwater Design Manual, and the Guilford County Water Quality Protection Manual.
    d. Water impounding structures (i.e. dams) shall be designed in accordance with North Carolina Dam Safety Standards, and if required, shall be reviewed and approved by the NC State Dam Safety Engineer.
    e. Peak discharge control for the 2-year, 10-year, and 25-year, 6-hour storm events may be required in accordance with Section 9.1.F.5.a.v.

iii. SCM Certifications

1. Engineer's Statement of Runoff Control: The engineering certification required on Stormwater Management / Watershed Development Plans and construction plan drawings shall be of the following form:

ENGINEER'S STATEMENT OF RUNOFF CONTROL

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I state that, to the best of my knowledge and belief, the runoff control measure(s) shown on this plan have been designed to control and treat stormwater runoff from the first one inch of rain from all built-upon areas over the total drainage area; and the discharge of the storage volume is at a rate equal to or less than the pre-development discharge rate for the 1-year, 24-hour storm; and that the runoff control measures shown on this plan meet or exceed the guidelines in the latest edition of the NCDEQ Minimum Design Criteria and NCDEQ Stormwater Design Manual.

SIGNATURE	_____	P.E. SEAL	_____
DATE	_____		

ENGINEER'S STATEMENT OF RUNOFF CONTROL
(FOR SITES WITH 2-YR, 10-YR, 25-YR PEAK DISCHARGE CONTROL)

I state that, to the best of my knowledge and belief, the runoff control measure(s) shown on this plan have been designed to control and treat stormwater runoff from the first one inch of rain from all built-upon areas over the total drainage area; and the discharge of the storage volume is at a rate equal to or less than the pre-development discharge rate for the 1-year, 24-hour storm; and the post-development peak discharge rates for the 2-year, 10-year, and 25-year, 6-hour storm events do not exceed the pre-development peak discharge rates; and that the runoff control measures shown on this plan meet or exceed the guidelines in the latest edition of the NCDEQ Minimum Design Criteria and NCDEQ Stormwater Design Manual.

SIGNATURE	_____	P.E. SEAL	_____
DATE	_____		

2. **Engineer's Statement of Completion:** The owner or registered design professional in responsible charge acting as the owner's agent shall employ one or more professional engineers to provide inspections during construction. Upon the completion of final inspection, the professional engineer shall provide the engineer's statement of completion. The Record of Construction and the Engineer's Statement required upon completion of permanent SCMs shall be of the following form:

ENGINEER'S STATEMENT OF COMPLETION

I state that, to the best of my knowledge and belief, the permanent runoff control structure for (name of plat) is duly recorded in the Office of the Guilford County Register of Deeds and has been completed in conformance with the approved plans and specifications dated (approval date).

SIGNATURE	_____	P.E. SEAL	_____
DATE	_____		

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iv. Maintenance Responsibility

1. An Operation and Maintenance Agreement is required to be signed and recorded before final approval of an SCM.
2. When SCMs serve more than one (1) lot, an owner's association or binding contract for the purpose of maintenance shall be required.
3. Maintenance Responsibility: The property owner or owners' association shall be responsible for maintaining the completed permanent runoff control structure as directed by the governmental office having jurisdiction for watershed protection and, if the property owner or owners' association should be dissolved or cease to exist, then in that event all the owners of record at the time of required maintenance shall be jointly and severally liable for any and all costs attendant thereto.
4. Maintenance Note Required on Final Plat: When a subdivision contains a permanent runoff control structure to which Subsection (2) above is applicable, each final plat in the subdivision shall contain a prominent note with the full text of Subsection (3) above.
5. Maintenance of SCMs shall be performed at such time as the designated sediment storage volume of the structure has been lost to sediment or a part of the system is not functioning as originally designed. All SCMs are subject to annual inspection by a qualified professional. Inspection results are to be recorded by the qualified professional on forms provided by the Guilford County Stormwater Administrator. The Guilford County Stormwater Administrator shall retain the results on file and notify the responsible property owner or owner's association when additional maintenance and repair is required. All required maintenance and repair shall be performed within ninety (90) days after such notice. In case of failure by the responsible party to perform the required maintenance and repair within the stated period, the Jurisdiction may impose an assessment of a civil penalty up to two hundred dollars ($200.00) per day for each violation.
6. Annual Inspection and Report: The owner or owners' association responsible for maintenance of any SCM shall retain a qualified professional to perform annual inspections of the SCM(s). The owner or owners' association shall submit to the Stormwater Administrator an inspection report prepared by the qualified professional for each annual inspection. The qualified professional performing SCM inspections shall be a qualified registered North Carolina professional engineer, surveyor, landscape architect, or individual that has obtained SCM Inspection and Maintenance Certification performing services only in their area of competence. Inspections shall be in accordance with the recorded Operation and Maintenance Agreement and shall contain the following information:

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a. The name and address of the owner;
b. The recorded book and page number of the lot of each SCM;
c. A statement that an inspection was made of all SCMs;
d. The date the inspection was made;
e. A statement that all inspected SCMs are performing properly and are within compliance with the terms and conditions of the approved Operation and Maintenance Agreement and original design requirements; or statement of repairs necessary to bring the SCM(s) back into compliance (requires follow-up inspection and report upon completion of repair to demonstrate compliance); and
f. The original signature and seal of the qualified professional that performed the inspection.

All inspection reports shall be on forms supplied by the Stormwater Administrator. An original inspection report shall be provided to the Stormwater Administrator beginning one year from the date of as-built certification (Engineer's Statement of Completion) and each year thereafter on or before the date of the as-built certification.

6. Density Averaging Methodology

a. Two (2) non-contiguous lots may be considered as one lot for the purposes of development density and intensity, provided the following requirements are met:

(1) The two (2) lots must be within the same water supply watershed, irrespective of jurisdictional boundaries;
(2) Neither of the lots can be publicly held land, which include but are not limited to dedicated drainageway, open space, parkland, or other lands obtained for watershed protection;
(3) One lot shall reduce its allowable density or built-upon area, while the other lot shall increase its allowable density or built-upon area by the same amount;
(4) If one of the lots is located in the Watershed Critical Area, the critical area lot shall not be developed beyond the applicable density limit of the individual water supply watershed;
(5) The overall density for both lots shall meet applicable density requirements of Section 9.1.F, Individual Water Supply Watersheds, and both lots shall meet the stormwater control requirements for the individual water supply watershed.
(6) If the development meets applicable low-density requirements, the stormwater runoff shall be transported by vegetated conveyances to the maximum extent practicable;
(7) Both lots shall comply with the applicable surface water buffer requirements of Section 9.1.I, Riparian Buffer Protection; and
(8) Built-upon areas shall be designed and located such that all of the following are achieved:
    (a) Minimized stormwater runoff impact to the receiving water;
    (b) Minimized concentrated stormwater flow;
    (c) Maximized use of sheet flow through vegetated areas; and
    (d) Maximized flow length through vegetated areas; and
(9) Areas of concentrated density development shall be located in upland areas and, to the maximum extent practicable, away from surface waters and drainageways;

(10) The lot or portions of the lots that are not developed shall remain in a vegetated or natural state, be placed in an easement in accordance with subsection (11) below, and be managed through one of the following means:
   (a) Conveyance to an owners' association as common elements;
   (b) Conveyance to a local government as a park, open space or greenway; or
   (c) Placement under a permanent conservation or farmland preservation easement; and

(11) Metes and bounds descriptions of the areas to remain vegetated and limits on use shall be recorded as follows:
   (a) On a plat;
   (b) If located within Common Elements, in the property's declaration of covenants, conditions, and restrictions;
   (c) If not located within Common Elements, in the individual deeds for each of the lots; and
   (d) With language making them irrevocable unless amended under the provisions of this Ordinance; and

(12) Density averaging for a development will be reviewed as part of the watershed development plan for lot(s) within the County's watershed jurisdiction. If one of the lots being utilized for density averaging is located outside the County's jurisdiction, then approval for density averaging may not be granted until all required development approvals are provided by the partnering watershed jurisdiction. Additionally, for density averaging across jurisdictions to occur, the following provisions must be present:
   (a) Density-averaging requirements provided for within the partnering jurisdiction's land development ordinance;
   (b) A formalized tracking mechanism shared by the County and the partnering jurisdiction for the transfer of the density allotment; and
   (c) An agreement between the County and the partnering jurisdiction, as approved in substantial form by Guilford County, to allow density averaging to occur across jurisdictions; and

(13) Easements shall be platted over those areas that are not developed and they must remain in a vegetated or natural state. Within such easements, principal and accessory buildings and structures are not permitted and the natural ground cover and the natural tree canopy must be preserved, with the following exceptions:
   (a) Utilities and associated erosion control structures may be constructed and maintained;
   (b) Normal maintenance by mechanical means is allowed for the removal of dead, diseased, deformed, poisonous, or noxious vegetation and pests harmful to health;
   (c) Mechanical mowing of utility areas is allowed to control growth;
   (d) The removal of dead trees and logs is permitted, provided the stumps remain;
   (e) The removal of briars and vines is permitted, provided the underbrush remains in its natural state; and
   (f) The removal of hazardous trees is permitted, provided the stumps remain.

7. Low Impact Design

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a. Goals:

The primary goals of low impact design are to lower the impact of development on receiving waters, to encourage environmentally sensitive development, to help build communities based on environmental stewardship, and to reduce construction and maintenance costs of the stormwater infrastructure. The use of low impact design shall address these goals through the objectives found in subsection (b) below.

b. Objectives:

(1) Preserve Fragile Areas and Open Space through the following:

(a) Avoiding riparian areas, wetlands, steep slopes, high infiltration and hydric soils;

(b) Maximizing open space and common area through cluster development where appropriate; and

(c) Maintaining open space in a natural condition by reforestation where clearing has occurred.

(2) Minimize Land Disturbance and Built-Upon Area

(a) Design development to provide the following:

(i) Efficient layout to reduce overall length of streets;

(ii) Shared parking and drives where possible to further reduce built-upon area;

(iii) Multiple stormwater control measures such as bio-retention cells and infiltration areas to minimize impact; and

(iv) Stepping floor elevations to fit terrain and avoid slab-on-grade construction to minimize land disturbance.

(3) Protect Water Resources

(a) Use site design techniques to replicate pre-existing hydrologic site conditions by placing water quality control devices close to the source. Techniques may include the following:

(i) Designing driveways and parking areas with vegetated swales and/or sheet flow into infiltration areas; and /or

(ii) Using grass swales instead of curb and gutter to increase water filtration.

(4) Process

The low impact design process is established in the North Carolina Stormwater Design Manual and is compatible with the Minimum Design Criteria (MDC).

8. Clustering

a. Clustering Encouraged:

Clustering of residential development is encouraged. Clustering of single-family detached development is allowed under the provisions of Article 8 – Subdivisions and Infrastructure Standards. Multifamily development may be clustered so long as the development complies with the standards of Article 8 - Subdivisions and Infrastructure Standards.

b. Performance Requirements:

Clustering is allowed if the overall density of the project meets the applicable density and stormwater runoff control requirements, the built-upon areas are designed and sited to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, the remainder of the tract remains in a vegetated or natural state, and the stream buffering requirements found in Section 9.1.I are met.

G. ACTIVITIES REGULATED BY OTHER GOVERNMENTAL AGENCIES

1. Designated Agencies:

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The following are the designated agencies responsible for implementing the requirements of the Water Supply Watershed Protection Rules as adopted by the N.C. Environmental Management Commission for the specified activity:

a. Agriculture - Guilford Soil and Water Conservation District;

b. Silviculture - N.C. Division of Forest Resources;

2. Transportation:
The North Carolina Department of Transportation shall comply with the stormwater management requirements of N.C.G.S 143-214.5(i) for NCDOT projects is incorporated by reference; and

3. Hazardous Materials

a. The Guilford County Fire Marshal and the Guilford County Emergency Management Assistance Agency are the designated management agencies responsible for implementing the provisions of this Subsection pertaining to hazardous materials.

b. An inventory of all hazardous materials used and stored in the watershed shall be maintained. A spill/failure containment plan and appropriate safeguards against contamination are required. Waste minimization and appropriate recycling of materials is encouraged.

c. Properties in the WCA or GWA shall comply with the requirements of the following hazardous substances regulations if materials listed in the Superfund Amendments and Reauthorization Act (SARA) Section 302 Extremely Hazardous Substances (42 USC 11000 et seq.), or Section 311 of the Clean Water Act, as amended (CWA) (33 USC 1251 et seq.; oil and hazardous substances) are stored or used on the site.

H. DRAINAGE

1. General Drainage Requirement:

a. All watercourses which carry concentrated drainage from a public road or have a two (2)-acre or larger drainage basin, shall be treated in one or more of the four ways listed in Sections 9.1.H.2 ,3, 4, and 5 which follow. The Technical Review Committee when applicable or Enforcement Officer shall approve the treatments to be used when deemed compliant with the requirements of the subsections which follow. Open drainage channel requirements shall be based upon a minimum of one hundred (100)-year storm, and enclosed systems shall be based upon a minimum of ten (10)-year storm. If the channel is a perennial or intermittent stream, is identified on the adopted open space plan map or drains a one hundred and twenty (120)-acre or larger basin, the determination of drainage treatment shall be made by the Technical Review Committee when applicable or the Enforcement Officer. In making this determination the following factors shall be considered before selecting the appropriate method(s) listed in the subsections which follow:

(1) The type of development;
(2) The treatment employed by nearby developments;
(3) The probability of creation of drainageway and open space;
(4) The probability of the creation of future maintenance problems;
(5) The probability of erosion or flooding problems; and
(6) The adopted open space plan.
(7) NPDES Phase II requirements, stream buffer requirements, and channelization limitations for the WCA and GWA, as described in this Article.

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b. If the channel is not a perennial or intermittent stream or is not identified on the open space plan and drains less than a one hundred and twenty (120)-acre drainage basin, the determination of drainage treatment shall be made in a manner consistent with this Section.

c. The design of storm drainage systems and plans, including calculations, shall clearly indicate the easements or dedicated areas required for the construction and maintenance of the drainage system.

2. Enclosed Subsurface Drainage and requirement for a Drainage or Drainage Maintenance and Utility Easement:

a. This Section applies to enclosed subsurface drains. Profiles and enclosure standards shall be in accordance with the Guilford County Storm Sewer Design Manual.

b. A drainage maintenance and utility easement (DMUE) or drainage easement designed to accommodate stormwater shall be placed on a recorded plat when determined necessary by the Jurisdiction. The required easement shall be centered on the enclosure when practical, but in no case shall the outside wall of the enclosure be located less than five (5) feet from the edge of the easement. The easement shall be of a width determined necessary for maintenance purposes by the Jurisdiction based upon enclosure depth, topography and location of existing and proposed improvements, but no less than fifteen (15) feet.

c. The DMUE or drainage easement shall be kept free and clear of any buildings or other improvements which would interfere with the proper maintenance of the underground enclosures. The Jurisdiction shall not be liable for damages to any improvement located within DMUE area caused by maintenance of utilities located therein. Furthermore, DMUE may be used for future installations of any underground utility, provided that:

(1) Any underground utility to be installed by any utility provider other than the Jurisdiction shall be subject to approval;

(2) Any government agency, public utility, or private company installing additional underground lines after development has been completed by the owner of the property shall be responsible for the replacement of all fencing, pavement and grassed area disturbed by such installation; and

(3) The Jurisdiction shall not be responsible for damages caused by installation of additional lines by any public or private utility company.

3. Open Channel Drainage in Dedicated Drainageway and Open Space Area (Public Open Space):

a. This Section applies to an open channel in a dedicated drainageway and open space area. The drainageway and open space area shall be dedicated by a recorded plat and shall be labeled "Dedicated to Guilford County and the public for Drainageway and Open Space". This is a voluntary option available in lieu of 9.1.H.4 which enables one to utilize cluster options and reduce lot sizes when abutting public open space. The ownership of the dedicated land remains with the deeded owner, but the use is restricted. Dedication does not transfer title. The dedicated area can also be deeded to any individual or group, such as a homeowner's association or to Guilford County (with Board of Commissioner acceptance). A previously dedicated area may be considered for development through approval from TRC and re-platting.

b. The voluntarily dedicated drainageway and open space area along any stream that drains a one hundred and twenty (120)-acre or larger drainage basin shall include the land between the natural one hundred (100)-year flood contour lines as determined by FEMA or by calculations approved by the US Army Corps of Engineers. (Caution: Other Environmental Regulations or federal wetland regulations will prohibit or

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restrict fill placement in certain locations.) An area within the floodway fringe may be developed as permitted in Section 9.3 with a Floodplain Development Permit. The remainder shall be dedicated as indicated in this Section.

c. In case of severe topography, additional width may be needed to assure reasonable ease of maintenance.

d. Adequate access to the public open space shall be provided by means of the dedicated area abutting public right-of-way or by appropriately spaced access easements no less than twenty (20) feet in width. If existing access from adjacent areas is deemed sufficient, no new access shall be required.

e. The centerline of the drainage channel that drains a one hundred and twenty (120)-acre or larger drainage basin shall be located no less than fifty (50) feet from any street or property line provided that the dimensions of the drainage way and open space area conform to all other requirements of this Section.

f. Public open space shall be left in its natural condition or graded to a section approved by the Jurisdiction which will allow economical and efficient maintenance and shall be stabilized with permanent vegetative cover.

4. Open Channel Drainage and requirement for Drainageway and Open Space Easement (Private Open Space):

a. This Section applies requirements to an open channel meeting one (1)or more of the descriptions in Section 9.1.H.1. At the time of plat recordation an easement for the drainageway and open space shall be provided and shall be labeled "Drainageway and Open Space Easement". The drainageway and open space easement shall include the drainage channel and the one hundred-year regulatory floodplain contour as shown on the effective Flood Insurance Rate Maps or by calculations approved by the US Army Corps of Engineers.

b. Drainageway and open space shall be left in its natural condition or graded to a section approved by the Jurisdiction which will allow economical and efficient maintenance and shall be stabilized with permanent vegetative cover.

5. Open Channel Drainage and requirement for a Drainage Easement or Drainage Maintenance and Utility Easement:

a. This Section applies to open channels on private property within a drainage or drainage maintenance and utility easement.

b. At the time of plat recordation an easement for the drainage or drainage maintenance and utility easement shall be provided and shall be labeled either “Drainage Easement” or "Drainageway, Maintenance and Utility Easement".

c. The drainage or drainage maintenance and utility easement shall be a minimum total width of no less than specified below:

Table 9.1.5 Drainage or Drainage Maintenance and Utility Easement

Drainage Basin	Required Distance from Stream Centerline	Minimum Total Easement Width
2—6 acres	15 ft.	30 ft.
6.01—25 acres	30 ft.	60 ft.
25.01 or more acres	55 ft.	110 ft.

c. The easement width shall be centered on the drainage channel, unless the Technical Review Committee when applicable or the Enforcement Officer approves other easement alignments because of topographic conditions. Cases in which the drainage

channel flows into an impoundment, the easement shall extend over and twenty (20) feet beyond the normal water level of the impoundment or meet the minimum width as specified above, whichever is greater. Concentrated drainage from less than a two (2) acre-drainage basin, exiting a public right-of-way, shall be as conveyed into a drainage easement as specified below:

(1) Thirty (30) feet wide for the length of channel for concentrated flow exiting public right-of-way into a defined channel;
(2) Minimum thirty (30) feet wide by fifty (50) feet in length for concentrated flow exiting public right-of-way onto terrain with no pronounced drainage features;
(3) In case of severe topography, additional width may be required to assure reasonable ease of maintenance; and
(4) The easement topography may be modified if permitted under other applicable local and state regulations (stream buffer, NC Division of Water Quality 401/U.S. Army Corps of Engineers 404, etc.). In such cases, the approved typical required drainage channel section shall include the necessary channel to accommodate a one hundred (100) year-flood event and be in accordance with the Guilford County Storm Sewer Design Manual. The area outside of the required drainage channel may be filled; but any resulting slope shall be no steeper than two (2) feet horizontal to one (1) foot vertical, unless the slope is protected by masonry paving, rip-rap, or other material which meets the Jurisdiction's specifications. If the channel has been altered such that the design flow cannot be contained within the recorded easement, a corrected easement shall be recorded to show the altered location and width.

6. If the Technical Review Committee determines suitable access to the easement is not otherwise provided, access shall be guaranteed by a suitably located access easement which shall be no less than twenty (20) feet in width.

7. It shall be the responsibility of the owner to maintain all drainageways located on the property. If the Governing Body determines that it is in the public interest to alter the typical required channel section and/or profile of the stream to improve flow, the Jurisdiction may enter the property within the indicated access or drainage maintenance and utility easement and carry out the necessary work without liability for any damage to the property, or improvements thereon, located within the easement.

8. Drainage maintenance and utility easements may be utilized for any underground utility provided that:

a. Underground utility lines to be installed by any utility provider other than the Jurisdiction shall be subject to approval by the Enforcement Officer;
b. The government agency, public utility, or private company installing underground lines after development has been completed by the owner of the property shall be responsible for the replacement of all fencing, pavement and grassed areas disturbed by such installation;
c. The Jurisdiction shall not be responsible for damage caused by the installation of additional lines by any public or private utility company; and
d. The Jurisdiction shall not be liable for damages to any improvements located within the drainage maintenance and utility easement area caused by maintenance of utilities located therein.

9. No buildings or structures except for water-related improvements shall be placed or constructed within the access, drainage easements, or drainage maintenance and utility easements. All drives, parking areas, or other improvements, shall be constructed no closer than two (2) feet horizontally from the top of any back slope along any open watercourse.

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a. Fences may be located within the easement if they allow for adequate flow and must have gates or removable panels within the easement or are raised to allow for adequate drainage. All fences located within the drainage easement must be cleared of debris to ensure they are not blocking or inhibiting the flow of water through the easement. Any fence or structure within the easement that is blocking the flow of drainage, as determined by the Enforcement Officer, shall be in violation of this Ordinance and the fence may be required to be removed from the easement.

b. Roads, driveways and utilities are allowable provided that no other practical alternative exists and, where applicable, the drainageway is piped according to this Article.

10. Modifications to Drainage or Drainage Maintenance and Utility Easement:

a. This section applies to all recorded drainage as well as drainage maintenance and utility easements. This shall include other recorded drainage easements identified by an assortment of varying names in which one of the principal functions is to convey runoff from stormwater.

b. Unless strictly prohibited under other applicable sections, easements may be modified, altered, or relocated with prior approval by the Enforcement Officer based upon review of certification with supporting technical data by a registered design professional. Supporting data shall be in accordance with the Guilford County Storm Sewer Design Manual and must clearly demonstrate that such modifications will not result in any increase in flood levels or create any adverse impacts during the occurrence of the design flow discharge. Approval criteria shall include but not be limited to: system capacity to adequately convey design flow discharge, location of outlet/discharge, resistance to erosive forces, potential to adversely impact neighboring properties, system maintenance requirements, existing utilities, other applicable local, state, and federal regulations.

c. Any alteration of a drainage or drainage maintenance and utility easement without prior approval may be deemed a violation and subject to enforcement actions. Nothing in this section shall prohibit the installation of utilities as allowed by other sections.

I. STREAM BUFFERS

1. Streams Subject to Buffer Regulations

a. Stream buffers apply to all perennial streams, intermittent streams, and all perennial waterbodies including lakes, reservoirs and ponds as approximately shown on any of the following maps:

(1) The most recent published version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture.

(2) The most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS).

(3) A map approved by the Geographic Information Coordinating Council and by the NC Environmental Management Commission. Prior to approving a map under this Item, the Commission shall provide a thirty (30)-day public notice and opportunity for comment. Alternative maps approved by the Commission shall

not be used for buffer delineation on projects that are existing and ongoing within the meaning of this Section.

(4) If the subject property is in the Randleman Lake Watershed, Guilford County may use site specific evidence to support the presence of waters not shown on any of the maps listed above.

2. Stream Buffer Zones

The protected riparian buffer shall have three zones, to determine which zones apply to the property please see 9.1.I.3.

a. Zone 1 shall consist of a vegetated area that is undisturbed except for uses provided for in Section 9.1.I.4, 9.1.I.5, and 9.1.I.6 depending on the location of the property. The location of Zone 1 shall be as follows:

(1) For intermittent and perennial streams, Zone 1 shall begin at the most landward limit of the top of the bank and extend landward a distance of 30 feet on all sides of the stream, measured horizontally on a line perpendicular to the stream (the required distance shall be measured as a radius around the beginning or the end); and

(2) For ponds, lakes and reservoirs subject to this Rule, Zone 1 shall begin at the normal water level and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water.

b. Zone 2 shall consist of a stable, vegetated area that is undisturbed except for uses provided for in 9.1.I.4, 9.1.I.5, and 9.1.I.6. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water.

c. Zone 3 shall consist of a stable, vegetated area that is undisturbed except for uses provided in section 9.1.I.6. Grading and revegetation in Zone 3 is allowed provided that the health of Zone 1 is not compromised. Zone 3 shall begin at the outer edge of Zone 2 and extend landward 50 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1, 2, and 3 shall be 100 feet on all sides of the surface water.

3. Stream Buffer Applicability

To determine which buffer regulations apply to a specific property, please use the chart below. Please note, it is possible that multiple buffer rules apply to one stream.

Applicable Stream Buffer Zones by Watershed

Watershed	Zone 1[a]	Zone 2[a]	Zone 3[b]
Jordan Lake (No Water Supply Watershed)	X	X	

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Jordan Lake and Water Supply Watershed	X	X	X
Randleman Lake Watershed.	X	X	X
Polecat Creek.	X	X	X
NPDES Area.	X		

[a] For Zone 1 and 2, please see the specific section for the applicable watershed.

[b] For High Density projects only, see 9.1.I.6.

4. Riparian Buffer Protection for Lands within the Jordan Lake Watershed

a. Authority:

(1) This section is adopted pursuant to the authority vested in Guilford County by the Session Laws and the General Statutes of North Carolina, particularly Session Law 2009-216 (House Bill 239), Session Law 2009-484 (Senate Bill 838), N.C. Gen. Stat §§ 153A-121, 153A-140, Chapter 153A, Article 18, N.C. Gen. Stat §§ 160A-174, 160A-193, Chapter 160A, Article 19, and any special legislation enacted by the General Assembly for Guilford County.

b. Purpose and Intent:

(1) The purposes of the County in adopting this section is to protect and preserve existing riparian buffers throughout the Jordan Watershed as generally described in Rule 15A NCAC 02B .0262 (Jordan Water Supply Nutrient Strategy: Purpose and Scope), in order to maintain their nutrient removal and stream protection functions. Additionally this Ordinance will help protect the water supply uses of Jordan Reservoir and of designated water supplies throughout the Jordan Watershed. The requirements of this Section shall supersede all other locally implemented buffer requirements as outlined in Section 9.1.IN.2. Buffers adjacent to streams provide multiple environmental protection and resource management benefits. Forested buffers enhance and protect the natural ecology of stream systems, as well as water quality through bank stabilization, shading, and nutrient removal. They also help to minimize flood damage in flood prone areas. Well-vegetated streamside riparian areas help to remove nitrogen and prevent sediment and sediment-bound pollutants such as phosphorous from reaching the streams.

c. Jurisdiction:

(1) This section shall be applied to all land in the planning jurisdiction of the County that is located within the Jordan Reservoir Watershed. The Jordan Reservoir Watershed includes the Greensboro, Haw River, Lake Mackintosh, Reidsville, and the non-water supply watersheds as designated on the Stormwater Map of Guilford County.

d. Applicability:

(1) This section applies to all landowners and other persons conducting activities in the area described in this section, with the exception of activities conducted under the authority of the State, the United States, multiple jurisdictions, or local units of government, and forest harvesting and agricultural activities. The NC Division of Water Quality shall administer the requirements of Rule 15A NCAC 02B .0267 and .0268 (Jordan Water Supply Nutrient Strategy: Protection of Existing Riparian Buffers and Mitigation of Existing Riparian Buffers, respectively) for these activities.

e. Riparian Area Protection within the Jordan Reservoir Watershed:

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(1) Buffers Protected. The following minimum criteria shall be used for identifying regulated buffers.

(a) This Section shall apply to activities conducted within, or outside of with hydrologic impacts in violation of the diffuse flow requirements set out in this Section upon, fifty (50)-foot wide riparian buffers directly adjacent to surface waters in the Jordan Watershed (intermittent streams, perennial streams, lakes, reservoirs and ponds), excluding wetlands.

(b) Wetlands adjacent to surface waters or within fifty (50) feet of surface waters shall be considered as part of the riparian buffer but are regulated pursuant to Rules 15A NCAC 2B .0230 and .0231, Rules 15A NCAC 2H .0500, 15A NCAC 2H .1300, and Sections 401 and 404 of the Federal Water Pollution Control Act.

(c) For the purpose of this Ordinance, only one (1) of the following types of maps shall be used for purposes of identifying a water body subject to the requirements of this Ordinance:

(i) The most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture.

(ii) The most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS).

(iii) A map approved by the Geographic Information Coordinating Council and by the NC Environmental Management Commission. Prior to approving a map under this Item, the Commission shall provide a thirty (30)-day public notice and opportunity for comment. Alternative maps approved by the Commission shall not be used for buffer delineation on projects that are existing and ongoing within the meaning of this Section.

(d) Where the specific origination point of a stream regulated under this Item is in question, upon request of the NC Division of Water Quality or another party, the County shall make an on-site determination. A County representative who has successfully completed the Division's Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by the Division, shall establish that point using the latest version of the Division publication, Identification Methods for the Origins of Intermittent and Perennial Streams, available at: ***http://h2o.enr.state.nc.us/ncwetlands/documents/NC_Stream_ID_Manual.pdf*** or from the NC Division of Water Quality - 401 Oversight Express Permitting Unit, or its successor. The County may accept the results of a site assessment made by another party who meets these criteria. Any disputes over on-site determinations made according to this Item shall be referred to the Director of the Division of Water Quality c/o the 401 Oversight Express Permitting Unit, or its successor, in writing. The Director's determination is subject to review as provided in Articles 3 and 4 of NCGS 150B.

(e) Riparian buffers protected by this Ordinance shall be measured pursuant to this section.

(f) Parties subject to this Ordinance shall abide by all State rules and laws regarding waters of the state including but not limited to Rules 15A NCAC 2B .0230 and .0231, Rules 15A NCAC 2H .0500, 15A NCAC 2H .1300, and Sections 401 and 404 of the Federal Water Pollution Control Act.

(g) No new clearing, grading, or development shall take place, nor shall any new building permits be issued in violation of this Ordinance.

(2) Exemption Based on On-site Determination. When a landowner or other affected party including the Division believes that the maps have inaccurately depicted surface waters, he or she shall consult the County. Upon request, a County representative who has successfully completed the Division of Water Quality's *Surface Water Identification Training Certification* course, its successor, or other equivalent training curriculum approved by the Division, shall make an on-site determination. The County may also accept the results of site assessments made by other parties who have successfully completed such training. Any disputes over on-site determinations shall be referred to the Director of the Division of Water Quality c/o the 401 Oversight Express Permitting Unit, or its successor, in writing. A determination of the Director as to the accuracy or application of the maps is subject to review as provided in Articles 3 and 4 of NCGS 150B. Surface waters that appear on the maps shall not be subject to these buffer requirements if a site evaluation reveals any of the following cases:

(a) Man-made ponds and lakes that are not part of a natural drainage way that is classified in accordance with 15A NCAC 2B .0100, including ponds and lakes created for animal watering, irrigation, or other agricultural uses. (A pond or lake is part of a natural drainage way when it is fed by an intermittent or perennial stream or when it has a direct discharge point to an intermittent or perennial stream.);

(b) Ephemeral streams;

(c) The absence on the ground of a corresponding intermittent or perennial stream, lake, reservoir, or pond; or

(d) Ditches or other man-made water conveyances, other than modified natural streams.

(3) Exemption when Existing Uses are Present and Ongoing. This Ordinance shall not apply to uses that are existing and ongoing; however, this Ordinance shall apply at the time an existing, ongoing use is changed to another use. Change of use shall involve the initiation of any activity that does not meet either of the following criteria for existing, ongoing activity:

(a) It was present within the riparian buffer as of the effective date of this Ordinance and has continued to exist since that time. Existing uses shall include agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems, any of which involve either specific, periodic management of vegetation or displacement of vegetation by structures or regular activity. Only the portion of the riparian buffer occupied by the footprint of the existing use is exempt from this Ordinance. Change of ownership through purchase or inheritance is not a change of use. Activities necessary to maintain uses are allowed provided that the site remains similarly vegetated, no impervious surface is added within (fifty) 50 feet of the surface water where it did not previously exist as of the effective date of this Ordinance, and existing diffuse flow is maintained. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not

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compromised, the ground is stabilized, and existing diffuse flow is maintained; or

(b) Projects or proposed development that are determined by the County to meet at least one (1) of the following criteria:

(i) Project requires a 401 Certification or Permit, and these were issued prior to the effective date this Ordinance;

(ii) Projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities, have begun construction or are under contract to begin construction and had received all required state permits and certifications prior to the effective date of this Ordinance;

(iii) Projects that are being reviewed through the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor and that have reached agreement with NCDEQ on avoidance and minimization by the effective date of the Ordinance; or

(iv) Projects that are not required to be reviewed by the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor if a Finding of No Significant Impact has been issued for the project and the project has written approval of the County prior to the effective date of this Ordinance.

(4) Zones of the Riparian Buffer. The protected riparian buffer shall have two (2) zones as follows:

(a) Zone 1 shall consist of a vegetated area that is undisturbed except for uses provided for in the Table 9.1.6 of this Ordinance. The location of Zone 1 shall be as follows:

(i) For intermittent and perennial streams, Zone 1 shall begin at the top of the bank and extend landward a distance of thirty (30) feet on all sides of the surface water, measured horizontally on a line perpendicular to a vertical line marking the top of the bank, shown on figure 1; and

(ii) For ponds, lakes and reservoirs located within a natural drainage way, Zone 1 shall begin at the normal water level and extend landward a distance of thirty (30) feet, measured horizontally on a line perpendicular to a vertical line marking the normal water level.

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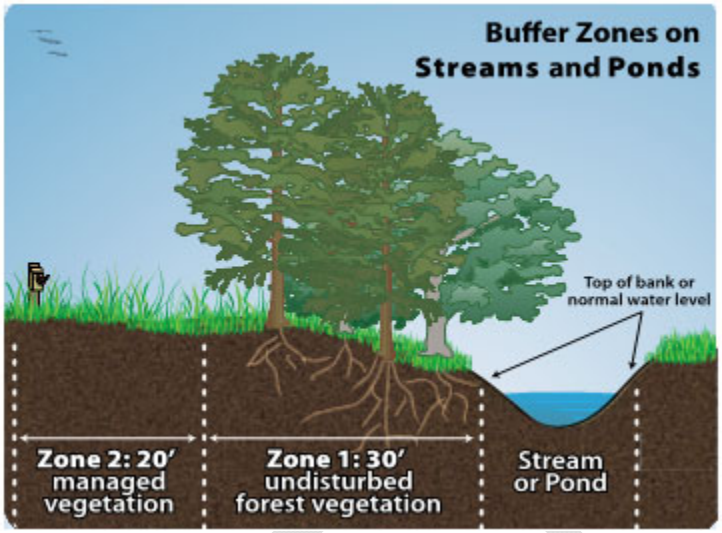


Figure 1. Shows the various zones for stream buffers.

(b) Zone 2 shall consist of a stable, vegetated area that is undisturbed except for uses provided for in the Table 9.1.6 of this Ordinance. Grading and revegetating in Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward twenty (20) feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be fifty (50) feet on all sides of the surface water.

(5) Diffuse Flow Requirements. Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow prior to its entry into the buffer and reestablishing vegetation as follows:

(a) Concentrated runoff from new ditches or man-made conveyances shall be converted to diffuse flow at non-erosive velocities before the runoff enters Zone 2 of the riparian buffer;

(b) Periodic corrective action to restore diffuse flow shall be taken as necessary and shall be designed to impede the formation of erosion gullies; and

(c) As set forth in this section, The Zones of the Riparian Buffer and Table of Uses respectively, no new stormwater conveyances are allowed through the buffers except for those specified in the Table of Uses, of this Ordinance, addressing stormwater management ponds, drainage ditches, roadside ditches, and stormwater conveyances.

(d) Potential Uses and Associated Requirements.

(i) Approval for New Development. Guilford County shall issue an approval for new development only if the development application proposes to avoid impacts to riparian buffers defined in this Ordinance, or where the application proposes to impact such buffers, it demonstrates that the applicant has done the following, as applicable:

1) Determined the activity is exempt from requirements of this Ordinance;
2) Received an Authorization Certificate from the County;
3) For uses designated as Allowable with Mitigation in the Table of Uses, received approval of mitigation plan pursuant to this Ordinance; and
4) Received a variance.

(e) Table of Uses. The following chart sets out potential new uses within the buffer, or outside the buffer with impacts on the buffer, and categorizes them as exempt, allowable, or allowable with mitigation. All uses not categorized as exempt, allowable, or allowable with mitigation are considered prohibited and may not proceed within the riparian buffer or outside the buffer if the use would impact the buffer, unless a variance is granted pursuant to this Ordinance.

Table 9.1.6 Table of Uses.

Use	Exempt*	Allowable*	Allowable with Mitigation*
Access trails: Pedestrian access trails leading to the surface water, docks, fishing piers, boat ramps and other water dependent activities:			
Pedestrian access trails that are restricted to the minimum width practicable and do not exceed 4 feet in width of buffer disturbance, and provided that installation and use does not result in removal of trees as defined in this Ordinance and no impervious surface is added to the riparian buffer	X		
Pedestrian access trails that exceed 4 feet in width of buffer disturbance, the installation or use results in removal of trees as defined in this Ordinance or impervious surface is added to the riparian buffer		X	
Airport facilities:			
Airport facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
Airport facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer			X
Activities necessary to comply with FAA requirements (e.g. radar uses or landing strips)[1]		X	
Archaeological activities	X		
Bridges		X	
Canoe Access provided that installation and use does not result in removal of trees as defined in this Ordinance and no impervious surface is added to the buffer.	X		
Dam maintenance activities:			
Dam maintenance activities that do not cause additional buffer disturbance beyond the footprint of the existing dam or those covered under the U.S. Army Corps of Engineers Nationwide Permit No. 3	X		
Dam maintenance activities that do cause additional buffer disturbance beyond the footprint of the existing dam or those not covered under the U.S. Army Corps of Engineers Nationwide Permit No. 3		X	
Drainage ditches, roadside ditches and stormwater conveyances through riparian buffers:			
New stormwater flows to existing drainage ditches, roadside ditches, and stormwater conveyances provided flows do not alter or result in the need to alter the conveyance and are	X		

managed to minimize the sediment, nutrients and other pollution that convey to waterbodies.			
Realignment of existing roadside drainage ditches retaining the design dimensions, provided that no additional travel lanes are added, and the minimum required roadway typical section is used based on traffic and safety considerations.		X	
New or altered drainage ditches, roadside ditches and stormwater outfalls provided that a stormwater management facility is installed to control nutrients and attenuate flow before the conveyance discharges through the riparian buffer		X	
New drainage ditches, roadside ditches and stormwater conveyances applicable to linear projects that do not provide a stormwater management facility due to topography constraints provided that other practicable SCMs are employed.			X
Driveway crossings of streams and other surface waters subject to this Ordinance:			
Driveway crossings on single-family residential lots that disturb equal to or less than 25 linear feet or 2,500 square feet of riparian buffer	X		
Driveway crossings on single-family residential lots that disturb greater than 25 linear feet or 2,500 square feet of riparian buffer		X	
In a subdivision that cumulatively disturb equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
In a subdivision that cumulatively disturb greater than 150 linear feet or one-third of an acre of riparian buffer			X
Driveway impacts other than crossing of a stream or other surface waters subject to this Ordinance			X
Fences:			
Fences provided that disturbance is minimized, and installation does not result in removal of trees as defined in this Ordinance	X		
Fences provided that disturbance is minimized and installation results in removal of trees as defined in this Ordinance		X	
Fertilizer application: One-time application to establish vegetation	X		
Grading and revegetation in Zone 1 provided that diffuse flow and the health of existing vegetation in Zone 1 is not compromised and disturbed areas are stabilized until they are revegetated.	X		
Greenway/hiking trails designed, constructed and maintained to maximize nutrient removal and erosion protection, minimize adverse effects on aquatic life and		X	

habitat, and protect water quality to the maximum extent practical.			
Historic preservation	X		
Maintenance access on modified natural streams: a grassed travel way on one side of the water body when less impacting alternatives are not practical. The width and specifications of the travel way shall be only that needed for equipment access and operation. The travel way shall be located to maximize stream shading.		X	
Mining activities:			
Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of this Ordinance are established adjacent to the relocated channels		X	
Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the requirements of this Ordinance are not established adjacent to the relocated channels			X
Wastewater or mining dewatering wells with approved NPDES permit	X		
Playground equipment:			
Playground equipment on single-family lots provided that installation and use does not result in removal of vegetation	X		
Playground equipment installed on lands other than single-family lots or that requires removal of vegetation		X	
Ponds created by impounding streams and not used as stormwater SCMs			
New ponds provided that a riparian buffer that meets the requirements of this Ordinance is established adjacent to the pond		X	
New ponds where a riparian buffer that meets the requirements of this Ordinance is NOT established adjacent to the pond			X
Protection of existing structures, facilities and stream banks when this requires additional disturbance of the riparian buffer or the stream channel		X	
Railroad impacts other than crossings of streams and other surface waters subject to this Ordinance.			X
Railroad crossings of streams and other surface waters subject to this Ordinance:			
Railroad crossings that impact equal to or less than 40 linear feet of riparian buffer	X		
Railroad crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
Railroad crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer			X
Recreational and accessory structures in Zone 2:			

Sheds and gazebos in Zone 2, provided they are not prohibited under local water supply Ordinance:			
Total footprint less than or equal to 150 square feet per lot.		X	
Total footprint greater than 150 square feet per lot.			X
Wooden slatted decks and associated steps, provided the use meets the requirements of this Ordinance:			
Deck at least eight feet in height and no vegetation removed from Zone 1.		X	
Deck less than eight feet in height or vegetation removed from Zone 1.			X
Removal of previous fill or debris provided that diffuse flow is maintained and vegetation is restored	X		
Road impacts other than crossings of streams and other surface waters subject to this Ordinance			X
Road crossings of streams and other surface waters subject to this Ordinance:			
Road crossings that impact equal to or less than 40 linear feet of riparian buffer	X		
Road crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
Road crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer			X
Road relocation: Relocation of existing private access roads associated with public road projects where necessary for public safety:			
Less than or equal to 2,500 square feet of buffer impact		X	
Greater than 2,500 square feet of buffer impact			X
Stormwater SCMs:			
Wet detention, bioretention, and constructed wetlands in Zone 2 if diffuse flow of discharge is provided into Zone 1		X	
Wet detention, bioretention, and constructed wetlands in Zone 1			X
Scientific studies and stream gauging	X		
Streambank or shoreline stabilization		X	
Temporary roads, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation: At the end of five years the restored buffer shall comply with the restoration criteria of this Ordinance:			
Less than or equal to 2,500 square feet of buffer disturbance	X		
Greater than 2,500 square feet of buffer disturbance		X	
Associated with culvert installation or bridge construction or replacement		X	
Temporary sediment and erosion control devices, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during			

the dormant season. A one-time application of fertilizer may be used to establish vegetation. At the end of five years the restored buffer shall comply with the restoration criteria of this Ordinance:			
In Zone 2 provided ground cover is established within timeframes required by the Sedimentation and Erosion Control Act, vegetation in Zone 1 is not compromised, and runoff is released as diffuse flow in accordance with this Ordinance.	X		
In Zones 1 and 2 to control impacts associated with uses approved by Guilford County or that have received a variance, provided that sediment and erosion control for upland areas is addressed, to the maximum extent practical, outside the buffer.		X	
In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Water Pollution Control Act.	X		
In-stream temporary erosion and sediment control measures for work within a stream channel.		X	
Utility, electric, aerial, perpendicular crossings of stream and other surface waters subject to this Ordinance [2, 3, 5]			
Disturb equal to or less than 150 linear feet of riparian buffer	X		
Disturb greater than 150 linear feet of riparian buffer		X	
Utility, electric, aerial, other than perpendicular crossings[5]:			
Impacts in Zone 2		X	
Impacts in Zone 1[2, 3]			X
Utility, electric, underground, perpendicular crossings [3, 4, 5]			
Disturb less than or equal to 40 linear feet of riparian buffer	X		
Disturb greater than 40 linear feet of riparian buffer		X	
Utility, electric, underground, other than perpendicular crossings[4]:			
Impacts in Zone 2	X		
Impacts in Zone 1[1]	X		
Utility, non-electric, perpendicular crossings of streams and other surface waters subject to this Ordinance[3, 5]:			
Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width	X		
Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width		X	
Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width		X	
Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width			X
Disturb greater than 150 linear feet of riparian buffer			X
Utility, non-electric, other than perpendicular crossings[4, 5]:			

Impacts in Zone 2		X	
Impacts in Zone 1			X
Vegetation management:			
Emergency fire control measures provided that topography is restored	X		
Mowing or harvesting of plant products in Zone 2	X		
Planting vegetation to enhance the riparian buffer	X		
Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised	X		
Removal of individual trees that are in danger of causing damage to dwellings, other structures or human life, or are imminently endangering stability of the streambank.	X		
Removal of individual trees which are dead, diseased or damaged.	X		
Removal of poison ivy	X		
Removal of invasive exotic vegetation as defined in: Smith, Cherri L. 1998. Exotic Plant Guidelines. Dept. of Environment and Natural Resources. Division of Parks and Recreation. Raleigh, NC. Guideline #30	X		
Vehicular access roads leading to water-dependent structures as defined in 15A NCAC 02B .0202, provided they do not cross the surface water and have minimum practicable width not exceeding ten feet.		X	
Water dependent structures as defined in 15A NCAC 02B .0202 where installation and use result in disturbance to riparian buffers.		X	
Water supply reservoirs:			
New reservoirs where a riparian buffer that meets the requirements of this Section is established adjacent to the reservoir.		X	
New reservoirs where a riparian buffer that meets the requirements of this Section is not established adjacent to the reservoir.			X
Water wells			
Single-family residential water wells	X		
All other water wells		X	
Wetland, stream and buffer restoration that results in impacts to the riparian buffers:			
Wetland, stream and buffer restoration that requires NC Division of Water Quality approval for the use of a 401 Water Quality Certification	X		
Wetland, stream and buffer restoration that does not require Division of Water Quality approval for the use of a 401 Water Quality Certification		X	
Wildlife passage structures		X	

** To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the requirements established of this Ordinance.*

1) Provided that:
   - No heavy equipment is used in Zone 1.
   - Vegetation in undisturbed portions of the buffer is not compromised.
   - Felled trees are removed by chain.
   - No permanent felling of trees occurs in protected buffers or streams.
   - Stumps are removed only by grinding.
   - At the completion of the project the disturbed area is stabilized with native vegetation.
   - Zones 1 and 2 meet the requirements of Sections 9.1.H.
2) Provided that, in Zone 1, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternative evaluation by the County, as defined in Section 9.1.H.
   - A minimum zone of 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
   - Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
   - Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
   - Riprap shall not be used unless it is necessary to stabilize a tower.
   - No fertilizer shall be used other than a one-time application to re-establish vegetation.
   - Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
   - Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
   - In wetlands, mats shall be utilized to minimize soil disturbance.
3) Provided that poles or aerial infrastructure shall not be installed within 10feet of a water body unless Guilford County completes a no practical alternative evaluation as defined in Section 9.1.H.
4) Provided that, in Zone 1, all of the following BMPs for underground utility lines are used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternative evaluation by Guilford County, as defined in Section 9.1.H.
   - Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
   - Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain, except in the trench where trees are cut.
   - Underground cables shall be installed by vibratory plow or trenching.
   - The trench shall be backfilled with the excavated soil material immediately following cable installation.
   - No fertilizer shall be used other than a one-time application to re-establish vegetation.
   - Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
   - Measures shall be taken upon completion of construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
   - In wetlands, mats shall be utilized to minimize soil disturbance.
5) Perpendicular crossings are those that intersect the surface water at an angle between seventy-five (75) degrees and one hundred and five (105) degrees.

(f) Requirements for Categories of Uses. Uses designated in Section 9.1.H of this Ordinance as exempt, allowable, and allowable with mitigation within a riparian buffer shall have the following requirements:

(i) Exempt. Uses designated as exempt are permissible without authorization by Guilford County provided that they adhere to the limitations of the activity as defined in Section 9.1.N.1.f(2) of this Ordinance, the Table of Uses. In addition, exempt uses shall be designed, constructed and maintained to minimize soil disturbance and to provide the maximum water quality

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protection practicable, including construction, monitoring, and maintenance activities.

(ii) Allowable. Uses designated as allowable may proceed provided that there are no practical alternatives to the requested use pursuant to Section 9.1.N.1.g(1)of this Ordinance. This includes construction, monitoring, and maintenance activities. These uses require written authorization from the County.

(iii) Allowable with Mitigation. Uses designated as allowable with mitigation may proceed provided that there are no practical alternatives to the requested use pursuant to Section 9.1.H of this Ordinance and an appropriate mitigation strategy has been approved pursuant to Section 9.1.H. These uses require written authorization from the County.

(g) Permits Procedures, Requirements, and Approvals

(i) Determination of No Practical Alternatives / Request for Authorization Certificate.

a. Persons who wish to undertake uses designated as allowable or allowable with mitigation shall submit a request for a "no practical alternatives" determination to the County. The applicant shall certify that the project meets all the following criteria for finding "no practical alternatives":

1. The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality.
2. The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality; and
3. Stormwater Control Measures shall be used if necessary, to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

(ii) The applicant shall also submit at least the following information in support of their assertion of "no practical alternatives":

a. The name, address and phone number of the applicant.
b. The nature of the activity to be conducted by the applicant.
c. The location of the activity, including the jurisdiction.
d. A map of enough detail to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimensions of any disturbance in riparian buffers associated with the activity, and the extent of riparian buffers on the land.
e. An explanation of why this plan for the activity cannot be practically accomplished, reduced or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality; and
f. Plans for any Stormwater Control Measures proposed to be used to control the impacts associated with the activity.

(iii) Within sixty (60) days of a submission that addresses Section 9.1.H, the County shall review the entire project and make a finding of fact as to whether the criteria in Section 9.1.H. of this Ordinance have been met. A

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finding of "no practical alternatives" shall result in issuance of an Authorization Certificate. Failure to act within sixty (60) days shall be construed as a finding of "no practical alternatives" and an Authorization Certificate shall be issued to the applicant unless one of the following occurs:

a. The applicant agrees, in writing, to a longer period;
b. The County determines that the applicant has failed to furnish requested information necessary to the County decision;
c. The final decision is to be made pursuant to a public hearing; or
d. The applicant refuses access to its records or premises for the purpose of gathering information necessary to the County's decision.

(iv) The County may attach conditions to the Authorization Certificate that support the purpose, spirit and intent of this Ordinance.

(v) Any appeals of determinations regarding Authorization Certificates shall be referred to the Director of the Division of Water Quality, c/o the 401 Oversight Express Permitting Unit, or its successor. The Director's decision is subject to review as provided in NCGS 150B Articles 3 and 4.

11. Variances

a. Requirements for Variances. Persons who wish to undertake prohibited uses may pursue a variance. The County may grant minor variances in accordance with Article 3 – Permits and Procedures of this ordinance. For major variances, the County shall prepare preliminary findings and submit them to the Division of Water Quality, 401 Oversight Express Permitting Unit, or its successor for approval by the Environmental Management Commission. The variance request procedure shall be as follows:

(1) For any variance request, the County shall make a finding of fact as to whether there are practical difficulties or unnecessary hardships that prevent compliance with the riparian buffer protection requirements. A finding of practical difficulties or unnecessary hardships shall require that the following conditions are met.

(a) If the applicant complies with the provisions of this Ordinance, he/she can secure no reasonable return from, nor make reasonable use of, his/her property. Merely proving that the variance would permit a greater profit from the property shall not be considered justification for a variance. Moreover, the County shall consider whether the variance is the minimum possible deviation from the terms of this Ordinance that shall make reasonable use of the property possible.

(b) The hardship results from application of this Ordinance to the property rather than from other factors such as deed restrictions or other hardship.

(c) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of this Ordinance would not allow reasonable use of the property.

(d) The applicant did not cause the hardship by knowingly or unknowingly violating this Ordinance.

b. Minor Variances. A minor variance request pertains to activities that will impact only Zone 2 of the riparian buffer. Minor variance requests shall be reviewed and approved based on the criteria in Section 9.1.N.1.g(1). through Section 9.1.N.1.g(3). by the County pursuant to NCGS 160D. The County may attach conditions to the variance approval that support the purpose, spirit and intent of the riparian buffer protection program. Request for appeals to decisions made by the County shall be made in writing to the Director of the Division of Water Quality c/o the 401 Oversight Express

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Permitting Unit, or its successor. The Director's decision is subject to review as provided in NCGS 150B Articles 3 and 4.

c. Major Variances. A major variance request pertains to activities that will impact any portion of Zone 1or any portion of both Zones 1 and 2 of the riparian buffer. If Guilford County has determined that a major variance request meets the requirements in Section 9.1.I.1 then it shall prepare a preliminary finding and submit it to the NC Environmental Management Commission c/o the Division of Water Quality, 401 Oversight Express Permitting Unit, or its successor, for approval. Within ninety (90) days after receipt by Guilford County, the Commission shall review preliminary findings on major variance requests and take one of the following actions: approve, approve with conditions and stipulations, or deny the request. Appeals from a Commission decision on a major variance request are made on judicial review to Superior Court.

12. Mitigation

a. This item shall apply to persons who wish to impact a riparian buffer in the Jordan Watershed when one of the following applies:

(1) A person has received an Authorization Certificate pursuant to Section 9.1.N.1.g(1) of this Ordinance for a proposed use that is designated as "allowable with mitigation;" or

(2) A person has received a variance pursuant to Section 9.1.N.1.g(2) of this Ordinance and is required to perform mitigation as a condition of a variance approval.

(a) Issuance of the Mitigation Approval. Guilford County shall issue a mitigation approval upon determining that a proposal meets the requirements set out in this Ordinance. The approval shall identify at a minimum the option chosen, the required and proposed areas, and either the mitigation location or the offset payment amount as applicable.

(b) Options for Meeting the Mitigation Requirement. The mitigation requirement may be met through one of the following options:

(1) Payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to 15A NCAC 02B .0269 (Jordan Water Supply Nutrient Strategy: Riparian Buffer Mitigation Fees to the NC Ecosystem Enhancement Program) contingent upon acceptance of payments by the NC Ecosystem Enhancement Program, or to a private mitigation bank that complies with banking requirements of the US Army Corps of Engineers, currently set out at http://www.saw.usace.army.mil/WETLANDS/Mitigation/mitbanks.html or from the US Army Corps of Engineers, 28402-1890, and the applicable trading criteria in Rule 15A NCAC 02B .0273.

(2) Donation of real property or of an interest in real property pursuant to Section 9.1.P.6. of this Ordinance; or

(3) Restoration or enhancement of a non-forested riparian buffer pursuant to the requirements of Section 9.1.P.7 of this Ordinance.

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b. The Area of Mitigation. Guilford County shall determine the required area of mitigation, which shall apply to all mitigation options identified in Section 9.1.P.3. of this Ordinance and as further specified in the requirements for each option set out in this Section, according to the following:

(1) The impacts in square feet to each zone of the riparian buffer shall be determined by Guilford County by adding the following:

(a) The area of the footprint of the use causing the impact to the riparian buffer.

(b) The area of the boundary of any clearing and grading activities within the riparian buffer necessary to accommodate the use; and

(c) The area of any ongoing maintenance corridors within the riparian buffer associated with the use.

c. The required area of mitigation shall be determined by applying the following multipliers to the impacts determined in Section 9.1.P.4.a of this Ordinance to each zone of the riparian buffer:

(1) Impacts to Zone 1 of the riparian buffer shall be multiplied by three.

(2) Impacts to Zone 2 of the riparian buffer shall be multiplied by one and

(3) one-half (1-1/2); and

(4) Impacts to wetlands within Zones 1 and 2 of the riparian buffer that are subject to mitigation under 15A NCAC 2H .0506 shall comply with the mitigation ratios in 15A NCAC 2H .0506.

d. The Location of Mitigation. For any option chosen, the mitigation effort shall be located within the same subwatershed of the Jordan Watershed, as defined in 15A NCAC 02B.0262, and the same distance from the Jordan Reservoir as the proposed impact, or closer to the Reservoir than the impact, and as close to the location of the impact as feasible. Alternatively, the applicant may propose mitigation anywhere within the same subwatershed of the Jordan Watershed, as defined in 15A NCAC 02B.0262, provided that the mitigation proposal accounts for differences in delivery of nutrients to the affected arm of Jordan Reservoir resulting from differences between the locations of the buffer impact and mitigation. Additional location requirements for the property donation option are enumerated in Section 9.1.P.6.c(1) of this Ordinance.

e. Donation of Property. Persons who choose to satisfy their mitigation determination by donating real property or an interest in real property shall meet the following requirements:

(1) The donation of real property interests may be used to either partially or fully satisfy the payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to 15A NCAC 02B .0269. The value of the property interest shall be determined by an appraisal performed in accordance with Section 9.1.P.6.d(4) of this Ordinance. The donation shall satisfy the mitigation determination if the appraised value of the donated property interest is equal to or greater than the required fee. If the appraised value of the donated property interest is less than the required fee calculated pursuant to 15A NCAC 02B .0269, the applicant shall pay the remaining balance due.

(2) The donation of conservation easements to satisfy compensatory mitigation requirements shall be accepted only if the conservation easement is granted in perpetuity.

(3) Donation of real property interests to satisfy the mitigation determination shall be accepted only if such property meets all of the following requirements:

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(a) In addition to the location requirements of this Section, the property shall be located within an area that is identified as a priority for restoration in, or is otherwise consistent with the goals ofthe *Basin-wide Wetlands and Riparian Restoration Plan for the Cape Fear River Basin* developed by NC Division of Environmental Quality pursuant to NCGS 143-214.10;
(b) The property shall contain riparian buffers not currently protected by the State's riparian buffer protection program that are in need of restoration as defined in this Section.
(c) The restorable riparian buffer on the property shall have a minimum length of one thousand (1000) linear feet along a surface water and a minimum width of fifty (50) feet as measured horizontally on a line perpendicular to the surface water;
(d) The size of the restorable riparian buffer on the property to be donated shall equal or exceed the area of mitigation responsibility determined pursuant to this Section;
(e) Restoration shall not require removal of man-made structures or infrastructure;
(f) The property shall be suitable to be successfully restored, based on existing hydrology, soils, and vegetation;
(g) The estimated cost of restoring and maintaining the property shall not exceed the value of the property minus site identification and transaction costs;
(h) The property shall not contain any building, structure, object, site, or district that is listed in the National Register of Historic Places established pursuant to Public Law 89-665, 16 U.S.C. 470 as amended;
(i) The property shall not contain any hazardous substance or solid waste;
(j) The property shall not contain structures or materials that present health or safety problems to the general public. If wells, septic, water or sewer connections exist, they shall be filled, remediated or closed at owner's expense in accordance with state and local health and safety regulations;
(k) The property and adjacent properties shall not have prior, current, and known future land use that would inhibit the function of the restoration effort; and
(l) The property shall not have any encumbrances or conditions on the transfer of the property interests.

(4) At the expense of the applicant or donor, the following information shall be submitted to the County with any proposal for donations or dedications of interest in real property:
(a) Documentation that the property meets the requirements laid out in Section 9.1.P.6.cf of this Ordinance.
(b) US Geological Survey 1:24,000 (7.5 minute) scale topographic map, County tax map, USDA Natural Resource Conservation Service County Soil Survey Map, and county road map showing the location of the property to be donated along with information on existing site conditions, vegetation types, presence of existing structures and easements.
(c) A current property survey performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as

identified by the State Board of Registration for Professional Engineers and Land Surveyors in "Standards of Practice for Land Surveying in North Carolina." Copies may be obtained from the North Carolina State Board of Registration for Professional Engineers and Land Surveyors~~A~~.

(d) A current appraisal of the value of the property performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the Appraisal Board in the "Uniform Standards of Professional North Carolina Appraisal Practice." Copies may be obtained from the Appraisal Foundation, Publications Department,; and

(e) A title certificate.

f. Riparian Buffer Restoration or Enhancement. Persons who choose to meet their mitigation requirement through riparian buffer restoration or enhancement shall meet the following requirements:

(1) The applicant may restore or enhance a non-forested riparian buffer if either of the following applies:

(a) The area of riparian buffer restoration is equal to the required area of mitigation determined pursuant to Section 9.1.P.4 of this Ordinance; or

(b) The area of riparian buffer enhancement is three times larger than the required area of mitigation determined pursuant to Section 9.1.P.4. of this Ordinance;

(2) The location of the riparian buffer restoration or enhancement shall comply with the requirements in Section 9.1.P.5 of this Ordinance;

(3) The riparian buffer restoration or enhancement site shall have a minimum width of fifty (50) feet as measured horizontally on a line perpendicular to the surface water;

(4) Enhancement and restoration shall both have the objective of establishing a forested riparian buffer according to the requirements of this Item. Enhancement shall be distinguished from restoration based on existing buffer conditions; Where existing trees are sparse, that is greater than or equal to (one hundred (100) trees per acre but less than two hundred (200) trees per acre, a buffer may be enhanced. Where existing woody vegetation is absent, that is less than one hundred (100) trees per acre, a buffer may be restored;

(5) The applicant shall first receive an Authorization Certificate for the proposed use according to the requirements of Section 9.1.N.1.g(1) of this Ordinance. After receiving this determination, the applicant shall submit a restoration or enhancement plan for approval by the Guilford County. The restoration or enhancement plan shall contain the following:

(a) A map of the proposed restoration or enhancement site;

(b) A vegetation plan. The vegetation plan shall include a minimum of at least two (2) native hardwood tree species planted at a density sufficient to provide three hundred and twenty (320) trees per acre at maturity;

(c) A grading plan. The site shall be graded in a manner to ensure diffuse flow through the riparian buffer;

(d) A fertilization plan; and

(e) A schedule for implementation;

(6) Within one (1) year after the County has approved the restoration or enhancement plan, the applicant shall present proof to Guilford County that the riparian buffer has been restored or enhanced. If proof is not presented within this timeframe, then the

person shall be in violation of both the State's and the County's riparian buffer protection program;

(7)The mitigation area shall be placed under a perpetual conservation easement that will provide for protection of the property's nutrient removal functions;and

(f) (8) The applicant shall submit annual reports for a period of five (5) years after the restoration or enhancement showing that the trees planted have survived and that diffuse flow through the riparian buffer has been maintained. The applicant shall replace trees that do not survive and restore diffuse flow if needed during that five (5)-year period.

g. Site Inspections and Enforcement.

(1) Site Inspections.

(a) Agents, officials, or other qualified persons authorized by the County may periodically inspect riparian buffers to ensure compliance with this Ordinance.

(b) Notice of the right to inspect shall be included in the letter of approval of each variance and buffer authorization.

(c) Authorized agents, officials or other qualified persons shall have the authority, upon presentation of proper credentials, to enter and inspect at reasonable times any property, public or private, for the purpose of investigating and inspecting the site of any riparian buffer. No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of Guilford County, while that person is inspecting or attempting to inspect a riparian buffer nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties. The County shall have the power to conduct such investigations as deemed reasonably necessary to carry out the duties as prescribed in this Ordinance.

(d) Any person engaged in new activities as defined by this Ordinance who fails to meet the requirements of this Ordinance shall be deemed in violation of this Ordinance and subject to enforcement actions under Article 10 - Enforcement.

5. Riparian Buffer Protection for Lands within the Randleman Lake Watershed.

a. Authority: This section is adopted pursuant to the authority vested in Guilford County by the Session Laws and the General Statutes of North Carolina, particularly Session Law 2009-216 (House Bill 239), Session Law 2009-484 (Senate Bill 838), N.C. Gen. Stat §§ 160D, and any special legislation enacted by the General Assembly for Guilford County.

b. Purpose and Intent: The purposes of the County in adopting this section is to protect and preserve existing riparian buffers throughout the Randleman Lake Watershed as generally described in Rule 15A NCAC 02B .0250 (Randleman Lake Water Supply Watershed: Nutrient Management Strategy), in order to maintain their nutrient removal and stream protection functions. Additionally, this Ordinance will help protect the water supply uses of Randleman Lake Reservoir and of designated water supplies throughout the Randleman Lake Watershed. Buffers adjacent to streams provide multiple environmental protection and resource management benefits. Forested buffers enhance and protect the natural ecology of stream systems, as well as water quality through bank stabilization, shading, and nutrient removal. They also

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help to minimize flood damage in flood prone areas. Well-vegetated streamside riparian areas help to remove nitrogen and prevent sediment and sediment-bound pollutants such as phosphorous from reaching the streams.

c. Jurisdiction: This section shall be applied to all land in the planning jurisdiction of the County that is located within the Randleman Lake Reservoir Watershed.

d. Applicability: This section applies to all landowners and other persons conducting activities in the area described in this section, with the exception of activities conducted under the authority of the State, the United States, multiple jurisdictions, or local units of government, and forest harvesting and agricultural activities. The NC Division of Water Quality shall administer the requirements of Rule 15A NCAC 02B .0250 and .0252 (Randleman Lake Water Supply Nutrient Strategy: Protection of Existing Riparian Buffers and Mitigation of Existing Riparian Buffers, respectively) for these activities.

f. Buffers Protected. The following minimum criteria shall be used for identifying regulated buffers:

(1) This Section shall apply to activities conducted within, or outside of with hydrologic impacts in violation of the diffuse flow requirements set out in this Section upon, fifty (50)-foot wide riparian buffers directly adjacent to surface waters in the Jordan Watershed (intermittent streams, perennial streams, lakes, reservoirs and ponds), excluding wetlands.

(2) Wetlands adjacent to surface waters or within fifty (50) feet of surface waters shall be considered as part of the riparian buffer but are regulated pursuant to Rules 15A NCAC 2B .0230 and .0231, Rules 15A NCAC 2H .0500, 15A NCAC 2H .1300, and Sections 401 and 404 of the Federal Water Pollution Control Act.

(3) For the purpose of this Ordinance, only one of the following types of maps shall be used for purposes of identifying a water body subject to the requirements of this Ordinance:

i. The most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture;

ii. The most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS);

iii. A map approved by the Geographic Information Coordinating Council and by the NC Environmental Management Commission. Prior to approving a map under this Item, the Commission shall provide a 30-day public notice and opportunity for comment. Alternative maps approved by the Commission shall not be used for buffer delineation on projects that are existing and ongoing within the meaning of this Section; or

iv. A map developed by Guilford County and approved by the NC Environmental Management Commission per 15A NCAC 02B .0250(4)(c).

(4) Where the specific origination point of a stream regulated under this Item is in question, upon request of the NC Division of Water Quality or another party, the County shall make an on-site determination. A County representative who has successfully completed the Division's Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by the Division, shall establish that point using the latest version of the Division publication, Identification Methods for the Origins of Intermittent and Perennial Streams, available at:

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http://h2o.enr.state.nc.us/ncwetlands/documents/NC_Stream_ID_Manual.pdf or from the NC Division of Water Quality - 401 Oversight Express Permitting Unit, or its successor. The County may accept the results of a site assessment made by another party who meets these criteria. Any disputes over on-site determinations made according to this Item shall be referred to the Director of the Division of Water Quality c/o the 401 Oversight Express Permitting Unit, or its successor, in writing. The Director's determination is subject to review as provided in Articles 3 and 4 of NCGS 150B.

(5) Riparian buffers protected by this Ordinance shall be measured pursuant to this section.

(6) Parties subject to this Ordinance shall abide by all State rules and laws regarding waters of the state including but not limited to Rules 15A NCAC 2B .0230 and .0231, Rules 15A NCAC 2H .0500, 15A NCAC 2H .1300, and Sections 401 and 404 of the Federal Water Pollution Control Act.

g. Exemption Based on On-site Determination. When a landowner or other affected party including the Division believes that the maps have inaccurately depicted surface waters, he or she shall consult the County. Upon request, a County representative who has successfully completed the Division of Water Quality's *Surface Water Identification Training Certification* course, its successor, or other equivalent training curriculum approved by the Division, shall make an on-site determination. The County may also accept the results of site assessments made by other parties who have successfully completed such training. Any disputes over on-site determinations shall be referred to the Director of the Division of Water Quality c/o the 401 Oversight Express Permitting Unit, or its successor, in writing. A determination of the Director as to the accuracy or application of the maps is subject to review as provided in Articles 3 and 4 of NCGS 150B. Surface waters that appear on the maps shall not be subject to these buffer requirements if a site evaluation reveals any of the following cases:

(1) Ditches and manmade conveyances, to include manmade stormwater conveyances, other than modified natural streams, unless the ditch or manmade conveyance delivers untreated stormwater runoff from an adjacent source directly to an intermittent or perennial stream.

(2) Areas mapped as intermittent streams, perennial streams, lakes, ponds, or estuaries on the most recent versions of the United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps, hard-copy soil survey maps, or other EMC approved stream maps where no perennial waterbody, intermittent waterbody, lake, pond or estuary actually exists on the ground.

(3) Ephemeral streams.

(4) Ponds and lakes created for animal watering, irrigation, or other agricultural uses that are not part of a natural drainage way that is classified in accordance with 15A NCAC 02B .0100. Ponds are part of the natural drainage way when they are hydrologically connected (i.e. the pond is fed by an intermittent or perennial stream) or when they have a direct discharge point to an intermittent or perennial stream.

h. Exemption when Existing Uses are Present and Ongoing. This Ordinance shall not apply to uses that are existing and ongoing; however, this Ordinance shall apply at the time an existing, ongoing use is changed to another use. Change of use shall

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involve the initiation of any activity that does not meet either of the following criteria for existing, ongoing activity:

(1) It was present within the riparian buffer as of the effective date of this Ordinance and has continued to exist since that time. Existing uses shall include agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems, any of which involve either specific, periodic management of vegetation or displacement of vegetation by structures or regular activity. Only the portion of the riparian buffer occupied by the footprint of the existing use is exempt from this Ordinance. Change of ownership through purchase or inheritance is not a change of use. Activities necessary to maintain uses are allowed provided that the site remains similarly vegetated, no impervious surface is added within fifty (50) feet of the surface water where it did not previously exist as of the effective date of this Ordinance, and existing diffuse flow is maintained. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1is not compromised, the ground is stabilized and existing diffuse flow is maintained

(2) Projects or proposed development that are determined by the County to meet at least one (1) of the following criteria:

i. Project requires a 401 Certification/404 Permit and these were issued prior to the effective date this Ordinance, and prior to the effective date of this Ordinance;

ii. Projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities, have begun construction or are under contract to begin construction and had received all required state permits and certifications prior to the effective date of this Ordinance;

iii. Projects that are being reviewed through the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor and that have reached agreement with NCDEQ on avoidance and minimization by the effective date of the Ordinance, or

iv. Projects that are not required to be reviewed by the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor if a Finding of No Significant Impact has been issued for the project and the project has the written approval of the County prior to the effective date of this Ordinance.

i. Zones of the Riparian Buffer. The protected riparian buffer shall have two (2) zones as follows:

(1) Zone 1 shall consist of a vegetated area that is undisturbed except for uses provided for in the Table 9.1.7 of this Ordinance. The location of Zone 1 shall be as follows.

i. For intermittent and perennial streams, Zone 1 shall begin at the top of the bank and extend landward a distance of thirty (30) feet on all sides of the surface water, measured horizontally on a line

perpendicular to a vertical line marking the top of the bank, shown on Figure 1.

ii. For ponds, lakes and reservoirs located within a natural drainage way, Zone 1 shall begin at the normal water level and extend landward a distance of thirty (30) feet, measured horizontally on a line perpendicular to a vertical line marking the normal water level.

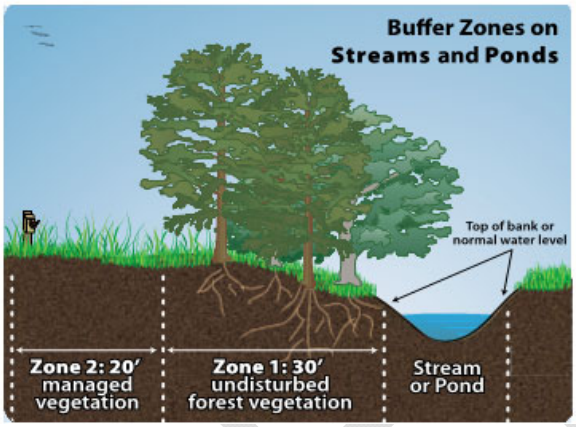


Figure 1. Shows the various zones for stream buffers.

(2) Zone 2 shall consist of a stable, vegetated area that is undisturbed except for uses provided for in the Table 9.1.7 of this Ordinance. Grading and revegetating in Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward twenty (20) feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be fifty (50) feet on all sides of the surface water.

j. Diffuse Flow Requirements. Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow prior to its entry into the buffer and reestablishing vegetation as follows:

(1) Concentrated runoff from new ditches or man-made conveyances shall be converted to diffuse flow at non-erosive velocities before the runoff enters Zone 2 of the riparian buffer;

(2) Periodic corrective action to restore diffuse flow shall be taken as necessary and shall be designed to impede the formation of erosion gullies; and

(3) As set out in this section, The Zones of the Riparian Buffer and Table of Uses respectively, no new stormwater conveyances are allowed through the buffers except for those specified in the Table of Uses, of this Ordinance, addressing stormwater management ponds, drainage ditches, roadside ditches, and stormwater conveyances.

k. Potential Uses and Associated Requirements.

Approval for New Development. Guilford County shall issue an approval for new development only if the development application proposes to avoid impacts to riparian buffers defined in this Ordinance, or where the application proposes to impact such buffers, it demonstrates that the applicant has done the following, as applicable:

(1) Determined the activity is exempt from requirements of this Ordinance;

(2) Received an Authorization Certificate from the County;

(3) For uses designated as Allowable with Mitigation in the Table of Uses, received approval of mitigation plan pursuant to this Ordinance; and

(4) Received a variance.

I. Table of Uses. The following chart sets out potential new uses within the buffer, or outside the buffer with impacts on the buffer, and categorizes them as exempt, allowable, or allowable with mitigation. All uses not categorized as exempt, allowable, or allowable with mitigation are considered prohibited and may not proceed within the riparian buffer or outside the buffer if the use would impact the buffer, unless a variance is granted pursuant to this Ordinance.

Table 9.1.6 Table of Uses.

Use	Exempt*	Allowable*	Allowable with Mitigation*
Access trails: Pedestrian access trails leading to the surface water, docks, fishing piers, boat ramps and other water dependent activities:			
Pedestrian access trails that are restricted to the minimum width practicable and do not exceed 4 feet in width of buffer disturbance, and provided that installation and use does not result in removal of trees as defined in this Ordinance and no impervious surface is added to the riparian buffer	X		
Pedestrian access trails that exceed 4 feet in width of buffer disturbance, the installation or use results in removal of trees as defined in this Ordinance or impervious surface is added to the riparian buffer		X	
Airport facilities:			
Airport facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
Airport facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer			X
Activities necessary to comply with FAA requirements (e.g. radar uses or landing strips)[1]		X	
Archaeological activities	X		
Bridges		X	
Canoe Access provided that installation and use does not result in removal of trees as defined in this Ordinance and no impervious surface is added to the buffer.	X		
Dam maintenance activities:			
Dam maintenance activities that do not cause additional buffer disturbance beyond the footprint of the existing dam or those covered under the U.S. Army Corps of Engineers Nationwide Permit No. 3	X		
Dam maintenance activities that do cause additional buffer disturbance beyond the footprint of the existing dam or those not covered under the U.S. Army Corps of Engineers Nationwide Permit No. 3		X	
Drainage ditches, roadside ditches and stormwater conveyances through riparian buffers:			

New stormwater flows to existing drainage ditches, roadside ditches, and stormwater conveyances provided flows do not alter or result in the need to alter the conveyance and are managed to minimize the sediment, nutrients and other pollution that convey to waterbodies.	X		
Realignment of existing roadside drainage ditches retaining the design dimensions, provided that no additional travel lanes are added, and the minimum required roadway typical section is used based on traffic and safety considerations.		X	
New or altered drainage ditches, roadside ditches and stormwater outfalls provided that a stormwater management facility is installed to control nutrients and attenuate flow before the conveyance discharges through the riparian buffer		X	
New drainage ditches, roadside ditches and stormwater conveyances applicable to linear projects that do not provide a stormwater management facility due to topography constraints provided that other practicable SCMs are employed.			X
Driveway crossings of streams and other surface waters subject to this Ordinance:			
Driveway crossings on single-family residential lots that disturb equal to or less than 25 linear feet or 2,500 square feet of riparian buffer	X		
Driveway crossings on single-family residential lots that disturb greater than 25 linear feet or 2,500 square feet of riparian buffer		X	
In a subdivision that cumulatively disturb equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
In a subdivision that cumulatively disturb greater than 150 linear feet or one-third of an acre of riparian buffer			X
Driveway impacts other than crossing of a stream or other surface waters subject to this Ordinance			X
Fences:			
Fences provided that disturbance is minimized, and installation does not result in removal of trees as defined in this Ordinance	X		
Fences provided that disturbance is minimized and installation results in removal of trees as defined in this Ordinance		X	
Fertilizer application: One-time application to establish vegetation	X		
Grading and revegetation in Zone 1 provided that diffuse flow and the health of existing vegetation in Zone 1 is not compromised and disturbed areas are stabilized until they are revegetated.	X		

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Greenway/hiking trails designed, constructed and maintained to maximize nutrient removal and erosion protection, minimize adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practical.		X	
Historic preservation	X		
Maintenance access on modified natural streams: a grassed travel way on one side of the water body when less impacting alternatives are not practical. The width and specifications of the travel way shall be only that needed for equipment access and operation. The travel way shall be located to maximize stream shading.		X	
Mining activities:			
Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of this Ordinance are established adjacent to the relocated channels		X	
Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the requirements of this Ordinance are not established adjacent to the relocated channels			X
Wastewater or mining dewatering wells with approved NPDES permit	X		
Playground equipment:			
Playground equipment on single-family lots provided that installation and use does not result in removal of vegetation	X		
Playground equipment installed on lands other than single-family lots or that requires removal of vegetation		X	
Ponds created by impounding streams and not used as stormwater SCMs			
New ponds provided that a riparian buffer that meets the requirements of this Ordinance is established adjacent to the pond		X	
New ponds where a riparian buffer that meets the requirements of this Ordinance is NOT established adjacent to the pond			X
Protection of existing structures, facilities and stream banks when this requires additional disturbance of the riparian buffer or the stream channel		X	
Railroad impacts other than crossings of streams and other surface waters subject to this Ordinance.			X
Railroad crossings of streams and other surface waters subject to this Ordinance:			
Railroad crossings that impact equal to or less than 40 linear feet of riparian buffer	X		
Railroad crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	

Railroad crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer			X
Recreational and accessory structures in Zone 2:			
Sheds and gazebos in Zone 2, provided they are not prohibited under local water supply Ordinance:			
Total footprint less than or equal to 150 square feet per lot.		X	
Total footprint greater than 150 square feet per lot.			X
Wooden slatted decks and associated steps, provided the use meets the requirements of this Ordinance:			
Deck at least eight feet in height and no vegetation removed from Zone 1.		X	
Deck less than eight feet in height or vegetation removed from Zone 1.			X
Removal of previous fill or debris provided that diffuse flow is maintained and vegetation is restored	X		
Road impacts other than crossings of streams and other surface waters subject to this Ordinance			X
Road crossings of streams and other surface waters subject to this Ordinance:			
Road crossings that impact equal to or less than 40 linear feet of riparian buffer	X		
Road crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
Road crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer			X
Road relocation: Relocation of existing private access roads associated with public road projects where necessary for public safety:			
Less than or equal to 2,500 square feet of buffer impact		X	
Greater than 2,500 square feet of buffer impact			X
Stormwater SCMs:			
Wet detention, bioretention, and constructed wetlands in Zone 2 if diffuse flow of discharge is provided into Zone 1		X	
Wet detention, bioretention, and constructed wetlands in Zone 1			X
Scientific studies and stream gauging	X		
Streambank or shoreline stabilization		X	
Temporary roads, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation: At the end of five years the restored buffer shall comply with the restoration criteria of this Ordinance:			
Less than or equal to 2,500 square feet of buffer disturbance	X		
Greater than 2,500 square feet of buffer disturbance		X	
Associated with culvert installation or bridge construction or replacement		X	

Temporary sediment and erosion control devices, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation. At the end of five years the restored buffer shall comply with the restoration criteria of this Ordinance:			
In Zone 2 provided ground cover is established within timeframes required by the Sedimentation and Erosion Control Act, vegetation in Zone 1 is not compromised, and runoff is released as diffuse flow in accordance with this Ordinance.	X		
In Zones 1 and 2 to control impacts associated with uses approved by Guilford County or that have received a variance, provided that sediment and erosion control for upland areas is addressed, to the maximum extent practical, outside the buffer.		X	
In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Water Pollution Control Act.	X		
In-stream temporary erosion and sediment control measures for work within a stream channel.		X	
Utility, electric, aerial, perpendicular crossings of stream and other surface waters subject to this Ordinance [2, 3, 5]			
Disturb equal to or less than 150 linear feet of riparian buffer	X		
Disturb greater than 150 linear feet of riparian buffer		X	
Utility, electric, aerial, other than perpendicular crossings[5]:			
Impacts in Zone 2		X	
Impacts in Zone 1[2, 3]			X
Utility, electric, underground, perpendicular crossings [3, 4, 5]			
Disturb less than or equal to 40 linear feet of riparian buffer	X		
Disturb greater than 40 linear feet of riparian buffer		X	
Utility, electric, underground, other than perpendicular crossings[4]:			
Impacts in Zone 2	X		
Impacts in Zone 1[1]	X		
Utility, non-electric, perpendicular crossings of streams and other surface waters subject to this Ordinance[3, 5]:			
Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width	X		
Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width		X	
Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width		X	

Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width			X
Disturb greater than 150 linear feet of riparian buffer			X
Utility, non-electric, other than perpendicular crossings[4, 5]:			
Impacts in Zone 2		X	
Impacts in Zone 1			X
Vegetation management:			
Emergency fire control measures provided that topography is restored	X		
Mowing or harvesting of plant products in Zone 2	X		
Planting vegetation to enhance the riparian buffer	X		
Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised	X		
Removal of individual trees that are in danger of causing damage to dwellings, other structures or human life, or are imminently endangering stability of the streambank.	X		
Removal of individual trees which are dead, diseased or damaged.	X		
Removal of poison ivy	X		
Removal of invasive exotic vegetation as defined in: Smith, Cherri L. 1998. Exotic Plant Guidelines. Dept. of Environment and Natural Resources. Division of Parks and Recreation. Raleigh, NC. Guideline #30	X		
Vehicular access roads leading to water-dependent structures as defined in 15A NCAC 02B .0202, provided they do not cross the surface water and have minimum practicable width not exceeding ten feet.		X	
Water dependent structures as defined in 15A NCAC 02B .0202 where installation and use result in disturbance to riparian buffers.		X	
Water supply reservoirs:			
New reservoirs where a riparian buffer that meets the requirements of this Section is established adjacent to the reservoir.		X	
New reservoirs where a riparian buffer that meets the requirements of this Section is not established adjacent to the reservoir.			X
Water wells			
Single-family residential water wells	X		
All other water wells		X	
Wetland, stream and buffer restoration that results in impacts to the riparian buffers:			
Wetland, stream and buffer restoration that requires NC Division of Water Quality approval for the use of a 401 Water Quality Certification	X		

Wetland, stream and buffer restoration that does not require Division of Water Quality approval for the use of a 401 Water Quality Certification		X	
Wildlife passage structures		X	

* To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the requirements established of this Ordinance.

1. Provided that:
    - No heavy equipment is used in Zone 1.
    - Vegetation in undisturbed portions of the buffer is not compromised.
    - Felled trees are removed by chain.
    - No permanent felling of trees occurs in protected buffers or streams.
    - Stumps are removed only by grinding.
    - At the completion of the project the disturbed area is stabilized with native vegetation.
    - Zones 1and 2 meet the requirements of this Section.

2. Provided that, in Zone1, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternative evaluation by the County, as defined in this Section.
    - A minimum zone of 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
    - Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
    - Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
    - Riprap shall not be used unless it is necessary to stabilize a tower.
    - No fertilizer shall be used other than a one-time application to re-establish vegetation.
    - Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
    - Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
    - In wetlands, mats shall be utilized to minimize soil disturbance.

3. Provided that poles or aerial infrastructure shall not be installed within 10 feet of a water body unless Guilford County completes a no practical alternative evaluation as defined in this Section.

4. Provided that, in Zone 1, all of the following BMPs for underground utility lines are used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternative evaluation by Guilford County, as defined in this Section.
    - Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
    - Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain, except in the trench where trees are cut.
    - Underground cables shall be installed by vibratory plow or trenching.
    - The trench shall be backfilled with the excavated soil material immediately following cable installation.
    - No fertilizer shall be used other than a one-time application to re-establish vegetation.
    - Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
    - Measures shall be taken upon completion of construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
    - In wetlands, mats shall be utilized to minimize soil disturbance.

5. Perpendicular crossings are those that intersect the surface water at an angle between seventy-five (75) degrees and one hundred and five (105) degrees.

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m. Requirements for Categories of Uses. Uses designated in this Section of this Ordinance as exempt, allowable, and allowable with mitigation within a riparian buffer shall have the following requirements.

(1) Exempt. Uses designated as exempt are permissible without authorization by Guilford County provided that they adhere to the limitations of the activity as defined in this Section, the Table of Uses. In addition, exempt uses shall be designed, constructed and maintained to minimize soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities.

(2) Allowable. Uses designated as allowable may proceed provided that there are no practical alternatives to the requested use pursuant to Section. This includes construction, monitoring, and maintenance activities. These uses require written authorization from the County.

(3) Allowable with Mitigation. Uses designated as allowable with mitigation may proceed provided that there are no practical alternatives to the requested use pursuant to this Section and an appropriate mitigation strategy has been approved pursuant this Section. These uses require written authorization from the County.

n. Permits, Procedures, Requirements, and Approvals

(1) Determination of No Practical Alternatives / Request for Authorization Certificate.

i. Persons who wish to undertake uses designated as allowable or allowable with mitigation shall submit a request for a "no practical alternatives" determination to the County. The applicant shall certify that the project meets all the following criteria for finding "no practical alternatives":

a) The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality;

b) The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality; and

c) Stormwater Control Measures shall be used if necessary, to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

(2) The applicant shall also submit at least the following information in support of their assertion of "no practical alternatives:"

a) The name, address and phone number of the applicant;

b) The nature of the activity to be conducted by the applicant;

c) The location of the activity, including the jurisdiction;

d) A map of enough detail to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimensions of any disturbance in riparian buffers associated with the activity, and the extent of riparian buffers on the land;

e) An explanation of why this plan for the activity cannot be practically accomplished, reduced or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality; and

f) Plans for any Stormwater Control Measures proposed to be used to control the impacts associated with the activity.

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(3) Within sixty (60) days of a submission, the County shall review the entire project and make a finding of fact as to whether the criteria in this Section of this Ordinance have been met. A finding of "no practical alternatives" shall result in issuance of an Authorization Certificate. Failure to act within sixty (60) days shall be construed as a finding of "no practical alternatives" and an Authorization Certificate shall be issued to the applicant unless one (1) of the following occurs:

a) The applicant agrees, in writing, to a longer period;
b) The County determines that the applicant has failed to furnish requested information necessary to the County decision;
c) The final decision is to be made pursuant to a public hearing; or
d) The applicant refuses access to its records or premises for the purpose of gathering information necessary to the County's decision.

4. The County may attach conditions to the Authorization Certificate that support the purpose, spirit and intent of this Ordinance

e) 5. Any appeals of determinations regarding Authorization Certificates shall be referred to the Director of the Division of Water Quality, c/o the 401 Oversight Express Permitting Unit, or its successor. The Director's decision is subject to review as provided in NCGS 150B Articles 3 and 4.

o. Variances

(1) Requirements for Variances. Persons who wish to undertake prohibited uses may pursue a variance. The County may grant minor variances in accordance with Article 3 – Permits and Procedures of this ordinance. For major variances, the County shall prepare preliminary findings and submit them to the Division of Water Quality, 401 Oversight Express Permitting Unit, or its successor for approval by the Environmental Management Commission. The variance request procedure shall be as follows:

i. For any variance request, the County shall make a finding of fact as to whether there are practical difficulties or unnecessary hardships that prevent compliance with the riparian buffer protection requirements. A finding of practical difficulties or unnecessary hardships shall require that the following conditions are met:

a) If the applicant complies with the provisions of this Ordinance, he/she can secure no reasonable return from, nor make reasonable use of, his/her property. Merely proving that the variance would permit a greater profit from the property shall not be considered justification for a variance. Moreover, the [Municipality/County] shall consider whether the variance is the minimum possible deviation from the terms of this Ordinance that shall make reasonable use of the property possible;
b) The hardship results from application of this Ordinance to the property rather than from other factors such as deed restrictions or other hardship;
c) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of this ordinance would not allow reasonable use of the property;
d) The applicant did not cause the hardship by knowingly or unknowingly violating this Ordinance; and

e) The hardship is rare or unique to the applicant's property.

ii. The variance is in harmony with the general purpose and intent of the State's riparian buffer protection requirements and this Ordinance and preserves its spirit; and

iii. In granting the variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.

(2) Minor Variances. A minor variance request pertains to activities that will impact only Zone 2of the riparian buffer. Minor variance requests shall be reviewed and approved based on the criteria in this Section by the County pursuant to NCGS 153A-Article 18, or NCGS 160A-Article 19. The County may attach conditions to the variance approval that support the purpose, spirit and intent of the riparian buffer protection program. Request for appeals to decisions made by the County shall be made in writing to the Director of the Division of Water Quality c/o the 401 Oversight Express Permitting Unit, or its successor. The Director's decision is subject to review as provided in NCGS 150B Articles 3 and 4.

(3) Major Variances. A major variance request pertains to activities that will impact any portion of Zone 1 or any portion of both Zones 1 and 2 of the riparian buffer. If Guilford County has determined that a major variance request meets the requirements in this Section then it shall prepare a preliminary finding and submit it to the NC Environmental Management Commission c/o the Division of Water Quality, 401 Oversight Express Permitting Unit, or its successor, for approval. Within ninety (90) days after receipt by Guilford County, the Commission shall review preliminary findings on major variance requests and take one of the following actions: approve, approve with conditions and stipulations, or deny the request. Appeals from a Commission decision on a major variance request are made on judicial review to Superior Court.

p. Mitigation

(1) This item shall apply to persons who wish to impact a riparian buffer in the Randleman Lake Watershed when one of the following applies:

a) A person has received an Authorization Certificate pursuant to this Section a proposed use that is designated as "allowable with mitigation;" or

b) A person has received a variance pursuant this Section and is required to perform mitigation as a condition of a variance approval.

(2) Issuance of the Mitigation Approval. Guilford County shall issue a mitigation approval upon determining that a proposal meets the requirements set out in this Ordinance. The approval shall identify at a minimum the option chosen, the required and proposed areas, and either the mitigation location or the offset payment amount as applicable.

(3) Options for Meeting the Mitigation Requirement. The mitigation requirement may be met through one of the following options:

a) Payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to 15A NCAC 02B .0269 (as referenced in 15A NCAC 02B .0252(7)) contingent upon acceptance of payments by the NC Ecosystem Enhancement Program, or to a private mitigation bank that complies with banking requirements of the US Army Corps of Engineers, currently set out at http://www.saw.usace.army.mil/WETLANDS/Mitigation/mitbanks.html or from

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the US Army Corps of Engineers, , and the applicable trading criteria in Rule 15A NCAC 02B .0273;

b) Donation of real property or of an interest in real property pursuant to Section 9.1.P.6. of this Ordinance; or

c) Restoration or enhancement of a non-forested riparian buffer pursuant to the requirements of Section 9.1.P.7 of this Ordinance.

q. The Area of Mitigation. Guilford County shall determine the required area of mitigation, which shall apply to all mitigation options identified in this Section and as further specified in the requirements for each option set out in this Section, according to the following:

(1) The impacts in square feet to each zone of the riparian buffer shall be determined by Guilford County by adding the following:

a) The area of the footprint of the use causing the impact to the riparian buffer.

b) The area of the boundary of any clearing and grading activities within the riparian buffer necessary to accommodate the use; and

c) The area of any ongoing maintenance corridors within the riparian buffer associated with the use.

(2) The required area of mitigation shall be determined by applying the following multipliers to the impacts determined in Section 9.1.P.4.a of this Ordinance to each zone of the riparian buffer:

a) Impacts to Zone 1 of the riparian buffer shall be multiplied by three.

b) Impacts to Zone 2 of the riparian buffer shall be multiplied by one and one-half; and

c) Impacts to wetlands within Zones 1 and 2 of the riparian buffer that are subject to mitigation under 15A NCAC 2H .0506 shall comply with the mitigation ratios in 15A NCAC 2H .0506.

r. The Location of Mitigation. For any option chosen, the mitigation effort shall be located within the same sub-watershed of the Jordan Watershed, as defined in 15A NCAC 02B.0262, and the same distance from the Jordan Reservoir as the proposed impact, or closer to the Reservoir than the impact, and as close to the location of the impact as feasible. Alternatively, the applicant may propose mitigation anywhere within the same sub-watershed of the Randleman Lake Watershed, as defined in 15A NCAC 02B.0262, provided that the mitigation proposal accounts for differences in delivery of nutrients to the affected arm of Randleman Lake Reservoir resulting from differences between the locations of the buffer impact and mitigation. Additional location requirements for the property donation option are enumerated in Section 9.1.P.6.c(1) of this Ordinance.

s. Donation of Property. Persons who choose to satisfy their mitigation determination by donating real property or an interest in real property shall meet the following requirements:

(1) The donation of real property interests may be used to either partially or fully satisfy the payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to 15A NCAC 02B .0269. The value of the property interest shall be determined by an appraisal performed in accordance with Section 9.1.P.6.d(4) of this Ordinance. The donation shall satisfy the mitigation determination if the appraised value of the donated property interest is equal to or greater than the required fee. If the appraised value of the donated property interest is less than the required fee calculated pursuant to 15A NCAC 02B .0252, the applicant shall pay the remaining balance due.

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(2) The donation of conservation easements to satisfy compensatory mitigation requirements shall be accepted only if the conservation easement is granted in perpetuity.

(3) Donation of real property interests to satisfy the mitigation determination shall be accepted only if such property meets all of the following requirements:

a) In addition to the location requirements of this Section, the property shall be located within an area that is identified as a priority for restoration in, or is otherwise consistent with the goals of the *Basinwide Wetlands and Riparian Restoration Plan for the Cape Fear River Basin* developed by NC Division of Environmental Quality pursuant to NCGS 143-214.10;

b) The property shall contain riparian buffers not currently protected by the State's riparian buffer protection program that are in need of restoration as defined in this Section.

c) The restorable riparian buffer on the property shall have a minimum length of one thousand (1000) linear feet along a surface water and a minimum width of fifty (50) feet as measured horizontally on a line perpendicular to the surface water;

d) The size of the restorable riparian buffer on the property to be donated shall equal or exceed the area of mitigation responsibility determined pursuant to this Section;

e) Restoration shall not require removal of man-made structures or infrastructure;

f) The property shall be suitable to be successfully restored, based on existing hydrology, soils, and vegetation;

g) The estimated cost of restoring and maintaining the property shall not exceed the value of the property minus site identification and transaction costs;

h) The property shall not contain any building, structure, object, site, or district that is listed in the National Register of Historic Places established pursuant to Public Law 89-665, 16 U.S.C. 470 as amended;

i) The property shall not contain any hazardous substance or solid waste;

j) The property shall not contain structures or materials that present health or safety problems to the general public. If wells, septic, water or sewer connections exist, they shall be filled, remediated or closed at owner's expense in accordance with state and local health and safety regulations;

k) The property and adjacent properties shall not have prior, current, and known future land use that would inhibit the function of the restoration effort; and

l) The property shall not have any encumbrances or conditions on the transfer of the property interests.

(4) At the expense of the applicant or donor, the following information shall be submitted to the County with any proposal for donations or dedications of interest in real property:

a) Documentation that the property meets the requirements laid out in this Section.

b) US Geological Survey 1:24,000 (7.5 minute) scale topographic map, County tax map, USDA Natural Resource Conservation Service County Soil Survey

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Map, and county road map showing the location of the property to be donated along with information on existing site conditions, vegetation types, presence of existing structures and easements.

c) A current property survey performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the State Board of Registration for Professional Engineers and Land Surveyors in "Standards of Practice for Land Surveying in North Carolina." Copies may be obtained from the North Carolina State Board of Registration for Professional Engineers and Land Surveyors,

d) A current appraisal of the value of the property performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the Appraisal Board in the "Uniform Standards of Professional North Carolina Appraisal Practice." Copies may be obtained from the Appraisal Foundation, Publications Department; and

e) A title certificate.

t. Riparian Buffer Restoration or Enhancement. Persons who choose to meet their mitigation requirement through riparian buffer restoration or enhancement shall meet the following requirements:

(1) The applicant may restore or enhance a non-forested riparian buffer if either of the following applies:

a) The area of riparian buffer restoration is equal to the required area of mitigation determined pursuant to this Section; or

b) The area of riparian buffer enhancement is three (3) times larger than the required area of mitigation determined pursuant to this Section.

(2) The location of the riparian buffer restoration or enhancement shall comply with the requirements in this Section.

(3) The riparian buffer restoration or enhancement site shall have a minimum width of fifty (50) feet as measured horizontally on a line perpendicular to the surface water.

(4) Enhancement and restoration shall both have the objective of establishing a forested riparian buffer according to the requirements of this Item. Enhancement shall be distinguished from restoration based on existing buffer conditions. Where existing trees are sparse, that is greater than or equal to one hundred (100) trees per acre but less than two hundred (200) trees per acre, a buffer may be enhanced. Where existing woody vegetation is absent, that is less than one hundred (100) trees per acre, a buffer may be restored.

(5) The applicant shall first receive an Authorization Certificate for the proposed use according to the requirements of Section 9.1.N.1.g(1) of this Ordinance. After receiving this determination, the applicant shall submit a restoration or enhancement plan for approval by the Guilford County. The restoration or enhancement plan shall contain the following:

a) A map of the proposed restoration or enhancement site;

b) A vegetation plan. The vegetation plan shall include a minimum of at least two (2) native hardwood tree species planted at a density sufficient to provide three hundred and twenty (320) trees per acre at maturity;

c) A grading plan. The site shall be graded in a manner to ensure diffuse flow through the riparian buffer;

d) A fertilization plan; and

e) A schedule for implementation.

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(6) Within one year after the County has approved the restoration or enhancement plan, the applicant shall present proof to Guilford County that the riparian buffer has been restored or enhanced. If proof is not presented within this timeframe, then the person shall be in violation of both the State's and the County's riparian buffer protection program.

(7) The mitigation area shall be placed under a perpetual conservation easement that will provide for protection of the property's nutrient removal functions, and

(8) The applicant shall submit annual reports for a period of five (5) years after the restoration or enhancement showing that the trees planted have survived and that diffuse flow through the riparian buffer has been maintained. The applicant shall replace trees that do not survive and restore diffuse flow if needed during that five-year period.

u. Site Inspections and Enforcement.

(1) Site Inspections.

a) Agents, officials, or other qualified persons authorized by the County may periodically inspect riparian buffers to ensure compliance with this Ordinance.

b) Notice of the right to inspect shall be included in the letter of approval of each variance and buffer authorization.

c) Authorized agents, officials or other qualified persons shall have the authority, upon presentation of proper credentials, to enter and inspect at reasonable times any property, public or private, for the purpose of investigating and inspecting the site of any riparian buffer. No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of Guilford County, while that person is inspecting or attempting to inspect a riparian buffer nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties. The County shall have the power to conduct such investigations as deemed reasonably necessary to carry out the duties as prescribed in this Ordinance.

Any person engaged in new activities as defined by this Ordinance who fails to meet the requirements of this Ordinance shall be deemed in violation of this Ordinance and subject to enforcement actions under Article 10 - Enforcement.

6. Riparian Buffer Protection for Water Supply Watersheds and NPDES areas.

a. Stream Buffer Requirements

(1) Stream Buffer Width Requirements

(a) A stream buffer width requirement and Zones are specified in Section 9.1.I.1, 9.1.I.2, and Table 9.1.8.

(b) This requirement is not applicable to enclosed subsurface drainage segments of intermittent streams, or to perennial streams outside of water supply watersheds, in which the North Carolina Division of Water Quality has issued a 401 Water Quality Certification to allow the stream segment to be altered by routing it through an enclosure such as a culvert.

Table 9.1.8 Stream Buffer Width Requirements

	LOW DENSITY DEVELOPMENT		HIGH-DENSITY DEVELOPMENT	
Water Supply Watershed Districts	Perennial Streams, Lakes and Ponds	Intermittent Streams	Perennial Streams, Lakes and Ponds	Intermittent Streams
WS-III Polecat Creek Greensboro (Reedy Fork) Reidsville (Troublesome Creek) Sandy Creek	30 ft. (Zone 1)	30 ft. (Zone 1)	100 ft. (Zone 1, 2, & 3)	30 ft. (Zone 1)
WS-IV Jamestown (Deep River) High Point (East & West Fork, Deep River) Lower Randleman Lake (Deep River) Har River (Haw River) Lake Mackintosh (Big Alamance Creek)	50 ft. (Zone 1 & 2)	50 ft. (Zone 1 & 2)	100 ft. (Zone 1, 2, & 3)	50 ft. (Zone 1 & 2)
NDPES	30 ft. (Zone 1)	30 ft. (Zone 1)	30 ft. (Zone 1)	30 ft. (Zone 1)

Table Note:

- Watersheds where the Jordan Lake Buffer Rules apply under the High-Density Option, the first fifty (50) feet of stream buffers shall conform to the requirements of the Jordan Lake Buffer Zones 1 and 2, and Zone 3 shall be vegetated and comply with Water Supply Watershed regulations.
- Watersheds where the Randleman Lake Buffer Rules apply under the High-Density Option, the first fifty (50) feet of stream buffers shall conform to the requirements of the Randleman Lake Buffer Zones 1 and 2, and Zone 3 shall be vegetated and comply with Water Supply Watershed regulations.

(2) Zone 1 must remain undisturbed except for the following:

(a) utilities and erosion control structures can be constructed and maintained;

(b) mechanical mowing of utilities areas is allowed to control growth;

(c) the cutting or trimming of overcrowded trees is allowed, provided that no trees in excess of three (3) inches in diameter as measured twelve (12) inches or less from the ground are removed; and

(d) normal maintenance by mechanical means is allowed for the removal of dead, diseased, deformed, poisonous, or noxious vegetation and pests harmful to health.

(3) Zone 2 and 3 may be cleared or graded, but shall be replanted and maintained in grass or other vegetation.

(4) No new built-upon area shall be allowed in the stream buffer except for the following uses where it is not practical to locate the built-upon area elsewhere. Built-upon area and disturbance associated with these uses (below) shall be minimized, aquatic life and water quality must be protected, and the channelization of stormwater runoff shall be avoided:

(a) publicly funded linear projects such as roads, greenways, and sidewalks;
(b) driveways;
(c) water dependent structures such as docks; and
(d) minimal footprint uses such as poles, signs, utility appurtenances, and security lights.

(5) Artificial streambank and shoreline stabilization shall not be subject to the requirements of this Section.

(6) Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow and reestablishing vegetation. Concentrated runoff from new ditches or man-made conveyances shall be converted to diffuse flow before the runoff enters Zone 3 of the riparian buffer. Periodic corrective action to restore diffuse flow shall be taken if necessary, by the property owner to impede the formation of erosion gullies.

(7) Stormwater that has not been treated in an SCM shall not be discharged through a stream buffer; instead it shall be released at the edge of the stream buffer and allowed to flow through the setback as dispersed flow.

(8) Exemptions - When an on-site determination shows that surface waters are not present:

a. When a landowner or other affected party believes that the maps have inaccurately depicted surface waters, he or she shall consult Guilford County. Upon request, Guilford County shall make on-site determinations. Any disputes over on-site determinations shall be referred to the Division of Water Quality. Surface waters that appear on the maps shall not be subject to this Rule if an on-site determination shows that they fall into one of the following categories:

(i). Ditches and manmade conveyances other than modified natural streams unless constructed for navigation or boat access.
(ii). Manmade ponds and lakes that are located outside natural drainage ways.
(iii). Ephemeral streams.

b. Water Supply Watershed Stream Buffers.

(1) Stream Buffers shall be in accordance with Table 9.1.8, 9.1.I.1, 9.1.I.2, 9.1.I.6.a. and the following:

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(a) projects covered under the 10/70 option – Zone 1, Zone 2, and Zone 3 are applicable (100 feet total); and
(b) agricultural activities – 10 feet, or equivalent control as determined by the designated agency as set forth in 15A NCAC 052B .0622.

(2) For minor variances to a Water Supply Watershed Stream Buffer requirement, the percent variation shall be calculated using the footprint of built- upon area proposed to encroach within the buffer divided by the total area of buffer within the project. For Water Supply Watershed Rules, "Minor variance" means a variance from the minimum statewide watershed protection rules that results in the relaxation of up to ten (10) percent of any stream buffer, density, or minimum lot size requirement applicable to low density development, or the relaxation of up to five (5) percent of any stream buffer, density, or minimum lot size requirement applicable to high density development.

(3) Non-family subdivisions that are exempt from local subdivision Ordinances shall implement the requirements of this Section to the maximum extent practicable considering site-specific factors including technical and cost consideration as well as protection of water quality.

(4) Variances

a. For all proposed Water Supply Watershed Stream Buffer major and minor variances, as defined in this article, the local Watershed Review Board, or equivalent quasi-judicial body shall make findings of fact in accordance with the procedures of this Article, as appropriate, showing that:

(1) there are difficulties or hardships that prevent compliance with the Ordinance;
(2) the variance is in accordance with the general purpose and intent of the local watershed protection Ordinance; and
(3) granting the variance, the project will ensure equal or better protection of waters of the State than the requirements of Section 9.1.F and that the stormwater controls will function in perpetuity.

b. For all proposed major and minor variances, the local government considering or requesting the variance shall notify and allow a comment period for all other local governments having jurisdiction within the watershed area governed by these Rules and the entity using the water supply for consumption. The local Watershed Review Board, or equivalent local quasi-judicial body, hereafter referred to as "the Board," may attach conditions to the major or minor variance approval that support the purpose of the local watershed protection Ordinance. The Board may authorize minor variances for development activities on a case-by-case basis. For major variances, if the Board decides in favor of granting the major variance, then it shall prepare a preliminary record of the hearing and submit it to the Commission for review. If the Commission approves the major variance or approves the variance with conditions or stipulations added, then the Commission shall prepare a decision that authorizes the Board to issue a final decision that includes any conditions or stipulations added by the Commission. If the Commission denies the major variance, then the Commission shall prepare a decision to be sent to the Board. The Board shall prepare a final decision denying

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the major variance. Appeals from the local government decision on a major or minor variance request shall be made on certiorari to the local Superior Court. Appeals from the Commission decision on a major variance request are made on judicial review to Superior Court. When local Ordinances are more stringent than the state's minimum watershed protection requirements, a variance to the local government's Ordinance is not considered a major variance as long as the result of the variance is not less stringent than the state's minimum watershed protection requirements.

c. NPDES Stream Buffers

(1) NPDES areas are subject to the Zone 1 Stream Buffer, see Table 9.1.8.

(2) Stream Buffers shall be in accordance with Table 9.1.8, 9.1.I.1, 9.1.I.2, 9.1.I.6.a.

(3) Variances: Guilford County may grant variances from the 30-foot landward location of built-upon area requirement of Section I.6.a.(4) in accordance with section 9.1.K

J. STREAM CHANNELIZATION

1. Perineal and intermittent streams shall not be channelized without prior approval by the Planning Board, and only with all required permits through North Carolina Department of Environmental Quality and the US Army Corps of Engineers.

K. STORMWATER MANAGEMENT / WATERSHED PROTECTION VARIANCES

1. General

a. Requests for stormwater management / watershed protection major and minor variances shall be submitted in writing on forms supplied by the governing jurisdiction and with a completed stormwater management / watershed development plan showing all pertinent information relative to the site in question. Information shown on the stormwater management / watershed development plan or presented in writing shall be the primary evidence considered pertinent to the variance request.

b. For each request for a minor or major stormwater management/watershed variance, the Enforcement Officer shall notify all other local governments having jurisdiction within the same water supply watershed or using the affected water supply for consumption. A comment period of at least fourteen (14) days shall be allowed before the Planning Board hearing.

c. In granting variances, the jurisdiction may require such conditions as will secure, insofar as practicable, the objectives of the requirements being modified.

d. The applicant must demonstrate hardship that the regulations impose on the property, and not just apply for a waiver of the rules.

e. The applicant must submit a plan that demonstrates equal or better performance than the current regulations or conditions.

f. Before the Planning Board or Governing Body may grant a minor watershed variance or recommend approval to the North Carolina Environmental Management Commission (EMC) for a major variance, it shall make the following three findings, and shall include the factual reasons on which they are based.

(1) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the watershed requirements, and all of the following conditions exist:

(i) If the applicant complies with the provisions of this rule, the applicant can secure no reasonable return from, nor make reasonable use of the subject property.

Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. Moreover, the EMC or Planning Board shall consider whether the variance is the minimum possible deviation from the terms of the rule that shall make reasonable use of property possible.

(ii) The hardship results from the application of the rule to the property rather than from other factors such as deed restrictions or other hardships.

(iii) The hardship is due to the physical nature of the applicant's property, such as size, shape, or topography, which is different from that of neighboring properties.

(iv) The applicant did not cause the hardship by knowingly or unknowingly violating the Rule.

(v) The applicant did not purchase the property after the effective date of the Rule, and then request an appeal to maximize the use of the property. The applicant is entitled to a variance if a valid hardship is demonstrated.

(vi) The hardship is unique to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others and would not promote equal justice.

(2) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.

(3) In the granting of the variance the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.

2. Minor Stormwater / Watershed Variances. The Planning Board is designated to approve minor stormwater management and watershed variances. The Technical Review Committee (TRC) shall review the submitted request for consistency with the Map Standards in the Guilford County Development Ordinance prior to forwarding to the Planning Board for approval or denial. Any minor variance approved by the Planning Board may be appealed to the governing body within fifteen (15) days. For purposes of the Water Supply Watershed Regulations "Minor variance" means a variance from the minimum statewide watershed protection rules that results in the relaxation of up to ten (10) percent of any stream buffer, density, or minimum lot size requirement applicable to low density development, or the relaxation of up to five (5) percent of any stream buffer, density, or minimum lot size requirement applicable to high density development.

3. Major Stormwater / Watershed Variances. The North Carolina Environmental Management Commission (EMC) is designated to approve major stormwater management and watershed variances. The review process shall be the same as in subsection (g) above, except that the Governing Body shall make recommendations to the EMC. The variance application, hearing notices, and minutes from each committee and board review shall be forwarded to the EMC, which shall approve or deny the variance. For purposes of the Water Supply Watershed Regulations "Major variance" means a variance that is not a "minor variance" as that term is defined in this Section.

9.2 SOIL EROSION AND SEDIMENT CONTROL (7-4)

A. GENERAL REQUIREMENTS (9.4.1)

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1. Plan Required. No person shall undertake any land-disturbing activity subject to this Ordinance without first obtaining a Plan approval therefor from Guilford County, if the land-disturbing activity:
   a. Exceeds one (1) acre.
   b. Will take place on highly erodible soils with a "k" factor greater than .36 in a watershed critical area.
   c. Includes a permanent runoff control structure in a watershed critical area.
   d. Will take place in Tier 1 or Tier 2 of a watershed critical area.
2. Protection of Property: Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.
3. More Restrictive Rules Shall Apply. Whenever conflicts exist between federal, state, or local laws, ordinances, or rules, the more restrictive provision shall apply.

B. SCOPE AND EXCLUSIONS

1. Geographical Scope of Regulated Land-Disturbing Activity. This Ordinance shall apply to land- disturbing activity within the territorial jurisdiction of Guilford County and to the extraterritorial jurisdiction of unincorporated County such as Jamestown, Stokesdale, Summerfield, Whitsett, Sedalia, Pleasant Garden and Oak Ridge as allowed by agreement between local governments, the extent of annexation or other appropriate legal instrument or law.
2. Exclusions from Regulated Land-Disturbing Activity. Notwithstanding the general applicability of this Ordinance to all land-disturbing activity, this Ordinance shall not apply to the following types of land-disturbing activity:
   a. Activities, including the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:
      (1) forage and sod crops, grain and feed crops, tobacco, cotton, and peanuts.
      (2) dairy animals and dairy products.
      (3) poultry and poultry products.
      (4) livestock, including beef cattle, llamas, sheep, swine, horses, ponies, mules, and goats.
      (5) bees and apiary products.
      (6) fur producing animals.
      (7) mulch, ornamental plants, and other horticultural products. For purposes of this section, "mulch" means substances composed primarily of plant remains or mixtures of such substances.
   b. An activity undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality (Stormwater Control Measures), as adopted by the North Carolina Department of Agriculture and Consumer Services. If land-disturbing activity undertaken on forestland for the production and harvesting of timber and timber products is not conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality, the provisions of this Ordinance shall apply to such activity and any related land-disturbing activity on the tract.

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c. An activity for which a permit is required under the Mining Act of 1971, Article 7 of Chapter 74 of the General Statutes.

d. A land-disturbing activity over which the State has exclusive regulatory jurisdiction as provided in NCGS 113A-56(a).

e. An activity which is essential to protect human life during an emergency.

f. Activities undertaken to restore the wetland functions of converted wetlands to provide compensatory mitigation to offset impacts permitted under Section 404 of the Clean Water Act.

g. Activities undertaken pursuant to Natural Resources Conservation Service standards to restore the wetlands functions of converted wetlands as defined in Title 7 Code of Federal Regulations § 12.2.

3. Plan Approval Exceptions. Notwithstanding the general requirement to obtain a Plan approval prior to undertaking land-disturbing activity, a Plan approval shall not be required for land-disturbing activity that does not exceed 43,560 square feet in surface area. In determining the area, lands under one or diverse ownership being developed as a unit will be aggregated.

C. MANDATORY STANDARDS FOR LAND-DISTURBING ACTIVITY (7-4.3)

1. No land-disturbing activity subject to the control of this Ordinance shall be undertaken except in accordance with the following mandatory standards:

a. Buffer Zone: No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five percent (25%) of the buffer zone nearest the land-disturbing activity, provided, that this subsection shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse. Unless otherwise provided, the width of a buffer zone is measured horizontally from the edge of the water to the nearest edge of the disturbed area, with the twenty-five percent (25%) of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.

b. Graded Slopes and Fills: The angle for graded slopes and fills shall be no greater than the angle that can be retained by vegetative cover or other adequate erosion control devices or structures. In any event, slopes left exposed will, within 21 calendar days of completion of any phase of grading, be planted or otherwise provided with temporary or permanent ground cover, devices, or structures sufficient to restrain erosion. The angle for graded slopes and fills must demonstrated to be stable. Stable is the condition where the soil remains in its original configuration, with or without mechanical constraints.

c. Fill Material: Unless a permit from the Department's Division of Waste Management to operate a landfill is on file for the official site, acceptable fill material shall be free of organic or other degradable materials, masonry, concrete and brick in sizes exceeding twelve (12) inches, and any materials which would cause the site to be regulated as a landfill by the State of North Carolina

d. Ground Cover: Whenever land-disturbing activity that will disturb more than one (1) acre is undertaken on a tract, the person conducting the land-disturbing activity shall install erosion and sedimentation control devices and practices that are sufficient to retain the sediment generated by the land disturbing activity within the boundaries of

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the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in this Section, provisions for a ground cover sufficient to restrain erosion must be accomplished within fifteen (15) working days or ninety (90) calendar days following completion of construction or development, whichever period is shorter.

e. Prior Plan Approval: No person shall initiate any land-disturbing activity that will disturb more than one (1) acre on a tract unless, thirty (30) or more days prior to initiating the activity, an erosion and sedimentation control plan for the activity is filed with and approved by Guilford County. Guilford County shall forward to the Director of the Division of Water Resources a copy of each Plan for a land-disturbing activity that involves the utilization of ditches for de-watering or lowering the water table of the tract.

f. The land-disturbing activity shall be conducted in accordance with the approved erosion and sedimentation control plan.

D. EROSION AND SEDIMENTATION CONTROL PLANS. (7-4.12.)

1. Applicability: Except for the exemptions noted in this section, an erosion and sedimentation control plan shall be prepared for all land-disturbing activities subject to this Section.

2. Preparation of Plan: The erosion control plan shall be prepared by, and shall bear the seal and signature of, a registered professional engineer, architect, landscape architect, or a registered surveyor to the extent permitted by North Carolina laws, at a scale not smaller than one (1) inch equals one hundred (100) feet.

3. Submission of Plan: A Plan shall be prepared for all land-disturbing activities subject to this Ordinance whenever the proposed activity will disturb more than one acre on a tract. Three (3) copies of the Plan shall be filed with Guilford County; one (1) copy shall be simultaneously submitted to the Soil and Water Conservation District at least 30 days prior to the commencement of the proposed activity.

4. Financial Responsibility Statement: Erosion control plans may be disapproved unless accompanied by an authorized statement of financial responsibility and ownership. This statement shall be signed by the person financially responsible for the land-disturbing activity or his attorney in fact. The statement shall include the mailing and street addresses of the principal place of business of the person financially responsible and of the owner of the land or their registered agents. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of this compliance or non-compliance with the Plan, the Act, this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance. Except as provided in this section, if the applicant is not the owner of the land to be disturbed, the draft erosion and sedimentation control plan must include the owner's written consent for the applicant to submit a draft erosion and sedimentation control plan and to conduct the anticipated land disturbing activity.

5. If the applicant is not the owner of the land to be disturbed and the anticipated land-disturbing activity involves the construction of utility lines for the provision of water, sewer, gas, telecommunications, or electrical service, the draft erosion and sedimentation control plan may be submitted without the written consent of the owner of the land, so long as the owner of the land has been provided prior notice of the project.

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6. Soil and Water Conservation District Comments: The Guilford Soil and Water Conservation District within twenty (20) business days of receipt of any plan, shall review such plan and submit its comments and recommendations to the Jurisdiction. Failure of the Soil and Water Conservation District to submit its comments and recommendations within these twenty (20) days will not delay final action on the plan.
7. Local Jurisdiction Review: Guilford County will review each plan submitted to them and within thirty (30) business days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, approved with performance reservations, or disapproved. Failure to approve, approve with modifications, or disapprove a complete erosion and sedimentation control plan within thirty (30) days of receipt shall be deemed approval. Guilford County will review each revised Plan submitted to them and within 15 days of receipt thereof will notify the person submitting the Plan that it has been approved, approved with modifications, approved with performance reservation, or disapproved. Failure to approve, approve with modifications, or disapprove a revised Plan within 15 days of receipt shall be deemed approval.
8. Plan Requirements: The plan required by this Section shall contain architectural or engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures proposed to ensure compliance with the requirements of this Ordinance. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation can be found in this Ordinance.
9. Application Amendments: Applications for amendment of an erosion control plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until said amendment is approved by Guilford County, the land-disturbing activity shall not proceed except in accordance with the erosion control plan as originally approved.
10. Failure to File a Plan: Any person engaged in land-disturbing activity who fails to file a plan in accordance with this Ordinance, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan shall be deemed in violation of this Ordinance.
11. Plan Approval Required for Permit: No building or location permits, approvals or other documents relating to land or building development or improvement shall be issued or granted under applicable zoning, building, subdivision and other laws and Ordinances of the Jurisdiction, unless and until an erosion control plan, as required by this Ordinance, has been submitted to the Jurisdiction, a grading permit has been issued, and a Certificate of Erosion Control Performance has been issued by jurisdiction, indicating that initial erosion control devices have been installed and are functioning properly. Guilford County shall only approve a Plan upon determining that it complies with all applicable State and local regulations for erosion and sedimentation control. Approval assumes the applicant's compliance with the federal and state water quality laws, regulations and rules. The Jurisdiction shall condition approval of Plans upon the applicant's compliance with federal and state water quality laws, regulations and rules. The Jurisdiction may establish an expiration date, not to exceed three (3) years, for Plans approved under this Ordinance.
12. Work Completed Before Final Subdivision Approval: No final subdivision plat approval nor any Certificate of Occupancy shall be issued or granted where required under applicable zoning, building, subdivision and other laws and Ordinances unless and until work at the site has been completed in accordance with a valid grading permit, or an improvement security or performance bond has been approved and accepted as required by this Ordinance.

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13. Surety: The applicant for a grading permit to grade one (1) acre or more may be required to file with the Jurisdiction an improvement security or bond in the form of an escrow account or other instruments satisfactory to the Jurisdiction's attorney in the amount deemed sufficient by the Jurisdiction to cover all costs of protection of the site against erosion and off-site sedimentation according to requirements of this Ordinance. The amount of such surety requirement shall be determined by the Jurisdiction in consultations with the Soil and Water Conservation District and with disinterested private contractors. Such surety shall be valid until the work is completed in accordance with the grading permit and until same is released by the Jurisdiction. Applicable surety shall be forfeited upon violation of this Ordinance and shall be used to establish protective cover on the site, to control the velocity of runoff, and/or prevent off-site sedimentation. Any monies in excess of the cost of providing protective measures shall be refunded to the applicant. Surety shall be released when the Jurisdiction has certified that the requirements of this Ordinance have been met.
14. Grounds for Plan Disapproval: Guilford County, may disapprove a Plan or draft Plan based on its content. A disapproval based upon a Plan's content must specifically state in writing the reasons for disapproval. Guilford County shall disapprove an erosion and sedimentation control plan if implementation of the plan would result in a violation of rules adopted by the Environmental Management Commission to protect riparian buffers along surface waters. Guilford County may disapprove an erosion and sedimentation control plan or disapprove a transfer of a plan under this section upon finding that an applicant or a parent, subsidiary, or other affiliate of the applicant:
    a. Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or the Jurisdiction and has not complied with the notice within the time specified in the notice;
    b. Has failed to pay a civil penalty assessed pursuant to this Article or local Ordinance adopted pursuant to this Article by the time the payment is due.
    c. Has been convicted of a misdemeanor pursuant to NCGS 113A-64(b) or any criminal provision of a local Ordinance adopted pursuant to this Article
    d. Has failed to substantially comply with State rules or local Ordinances and regulations adopted pursuant to this Article.
    e. In the event that an erosion and sedimentation control plan or a transfer of a plan is disapproved by Guilford County pursuant to this section, the local government shall notify the Director of the Division of Energy, Mineral, and Land Resources within 10 days of the disapproval. The Jurisdiction shall advise applicant or the proposed transferee and the Director in writing as to the specific reasons that the plan was disapproved. Notwithstanding the provisions of this ordinance, the applicant may appeal the local government's disapproval of the plan directly to the Commission. For purposes of this subsection an applicant's record may be considered for only the two (2) years prior to the application date.
15. Guilford County administering an erosion and sedimentation control program may transfer an erosion and sedimentation control plan approved pursuant to this section without the consent of the plan holder to a successor-owner of the property on which the permitted activity is occurring or will occur as provided in this subsection.
    a. Guilford County may transfer a plan if all of the following conditions are met:

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(1) The successor-owner of the property submits to the local government a written request for the transfer of the plan and an authorized statement of financial responsibility and ownership.
(2) The Jurisdiction finds all of the following:
    (a) The plan holder is one of the following:
    (i) A natural person who is deceased.
    (ii) A partnership, limited liability corporation, corporation, or any other business association that has been dissolved.
    (iii) A person who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur.
    (iv) A person who has sold the property on which the permitted activity is occurring or will occur.
(3) The successor-owner holds title to the property on which the permitted activity is occurring or will occur.
(4) The successor-owner is the sole claimant of the right to engage in the permitted activity.
(5) There will be no substantial change in the permitted activity.
(6) The plan holder shall comply with all terms and conditions of the plan until such time as the plan is transferred.
(7) The successor-owner shall comply with all terms and conditions of the plan once the plan has been transferred.
(8) Notwithstanding changes to law made after the original issuance of the plan, the Jurisdiction may not impose new or different terms and conditions in the plan without the prior express consent of the successor-owner. Nothing in this subsection shall prevent the Jurisdiction from requiring a revised plan pursuant to NCGS 113A-54.1(b).

16. Notice of Activity Initiation: No person may initiate a land-disturbing activity before notifying the agency that issued the Plan approval of the date that land-disturbing activity will begin.

17. Preconstruction conference when deemed necessary by the approving authority a preconstruction conference may be required.

18. Display of Plan Approval: A Plan approval issued under this Article shall be prominently displayed until all construction is complete, all permanent sedimentation and erosion control measures are installed, and the site has been stabilized. A copy of the approved plan shall be kept on file at the job site.

19. Required Revisions: After approving a Plan, if the Jurisdiction, either upon review of such Plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Jurisdiction shall require a revised Plan. Pending the preparation of the revised Plan, work shall cease or shall continue under conditions outlined by the appropriate authority. If following commencement of a land-disturbing activity pursuant to an approved Plan, the Jurisdiction determines that the Plan is inadequate to meet the requirements of this Ordinance, the Jurisdiction may require any revision of the Plan that is necessary to comply with this Ordinance.

20. Self-Inspections: The landowner, the financially responsible party, or the landowner's or the financially responsible party's agent shall perform an inspection of the area covered by the plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with NCGS 113A-57(2). The person who performs the inspection shall maintain and make available a record of the inspection at the site of the land-disturbing activity. The record shall set out any significant deviation from the approved erosion control

plan, identify any measures that may be required to correct the deviation, and document the completion of those measures. The record shall be maintained until permanent ground cover has been established as required by the approved erosion and sedimentation control plan. The inspections required by this subsection shall be in addition to inspections required by NCGS 113A-61.1. Where Inspections are required by NCGS 113A-54.1(e), the following apply:

a. The person who performs the inspection shall make a record of the site inspection by documenting the following items:

(1) All of the erosion and sedimentation control measures, practices and devices, as called for in a construction sequence consistent with the approved erosion and sedimentation control plan, including but not limited to sedimentation control basins, sedimentation traps, sedimentation ponds, rock dams, temporary diversions, temporary slope drains, rock check dams, sediment fence or barriers, all forms of inlet protection, storm drainage facilities, energy dissipaters, and stabilization methods of open channels, have initially been installed and do not significantly deviate from the locations, dimensions and relative elevations shown on the approved erosion and sedimentation plan. Such documentation shall be accomplished by initialing and dating each measure or practice shown on a copy of the approved erosion and sedimentation control plan or by completing, dating and signing an inspection report that lists each measure, practice or device shown on the approved erosion and sedimentation control plan. This documentation is required only upon the initial installation of the erosion and sedimentation control measures, practices and devices as set forth by the approved erosion and sedimentation control plan or if the measures, practices and devices are modified after initial installation;

(2) The completion of any phase of grading for all graded slopes and fills shown on the approved erosion and sedimentation control plan, specifically noting the location and condition of the graded slopes and fills. Such documentation shall be accomplished by initialing and dating a copy of the approved erosion and sedimentation control plan or by completing, dating and signing an inspection report;

(3) The location of temporary or permanent ground cover, and that the installation of the ground cover does not significantly deviate (as defined in Sub-item (1)(e) of this Rule) from the approved erosion and sedimentation control plan. Such documentation shall be accomplished by initialing and dating a copy of the approved erosion and sedimentation control plan or by completing, dating and signing an inspection report;

(4) That maintenance and repair requirements for all temporary and permanent erosion and sedimentation control measures, practices and devices have been performed. Such documentation shall be accomplished by completing, dating and signing an inspection report (the general storm water permit monitoring form may be used to verify the maintenance and repair requirements); and

(5) Any significant deviations from the approved erosion and sedimentation control plan, corrective actions required to correct the deviation and completion of the corrective actions. Such documentation shall be accomplished by initialing and dating a copy of the approved erosion and sedimentation control plan or by completing, dating and signing an inspection report. A significant deviation means an omission, alteration or relocation of an erosion or sedimentation control measure that prevents the measure from performing as intended.

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(6) The documentation, whether on a copy of the approved erosion and sedimentation control plan or an inspection report, shall include the name, address, affiliation, telephone number, and signature of the person conducting the inspection and the date of the inspection. Any relevant licenses and certifications may also be included. Any documentation of inspections that occur on a copy of the approved erosion and sedimentation control plan shall occur on a single copy of the plan and that plan shall be made available on the site. Any inspection reports shall also be made available on the site.

21. North Carolina Environmental Policy Act: Any plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environmental Policy Act (NCGS 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. Guilford County shall promptly notify the person submitting the plan that the thirty (30) day time-limit for review of the plan pursuant to Section 9.2.E.7 of this Ordinance shall not begin until a complete environmental document is available for review.

E. BASIC CONTROL OBJECTIVES (7-4.2)

1. A soil erosion and sedimentation control plan may be disapproved pursuant if the Plan fails to address the following control objectives:

a. Identify Critical Areas: On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention.

b. Limit Time of Exposure: All land-disturbing activities are to be planned and conducted to limit exposure to the shortest feasible time.

c. Limit Exposed Areas: All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time.

d. Control Surface Water: Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure;

e. Control Sedimentation: All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage.

F. MANAGE STORM WATER RUNOFF

When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, a Plan is to include measures to control the velocity to the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

G. DESIGN AND PERFORMANCE STANDARDS (7-4.4)

1. Design for Ten-year Storm: Except as provided in Section 9.2.F.2 of this Ordinance, erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide protection from the calculated maximum peak rate of runoff from the ten-year storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices," or other acceptable calculation procedures.

2. High Quality Water Zones: In High Quality Water (HQW) zones the following design standards shall apply:

a. Limit on Uncovered Area: Uncovered areas in HQW zones shall be limited at any time to a maximum total area of (20) twenty acres within the boundaries of the tract. Only

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the portion of the land-disturbing activity within a HQW zone shall be governed by this subsection. Larger areas may be uncovered within the boundaries of the tract with the written approval.

b. Maximum Peak Rate of Runoff Protection: Erosion and sedimentation control measures, structures and devices within HQW zones shall be so planned, designed and constructed to provide protection from the runoff of the twenty-five-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agricultural Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.

c. Settling Efficiency: Sediment basins within HQW zones shall be designed and constructed such that the basin will have a settling efficiency of at least seventy (70) percent for the forty (40) micron (0.04 millimeter) size soil particle transported into the basin by the runoff of that two-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agricultural Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of this State or the United States or any generally reorganized organization or association.

d. Grade: Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than two (2) horizontal to one (1) vertical if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices, or other acceptable ditch liners. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.

e. Ground Cover: Ground cover sufficient to restrain erosion must be provided for any portion of a land-disturbing activity in a HQW zone within fifteen (15) working days or sixty (60) calendar days following completion of construction or development, whichever period is shorter.

H. STORM WATER OUTLET PROTECTION (7-4.5)

1. Intent: Stream banks and channels downstream from any land-disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land-disturbing activity.

2. Performance Standard: Persons shall conduct land-disturbing activity so that the post-construction velocity of the 10-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:

a. The velocity established by Table 9.2.1 – Maximum Permissible Velocity for Stormwater Discharge.

b. The velocity of the ten (10)-year storm runoff in the receiving watercourse prior to development.

c. If conditions a or b above cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the "prior to development" velocity by ten percent (10%).

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3. Acceptable Management Measures: Measures applied alone or in combination to satisfy the intent of this section is acceptable if there are no objectionable secondary consequences. The Jurisdiction recognizes that the management of storm water runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results.
4. Some alternatives, while not exhaustive, are to:
    a. Avoid increases to surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;
    b. Avoid increases in storm water discharge velocities by using vegetated or roughened swales and waterways in place of closed drains and high velocity paved sections;
    c. Provide energy dissipators at outlets of storm drainage facilities to reduce flow velocities to the point of discharge.
    d. Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining.
    e. Upgrade or replace the receiving device structure, or water course such that it will receive and conduct the flow to a point where it is no longer subject to degradation from the increased rate of flow or increased velocity.
5. Exceptions: This rule shall not apply where it can be demonstrated to the Jurisdiction that storm water discharge velocities will not create an erosion problem in the receiving watercourse.

Table 9.2.1 – Maximum Permissible Velocity for Stormwater Discharges

Material	Maximum Permissible Velocities	
	F.P.S (feet per second)	M.P.S. (meters per second)
Fine sand (noncolloidal)	2.5	0.8
Sandy loan (noncolloidal)	2.5	0.8
Silt loam (noncolloidal)	3.0	0.9
Ordinary firm loam	3.5	1.1
Fine gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded (loam to cobbles; noncolloidal)	5.0	1.5
Graded (silt to cobbles)	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse Gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

Source: *Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.*

I. BORROW AND WASTE AREAS (7-4.6)

1. When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, any waste areas for surplus materials other than landfills regulated by the Department's, Division of Solid Waste Management shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.

J. ACCESS AND HAUL ROADS (7-4.7)

1. Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

K. OPERATIONS IN LAKES OR NATURAL WATERCOURSES (7-4.8)

1. Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. Where relocation of a stream forms an essential part of the proposed activity, the relocation shall be planned and executed so as to minimize unnecessary changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided. The U.S. Army Corps of Engineers shall be notified by the developer of any planned operation in lakes or natural watercourses for possible issuance of Section 404 or other permits.

L. RESPONSIBILITY FOR MAINTENANCE (7-4.9)

1. During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan or any provision of this Ordinance. After site development, the landowner or person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

M. ADDITIONAL MEASURES (7-4.10)

1. Whenever the Jurisdiction determines that significant erosion and sedimentation is occurring as a result of land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity will be required to and shall take additional protective action.

N. EXISTING UNCOVERED AREAS (7-4.11)

1. Applicability: All uncovered areas existing on the effective date of this Ordinance which resulted from land-disturbing activity, exceed one (1) acre, are subject to continued accelerated erosion, and are causing off-site damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.
2. Notice of Violation: The Jurisdiction will serve upon the landowner or other person in possession or control of the land a written notice to comply with the Act, this Ordinance, a rule or order adopted or issued pursuant to the Act by the Commission or by the Jurisdiction. The notice to comply shall be sent by registered or certified mail, return receipt requested. The notice will set forth the measures needed to comply and will state the time within which

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such measures must be completed. In determining the measures required and the time allowed for compliance, the authority serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonably attainable time limits for compliance.

3. Requiring Erosion Control Plan: The Jurisdiction reserves the right to require preparation and approval of an erosion control plan in any instance where extensive control measures are required.
4. Exemption: This rule shall not require ground cover on cleared land forming the future basin of a planned reservoir.

O. FEES (7-4.13)

1. The County, may establish a fee schedule for the review and approval of Plans
2. In establishing the fee schedule, the county shall consider the administrative and personnel costs incurred for reviewing the Plans and for related compliance activities.

P. SOIL EROSION AND SEDIMENTATION PLAN APPEALS (7-4.14)

1. The appeal of a disapproval or approval with modifications of a Plan shall governed by the following provisions:
   a. Written Appeal: The disapproval or modification of any proposed soil erosion and sedimentation control plan by Guilford County, shall entitle the person submitting the plan to a public hearing if such person submits written demand for a hearing within fifteen (15) days after receipt of written notice of disapproval or modifications.
   b. Timing: A hearing held pursuant to this Section shall be conducted by the Planning Board, within thirty (30) days or at the next scheduled meeting, after the date of the appeal or request for a hearing.
   c. Recommendation: The Planning Board shall conduct a hearing and shall make a recommendation to the Governing Body, within thirty (30) days after the date of the hearing on any soil erosion and sedimentation control plan.
   d. Public Hearing: The Governing Body will render its final decision on any soil erosion and sedimentation control plan upon which a hearing is requested within fifteen (15) days after receipt of the recommendations from the Planning Board.
   e. Appeal of Governing Body Denial: If the Governing Body upholds the disapproval or modification of a proposed soil erosion and sedimentation control plan following the hearing, the person submitting the plan shall then be entitled to appeal the Governing Body's decision to the North Carolina Sedimentation Control Commission as provided in NCGS 113A-61(c) and Title 15 NCAC 4B.0018(b).
2. Direct Appeal to Sedimentation Control Commission: In the event that a soil erosion and sedimentation control plan is disapproved pursuant this Ordinance, the Jurisdiction shall notify the Director of the Division of Land Resources of such disapproval within ten (10) business days. The Jurisdiction shall advise the applicant and the Director in writing as to the specific reasons that the plan was disapproved. The applicant may appeal the Jurisdiction's disapproval of the plan directly to the North Carolina Sedimentation Control Commission.

9.3 FLOOD DAMAGE PREVENTION (7-5)

A. STATUTORY AUTHORIZATION AND LEGAL STATUS PROVISIONS

1. Statutory Authorization: The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of

Chapter 153A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare. Therefore, the Guilford County, North Carolina, does ordain as follows:

2. Legal Status Provisions:

a. Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance: This Ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted on November 19, 1990, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this Ordinance shall not affect any action, suit or proceeding instituted or pending.

b. Effect upon Outstanding Floodplain Development Permits: Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this Ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this Ordinance.

c. Effective Date: These provisions shall become effective upon adoption.

B. FINDINGS OF FACT

1. The flood prone areas within the jurisdiction of unincorporated Guilford County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

C. STATEMENT OF PURPOSE

1. It is the purpose of this Ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

a. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

b. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

c. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

d. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

e. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. GENERAL PROVISIONS

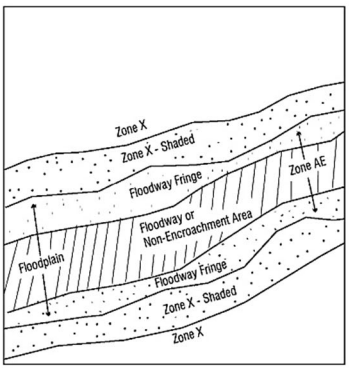
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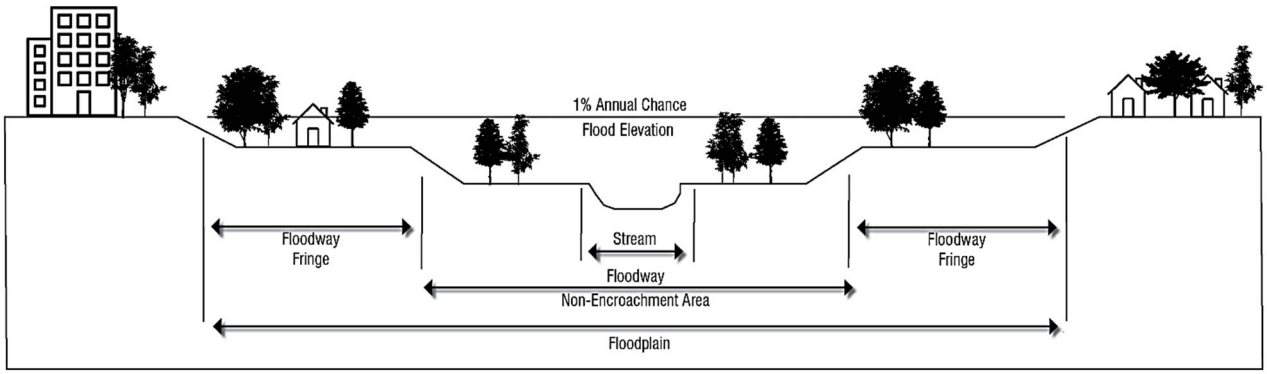
1. Lands to Which this Section Applies: This Section shall apply to all Special Flood Hazard Areas within unincorporated Guilford County. Bona fide farms are not exempt from the provisions of this Section regulating development in floodways and floodplains as required for participation in the National Flood Insurance Program.
2. Basis for Establishing the Special Flood Hazard Areas: The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated November 17, 2017 for Guilford County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this Article. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Guilford County are also adopted by reference and declared a part of this Article. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within three (3) months.

Zone AE (Includes Floodway and Fringe)
- 1% Annual Chance Floodplain
- Floodway or Non-Encroachement Area - No structures or filling permitted.
- Floodway Fringe - Finished floor elevation of buildings must be two (2) feet above base flood line elevation.
- Fill material must be placed in the fringe as long as it does not encroach on the FLOODWAY.

Zone X (Shaded)
- .2% Annual Chance Floodplain
- This area is not regulated by the flood hazard section of this Ordinance.

Zone X
- Upland area
- This area is determined to be outside the .2% Annual Chance Floodplain





E. OBJECTIVES

a. The objectives of this Section are to:
(1) Protect human life, safety, and health.
(2) Minimize expenditure of public money for costly flood control projects.
(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
(4) Minimize prolonged business losses and interruptions.

(5) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas.
(6) Minimize damage to private and public property due to flooding.
(7) Make flood insurance available to the community through the National Flood Insurance Program.
(8) Maintain the natural and beneficial functions of floodplains.
(9) Help maintain a stable tax base by providing for the sound use and development of flood prone areas.
(10) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

F. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

1. A floodplain development permit (Article 3, Permits and Procedures), shall be required in conformance with the provisions of this Article prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with this Article.

G. COMPLIANCE

1. No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Article and other applicable regulations.

H. ABROGATION AND GREATER RESTRICTIONS

1. This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article and another conflict or overlap, the more stringent restrictions shall prevail.

I. INTERPRETATION

1. In the interpretation and application of this Article, all provisions shall be:
- **a.** Considered as the minimum requirements.
- **b.** Liberally construed in favor of the governing body.
- **c.** Deemed neither to limit nor repeal any other powers granted under State statues.

J. WARNING AND DISCLAIMER OF LIABILITY

1. The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of Guilford County or by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made hereunder.

K. PENALTIES FOR VIOLATION

1. Violation of the provisions of this Article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NCGS § 143-215.58. Any person who violates this Article or fails to comply with any of its

requirements shall, upon conviction thereof, be fined not more than one hundred dollars ($100.00) or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Guilford County from taking such other lawful action as is necessary to prevent or remedy any violation.

L. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS

1. Certification Requirements

a. Elevation Certificates

(1) An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

(2) An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(3) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least two (2) photographs showing the front and rear of the building taken within ninety (90) days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in this Section. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a

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representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

b. Floodproofing Certificates

(1) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

(2) If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of this ordinance.

c. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

d. Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements of this subsection:

(1) Recreational Vehicles meeting requirements of this Ordinance;

(2) Temporary Structures meeting requirements of this Ordinance; and

(3) Accessory Structures that are 150 square feet or less or $3,000 or less and meeting requirements of this Ordinance.

e. Determinations for Existing Buildings and Structures.

(1) For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

(a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the

building or structure shall be the market value before the damage occurred and before any repairs are made;

(b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

M. FLOOD PLAN ADMINISTRATION DUTIES

See Article 2.8 – Floodplain Administrator for specific duties.

N. ORDER OF CORRECTIVE ACTION

If upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in violation of this Ordinance, the Board of Adjustment shall make an order in writing to the owner or occupant affirming the violation and ordering compliance.

1. Corrective Procedures.

a) Violations to be corrected: When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

b) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

i. That the building or property is in violation of the floodplain management regulations;

ii. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

iii. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

2. Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than least one hundred and eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

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3. Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
4. Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

O. FLOOD HAZARD VARIANCES

Authority: The Board of Adjustment, as established by Guilford County, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this Ordinance.

1. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
2. Variances may be issued for:
   a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
   b) Functionally dependent facilities if determined to meet the definition in this ordinance have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
   c) Any other type of development provided it meets the requirements of this Section.
3. Granting of Variances:
   a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
   b) Functionally dependent facilities if determined to meet the definition as stated in Section 2-1.6 of this Ordinance, provided provisions of this ordinance have been satisfied, and such facilities are protected by methods that minimize flood damages.
   c) Any other type of development, provided it meets the requirements stated in this Section.
4. A written report addressing each of the above factors shall be submitted with the application for a variance.
5. Upon consideration of the factors listed above and the purposes of this Ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.
6. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a

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structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to twenty-five dollars ($25.00) per one hundred dollars ($100.00) of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

7. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

8. Conditions for Variances:

a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d) Variances shall only be issued prior to development permit approval.

e) Variances shall only be issued upon:

i. A showing of good and sufficient cause;

ii. A determination that failure to grant the variance would result in exceptional hardship; and

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

9. A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

a) The use serves a critical need in the community.

b) No feasible location exists for the use outside the Special Flood Hazard Area.

c) The reference level of any structure is elevated or flood proofed to at least the Regulatory Flood Protection Elevation.

d) The use complies with all other applicable Federal, State and local laws.

e) The County of Guilford has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

P. PROVISIONS FOR FLOOD HAZARD REDUCTION

1. General Standards:

In all Special Flood Hazard Areas the following provisions are required:

a. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

b. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage *in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.*

c. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

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d. All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.

(1) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.

(2) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.

e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

f. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

h. Nothing in this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Ordinance.

i. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in this Ordinance. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified according to Article 3 – Permits and Procedures of this Ordinance.

j. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

k. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

l. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

m. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

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n. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

o. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

p. Fill is prohibited in the SFHA, including construction of buildings on fill.

(1) This includes not approving Conditional Letters or Letters of Map Revision - Based on Fill (CLOMR-F or LOMR-F).

2. Specific Standards:

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in this Ordinance, the following provisions are required:

a. *Residential Construction.* New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 12 - Definitions of this Ordinance.

b. *Non-Residential Construction.* New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 12 - Definitions of this Ordinance. Structures located in A, AE AH, AO, A99 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with this Section.

c. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 2 – Permits and Procedures, Section 2.8 along with the operational plan and the inspection and maintenance plan. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 3, along with the operational and maintenance plans.

d. Manufactured Homes

(1) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Article 12 – Definitions of this Ordinance.

(2) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

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(3) All enclosures or skirting below the lowest floor shall meet the requirements of this Section.

(4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.

e. Elevated Buildings.

(1) Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

(a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

(b) Shall not be temperature-controlled or conditioned;

(c) Shall be constructed entirely of flood resistant materials to the Regulatory Flood Protection Elevation: and

(d) Shall include, in Zones A, AE, AH, AO, A99 flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria;

(e) A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding.

(f) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.

(g) If a building has more than one (1) enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit.

(h) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade.

(i) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(j) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

f. Fill/Grading

(1) Fill is prohibited in the SFHA.

(2) Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space Guilford County will have the right to inspect the enclosed area. Guilford County will conduct annual inspections. This agreement shall be recorded with the County Name County Register of Deeds and shall transfer with the property in perpetuity.

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(3) Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.

g. Additions/Improvements

(1) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

(b) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.

(i) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

(ii) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(c) Not a substantial improvement: The addition and/or improvements only must comply with the standards for new construction.

(d) A substantial improvement: both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(i) Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

h. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this Ordinance. Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

(1) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

(2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

i. Recreational Vehicles. Recreational vehicles shall either:

(1) Be on site for fewer than one hundred and eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
(2) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

j. Temporary Non-Residential Structures.

Prior to the issuance of a Floodplain Development Permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval;

(1) A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;
(2) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
(3) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
(4) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
(5) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

k. Accessory Structures.

When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(1) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
(2) Accessory structures shall not be temperature-controlled;
(3) Accessory structures shall be designed to have low flood damage potential;
(4) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
(5) Accessory structures shall be firmly anchored in accordance with Section 9.3.P.1.a.
(6) All service facilities such as electrical shall be installed in accordance with Section 9.3.P.1.a; and
(7) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with Section 9.3.L.2.d;
(8) An accessory structure with a footprint less than one hundred and fifty (150) square feet or that satisfies the criteria outlined above does not require an elevation or that is a minimal investment of Structure $3,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Section 3.3.13 of this Ordinance.
(9) Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 9.3.Q.2,

l. Tanks.

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When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(1) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

(2) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

(3) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 9.3.Q this Article shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(4) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

(i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

m. Other Development

(1) Fences in regulated floodways and non-encroachment areas that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 9.3.Q.10 and Table 9.1.6 of this Article.

(2) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 9.3.S of this Article.

(3) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 9.3.S of this Article.

Q. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

1. Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 9.3,where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition Section 9.3.S.(1) and (2), shall apply:

a. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five (5) times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is

provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on one (1) of the following criteria set in priority order:
   a. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Ordinance and shall be elevated or floodproofed in accordance with standards in this Article.
   b. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Section 9.3.P.2 to be utilized in implementing this Article.
   c. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Section 12 - Definitions.
   d. When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Section 9.3.S.

R. STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

1. Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:
   a. Standards outlined in Section 9.3.P.1; and
   b. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

S. FLOODWAYS AND NON-ENCROACHMENT AREAS

1. Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 9.3.D.2. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Section 9.3.P.1 and shall apply to all development within such areas:
   a. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:
      (1) The proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses

performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of Floodplain Development Permit, or

(2) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

b. If Section 9.3.S.1.a is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Article.

c. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

(1) The anchoring and the elevation standards of Section 9.3.P.2.d(2) and

(2) The no encroachment standard of Section 9.3.S.1.a.

d. Permitted Uses*:* The following uses shall be permitted within the floodway zone to the extent that they are otherwise permitted by this Ordinance and provided that they do not employ structures or fill except as specified herein:

(1) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, quarrying, wildlife and related uses.

(2) Ground level loading areas, ground level automobile parking areas, rotary aircraft ports and other similar industrial and commercial uses.

(3) Tractor-trailer parking, provided that no trailers shall be detached from tractors;

(4) Lawns, gardens, play areas, and other similar uses.

(5) Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, swimming pools, hiking or horseback riding trails, open space and other similar private and public recreational uses.

(6) Streets, bridges, utility lines, storm drainage facilities, sewage or waste treatment facilities, water supply facilities, and other similar public or private utility uses, but only if the proposed activity combined with the allowable encroachment of the floodway fringe and with any previously placed or previously approved encroachment in the complies with the provisions of Section 9.3.S.1.a.

(7) Temporary facilities such as displays, circuses, carnivals, or similar transient amusement enterprises.

(8) Boat docks, ramps, piers, or similar structures.

(9) Grading, as it complies with the provisions of Section 9.3.S.1.a; and

(10) Cantilevered portions of structures, provided that foundation and supports are located outside the floodway zone and the underside of the cantilevered portion is at least two (2) feet above Base Flood Elevation.

e. Prohibited Uses: Storage or processing of materials that are flammable, corrosive, toxic, or explosive, or which could otherwise be injurious to human, animal or plant life in time of flood is prohibited in the floodway zone.

T. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

1. Located within the Special Flood Hazard Areas established in Section 9.3.D are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 9.3 all new construction and substantial improvements shall meet the following requirements:

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a. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade if no depth number is specified.
b. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 9.3.L so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 9.3.L.2.c.
c. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

U. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH)

1. Located within the Special Flood Hazard Areas established in Section 9.3.D, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Section 9.3, all new construction and substantial improvements shall meet the following requirements:
   a. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

V. LEGAL STATUS PROVISIONS

1. Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Ordinance.
   a. This Ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted insert adoption date of the community's initial Flood Damage Prevention Ordinance as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this Ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Guilford County enacted on November 19, 1990, as amended, which are not reenacted herein are repealed.
2. Effect Upon Outstanding Floodplain Development Permits.
   a. Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this Ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this Ordinance.

W. SEVERABILITY

1. If any section, clause, sentence, or phrase in this Article is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall into way effect the validity of the remaining portions of this Article.

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9.4 ILLICIT AND ILLEGAL DISCHARGES

9-4.1. Objectives.

(A) To provide for the enforcement of Guilford County's storm water quality management program;

(B) To reduce the discharge of pollutants to receiving streams to the maximum extent practicable by requiring, where appropriate, the use of best management practices, structural and/or nonstructural storm water quantity and quality control measures and other provisions;

(C) To provide for the inspection and proper maintenance of structural and nonstructural storm water controls;

(D) To prohibit non-storm water discharges to the receiving streams and require the removal of illicit connections to drainageways;

(E) To prevent improper disposal of materials that degrade water quality;

(F) To permit sampling and monitoring for pollutants such as those associated with illicit discharges, improper disposal, industrial and construction activities, and the application of pesticides, herbicides, and fertilizers.

9-4.2. Jurisdiction.

The provisions of this chapter shall apply to all the territory encompassed in the unincorporated areas of Guilford County and shall govern the development and use of land and structures therein.
(Amd. of 4-21-05)

9-4.3. Authority.

This chapter is adopted pursuant to the following authorities in NCGS: Chapter 15 (Criminal Procedure), Chapter 113A (Pollution Control and Environment), Chapter 130A (Public Health), Chapter 153A (Counties).

9-4.4. Abrogation.

This chapter is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued. Nothing herein shall repeal, modify or amend any Federal or State law regulating water quality, watershed protection, stormwater management or environmental protection.

9-4.5. Definitions.

CONNECTION. Any ditch, pipe, or other device for the diversion or transmission of storm drainage, which will in any way affect the operation, or maintenance of the drainageways.

CONVEYANCE. Any feature of the landscape or earth, manmade or natural that carries water in a

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concentrated flow.

DISCHARGE. Additions of pollutants into waters of the United States or North Carolina from: Surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyance owned by a stated municipality, or other person which does not lead to a treatment works; and discharges through pipes, sewers, or other conveyance, leading into privately owned treatment works.

DITCH/SWALE. Open channel that infiltrates and/or transports runoff waters.

DRAINAGE. The flow of runoff into a conveyance.

DRAINAGE EASEMENT. An easement, which grants the right of storm runoff to pass over a downstream property.

EASEMENT. A grant of one (1) or more of the property rights, by the property owner, to, or for use by, the public, a corporation, or other entity.

GARBAGE. Animal and vegetable refuse resulting from the handling, preparation, cooking and consumption of food, including a minimum amount of liquid necessarily incident thereto.

HAVING CONTROL OVER. Shall mean but not be limited to any person using, transferring, storing, or transporting a hazardous material immediately prior to release of such hazardous material on the land or into the air or receiving waters.

HAZARDOUS MATERIAL. Any substance which, when discharged in any quantity, may present an eminent and substantial danger to the public health or welfare or to the environment.

HAZARDOUS MATERIAL RESPONSE. The sending of Guilford County Environmental Health--Emergency Spill Response Team or emergency management equipment to abate hazardous materials, which endanger the health or safety of persons or the environment.

ILLICIT DISCHARGE. Any discharge to a stream that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.

MUNICIPAL SEPARATE STORM SEWER. A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). A permitting system established by Section 402 of the Clean Water Act. Permits are issued by the State of North Carolina for discharges directly to the surface waters of the state.

NEW DEVELOPMENT. Any activity for which a building permit or a grading permit is required, or any of the following without regard to a permit requirement: clearing, stripping, dredging, grading, excavating, transporting, and filling of land.

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OUTFALL. A point source at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two (2) municipal separate storm sewers; or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or their legal representative agents or assigns.

REFUSE. Solid waste, including but not limited to garbage, rubbish and ashes.

RIPARIAN BUFFER OR STREAM BUFFER. An area of native or non-native woody vegetation adjacent to a stream or other natural conveyance of water or storm water.

WATERCOURSE. A natural or man-made channel that carries surface runoff from precipitation.

9-4.6. Acronyms.

BOA--Board of Adjustment.

CFR--Code of Federal Regulations.

DENR--Department of Environmental and Natural Resources.

DEM--Division of Environmental Management.

ERB--Environmental Review Board.

GWA--General Watershed Area.

NCGS--North Carolina General Statutes.

NPDES--National Pollutant Discharge Elimination System.

SWPPP--Storm Water Pollution Prevention Plans.

SWQMP--Storm Water Quality Management Program.

WCA--Watershed Critical Area.

9-4.7. Right of entry.

(A) The county manager or his designee shall have right-of-entry on or upon the property of any person subject to this chapter and any permit/document issued hereunder. The county manager or his designee shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, records examination and copying, and the performance of any other duties necessary to determine compliance with this chapter.

(B) Where a person has security measures in force, which require proper identification and clearance before entry into its premises, the person shall make necessary arrangements with its security

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guards so that, upon presentation of suitable identification, the county manager or his designee will be permitted to enter without delay for the purposes of performing specific responsibilities.

(C) The county manager or his designee shall have the right to set up on the person's property such devices as are necessary to conduct sampling and/or metering of the person's operations.

(D) Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the person at the written or verbal request of the county manager or his designee. The costs of clearing such access shall be borne by the person.

(E) The county manager or his designee may inspect the facilities of any user in order to ensure compliance with this chapter. Such inspection shall be made with the consent of the owner, manager, or signatory official. If such consent is refused, the county manager or his designee may seek issuance of an administrative search warrant.

9-4.8. Prohibited discharges.

(A) *Illicit Connections.* It shall be unlawful to use any unapproved conveyance or any stream or watercourse to carry off water from any kitchen sink, bathtub or privy, or to carry off any fluid of an offensive or dangerous nature. No water or refuse from any industrial, commercial or institutional process, including uncontaminated water used for heating or cooling, shall be discharged in any stream or watercourse by any person until such person has obtained the appropriate local, state and federal permits.

(B) *Improper Disposal.* It shall be unlawful for any person to discharge non-storm water to any storm water conveyance with the exception of the following:

-Water line flushing;

-Diverted stream flows;

-Rising ground waters;

-Uncontaminated ground water infiltration to separate storm sewers;

-Uncontaminated pumped ground water discharges from potable water sources;

-Foundation drains;

-Air conditioning condensation;

-Irrigation water;

-Springs;

-Water from crawl space pumps;

-Footing drains;

-Lawn watering;

-Car washing at one's residence, not for hire;

-Flows from riparian habitats and wetlands;

-Dechlorinated swimming pool discharges;

-Street wash waters; and

-Discharges from firefighting.

(C) *Litter and Refuse Control:* It shall be unlawful to throw, place or deposit any refuse in any street, public place, on any private property, or in any conveyance within the unincorporated Guilford County, except in garbage cans or garbage receptacles.

It shall be unlawful for any person to throw any garbage, peelings or miscellaneous litter upon any of the sidewalks in the county or upon the floors of any churches, public halls, theaters, buses or other public places.

It shall be unlawful for any person to place, drop or throw any litter, garbage, refuse, grass, shrubbery, tree clippings, bottles, cans, or containers or any kind upon any median strip, alleyway, street or street right-of-way, park or grass strip, or in any conveyance, or upon the private premises of another without permission of the owner or person in control of such premises, or upon any public property; provided, however, that the provisions of this section do not apply to those materials required to be placed for collection on the grass or park strip.

(D) *Organic Waste:* No privy, pigpen, stable or structure of any kind shall be permitted to stand so near any stream, ditch, drain, or storm water conveyance of any kind that animal refuse, waste or the droppings therefrom will run into such stream, ditch, drain, or storm water conveyance or in any way poison or contaminate the water therein; nor shall the urine from any privy be allowed to fall or be emptied into any stream, ditch, drain, or storm water conveyance.

9-4.9. Spill response.

(A) *Purpose and authority.* The Coordinator for the Guilford County Environmental Health-Emergency Spill Response Team or his designee shall have the authority to summarily abate, control and contain hazardous materials which are emitted into the environment in such a manner as to endanger the health or safety of the general public or the environment. The Coordinator or his designee shall have the authority to enter public or private property with or without the owner's consent, to respond to such hazardous materials emergencies. The Coordinator or his designee shall determine the type, amount and quantity of equipment and personnel required to adequately abate, control and contain all hazardous materials which are

emitted into the environment.

(B) *Responsibility.* The property owner and/or the person exercising control over the hazardous materials that create the hazardous material emergency shall be held liable for any response, control, containment, equipment, and materials costs incurred by the Guilford County Environmental Health--Emergency Spill Response Team during the emergency. The property owner and/or person exercising control over such hazardous material, may provide personnel to assist abatement, removal and remedial measures, provided such personnel have been adequately equipped and trained pursuant to the requirements of state and federal laws. Guilford County shall not be liable for the use of outside personnel. Assistance shall consist of any or all of the following:

1) Informing Emergency Spill Response Team personnel of all matters pertaining to the incident;

2) Supplying emergency response plan information for the site;

3) Supplying emergency response equipment, personnel and materials.

9-4.10. Review of Stormwater Pollution Prevention Plans.

The County may review the storm water pollution prevention plans required under a facility's NPDES storm water discharge permit when outfall monitoring or the illicit discharge/improper disposal program locates a suspected violator.

9-4.11. Violations.

Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by this article and by state law:

(A) *Development without permit.* To engage in any development, use, construction, remodeling, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this chapter without all required permits, certificates, or other forms of authorization as set forth in this article.

(B) *Development inconsistent with permit.* To engage in any development, use, construction remodeling or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other for of authorization granted for such activity.

(C) *Violation by act or omission.* To violate, by act or omission, any term, variance, modification, condition, or qualification placed by the governing body or its agent boards upon any required permit, certificate, or other form of authorization of the use, development, or other activity upon land or improvements thereon.

(D) *Use in violation.* To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building or structure or to use any land in violation or contravention of this article or any other regulation made under the authority conferred thereby.

(E) *Continuing a violation.* To continue any of the above violations is a separate and distinct offense each day.

7-4.12. Civil Penalties.

(A) *Illicit Connections.*

1) Any person who is found responsible for an illicit connection shall receive a notice of violation when the connection is discovered. The person shall have thirty (30) days to remove the connection. At the end of that time if the connection has not been removed, the Enforcement Officer may assess civil penalties in the amount of two hundred dollars ($200.00) for violation of the ordinance. For purposes of this section, each day that a violation remains unabated shall be considered a new, separate and distinct violation for purposes of assessing a civil penalty. In addition to the assessment of civil penalties, the Enforcement Officer may enter the property and take measures necessary to remove the connection and perform whatever cleanup or abatement is necessary. If the person fails to remove the connection in the time prescribed, the county may petition the superior court of justice, for the issuance of an injunction to compel removal and payment; however, removal of the illicit connection shall be immediate upon the determination of the Enforcement Officer that the connection poses an imminent threat to public health.

2) If any person who previously has been found to have an illicit connection reconnects to the conveyance, he shall be assessed a civil penalty not to exceed five thousand dollars ($5,000.00). The penalty shall increase by twenty-five (25) percent of the previous penalty amount for every subsequent illicit connection made by the same person. The penalty shall be additional to the cost of cleanup and abatement. If the person has or is required to have a storm water discharge permit from the state division of environmental management, the Enforcement Officer shall alert the appropriate state authorities of the violation. In determining the amount of the penalty the county manager or his designee shall consider the following:

a) The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;

b) The duration and gravity of the violation;

c) The effect on ground or surface water quality or on air quality;

d) The cost of rectifying the damage;

e) The amount of money saved by noncompliance;

f) Whether the violation was committed willfully or intentionally;

g) The prior record of the violator in complying or failing to comply with the storm water quality management;

h) The costs of enforcement to Guilford County.

(B) *Improper disposal.*

1) *Process wastewater.* Any person who is found to have improperly disposed of process wastewater to the receiving streams shall be assessed a civil penalty not to exceed five thousand dollars ($5,000.00) In determining the amount of the penalty the county manager or his designee shall consider the following:

a) The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;

b) The duration and gravity of the violation;

c) The effect on ground or surface water quality or on air quality;

d) The cost of rectifying the damage;

e) The amount of money saved by noncompliance;

f) Whether the violation was committed willfully or intentionally;

g) The prior record of the violator in complying or failing to comply with the storm water quality management program and,

h) The costs of enforcement to Guilford County.

(C) *Bulk sales.* Any person who is found to have improperly disposed of any substance that was purchased at a bulk sales location which, upon discharge to the receiving streams or drainage network, would have an adverse impact on water quality or cause the county to be in noncompliance with any applicable environmental permit shall be assessed a civil penalty not to exceed five thousand dollars ($5,000.00). In determining the amount of the penalty the county manager or his designee shall consider the following:

1) The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;

2) The duration and gravity of the violation;

3) The effect on ground or surface water quality or on air quality;

4) The cost of rectifying the damage;

5) The amount of money saved by noncompliance;

6) Whether the violation was committed willfully or intentionally;

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7) The prior record of the violator in complying or failing to comply with the storm water quality management program; and

8) The cost of enforcement to Guilford County.

(D) *Household products.* Any person who is found to have improperly disposed of any substance that was purchased over-the-counter for household, in quantities considered normal for household purposes, which, upon discharge to the receiving streams or drainage network, would have an adverse impact on water quality or cause the county to be in noncompliance with any applicable environmental permit shall be assessed a civil penalty not to exceed five hundred dollars ($500.00). In determining the amount of the civil penalty the county manager or his designee shall consider the following:

1) The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;

2) The duration and gravity of the violation;

3) The effect on ground or surface water quality or on air quality;

4) The cost of rectifying the damage;

5) The amount of money saved by noncompliance;

6) Whether the violation was committed willfully or intentionally;

7) The prior record of the violator in complying or failing to comply with the storm water quality management program; and

8) The costs of enforcement to Guilford County.

(E) *Yard waste.* Any person who is found to have improperly disposed of leaves, grass clippings, or other yard wastes shall be assessed a civil penalty not to exceed five hundred dollars ($500.00). In determining the amount of the penalty the county manager or his designee shall consider the following:

1) The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;

2) The duration and gravity of the violation;

3) The effect on ground or surface water quality or on air quality;

4) The cost of rectifying the damage;

5) The amount of money saved by noncompliance;

6) Whether the violation was committed willfully or intentionally;

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7) The prior record of the violator in complying or failing to comply with the storm water quality management program; and

8) The costs of enforcement to Guilford County.

(F) *Repeat violation.* If a person is found to be responsible for more than one (1) instance of improper disposal, the penalty shall increase by twenty-five (25) percent of the previous penalty amount for each subsequent improper disposal. The penalties shall be additional to the cost of clean-up and abatement.

(G) *Watershed areas.* The penalty assessed for any of the above violations shall be increased by twenty-five (25) percent of the amount assessed if it occurs in any designated water-supply watershed area.

(H) *Failure to report.* The penalty assessed for any of the above violations shall be increased by twenty-five (25) percent of the amount assessed for any spill not properly reported by the violator once he has knowledge of the violation.

(I) *[Penalties.]* In the event there are subsequent penalties assessed by the state against the county for improper disposal or illegal dumping, or illicit connection into receiving streams, caused by any person, such person shall be assessed the equivalent amount of civil penalty.

9-4.13. Remedies.

Any or all of the following procedures may be used to enforce the provisions of this chapter:

(A) *Injunction.* Any violation of this article or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.

(B) *Civil penalties.* Any person who violates any provision of this article shall be subject to the assessment of a civil penalty under the procedures provided in Article 7-3.12 (Civil Penalties).

(C) *Denial of permit.* The county manager or his designee shall withhold or deny any permit, certificate, or other authorization on any land, building, structure, or use in which there is an uncorrected violation of a provision of this article, or of a condition or qualification of a permit, certificate, or other authorization previously granted.

(D) *Conditional permit or temporary certificate.* The county manager or his designee may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate government authority.

(E) *Revocation of permit.* The county manager or his designee may revoke and require the

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return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any substantial departure from the approved application plans, or specifications; refusal or failure to comply with the requirements of state or local law; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of any applicable state or local law may also be revoked.

(F) *Criminal penalties.* Any violation of this chapter shall be a misdemeanor or infraction as provided by NCGS 14-4. Each violation shall be subject to a fine not to exceed five hundred dollars ($500.00).

(G) *Notification of the State Enforcement Officials.*

1) *Industrial and related facilities.* When a county manager or his designee discovers an apparent violation of an industrial or related facility's NPDES storm water discharge permit or that the facility is not operating pursuant to its storm water pollution prevention plan, the county shall notify the appropriate state officials immediately.

2) *Construction sites.* If the county manager or his designee discovers an apparent violation of the NPDES storm water discharge permit required by the state for sites with land-disturbing activity greater than one (1) acre, or less if part of a larger project, he shall report the violation immediately to the appropriate state officials.

3) *Abatement.* When the discharge from the facility interferes significantly with the receiving streams, and the facility fails to take appropriate actions upon notification by the county, the county may take immediate and appropriate measures to control the problem whether or not the facility is violating its NPDES permit and recover the cost from the facility.

4) *Judicial Enforcement.* When any person is in violation of the provisions of this chapter, the county manager or his designee, through the county attorney, may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction, which restrains or compels the activities in question.

9-4.14. Appeal Hearing.

(A) Any person assessed a civil penalty under this chapter shall have the right to a hearing before the Environmental Review Board upon making a written demand to ERB specifying the issues to be contested, within thirty (30) days following receipt of the assessment.

(B) Unless such written demand is made within the time specified herein, the action shall be final and binding.

(C) The ERB shall make a final decision on the contested penalty within thirty (30) days of the receipt of the written demand for a hearing.

(D) The ERB shall transmit a copy of the decision by registered or certified mail.

(E) The decision of the ERB shall be considered the final administrative action for the purposes of judicial review. Any person may seek judicial review of a final administrative decision by the ERB by filing a petition for writ of certiorari within thirty (30) days after receipt of notice by registered or certified mail, but not thereafter, with the Superior Court of Guilford County and with a copy to Guilford County.

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ARTICLE 10 – ENFORCEMENT

ADOPTION DRAFT – 09.28.2020

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ARTICLE 10 – ENFORCEMENT

10.01 PURPOSE (NEW)

A. This Article sets forth the procedures by which the County seeks to ensure compliance with the provisions of this Ordinance and to obtain correction for Ordinance violations. It also sets forth the remedies and penalties the County may apply, where necessary, to ensure correction of violations. The provisions in this Article are intended to encourage the voluntary correction of violations, where possible.

B. Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the County.

10.02 APPLICABILITY (NEW)

A. This Ordinance shall be enforceable in accordance with the provisions of G.S. § 160D-104. The Enforcement Officer may revoke any permit or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of the permit or authorization, or for false statements or misrepresentations made in securing the permit or authorization, or if the permit or authorization was mistakenly granted in violation of applicable State or local law.

10.03 VIOLATIONS (MODIFIED 8-1)

A. GENERAL VIOLATIONS

1. **Failure to Comply with Ordinance, Term, or Condition of Approval**
   Any failure to comply with a requirement, prohibition, or limitation imposed by the provisions of this Ordinance, or the terms and conditions of any permit or other authorization granted pursuant to this Ordinance, shall constitute a violation of this Ordinance.
2. **Permits or Approvals only Authorize Development Approved**
   Permits or development approvals issued by a decision-making body or County staff authorize only the use, arrangement, location, design, density, and development set forth in such permits or development approvals.

B. SPECIFIC VIOLATIONS

It shall be a violation of this Ordinance to undertake any activity contrary to the provisions of this Ordinance, including but not limited to any of the following:

1. Occupy, develop, or use any land or structure without first obtaining all appropriate permits or development approvals and complying with such terms and conditions.
2. Subdivide land without first obtaining all appropriate permits or development approvals required to engage in land subdivision and complying with such terms and conditions.

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3. Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining all appropriate permits and development approvals, and complying with such terms and conditions.
4. Install, create, erect, alter, or maintain any sign without first obtaining the appropriate permits or development approvals, and complying with such terms and conditions.
5. Fail to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the permit has expired.
6. Create, expand, replace, or alter any nonconformity except in compliance with this Ordinance.
7. Reduce or diminish the requirements for development, use, design, or dimensional standards below the standards required by this Ordinance.
8. Increase the intensity or density of development, except in accordance with the standards of this Ordinance.
9. Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Ordinance.

C. CONTINUED VIOLATIONS

Every calendar day an offense is not remedied after being served a Notice of Violation shall be considered a separate offense.

D. RESPONSIBLE PERSONS FOR VIOLATIONS

The owner, tenant or occupant of any land or structure, and an architect, engineer, builder, contractor, agent or any other person who participates in, assists, directs, creates or maintains a situation that constitutes a violation of this Ordinance may be held responsible for the violation and subject to the remedies and penalties set forth in this Ordinance.

10.04 ENFORCEMENT PROCEDURES (MODIFIED 8-2 & 8-3)

A. INVESTIGATION AND INSPECTION

1. Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. The complaint, stating fully the cause and basis of the alleged violation, shall be filed with the Enforcement Officer who shall properly record such complaint.
2. On receiving a complaint suggesting a violation of this Ordinance, the Enforcement Officer or their designated agent shall investigate the situation and determine whether a violation exists.
3. The Enforcement Officer or their designated agent shall have the right to enter upon private property at any reasonable time necessary to carry out their duties. Prior to entering private property, the Enforcement Officer or their designated agent must present credentials and have the consent of the owner or have an administrative search warrant. All questions arising in connection with enforcement and interpretation shall be presented first to the Enforcement Officer. Appeal from the Enforcement Officer's decision may be made to the Board of Adjustment.

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B. INITIAL NOTICE OF VIOLATION

1. On determining that a violation exists, the Enforcement Officer shall give the responsible person(s) a written Notice of the Violation by personal delivery, first class mail, or certified or registered mail, return receipt requested. The notice shall describe the nature of the violation, state the actions necessary to correct the violation, and invite the alleged violator to contact or meet with the Enforcement Officer to discuss the violation and how it may be corrected. The Enforcement Officer may provide the alleged violator additional written notice(s) of violation.
2. If reasonable attempts have been made to effect service of the written notice upon the responsible person(s) by the methods described in this Section have been unsuccessful, then notice may be provided by posting the written notice upon the property in a conspicuous place for a period of at least fifteen (15) working days.
3. Before revoking a permit or other authorization, the Enforcement Officer shall give the holder of the permit or authorization fifteen (15) working days notice of intent to revoke the permit or authorization. The notice shall state the reasons for the intended revocation and state that the holder may have an informal hearing on the intended revocation before the Enforcement Officer. On revoking a permit or authorization, the Enforcement Officer shall give the holder of the permit or authorization a written notice of the revocation and the reasons for it.

C. APPEALS

Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Enforcement Officer to the Board of Adjustment per Article 3 – Permits & Procedures of this Ordinance. In the absence of an appeal, the remedies and penalties sought by the Enforcement Officer in the Notice of Violation shall be final**.**

D. ORDER OF CORRECTIVE ACTION

If upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in violation of this Ordinance, the Board of Adjustment shall issue an order in writing to the owner, occupant, or responsible person(s) affirming the violation and ordering compliance.

E. FAILURE TO COMPLY WITH ORDER

When failure to comply with a Notice of Violation from which no appeal has been taken, or an Order of Corrective Action following an appeal, the responsible person(s) shall be subject to such remedies and penalties as may be provided for by the North Carolina General Statutes and this Ordinance. If the responsible person(s) fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.

F. REPEAT VIOLATIONS

In addressing repeat violations by the same offender during any two (2)-year period, the County may commence the application of remedies or penalties at the stage in the process where the previous violation was resolved.

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10.05 REMEDIES AND PENALTIES (MODIFIED 8-4 & 8-5)

The Enforcement Officer may pursue one or more of the following remedies and penalties to prevent, correct, or abate a violation of this Ordinance. Use of one of the authorized remedies and penalties does not preclude the Enforcement Officer from using any other authorized remedy(ies) of penalties, nor does it relieve any party to the imposition of one remedy or penalty from imposition of any other authorized remedies or penalties.

A. INJUNCTION

Any violation of this Ordinance or of any condition, order, or requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to State law.

B. CIVIL PENALTIES

Any person who violates any provisions of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in this Section.

C. PERMIT DENIAL

As long as a violation of this Ordinance remains uncorrected, the Enforcement Officer may deny or withhold approval of any permit or other authorization provided for in this Ordinance that is sought for the property on which the violation occurs.

D. CONDITIONAL PERMIT

The Enforcement Officer may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, and/or the posting of a compliance security approved by appropriate governmental authority.

E. STOP WORK ORDERS

Whenever a building, sign, structure or site is being constructed, demolished, renovated, altered, or repaired in violation of any applicable provision of this Ordinance, the Enforcement Officer may issue a Stop Work Order. The Stop Work Order shall be in writing, directed to the responsible person(s) or the property owner, and shall state the specific work to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work.

F. PERMIT REVOCATION

The Enforcement Officer may revoke and require the return of a permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of state or local laws, or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law also may be revoked.

G. CRIMINAL PENALTIES

As provided in Section 14-4 of the North Carolina General Statutes, violation of this Ordinance constitutes a misdemeanor, punishable by a fine up to Five Hundred Dollars ($500.00) or imprisoned not more than thirty (30) days.

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H. OTHER EQUITABLE RELIEF

In addition to the above remedies and penalties, the Enforcement Officer may institute any other appropriate equitable action or proceeding in a court of competent jurisdiction to prevent, correct, or abate a violation of this Ordinance.

10.06 CIVIL PENALTIES – ASSESSMENT AND PROCEDURES (MODIFIED 8-5)

A. Violation of this Ordinance subjects the violator to civil penalties for each offense. If the offender fails to remedy the violation and pay any civil penalty within fifteen (15) working days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than fifteen [15] working days), the civil penalty may be recovered in a civil action in the nature of a debt, as provided in G.S. § 160D-106; 404(c).

B. The Enforcement Officer shall make written or in-person demand for payment, delivered by certified mail, return receipt requested, upon the person(s) responsible or their agents and assigns, and shall set forth in detail the violation for which the penalty has been invoked.

C. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is received, the County may refer the matter to the County Attorney for the institution of a civil action in the nature of debt in the name of Guilford County in the appropriate division of the General Court of Justice in Guilford County for recovery of the penalty and any equitable remedy available to the County.

D. The violator may be responsible for any and all related legal or administrative fees associated with an offense.

10.07 CIVIL PENALTIES – SOIL EROSION AND SEDIMENT CONTROL (8-6)

A. GENERAL

1. Any person who violates any provisions of Section 9.2 (Soil Erosion and Sedimentation Control), or the Act, or rules or orders adopted or issued pursuant to this Ordinance, or who initiates or continues a land-disturbing activity for which an erosion and sedimentation control plan is required, or not in accordance with the terms, conditions, and provisions of an approved erosion and sedimentation control plan, shall be subject to a civil penalty.

2. The maximum civil penalty amount that Guilford County may assess per violation is Five Thousand Dollars ($5,000.00). A civil penalty may be assessed from the date of the violation. Each day of continuing violation shall constitute a separate violation.

3. When the person who violates has not been assessed by any civil penalty under this subsection for any previous violation, and that person abated continuing environmental damage resulting from the violation within one hundred and eighty (180) days from the date of the Notice of Violation, the maximum cumulative total civil penalty assessed under this subsection for all violations associated with the land-disturbing activity for which the erosion and sedimentation control plan is required is Twenty-Five Thousand Dollars ($25,000).

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B. NOTICE OF VIOLATION

1. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice.
2. The notice shall describe the violation with reasonable particularity, set forth the measures necessary to achieve compliance with the plan, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in the instigation of a civil penalty or other enforcement action.
3. If, after the allotted time period has expired, the violator has not completed corrective action, a civil penalty may be assessed from the date of receipt of the Notice of Violation. However, no time period for compliance need be given for obstructing, hampering or interfering with an authorized representative(s) while in the process of carrying out his/her official duties.

C. NOTICE OF ASSESSMENT

1. The Enforcement Officer shall provide notice of the civil penalty amount and basis for assessment to the person assessed. The Notice of Assessment shall be served by any means authorized under G.S. § 1A-1, Rule 4.
2. A Notice of Assessment by Guilford County shall direct the violator to either pay the assessment, contest the assessment within thirty (30) days by filing a petition for hearing with Guilford County (as directed by procedures within the local ordinances or regulations adopted to establish and enforce the erosion and sedimentation control program), or file a request with the State's Sedimentation Control Commission for remission of the assessment within sixty (60) days of receipt of the notice.
3. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the North Carolina General Statutes and a stipulation of the facts on which the assessment was based.
4. The final decision on contested assessments shall be made by the governing body (e.g., Board of Commissioners) of the Jurisdiction in accordance with the local ordinances or regulations adopted to establish and enforce the erosion and sedimentation control program. Appeal from the final decision of the governing body of Guilford County shall be to the Superior Court of the County where the violation occurred. Such appeals must be made within thirty (30) days of the final decision of the governing body of the Jurisdiction.

D. SPECIFIC CIVIL PENALTIES

1. Civil penalties for specific violations of Section 9.2 (Soil Erosion and Sedimentation Control) shall be assessed as follows:
    - **a.** The degree and extent of harm caused by the violation.
    - **b.** The cost of rectifying the damage.
    - **c.** The amount of money the violator saved by noncompliance.
    - **d.** Whether the violation was committed willfully.

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e. The prior record of the violator in complying or failing to comply with the Ordinance.

2. If payment is not received within sixty (60) days after it is due, Guilford County may institute a civil action to recover the amount of the assessment. The civil action may be brought in the Superior Court of the County where the violation occurred, or the violator's residence or principal place of business is located. Such civil actions must be filed within three (3) years of the date the assessment was due. An assessment that is not contested is due when the violator is served with a Notice of Assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.

3. Penalties collected by the Enforcement Officer for soil erosion and sediment control violations may be diminished only by the actual costs of collection. The collection cost percentage to be used shall be established and approved by the North Carolina Office of State Budget and Management on an annual basis, based upon the computation of actual collection costs by each County for the prior fiscal year. In any event, the cost percentage shall not exceed twenty percent (20%) of penalties collected.

E. CIVIL PENALTY USE (8-6.6)

Penalties collected by the Enforcement Officer may be diminished only by the actual costs of collection. The collection cost percentage to be used shall be established and approved by the North Carolina Office of State Budget and Management on an annual basis, based upon the computation of actual collection costs by each county for the prior fiscal year. In any event, the cost percentage shall not exceed twenty percent (20%) of penalties collected.

F. CRIMINAL PENALTY (8-7)

Any person who knowingly or willfully violates any soil erosion and sedimentation control provisions of this Ordinance, or rule or order adopted or issued pursuant to the soil erosion and sedimentation control provisions, or who knowingly or willfully initiates or continues a land-disturbing activity for which an erosion and sedimentation control plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a Class 2 misdemeanor punishable by imprisonment not to exceed ninety (90) days, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or both.

G. INJUNCTIVE RELIEF—SOIL EROSION AND SEDIMENTATION CONTROL (8-8)

1. Whenever the governing body has reasonable cause to believe that any person is violating or threatening to violate any Ordinance, rule, regulation or order adopted or issued by Guilford County, or any term, condition, or provision of an approved soil erosion and sedimentation control plan, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of Guilford County, for injunctive relief to restrain the violation or threatened violation.

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2. The action shall be brought in the Superior Court of Guilford County in which the violation is occurring or is threatened. Upon determination by the Court that an alleged violation is occurring or is threatened, the Court shall enter any order or judgement that is necessary to abate the violation, to ensure restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

H. STOP WORK ORDER (8-9)

1. Guilford County may issue a stop-work order upon a site inspection which determines that a land-disturbing activity is being conducted in violation of the Act, rules, or orders adopted or issued pursuant to this Ordinance, that the violation is knowing and willful, and that either:
   - **a.** Off-site sedimentation has eliminated or severely degraded a use in a lake or natural watercourse or that such degradation is imminent.
   - **b.** Off-site sedimentation has caused severe damage to adjacent land or that such damage is imminent.
   - **c.** The land-disturbing activity is being conducted without an approved plan.
   - **d.** Guilford County shall apply stop work orders in accordance to G.S. § 113A-65.1.

I. RESTORATION AFTER NON-COMPLIANCE (8-10)

Guilford County may require a person who engaged in a land-disturbing activity and failed to retain sediment generated by the activity, as required by G.S. § 113A-57 (3), to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this Ordinance. If any section or sections of this Ordinance is/are held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

10.08 ACTIONS BY OTHERS (8-11)

A. ADJACENT OR NEIGHBORING PROPERTY

In addition to the remedies of this Section, if any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, any other appropriate authority or any nearby property owner who would be affected by such violation may institute injunction, mandamus or other appropriate action or proceeding to prevent the occupancy of such building, structure or land, or the continuance of any construction whatsoever in violation of this Ordinance.

B. LAND PURCHASER

In the event that a purchaser buys land for which there is a surety to secure performance of improvements, after a period of two (2) years has passed since the date of Final Plat recordation, the purchaser may bring action to enforce completion of the improvements. In such a case, the purchaser may seek specific performance.

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10.09 RESERVED

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ARTICLE 11 – NONCONFORMITIES

ADOPTION DRAFT – 09.28.2020

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ARTICLE 11 – NONCONFORMITIES

11.01 PURPOSE *(NEW)*

This Article governs lots, uses, structures, buildings, signs, site elements such as parking areas, accessory structures, landscaping, and other on-site elements, and other aspects of development that came into existence lawfully but that do not conform to one or more requirements of this Ordinance. These are referred to as "nonconformities."

The regulations of this Article are intended to:

- **A.** Allow nonconformities to continue until they are removed or brought into conformity, but not to encourage their continual use;
- **B.** Reduce the overall presence and operation of nonconformities over time, and generally bring nonconforming instances closer to conformity;
- **C.** Recognize the interests of property owners in continuing to use their property for purposes that were lawful at the time of establishment;
- **D.** Promote reuse and rehabilitation of existing buildings;
- **E.** Place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole; *and*
- **F.** Bring existing properties and conditions into conformance with the Comprehensive Plan.

11.02 AUTHORITY TO CONTINUE *(NEW)*

Any valid nonconformity that existed on the effective date of this Ordinance or that becomes nonconforming upon the adoption of any amendment to this Ordinance may be continued in accordance with the provisions of this Article.

11.03 REPAIRS AND MAINTENANCE *(NEW)*

- **A.** Minor repairs and routine maintenance of nonconformities are permitted and encouraged unless such repairs are otherwise expressly prohibited by this Ordinance.
- **B.** Nothing in this Article is to be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of the Administrator or other duly authorized public official.

11.04 CHANGE OF OWNERSHIP *(NEW)*

The status of a nonconformity is not affected by changes of tenancy, ownership, or management.

11.05 NONCONFORMING LOTS *(3-14.1)*

A. SINGLE LOTS OF RECORD

1. When a lot has an area or width which does not conform to the dimensional requirements of the district where located, but such lot was of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be used for a use permitted in the district where located, provided the following are complied with: setback dimensions and other lot requirements, except area or width.

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2. In residential zones, only a single family dwelling shall be permitted on the nonconforming lot.
3. Nothing contained herein exempts a lot from meeting the applicable provisions of the Guilford County Health Department regulations.

B. LOTS WITH CONTIGUOUS FRONTAGE IN ONE OWNERSHIP

1. This section applies when:
   a. Two (2) or more adjoining vacant lots with contiguous frontage are in one (1) ownership; *and*
   b. Said lots individually have area or width which does not conform to the dimensional requirements of the district where located; *and*
   c. Such lots were of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lots nonconforming.
2. Such lots shall be considered as a single buildable lot or several buildable lots for any use permitted in the district where located provided the setback and all other lot requirements, not involving area or width, are complied with.
3. Nothing contained herein exempts the contiguous lots considered as a single buildable lot or lots from meeting the applicable provisions of the Guilford County Health Department regulations.

C. REDUCTION OF A LOT OF RECORD

A lot of record reduced to less than the required area, width, or setback dimension as the result of a condemnation or purchase by a local or state government agency shall become a nonconforming lot of record.

11.06 NONCONFORMING USES *(MODIFIED 3-14.2)*

A. CONTINUANCE OF NONCONFORMING USE OF LAND

Any nonconforming use legally existing at the time of adoption or amendment of this Ordinance may be continued so long as it remains otherwise lawful subject to conditions provided in this Section.

B. CONDITIONS FOR CONTINUANCE OR EXPANSION OF NONCONFORMING USE OF LAND

1. No nonconforming use shall be changed to another nonconforming use unless such use is determined to be of equal or less intensity. In determining whether a nonconforming use is of equal or less intensity, the Board of Adjustment shall consider:
   a. Probable traffic of each use;
   b. Parking requirements of each use;
   c. Probable number of persons on the premises of each use at a time of peak demand;
   d. Off-site impacts of each use such as noise, glare, dust, vibration or smoke; and,
   e. Hours of operation.

2. No nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance. The number of dwelling units in a nonconforming residential use shall not be increased.

a. The Planning & Development Director may approve a modification in allowing alteration of a nonconforming use that does not increase the degree of nonconformity, or have a greater adverse impact on the surrounding area.

b. Modifications may be approved if the Planning & Development Director determines that *at least* one of the following criteria are met:

- **i.** That the proposed modification will result in equal or better performance than the standard being modified;
- **ii.** That the size, topography, or existing development of the property or of adjoining areas prevents compliance with a standard; or
- **iii.** That a federal, state, or local law or regulation prevents compliance with the standard.

c. A nonconforming use may not be relocated, in whole or in part, to another portion of the subject lot or parcel.

d. A nonconforming use may not be expanded, enlarged, or extended to occupy a greater area of land or floor area.

e. Expansion or alteration decisions may be appealed to the Board of Adjustment.

C. LOSS OF NONCONFORMING USE STATUS

1. If any nonconforming use of land ceases for any reason for a continuous period of more than three hundred and sixty-five (365) days as documented by the Administrator, any subsequent use of such land shall be a permitted use in the district (see Article 4 – Zoning Districts) in which such land is located.

2. The resumption of a nonconforming use of land shall not be permitted if such nonconforming use is superseded by a permitted use for any period of time.

3. No additional structure(s) not conforming to the requirements of this Ordinance shall be *erected in connection with such nonconforming use of land.*

D. JUNKED MOTOR VEHICLES

Any junked motor vehicle made nonconforming by subsequent amendment to this Article shall be discontinued within three hundred and sixty-five (365) days following the date of such amendment. If the owner or occupant of a property fails to comply with a Notice of Violation concerning a junked motor vehicle, any penalty assessed by the Enforcement Officer for a violation under the subsection shall be stayed until all appeals are resolved.

Commentary: Article 12 – Definitions define (per G.S. § 153A-132) a junked motor vehicle and an abandoned motor vehicle.

11.07 NONCONFORMING STRUCTURES *(MODIFIED 3-14.3)*

A. CONTINUANCE OF NONCONFORMING STRUCTURE

1. Any nonconforming structure legally existing at the time of adoption or amendment of this Ordinance may be continued so long as it remains otherwise lawful, subject to the conditions contained in this Section.

2. A nonconforming manufactured home or mobile home may be replaced with a similar manufactured home or mobile home as long as the replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to setback requirements. Such replacement must occur within six (6) months of the removal of the nonconforming manufactured home.

B. ENLARGEMENT OR MODIFICATION

1. No nonconforming structure may be enlarged or modified in any way that increases its dimensional deficiencies; however, any nonconforming structure or portion thereof may be altered to *decrease* its dimensional deficiencies. Any enlargement of the structure shall conform to the current dimensional requirement.

2. No nonconforming structure shall be moved or relocated to another site except in conformance with this Ordinance.

C. DAMAGE OR DESTRUCTION

1. In the event of damage by fire or other causes to the extent causing fifty (50) percent or less of its value prior to such damage as established by the County Tax Department, reconstruction of a nonconforming structure shall be permitted only in compliance with the dimensional provisions of this Ordinance.

2. In the event of damage by fire or other causes to the extent causing *less than* fifty (50) percent of its value prior to such damage as established by the County Tax Department, reconstruction of a nonconforming structure shall be permitted provided it is constructed:

a. In the same manner in which it originally existed; or

b. In compliance with the dimensional requirements.

D. PRESERVATION OF SAFE OR LAWFUL CONDITIONS

Nothing in this Article shall prevent the strengthening or restoration to a safe or lawful condition any part of any building declared unsafe or unlawful, by the Enforcement Officer or other duly authorized official.

E. VACANT STRUCTURE (NEW)

When a nonconforming structure or any aspect of a structure that is used in a nonconforming manner is vacant or discontinued for a consecutive period of three hundred and sixty-five (365) days, the structure may thereafter be used only for conforming purposes.

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11.08 NONCONFORMING SIGNS *(MODIFIED 6-1.10)*

A. CONTINUATION OF NONCONFORMING SIGNS

Nonconforming signs may remain in use, subject to the regulations of this Section and all other applicable requirements. Nonconforming signs shall be maintained in good repair (per Article 7 - Signs) and must comply with all other requirements of this Ordinance.

B. MODIFICATION OR RELOCATION

1. Nonconforming signs shall not be modified or altered, except that the copy may be changed on an existing sign.
2. Nonconforming signs shall not be moved on the site or relocated to another site, except in conformance with this Ordinance.

C. RECONSTRUCTION OF DAMAGED SIGNS OR SIGN STRUCTURES

Any nonconforming sign or sign structure which has been damaged may be repaired and used as before, provided all repairs are initiated within ninety (90) business days and completed within one hundred and twenty (120) business days of such damage. However, if the Enforcement Officer declares the sign unsafe, the owner of the sign or the owner of the property where the sign is located shall immediately correct all unsafe conditions to the satisfaction of the Enforcement Officer or remove the sign and structure.

D. SIGN CERTIFICATES

The owner of a lot containing signs requiring a permit under this Ordinance shall maintain a Sign Certificate or Nonconforming Sign Certificate for such sign(s). Sign Certificates and Nonconforming Sign Certificates shall be issued by the Enforcement Officer for individual signs on each zone lot.

1. **Signs Existing on Effective Date**
    a. For any sign existing on the effective date of this Ordinance, an application for a Sign Certificate must be submitted within one hundred eighty (180) days after the effective date of this Ordinance. Signs which are the subject of permit applications received after this one hundred and eighty (180)-day grace period shall be subject to all terms and conditions of this Ordinance and shall not be entitled to protection as nonconforming signs unless issued a Sign Certificate.
    b. A sign that would be allowed by this Ordinance only with a sign permit and was constructed in accordance with the applicable laws and ordinances in effect on the date of construction, but by reason of its size, height, location, design, or construction is not in conformance with the requirements of this Ordinance, shall be issued a Nonconforming Sign Certificate. If a property contains a greater number of legally-erected signs than would be permitted by this Ordinance, then such signs shall be entitled to Nonconforming Sign Certificates, if applicable.
        i. A Nonconforming Sign Certificate shall allow the sign to remain in place and be maintained indefinitely as a legal nonconforming sign subject to compliance with the following:
            a. Normal maintenance of such sign shall be allowed including changing of copy, nonstructural repairs such as repainting or electrical repairs, and incidental alterations which do not increase the degree or extent of the nonconformity;

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b. No structural alteration, enlargement or extension of such sign shall be allowed;

c. No relocation of such sign upon the premises shall be allowed and

d. If damage to such sign from any cause is less than fifty (50) percent of either the original or replacement value, whichever is less, the sign may be rebuilt or repaired to its original condition in its original location and may continue to be displayed.

ii. The application for a Nonconforming Sign Certificate may include multiple signs on the same zone lot and shall contain the following:

a. A color print showing the entire sign(s) including any supporting framework;

b. Dimensions of the sign(s) including length, width, height, and area in square feet;

c. An elevation drawing with dimensions of the facade or wall area showing the location of any attached sign(s) in approximate scale; and

d. A site plan showing the location of all signs on the same zone lot including any setback or spacing measurements, if appropriate. This information shall be certified as to its accuracy and completeness by the owner and/or occupant, whomever is in control of the sign(s).

c. A sign that would be allowed by this Section only with a sign permit and was in existence on the adoption date of this Ordinance but does not have a Nonconforming Sign Certificate, shall either be removed or brought into compliance within five (5) years of the adoption date of this ordinance.

d. A sign that would be allowed by this Section only with a sign permit and was in existence on the adoption date of this Ordinance, and is in compliance with all provisions of the Section but does not have a Sign Certificate may be issued a Sign Certificate upon application to the Enforcement Officer.

2. Signs Erected after Effective Date

For signs erected after the effective date of this Ordinance, a Sign Certificate shall be issued after approval of all inspections.

3. Lapse of Sign Certificate or Nonconforming Sign Certificate

A Nonconforming Sign Certificate shall lapse automatically, and the nonconforming sign shall be brought into compliance with this Section or removed if one (1) of the following occurs:

1. If such sign is damaged from any cause to an extent of fifty (50) percent or more of either the original or replacement value, whichever is less;

2. If there is a change in the sign such that a sign or electrical permit is required; or

3. If the business activity on the premises is discontinued for a period of ninety (90) days or more.

4. Assignment of Sign Certificate

A current and valid Sign Certificate or Nonconforming Sign Certificate shall be freely assignable to a successor as owner of the property or holder of a business license for the

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same premises, subject only to filing such application as the Enforcement Officer may require. The assignment shall be accomplished by filing and shall not require approval.

5. **Rezoning (Zoning Map Amendment) or Text Amendment**

   Any sign that is made nonconforming by reason of a rezoning (zoning map amendment) or any subsequent amendment to the text of this Ordinance, shall be removed or brought into compliance as provided in this Section.

11.09 NONCONFORMING SITUATION RESULTING FROM ACQUISITION *(3-14.4)*

Any lot reduced in size by municipal, County or State condemnation or purchase of land shall obtain nonconforming lot or building status to the extent that such condemnation or purchase causes noncompliance with any provisions of this Ordinance.

11.10 RESERVED

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ARTICLE 12 – DEFINITIONS

ADOPTION DRAFT – 09.28.2020

ARTICLE 12 – DEFINITIONS

12.01 GENERAL

These definitions are grouped in the following functional groups:

- Buildings and Structures
- Drainage and Watershed Protection
- Dwelling
- Easements
- Erosion and Sedimentation Control
- Farming & Agriculture
- Flood Damage Prevention
- General
- Hazardous Waste
- Historic Districts
- Lighting
- Lot
- Setback
- Signs
- Streets
- Uses

12.02 INTENT

For the purpose of interpreting this ordinance, certain words, concepts, and ideas are defined herein. Except as defined herein, all other words used in this ordinance shall have their everyday meaning as determined by their dictionary definition.

12.03 ACRONYMS ABBREVIATIONS

ADU – Accessory Dwelling Unit

BFE – Base Flood Elevation

BUA – Built Upon Area

DBH – Diameter at Breast Height

FIRM – Flood Insurance Rate Map

FIS – Flood Insurance Study

GFA – Gross Floor Area

HAG – Highest Adjacent Grade

LAG – Lowest Adjacent Grade

MHP – Mobile Home Park

NCDEQ – The North Carolina Department of Environment Quality

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ARTICLE 12 - DEFINITIONS

NCGS or GS - North Carolina General Statutes

NCDOT - North Carolina Department of Transportation

RV – Recreational Vehicle SCM – Stormwater Control Measures

SFHA – Special Flood Hazard Area

WSE – Water Surface elevation

12.04 DEFINITIONS

BUILDINGS AND STRUCTURES

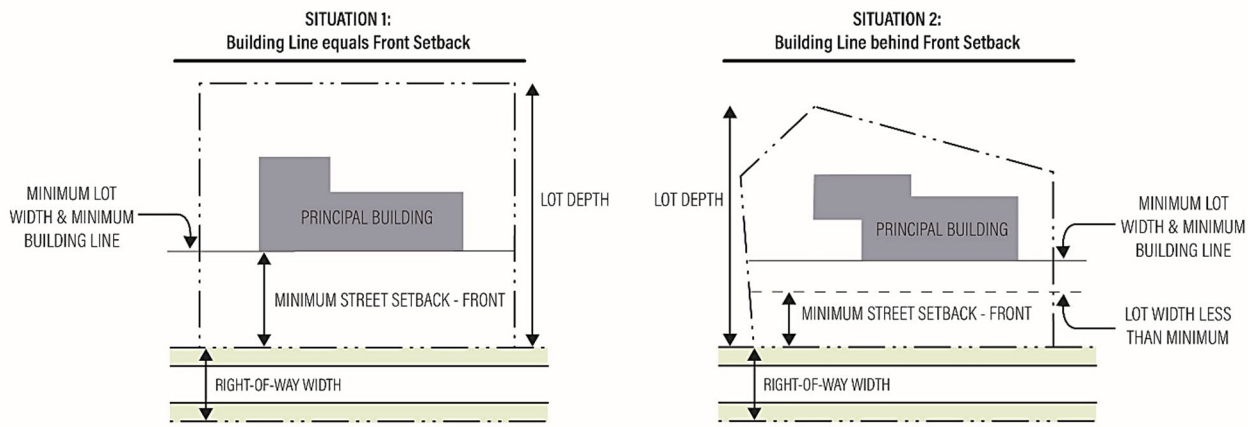
ACCESSORY USE OR STRUCTURE. A use or detached minor structure(s) which is subordinate in area, extent, and purpose to a principal building the use of which is incidental to that of the principal structure and located on the same lot therewith.

ANCHOR TOWER. An existing permitted non-stealth/camouflage tower which is used to determine a new non-stealth/camouflage tower location.

BUILDING. See "structure" definition.

BUILDING HEIGHT. The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof.

BUILDING LINE. A line perpendicular to the lot depth which establishes the horizontal distance between the structure and the front property line excluding the outermost steps, uncovered porches, gutters, and similar fixtures.



DETERMINATION OF BUILDING LINE

BUILDING SEPARATION. The minimum required horizontal distance between buildings.

CO-LOCATION. Placement or installation of wireless facilities on existing structures including electrical transmission towers, water towers, buildings and other existing structures capable of structurally supporting the attachment wireless facilities, increasing the height of the tower to accommodate additional antenna array, or replacement of an existing tower.

DWELLING. Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that for purposes of NCGS 160D, Article 12 it does not include any manufactured home, mobile home, or recreational vehicle, which is if used solely for a seasonal vacation purpose.

FALL ZONE. The area in which a wireless antenna support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

NON-STEALTH DESIGN TOWER. A new or existing structure, such as a monopole, lattice tower or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole is not a wireless support structure.

PRINCIPAL USE OR PRINCIPAL STRUCTURE. A structure in which the main or primary use of the lot on which it is located or, in a group development, of the site on which it is located.

SEARCH RING. The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.

STEALTH CAMOUFLAGE DESIGN. Disguising or incorporating antenna, support structure, and ground equipment to minimize visual impacts to the surrounding properties and environment. Examples of stealth camouflage facilities include: antennas within signs, bell towers, silos, light poles, flag poles, roof mounts integrated as an architectural element, artificial trees, and similar concealing design technologies.

STEALTH DESIGN. Incorporation of communication antennas to structures normally expected to occur within a given built environment. Examples of stealth design facilities include: antennas attached to water towers, telephone/power poles, power transmission lines, billboards and sign support structures and similar structures or uses which create no additional visual obtrusions.

STRUCTURE. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, commercial, agricultural, or other purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, sewage treatment plants, sheds, barns and similar accessory construction.
For the purpose of the Flood Damage Prevention provision of this ordinance, a structure shall mean a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

TEMPORARY STRUCTURE. Any structure of an impermanent nature and which is designed for use for a limited time, including any tent or canopy.

UTILITY SUBSTATION. Any public or private utility facility which is designed for the purposes of switching, storage, compression, transfer, rebroadcast or transmission or re-transmission purposes, exclusive of individual transmission lines(s), which provides services including, but not limited to, cable television, telephone, gas, and electricity.

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WIRELESS FACILITY. The set of equipment and network components, exclusive of the underlying wireless support structure or tower, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide wireless data and wireless telecommunications services to a discrete geographic area.

DRAINAGE AND WATERSHED PROTECTION

ACCESS TRAILS. Pedestrian trails constructed of pervious or impervious surfaces and related structures including boardwalks and steps, rails, and signage, generally to access a surface water

AIRPORT FACILITIES. *A*ll properties, facilities, buildings, structures, and activities that satisfy or otherwise fall within the scope of one or more of the definitions or uses of the words or phrases "air navigation facility", "airport", or "airport protection privileges" under G.S. 63-1; the definition of "aeronautical facilities" in G.S. 63-79(1); the phrase "airport facilities" as used in G.S. 159-48(b)(1); the phrase "aeronautical facilities" as defined in G.S. 159-81 and G.S. 159-97; and the phrase "airport facilities and improvements" as used in Article V, Section 13, of the North Carolina Constitution, which shall include, without limitation, any and all of the following: airports, airport maintenance facilities, clear zones, drainage ditches, fields, hangars, landing lighting, airport and airport-related offices, parking facilities, related navigational and signal systems, runways, stormwater outfalls, terminals, terminal shops, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way; restricted landing areas; any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area; easements through, or interests in, air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas, and the safe and efficient operation thereof and any combination of any or all of such facilities. Notwithstanding the foregoing, the following shall not be included in the definition of "airport facilities":

- Satellite parking facilities;
- Retail and commercial development outside of the terminal area, such as rental car facilities; and
- Other secondary development, such as hotels, industrial facilities, free-standing offices and other similar buildings, so long as these facilities are not directly associated with the operation of the airport, and are not operated by a unit of government or special governmental entity such as an airport authority, in which case they are included in the definition of 'airport facilities'.

BUILT-UPON AREA (BUA). That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel (for pedestrian or vehicular use), recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water containment area of a swimming pool are not considered built-upon area).

CHANNEL. A natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.

DBH. Diameter at breast height of a tree measured at four and one half (4 ½) feet above ground surface level.

DEVELOPMENT. The term "development" shall mean any of the following:

- Construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- The excavation, grading, filling, clearing, or alteration of land.
- The subdivision of land as defined in N.C.G.S. 160D-802;
- The initiation or substantial change in the use of land or the intensity of use of land.

DEVELOPMENT, EXISTING. Those projects that are built and those projects that, at a minimum, have established a vested right under N.C. zoning law prior to the implementation of applicable stormwater regulations, based on at least one of the following criteria: 1) substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or 2) having a valid outstanding building permit; or 3) having expended substantial resources (time, labor, money) and having an approved site specific (or phased) development plan in compliance with the NCGS. (This definition applies only with respect to watershed protection regulations.)

LANDFILL, DISCHARGING. A facility with liners, monitoring equipment, and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream. These facilities require approval and a discharge permit from the N.C. Department of Environmental Management for legal operation.

DITCH OR CANAL. A man-made channel other than a modified natural stream constructed for drainage purposes that is typically dug through inter-stream divide areas. A ditch or canal may have flows that are perennial, intermittent, or ephemeral and may exhibit hydrological and biological characteristics similar to perennial or intermittent streams.

DRAINAGEWAY AND OPEN SPACE EASEMENT. Land designated for use as an open channel conveying the flow from a one-hundred-year storm event and for use as open space. Granting of the easement does not transfer title. Drainageway and open space shall be left in its natural condition or graded to a section approved by the Jurisdiction which will allow economical and efficient maintenance and shall be stabilized with permanent vegetative cover. The area within the easement can be included in the gross property area used for calculation of density of development.

DRAINAGE, REQUIRED CHANNEL. The theoretical stream bed section which is required to carry and discharge the runoff from a one-hundred-year storm.

DRAINAGE, TYPICAL REQUIRED CHANNEL SECTION. A cross-sectional view of a required drainage channel.

DRAINAGEWAY. Any natural or manmade channel that carries surface runoff from precipitation.

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GREENWAY/HIKING TRAILS. Pedestrian trails constructed of pervious or impervious surfaces and related structures including but not limited to boardwalks, steps, rails, and signage.

HAZARDOUS MATERIAL. Any material listed as such in: Superfund Amendments and Reauthorization Act (SARA) Section 302 Extremely Hazardous Substances (42 USC 1100 et seq.); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Hazardous Substances (42 USC 9601 et seq.); or Section 311 of the Clean Water Act, as amended (CWA) (33 USC 1251 et seq.; oil and hazardous substances) hereby incorporated by reference including any subsequent amendments and editions.

HIGH DENSITY OPTION. A density or intensity option for development wherein the density or intensity exceeds the applicable limit for development, thereby imposing a requirement for engineered stormwater controls (runoff control structures) in conformance with the requirements of Article 9 of this Ordinance.

HIGH VALUE TREE. A tree that meets or exceeds the following standards: for pine species, fourteen (14)-inch DBH or greater or eighteen (18)-inch or greater stump diameter; or for hardwoods and wetland species, sixteen (16)-inch DBH or greater or twenty-four (24)-inch or greater stump diameter.

JORDAN NUTRIENT STRATEGY OR JORDAN WATER SUPPLY NUTRIENT STRATEGY. The set of Rules 15A NCAC 2B .0262 through .0273 and .0311(p).

JORDAN RESERVOIR. The surface water impoundment operated by the US Army Corps of Engineers and named B. Everett Jordan Reservoir, as further delineated for purposes of the Jordan nutrient strategy in Rule 15A NCAC 2B .0262(4).

JORDAN WATERSHED. All lands and waters draining to B. Everett Jordan Reservoir.

LOW DENSITY OPTION. A density or intensity option for development wherein the density, expressed in dwelling units per acre, and/or the intensity, expressed in percentage of the land surface covered by built-upon area, does not exceed certain limits established in Article 9 of this Ordinance. The limits vary depending upon the classification of the watershed and upon which overlay zone. Stormwater runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.

NEW DEVELOPMENT. Any development project that does not meet the definition of existing development set out in this Ordinance.

REDEVELOPMENT. Any land disturbing activity that does not result in a net increase in built-upon area and that provides greater or equal stormwater control than the previous development.

SHORELINE STABILIZATION. The in-place stabilization of an eroding shoreline. Stabilization techniques which include "soft" methods or natural materials (such as root wads, or rock vanes) may be considered as part of a restoration design. However, stabilization techniques that consist primarily of "hard" engineering, such as concrete lined channels, riprap, or gabions, while providing bank stabilization, shall not be considered stream restoration.

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SLUDGE. Any solid or semisolid waste generated from a wastewater treatment plant, water treatment plant, or air pollution control facility permitted under authority of the N.C. Environmental Management Commission.

STORMWATER CONTROL MEASURE (SCM). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

STORM DRAINAGE FACILITIES. The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

STORM, TEN (10)-YEAR. The surface runoff resulting from a rainfall of an intensity that has a ten (10) percent chance of being equaled or exceeded in any given year and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STORM, ONE-HUNDRED (100)-YEAR. The surface runoff resulting from a rainfall of an intensity that has a one (1) percent chance of being equaled or exceeded in any given year and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STORMWATER RUNOFF. The direct runoff of water resulting from precipitation in any form.

STREAM. A body of concentrated flowing water in a natural low area or natural channel on the land surface.

STREAM BUFFER. A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer width is measured landward from the normal pool elevation of impoundments and from the top of bank of each side of streams or rivers. (This definition applies only with respect to watershed protection regulations.)

STREAM, EPHEMERAL. A feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent conveyance of water.

STREAM, INTERMITTENT. A well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the continuous conveyance of water.

STREAM, PERENNIAL. A well-defined channel that contains water year-round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the

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primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

STREAM RESTORATION. The process of converting an unstable, altered or degraded stream corridor, including adjacent riparian zone and flood-prone areas to its natural or referenced, stable conditions considering recent and future watershed conditions. This process also includes restoring the geomorphic dimension, pattern, and profile as well as biological and chemical integrity, including transport of water and sediment produced by the stream's watershed in order to achieve dynamic equilibrium. 'Referenced' or 'referenced reach' means a stable stream that is in dynamic equilibrium with its valley and contributing watershed. A reference reach can be used to develop natural channel design criteria for stream restoration projects.

STUMP DIAMETER. The diameter of a tree measured at six (6) inches above the ground surface level.

SUBSTANTIALLY COMPLETED. Work has progressed to the point that, in the opinion of the Enforcement Officer, it is sufficiently completed in accordance with the approved plans and specifications that the work can be utilized for its intended purposes. For permanent runoff control structures this generally means that the following have been accomplished: 1) the dam has been constructed to the approved lines and grades; 2) all slopes have been fine graded, seeded, mulched, fertilized, and tacked to establish permanent ground cover; 3) principal and emergency spillways have been installed at the approved elevations and dimensions; and 4) permanent velocity controls on the inlet and outlet pipes and channels have been installed.

SURFACE WATERS. All waters of the state as defined in G.S. 143-212 except underground waters.

TEMPORARY ROAD. A road constructed temporarily for equipment access to build or replace hydraulic conveyance structures such as bridges, culverts, pipes or water dependent structures, or to maintain public traffic during construction.

TREE. A woody plant with a DBH equal to or exceeding five (5) inches or a stump diameter exceeding six inches. This term is only applicable in reference to drainage and watershed protection standards. This definition is not transferable to the Landscape, Buffering and Screening Requirements in Article 6 of this ordinance.

VARIANCE, MAJOR WATERSHED. Variance of the existing regulations that does not meet the definition of a Minor Watershed Variance. The North Carolina Environmental Management Commission is designated to rule on all major watershed variance requests.

VARIANCE, MINOR WATERSHED. Variance of the existing regulations that meets one of the following criteria: (A) Variance of any standard present in the Ordinance but not in the State Water Supply Watershed Protection Rules; (B) Variance of any standard on which the level of performance required by the Ordinance exceeds that required by the corresponding section of the State Water Supply Watershed Protection Rules, provided that approval of the variance does not lower the level of performance below that required by the State regulations; (C) Variance of the State Water Supply Watershed Protection

Regulations by a factor of up to five (5%) percent under the high density option or ten (10%) percent under the low density option of any standard expressed as a number; or (D) Variance to National Pollutant Discharge Elimination System (NPDES) standards.

VELOCITY. The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

WALL, RETAINING. A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill or other similar material.

WATER DEPENDENT STRUCTURES. Structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

WATERSHED, CRITICAL AREA (WCA). That portion of the watershed within the lake basin of the water supply reservoir as delineated in Article 9.

WATERSHED, WATER SUPPLY. The entire area contributing drainage to Lake Townsend, Lake Brandt, Lake Higgins, Oak Hollow Lake, High Point City Lake, Polecat Creek Lake, Reidsville Reservoir, Lake Mackintosh, Ramseur Reservoir, Madison intake, and the Randleman Dam reservoir.

DWELLING

ACCESSORY DWELLING UNIT (ADU). A dwelling unit that exists either as part of a principal dwelling, or as an accessory building, and is secondary and incidental to the use of the property as single family residential.

CONDOMINIUM. Portions of real estate which are designated for separate ownership, and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

DWELLING UNIT (DU). One (1) or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided therein, and that is designed for residential occupancy in accordance with approved residential occupancy standards.

DWELLING, MULTI-FAMILY. A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each, and includes apartment, townhouses and residential condominiums.

DWELLING, MODULAR HOME. A dwelling constructed in accordance with the standards set forth in the N.C. State Residential Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

DWELLING, PRINCIPAL. Any principal building or structure which is used and designed for human habitation including living, sleeping, cooking and eating activities excluding dormitories, hotels, motels, shelters for the homeless or other structures designed for transient residents.

DWELLING, SINGLE-FAMILY DETACHED. A separate, detached building designed for and occupied exclusively by one (1) family.

DWELLING, TENANT. A dwelling located on a bona fide farm, and occupied by a farm worker employed for agricultural purposes by the owner, or operator of the farm.

DWELLING, TOWNHOUSE. A building consisting of single family residences attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks and open space in common area.

DWELLING, TWO-FAMILY. A building on one (1) zone lot arranged and designed to be occupied by two (2) families living independently of each other.

DWELLING, MFGR. (HUD) HOME (MOBILE HOME). A dwelling that 1) is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; 2) exceeds forty (40) feet in length and eight (8) feet in width; 3) is constructed in accordance with the National Manufactured Home Construction and Safety Standards; and 4) is not constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings.

1. Class AA: A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, and that satisfies the following additional criteria:
   - **a.** Is occupied only as a single-family dwelling.
   - **b.** Has a minimum width of sixteen (16) feet.
   - **c.** Has a length not exceeding four (4) times its width, with length measured along the longest axis, and width measured perpendicular to the longest axis at the narrowest part;
   - **d.** Has a minimum of seven hundred (700) square feet of enclosed and heated living area;
   - **e.** Has the towing apparatus, wheels, axles, and transporting lights removed, and not included in length and width measurements.
   - **f.** Has the longest axis oriented parallel or within a ten (10) degree deflection of being parallel to the lot frontage, unless other orientation is permitted by the Board of Adjustment following a quasi-judicial hearing.
   - **g.** Is set up in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the North Carolina Uniform Residential Building Code for One- and Two-Family Dwellings, unpierced except for required ventilation and access, shall be installed under the perimeter.
   - **h.** Has exterior siding, comparable in composition, appearance durability to the exterior siding commonly used in standard residential construction, consisting of one (1) or more of the

following: 1) vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint) 2) cedar or other wood siding 3) wood grain, weather resistant press board siding 4) stucco siding or 5) brick or stone siding.

i. Has a roof pitch minimum vertical rise of three and one-half (3½) feet for each twelve (12) feet of horizontal run.

j. Has a roof finished with a Class C or better roofing material that is commonly used in standard residential construction.

k. All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.

l. Stairs, porches, entrance platforms, ramps and other means of entrance and exit are installed or constructed in accordance with the standards set by the North Carolina State Building Code, attached firmly to the primary structure and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum or twenty-four (24) square feet. The use of wood stairs only is prohibited at any entrance.

2. Class A: A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that meet or exceed criteria (a), (c), (d), (e), (g), (h), (i), (k), and (l) for Class AA manufactured dwellings above.

3. Class B: A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, and that meet or exceed criteria (e), (g) and (h) for Class AA manufactured dwellings above.

4. Class C: Any mobile home that does not meet the above definition and criteria of a Class AA, Class A or Class B manufactured dwelling. Class C Manufactured Dwellings, except those used as housing for migrant labor as part of a bona fide farm operation and are certified for migrant labor in accordance with Department of Labor regulations, are not allowed to be located or placed in any zoning district as it does not meet the construction standards of the N.C. Building Code nor those promulgated by the U.S. Department of Housing and Urban Development.

DWELLING PARK, MFGR. (HUD) HOME (MOBILE HOME). A group development site with required improvements and utilities for the long-term location of manufactured dwellings which may include services and facilities for the residents.

DWELLING SPACE, MFGR. (HUD) HOME (MOBILE HOME). A designated area of land within a mobile dwelling park designed for the accommodation of a single manufactured dwelling home in accordance with the requirements of this Ordinance.

ROOMING UNIT. A room designed, occupied, or intended for occupancy as separate living quarters with sleeping, but not necessarily cooking and sanitary facilities provided therein.

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SHELTER, HOMELESS. A facility operating year-round which provides lodging and supportive services including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care for indigent individuals and/or families with no regular home or residential address.

SHELTER, EMERGENCY. A facility providing, without charge, temporary sleeping accommodations, with or without meals, for individuals and/or families displaced from their residences as a result of sudden natural or man-made catastrophe including, but not limited to, earthquake, fire, flood, tornado, hurricane, or the release of hazardous or toxic substance(s) into the environment. Such a natural or man-made catastrophe must be designated by the responsible local, state, or federal official, or an emergency agency such as the American Red Cross or the Emergency Management Assistance Agency.

SHELTER, TEMPORARY. A facility which provides temporary lodging during times of life-threatening weather conditions for indigent individuals and/or families with no regular home or residential address.

EASEMENTS

EASEMENT. A grant of one (1) or more of the property rights, by the property owner, to, or for use by, the public, a corporation, or other entities.

EASEMENT, ACCESS. An easement which grants the right to cross property.

EASEMENT, DRAINAGE. An easement which grants the right of water drainage to pass in open channels or enclosed structures.

EASEMENT, DRAINAGE MAINTENANCE. An easement which grants to the Governing Body the right to alter the typical drainage channel section and/or profile in order to improve water flow.

EASEMENT, PEDESTRIAN WAY. A right-of-way or easement dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

EASEMENT, SIGHT DISTANCE. An easement which grants the right to maintain unobstructed view across property located at a street or lane intersection.

EASEMENT, UTILITY. An easement which grants the right to install and thereafter maintain any and all utilities including, but not limited to, water lines, sewer lines, septic tank drain fields, storm sewer lines, electrical power lines, telephone lines, natural gas lines and community antenna television systems.

EASEMENT, WATER QUALITY CONSERVATION. A permanent easement in which no structures or land-disturbing activities are allowed. The natural ground cover and the natural tree canopy must be preserved with the following exceptions: 1) the cutting or trimming of overcrowded trees is allowed provided that no trees in excess of three (3) inches in diameter as measured twelve (12) inches or less from the ground are removed; 2) utilities and erosion control structures can be constructed and maintained; 3) normal maintenance by mechanical means is allowed for the removal of dead, diseased,

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deformed, poisonous, or noxious vegetation and pests harmful to health and; 4) mechanical mowing of utilities areas is allowed to control growth.

EROSION AND SEDIMENTATION CONTROL

ACT. The North Carolina Sedimentation Pollution Control Act of 1973 N.C.G.S. § 113A-50 et seq., and all rules and orders adopted pursuant to it.

ACTIVE CONSTRUCTION. Activities which contribute directly to the completion of facilities contemplated or shown on the construction plans.

AFFILIATE. A person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of another person.

AREA, UNPROTECTED. Any ground surface area disturbed to such an extent that twenty (20) percent or more of the soil surface of any square is exposed to the physical forces of meteorological elements.

BEING CONDUCTED. A land-disturbing activity has been initiated and permanent stabilization of the site has not been completed.

BERM, EROSION CONTROL. A mound of material and/or ditch, the purpose of which is to divert the flow of run-off water.

BORROW. Fill material which is required for on-site construction and is obtained from other locations.

BUFFER. An area of land planted or constructed to separate uses.

BUFFER ZONE. The strip of land adjacent to a lake or natural watercourse.

COMMISSION. The North Carolina Sedimentation Control Commission.

COMPLETION OF CONSTRUCTION OR DEVELOPMENT. No further land-disturbing activity is required on a phase of a project except that which is necessary for establishing a permanent ground cover.

DEPARTMENT. The North Carolina Department of Environment and Natural Resources.

DIRECTOR. The Director of the Division of Energy Mineral and Land Resources of the Department of Environment and Natural Resources.

DISCHARGE POINT. That point at which storm water runoff leaves a tract of land.

DISTRICT. The Guilford Soil and Water Conservation District created pursuant to NCGS 139.

ENERGY DISSIPATOR. A structure or shaped channel section with mechanical armoring placed at the outlet pipes or conduits to receive and break down the energy from high velocity flow.

EROSION. The wearing away of land surfaces by the action of wind, water, gravity, or any combination thereof.

EROSION, ACCELERATED. Any increase over the rate of natural erosion as a result of land-disturbing activities.

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EROSION CONTROL MEASURE, STRUCTURE OR DEVICE, ADEQUATE. A device which controls the soil material within the land area under responsible control of the person conducting the land-disturbing activity.

EROSION, NATURAL. The wearing away of the earth's surface by water, wind, or other natural agents under natural environmental conditions undisturbed by man.

FACILITIES, STORM DRAINAGE. The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey storm water through and from a given drainage area.

GRADING. Any operation or occurrence by which the existing site elevations are changed, or where any ground cover, natural or man-made, is removed, or any buildings or other structures are removed, or any watercourse or body of water, either natural or man-made, is relocated on any site, thereby creating an unprotected area. The term "grading" is interchangeable with "land-disturbing activity".

GRADING, PHASE OF. One (1) of the two (2) types of grading: rough or fine.

GROUND COVER. Any natural vegetative growth, masonry, paving, riprap, or other material which renders the soil surface stable against accelerated erosion.

HIGH QUALITY WATERS. Those classified as such in 15A NCAC 2B.0101(e)(5) General Procedures, which is incorporated herein by reference to include further amendments pursuant to NCGS 150B-14(c).

HIGH QUALITY WATER (HQW) ZONES. Areas in the coastal counties that are within five hundred seventy-five (575) feet of High-Quality Waters and, for the remainder of the state, areas that are within one (1) mile and drain into HQW's.

LAKE or NATURAL WATERCOURSE. Any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

LAND-DISTURBING ACTIVITY. Any use of the land by any person or persons in residential, industrial, educational, institutional, or commercial development, highway or road construction or maintenance, that results in a change in natural cover or topography that may cause or contribute to sedimentation.

LOCAL GOVERNMENT. Any county, incorporated village, town or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of the Act.

PARENT. An affiliate that directly, or indirectly through one or more intermediaries, controls another person.

PERSON. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, interstate body, or other legal entity.

PERSON CONDUCTING LAND DISTURBING ACTIVITY. Any person who may be held responsible for a violation unless expressly provided otherwise by this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.

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PERSON RESPONSIBLE FOR LAND DISTURBING VIOLATION. As used in this Ordinance, and NCGS 113A-64, a developer or other person who has or holds himself out as having financial or operational control over the land-disturbing activity; or the landowner or person in possession or control of the land that has directly or indirectly allowed the land-disturbing activity or has benefitted from it, or failed to comply with a duty imposed by any provision of this Ordinance, the Act, or any order adopted pursuant to this Ordinance or the Act.

PLAN. An erosion and sedimentation control plan.

PLAN, GRADING. The graphic plan, including narrative where appropriate, required by this Ordinance as a prerequisite for a grading permit, the purpose of which is to explain existing conditions and proposed grading of land including any development, and to describe the activities and measures to be undertaken to control accelerated soil erosion and sedimentation.

PROTECTED AREA. Any ground surface area having established cover, artificial or natural, of such density that not more than twenty (20) percent of the soil surface of any square yard of surface is exposed to the physical forces of meteorological elements.

SEDIMENT. Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

SEDIMENTATION. The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity, or into a lake or natural watercourse.

SILTATION. Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity, and which has been deposited, or is in suspension in water.

SITE or TRACT. All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

STORM, TEN-YEAR. The storm water runoff resulting from precipitation of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STORM, **TWENTY-FIVE-YEAR.** The storm water runoff resulting from precipitation of an intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

STORM WATER RUNOFF. The surface flow of water resulting from precipitation in any form and occurring immediately after rainfall or melting.

SUBSIDIARY. An affiliate that is directly, or indirectly through one or more intermediaries, controlled by another person.

UNCOVERED. The removal of ground cover from, on, or above the soil surface.

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UNDERTAKEN. The initiating of any activity, or phase of activity, which results or will result in a change in the ground cover or topography of a tract of land.

VELOCITY. The average velocity of flow through the cross-section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

WASTE. Surplus materials resulting from on-site land-disturbing activities and being disposed of at other locations.

WORKING DAYS. Days exclusive of Saturday and Sunday during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.

FARM & AGRICULTURE

BONA FIDE FARM. Bona Fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture.

Agriculture includes but is not limited to the production, harvesting, cultivation of crops, fruits, vegetables, ornamental/flowering plants, shrubs, the planting and production of trees and timber, the operation, management, raising, care, and training of dairy, livestock, poultry, bees, horses, and aquaculture, and grain warehouse operations where grain is held 10 days or longer as well as any associated structure or building related to the agriculture operation. When performed on the Bona Fide farm, agriculture also includes the marketing and selling of agricultural products, agritourism, packing, treating, processing, sorting, storage and other activities performed to add value to agricultural items produced on the farm.

For purposes of determining whether a property is being used for Bona Fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for Bona Fide farm purposes (the burden of proof lies with the owner of the subject property or a designated agent):

- A farm sales tax exemption certificate issued by the Department of Revenue.
- A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.
- A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- A forest management plan.

A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a) or (ii) is enrolled in the present-use value program pursuant to G.S. 105-277.3. Failure to maintain these requirements for a period of three years after the date the building or structure was originally classified as a bona fide purpose pursuant to this subdivision shall subject the building or structure to applicable

zoning and development regulation ordinances adopted by the county. For purposes of this section, "agritourism" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting

FARM BUILDING. A structure meeting the definition of a Farm Building, Greenhouse, Primitive Camp, or Primitive Farm Building as defined by NCGS 143-138:

- A Farm Building shall include any structure used or associated with equine activities, including, but not limited to, the care, management, boarding, or training of horses and the instruction and training of riders. Structures that are associated with equine activities include, but are not limited to, free standing or attached sheds, barns, or other structures that are utilized to store any equipment, tools, commodities, or other items that are maintained or used in conjunction with equine activities. The specific types of equine activities, structures, and uses set forth in this subdivision are for illustrative purposes, and should not be construed to limit, in any manner, the types of activities, structures, or uses that may be considered under this subsection as exempted from building rules. A Farm Building that might otherwise qualify for exemption from building rules shall remain subject only to an annual safety inspection by the county building inspection department of any grandstand, bleachers, or other spectator-seating structures in the Farm Building. An annual safety inspection shall include an evaluation of the overall safety of spectator-seating structures as well as ensuring the spectator-seating structure's compliance with any building codes related to the construction of spectator-seating structures in effect at the time of the construction of the spectator seating.
- A Greenhouse is a structure that has a glass or plastic roof, has one or more glass or plastic walls, has an area over ninety-five (95%) percent of which is used to grow or cultivate plants, is built in accordance with the National Greenhouse Manufacturers Association Structural Design manual, and is not used for retail sales.
- A Farm Building shall include any structure used for the display and sale of produce, no more than one thousand (1,000) square feet in size, open to the public for no more than one hundred and eighty (180) days per year, and certified by the Department of Agriculture and Consumer Services as a Certified Roadside Farm Market.
- A Primitive Camp shall include any structure primarily used or associated with outdoor camping activities, including structures used for educational, instructional, or recreational purposes for campers and for management training, that are 1) not greater than four thousand (4,000) square feet in size and 2) are not intended to be occupied for more than twenty-four (24) hours consecutively. "Structures primarily used or associated with outdoor camping activities" include, but are not limited to, shelters, tree stands, outhouses, sheds, rustic cabins, campfire shelters, picnic shelters, tents, tepees or other indigenous huts, support buildings used only for

administrative functions and not for activities involving campers or program participants, and any other structures that are utilized to store any equipment, tools, commodities, or other items that are maintained or used in conjunction with outdoor camping activities such as hiking, fishing, hunting, or nature appreciation, regardless of material used for construction. The specific types of primitive camping activities, structures, and uses set forth in this subdivision are for illustrative purposes and should not be construed to limit, in any manner, the types of activities, structures, or uses that are exempted from building rules.

- A Primitive Farm Building shall include any structure used for activities, instruction, training, or reenactment of traditional or heritage farming practices. "Primitive Farm Buildings" include, but are not limited to, sheds, barns, outhouses, doghouses, or other structures that are utilized to store any equipment, tools, commodities, livestock, or other items supporting farm management. These specific types of farming activities, structures, and uses set forth by this subdivision are for illustrative purposes and should not be construed to limit in any manner the types of activities, structures, or uses that are exempted from building rules.
- A Farm Building shall not lose its status as a Farm Building because it is used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

FLOOD DAMAGE PREVENTION

ADDITION (TO AN EXISTING BUILDING). An extension or increase in the floor area or height of a building or structure.

ADMINISTRATOR, FLOODPLAIN. The individual appointed to administer and enforce the floodplain management regulations.

APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provision of this Ordinance. (This definition applies only with respect to flood hazard regulations.)

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides. (This definition applies only with respect to flood hazard regulations.)

BASE FLOOD. The flood having a one (1%) percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE). A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

ELEVATED BUILDING. A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

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ENCROACHMENT. The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain. (This definition applies only with respect to flood hazard regulations.)

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community.

FACILITY, CHEMICAL STORAGE. A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE. The insurance coverage provided under the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

FLOOD INSURANCE STUDY (FIS). An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

FLOODPLAIN. Any land area susceptible to being inundated by water from any source.

FLOODPLAIN DEVELOPMENT PERMIT. Any type of permit that is required in conformance with the provisions of this Ordinance, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS. This Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOODPROOFING. Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOOD ZONE. A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FREEBOARD. The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater that the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

HIGHEST ADJACENT GRADE (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

LOWEST ADJACENT GRADE (LAG). The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

LOWEST FLOOR. Lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". (This definition applies only with respect to flood hazard regulations.)

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale. (This definition applies only with respect to flood hazard regulations.)

MARKET VALUE. The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal;

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replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

MEAN SEA LEVEL. For purposes of this Ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures. (This definition applies only with respect to flood hazard regulations.)

NON-ENCROACHMENT AREA. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

POST-FIRM. Construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

PRE-FIRM. Construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

PRINCIPALLY ABOVE GROUND. That at least fifty-one (51%) percent of the actual cash value of the structure is above ground.

RECREATIONAL VEHICLE (RV). A vehicle, which is:

- Built on a single chassis.
- Four hundred (400) square feet or less when measured at the largest horizontal projection.
- Designed to be self-propelled or permanently towable by a light duty truck.
- Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

REFERENCE LEVEL. The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, or A99.

REGULATORY FLOOD PROTECTION ELEVATION. The "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of Freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

REMEDY A VIOLATION. To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected

development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development. (This definition applies only with respect to flood hazard regulations.)

RIVERINE. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA (SFHA). The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, as determined in Section 7-5.3(B) of this Ordinance.

START OF CONSTRUCTION. Substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building. (This definition applies only with respect to flood hazard regulations.)

STRUCTURE. A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground. (This definition applies only with respect to flood hazard regulations.)

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25%) percent of the market value of the structure before the damage occurred. (This definition applies only with respect to flood hazard regulations.)

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one (1)-year period for which the cost equals or exceeds fifty (50%) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(This definition applies only with respect to flood hazard regulations.)

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 3-3.5 and 7-5.8 is presumed to be in violation until such time as that documentation is provided. (This definition applies only with respect to flood hazard regulations.)

WATER SURFACE ELEVATION (WSE). The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

GENERAL

ADDRESS. The official street number assigned by the Jurisdiction for a specific lot, building or portion thereof.

AIRPORT AND FLYING FIELD, COMMERCIAL (principal use). A public or private establishment engaged in operating and maintaining, as a permitted principal use, a general aviation airport or flying field. Such establishment may also service aircraft and provide minor aircraft repair and maintenance; provide aircraft storage and hangar facilities; and furnish coordinated handling services for air freight or passengers.

ASSEMBLY. A joining together of completely fabricated parts to create a finished product.

ATHLETIC FIELD. Outdoor sites, often requiring equipment, designed for formal athletic competition in field sports (e.g. softball, soccer, football).

AUTO TOWING AND STORAGE SERVICES. A person that provides open storage, disassembling, or salvaging for more than two (2) junked motor vehicles.

AUTOMOBILE REPAIR SERVICES, MAJOR. An establishment primarily engaged in one (1) or more of the following activities: 1) general repair or service, 2) engine repair, 3) installation or repair of transmissions, 4) installation or repair of automotive glass, 5) installation or repair or exhaust systems, 6) repair of tops, bodies and interiors, and 7) automotive painting and refinishing.

AUTOMOTIVE REPAIR SERVICES, MINOR. An establishment primarily engaged in one (1) or more of the following activities: 1) diagnostic service and tune-ups, 2) installation or repair of air-conditioners,

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brakes, carburetors, electrical systems, fuel systems, generators, starters, and radiators, 3) lubricating service, and 4) front end and wheel alignment.

BASEMENT. A story of a building or structure having one-half (½) or more of its clear height below grade.

BED AND BREAKFAST HOMES (UP TO 8 ROOMS). A private home containing not more than 8 guest rooms that offers bed and breakfast accommodations to guests.

BLOCK. The land lying within an area bounded on all sides by streets.

BOARDING HOUSE. A dwelling or part thereof, in which lodging is provided by the owner or operator to more three (3) or more boarders.

CALIPER INCHES. Quantity in inches of the diameter of trees measured at six (6) inches above the ground for trees four (4) inches or less in trunk diameter and twelve (12) inches above the ground for trees over four (4) inches in trunk diameter.

CERTIFICATE OF APPROPRIATENESS (COA). A statement issued by the County which states that the work proposed by the applicant is consistent with the architectural and historic guidelines for the historic district in which the property is located.

CERTIFICATE OF OCCUPANCY (CO). A statement, signed by the Administrator, setting forth either that a building or structure complies with the provisions of this Ordinance, or that building, structure, or parcel of land may lawfully be employed for specified uses, or both.

CHILD CARE. The law defines Child Care (G.S. § 110-86) as a program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

COLLEGE/UNIVERSITY. Junior colleges, colleges, universities, and professional schools with physical structures (excluding online and remote programs). These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels in a campus setting in more than one building.

COMMON AREA(S). All areas, including private streets, conveyed to an owners' association within a development, or owned on a proportional undivided basis in a condominium development.

COMMUNITY SEWAGE TREATMENT SYSTEM. A sewage treatment system designed to treat waste water from, three (3) or more dwelling units, more than one (1) principal nonresidential use, or a Group Development. A Community Sewage Treatment System is not public sewer or a utility under the terms of this Ordinance.

COMMUNITY/SOCIAL SERVICES AGENCY. Facilities designed to promote cultural advancement and serve the community such as occasional live theater, dance, or music establishments; art galleries,

studios and museums; non-profit civic or fraternal organizations; museums, exhibition, or similar facility; and libraries.

COMMUNITY WELL SYSTEM. A system that supplies ground water to twenty-five (25) or more persons or has fifteen (15) or more connections. A Community Well System is not public water or a utility under the terms of this Ordinance.

COMPREHENSIVE PLAN. The comprehensive plan, land-use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, and any other plans regarding land use and development that have been officially adopted by the governing board.

CONGREGATE CARE FACILITY. A facility providing shelter and services for ambulatory individuals at least fifty-five (55) years of age, who by reason of their age, functional impairment, or infirmity may require meals, housekeeping, and personal care assistance. Congregate care facilities do not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

CORRECTIONAL INSTITUTION. Government establishments generally designed for the confinement, correction, and rehabilitation of offenders sentenced by a court.

COUNTY. Refers to Guilford County, North Carolina.

CRITICAL ROOT ZONE. The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree's trunk to the furthest point of the crown dripline.

DENSITY CREDIT. The potential for the development or subdivision of part or all of a parcel of real property, as permitted under the terms of this Ordinance, expressed in dwelling unit equivalents or other measures, or development density or intensity, or a fraction or multiple of that potential that may be transferred to other portions of the same parcel, or to contiguous land that is part of a common development plan.

DEVELOPER. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

DEVELOPMENT, DENSITY OF. The density of development shall be determined using a gross acreage system. The total area of the tract, including areas to be used for new streets, rights-of-way, drives, parking, structures, recreation areas, dedicated areas, and required setbacks, shall be used for density calculations.

DORMITORY, PRIVATE. A multiple unit residential accommodation which is established directly or indirectly in association with a college, business college, trade school or university, for the purpose of housing students registered and attending such an institution. A private dormitory may contain food preparation and eating facilities primarily for the use of its occupants.

DOWNZONING. A zoning change that affects an area of land in one of the following ways: 1) By decreasing the development density of the land to be less dense than was allowed under its previous

usage. 2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

DRIPLINE. A vertical line extending from the outermost portion of a tree's canopy to the ground.

EQUIPMENT REPAIR/RENTAL, HEAVY. Establishments which may have showrooms or open lots for selling, renting or leasing heavy equipment such as buses, trucks, manufactured homes, construction equipment, or boats or marine craft.

EQUIPMENT REPAIR/RENTAL, LIGHT. The repair and/or rental of small equipment as a primary use including televisions, computers, cleaning equipment, vacuum cleaners, and other equipment that can be transported by automobile, small truck/van.

ESTABLISHMENTS OR USES, ADULT-ORIENTED. An adult arcade, adult bookstore or adult video store, adult cabaret, adult massage parlor, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or any combination, or any combination of the foregoing or any like or similar use as same are defined in Section 11-39, Guilford County Code, entitled "Ordinance Regulating Adult-Oriented Establishments," as amended.

FACILITY, AGRICULTURAL TOURISM. An Agricultural use where agricultural products are processed blended, made, stored, sold at wholesale or retail for consumption off or on the premises that offers tours to the public and provides samples and/or sales of agricultural products. A minor facility includes the production and sales of the product and offers tours. A major facility includes the uses listed above plus restaurants, tourist homes, outdoor event or activity/centers, or similar uses that will enhance the over-all property in relation to tourism and is subject to issuance of a special use permit.

FACILITY, GROUP CARE. A facility licensed by the State of North Carolina (by whatever name it is called, other than "Family Care Home" as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment for not more than thirty (30) people.

FAMILY. One (1) or more persons occupying a dwelling unit and living as a single household.

FAMILY CARE HOME (G.S. § 131D-2.1). An adult care home having two to six residents. The structure of a family care home may be no more than two stories high, and none of the aged or physically disabled persons being served there may be housed in the upper story without provision for two direct exterior ground-level accesses to the upper story.

FENCE. A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material, used as a boundary or means of protection or confinement, but not including a hedge or other vegetation.

FLOOR AREA, GROSS (GFA). The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

GARDEN CENTER OR RETAIL NURSERY. Industries in the nursery and garden center subsector grow crops mainly for commercial food and fiber. The subsector comprises establishments, such as farms, orchards, groves, greenhouses, and nurseries, which are primarily engaged in the commercial production of crops, plants, vines, or trees and their seeds.

GRADE, FINISHED. The final elevation of the ground surface after development.

GRADE, NATURAL. The elevation of the ground surface in its natural state before man-made alterations.

GREENWAY. Public open space owned and maintained by the local government which has been designated on an officially adopted greenway plan.

GROUP DEVELOPMENT. A development in which, in lieu of division of a tract of land into separate lots of record for separate principal buildings, a tract of land is divided into two (2) or more principal building sites such as shopping centers, multi-family complexes, mobile home parks, etc. for the purpose of building development (whether immediate or future), and occupancy by separate families, firms, businesses, or other enterprises.

HISTORIC STRUCTURE. Any structure that is: 1) listed individually in the National Register of Historic Places (a listing maintained by the US Secretary of Interior), or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; 2) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a National Register historic district, or a district preliminarily determined by the Secretary of Interior to qualify as a National Register historic district; 3) individually listed on a state inventory of historic places; 4) individually listed on a local inventory of historic places in communities with Certified Local Government preservation programs as determined by the Secretary of Interior..

HOME OCCUPATION. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.

JUNK/SALVAGE YARD. Any land or area used, in whole or in part, for the storage, keeping, or accumulation of material, including scrap metals, waste paper, rags, or other scrap materials, or used building materials, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

LANDFILL, BENEFICIAL FILL AREA. A disposal site that meets all of the following conditions:

1. The fill material consists only of inert debris strictly limited to concrete, unpainted brick, concrete block, uncontaminated soil, rock, and gravel.
2. The fill activity involves no excavation.
3. The fill activity will cover two (2) acres or less and be in operation one (1) year or less;
4. The purpose of the fill activity is to improve land use potential or other approved beneficial reuses.

5. Any disposal site not meeting all the requirements listed above shall be considered a Land Clearing and Inert Debris (LCID) Landfill.

LANDFILL, CONSTRUCTION OR DEMOLITION DEBRIS (C-D) (MAJOR). A disposal site, other than a Minor Construction or Demolition Landfill, for solid waste resulting from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, and which complies with all Sanitary Landfill requirements of Section 15.5-5 of the Guilford County Code and with all zoning and Special Use Permit requirements of this Ordinance.

LANDFILL, CONSTRUCTION OR DEMOLITION DEBRIS (C-D) (MINOR). A disposal site for solid waste that meets the following criteria:

1. The waste results solely from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures located on the same property and under the same ownership, and does not include inert debris, land-clearing, or yard trash.
2. The disposal site must be one (1) acre or less.

LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID) (MAJOR). A disposal site other than a Minor Land Clearing and Inert Debris Landfill as defined in this Ordinance for stumps, limbs, leaves, concrete, concrete block, unpainted brick, uncontaminated soil. Disposal of any other types of wastes must be approved by the State Division of Solid Waste Management.

LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID) (MINOR). A disposal site that meets all of the following conditions:

1. The fill material consists of debris strictly limited to concrete, unpainted brick, concrete block, uncontaminated soil, rock, gravel, limbs, leaves, and stumps. Disposal of any other types of wastes must be approved by the State Division of Solid Waste Management.
2. The fill activity will cover two (2) acres or less, be in operation three (3) years or less, provided that the Planning Board may upon request grant one (1) or more three-year renewals, and have direct access to a state maintained paved road, provided that the Planning Board may grant a waiver to the paving requirement upon reasonable conditions.

Any disposal site not meeting all the requirements listed above shall be considered a Major Land Clearing and Inert Debris (LCID) Landfill.

LANDFILL, SANITARY/SOLID WASTE. A site for solid waste disposal from residential, industrial or commercial activities.

LOT, NONCONFORMING . A Lot of Record that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

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MANUFACTURING, LIGHT. The use of an establishment in assembly, processing, packaging, or finishing activities, in the course of any trade or business other than agriculture, that that are carried on without an unreasonable detrimental effect of noise, vibration, smell, fumes, smoke, ash, or dust onto the surrounding community. This is intended to function as a transitional use between the more intense general manufacturing and industrial uses and other less intense uses. Uses related to research and development, including laboratories and other facilities for basic or applied research and development, pilot plants, prototype production facilities, manufacturing uses with a high degree of scientific input, and facilities for organizations or associations that promote research. This includes the fields of biology, chemistry, electronics, engineering, geology, medicine, and physics.

MANUFACTURING, HEAVY. The use of an establishment in the mechanical or chemical transformation of materials or substances into new products, in the course of any trade or business other than agriculture, such as creation of products, assembly and blending of materials, manufacturing of large items, and processing. Such establishments may include hazardous operations and the use of combustible materials. Materials utilized in such establishments include, but are not limited to oils, plastics, resins, or liquors.

MIXED DEVELOPMENT. A mixture of residential and permitted office and/or commercial uses.

MOTOR VEHICLE. Any machine designed or intended to travel over land or water by self-propulsion or while attached to self-propelled vehicle (G.S. § 153A-132).

MOTOR VEHICLE, ABANDONED (G.S. § 153A-132) is one that:

a) Is left on public grounds or county-owned property in violation of a law or ordinance prohibiting parking; or
b) Is left for longer than 24 hours on property owned or operated by the county; or
c) Is left for longer than two hours on private property without the consent of the owner, occupant, or lessee of the property; or
d) Is left for longer than seven days on public grounds.

MOTOR VEHICLE, JUNKED (G.S. § 153A-132) is an abandoned motor vehicle that also:

a) Is partially dismantled or wrecked; or
b) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
c) Is more than five years old and appears to be worth less than One Hundred Dollars ($100.00); or
d) Does not display a current license plate.

NONCONFORMING. A lot, structure, sign, or use of land, which is now prohibited under the terms of this Ordinance, but was lawful at the date of this Ordinance's enactment, or any amendment or revision thereto.

NURSING AND CONVALESCENT HOME. An establishment which provides full-time convalescent or chronic care, or both, to persons who are not related by blood or marriage to the operator, or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

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ON-SITE SEWAGE TREATMENT SYSTEM. A sewage treatment system designed to serve a maximum of two (2) dwelling units or a principal permitted use where the system and dwelling unit(s) or use are located on the same zone lot.

OFF-SITE SEWAGE TREATMENT SYSTEM. A sewage treatment system designed to serve a maximum of two (2) dwelling units or a principal permitted use where the system is on a separate Special Purpose Lot from the dwelling unit(s) or use.

OPEN SPACE. Any area of a development that allow for light, air, wildlife habitat, and for scenic and recreational use. Also included are areas designed to enhance the privacy or general appearance of a development. Private open space is open space that is owned by a corporation, individual, or property owners' association. Public open space is open space owned by a governmental jurisdiction.

OWNER. A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

PERSON. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, or public or private institution, utility, cooperative, interstate body, the State of North Carolina and its agencies and political subdivisions, or other legal entity.

PERSONAL SERVICES. An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include; laundry and dry-cleaning drop-off establishments; photographic studios; mailing or packing service, photocopy and blueprint services; hair, tanning, and personal care services; psychics and mediums; martial arts schools; dance or music classes.

PLANNED UNIT DEVELOPMENT (PUD). An area of land under unified ownership or control to be developed and improved as a single entity under a Unified Development Plan in accordance with and subject to the requirements of this Ordinance.

PLAT. A surveyed map or plan of a parcel of land which is to be, or has been, subdivided.

PLAT, FINAL. The final map of all or a portion of a subdivision or site which is presented for final approval for purpose of recording in the register of deed.

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

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.

RECREATIONAL VEHICLE PARK. Any site or tract of land, of contiguous ownership, upon which fifteen (15) or more recreational vehicles or tent spaces are provided for occupancy according to the requirements set forth in this Ordinance.

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RECREATIONAL VEHICLE SPACE. A plot of land within a recreational vehicle park designed for the accommodation of one (1) recreational vehicle in accordance with the requirements set forth in this Ordinance.

RECYCLING FACILITY. A facility used for collection and processing of recyclable materials. Processing means the preparation of materials for efficient shipments, or to an end-user's specification, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, and cleaning.

RESERVATION. An obligation shown on a plat or site plan to keep property free from development and available for public acquisition for a stated period of time. It is not a dedication or conveyance.

ROOF LINE. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

SEWER, PRIVATE. A system which provides for collection and/or treatment of wastewater from a development, or property, and which is not maintained with public funds.

SEWER, PUBLIC. A system which provides for the collection and treatment of sanitary sewage from more than one (1) property and is owned and operated by a government organization or sanitary district.

SITE PLAN. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

SLOPE. An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance, commonly expressed as "two to one", (2:1), and "one and one-half to one", (1.5:1) etc.

SOIL SCIENTIST. A Soil Scientist certified and licensed by the State of North Carolina under NCGS 89F.

SOLAR COLLECTOR (ACCESSORY). A device or structure for which the primary purpose is to transform solar radiant energy into another source for direct power consumption and interconnection with the power grid to offset energy consumption of a principal use.

SOLAR COLLECTOR (PRINCIPAL): A device or structure for which the primary purpose is to transform solar radiant energy into another source of energy for interconnection with the power grid to permit offsite energy consumption (Solar Farm).

SOLID WASTE. Garbage, trash, refuse and other discarded solid materials.

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STUDIO (ARTIST & RECORDING). Small facilities for individual and group instruction and training in areas such as the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and aerobics and gymnastics studios with no other fitness facilities or equipment.

SUBDIVIDER. Any person who subdivides land.

SUBDIVISION. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future), and includes all division of land involving the dedication of a new street or a change in existing streets.

SUBDIVISION, MAJOR. A subdivision involving more than five (5) lots.

SUBDIVISION, MINOR. A subdivision involving not more than five (5) lots, not requiring extension of public sewer or water line.

SWIMMING POOL. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches designed, used, and maintained for swimming and bathing.

SWIMMING POOL, NONPERMANENT. A swimming pool that is so constructed that it may be readily disassembled for storage and reassembled to its original integrity.

STRUCTURE, NONCONFORMING . A structure that does not conform to the requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

TATTOO PARLOR. An establishment whose principle business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: 1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, 2) using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin.

TENANT. Any person who alone, or jointly, or severally with others, or occupies a building under a lease or holds a legal tenancy.

TRACT. All contiguous land and bodies of water in one (1) ownership, or contiguous land and bodies of water in diverse ownership, being developed as a unit, although not necessarily all at one time.

TREE, CANOPY. A species of tree which normally grows to a mature height of forty (40) feet or more with a minimum mature crown width of thirty (30) feet.

TREE, UNDERSTORY. A species of tree which normally grows to a mature height of fifteen (15) to thirty-five (35) feet in height.

USE. The purpose or activity for which land or structures is designed, arranged or intended, or for which land or structures are occupied or maintained.

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USE(S), ACCESSORY(). A use that: 1) is subordinate to and serves a principal building or a principal use; 2) is subordinate in area, extent, or purpose to the principal building or principal use served; 3) contributes to the comfort, convenience, or necessity of occupants in the principal building or principal use served; and 4) is located on the same lot as the principal building or use served.

USE, MIXED. Occupancy of building or land by more than one (1) use.

USE, NONCONFORMING. A use which once was a permitted use on a parcel of land or within a structure, but which is not now a permitted use. The nonconformity may result from the adoption of this Ordinance, or any subsequent amendment.

USE(S), PRINCIPAL. The primary purpose or function that a vacant lot or structure serves or is proposed to serve.

UTILITY EQUIPMENT & STORAGE YARD. The storage of various materials outside of a structure, as a principal use. This includes salvage yards used for the storage and/or collection of any type of equipment.

UTILITY, MAJOR. Infrastructure services providing regional or community-wide service that normally entail the construction of new buildings or structures such as water towers, waste treatment plants, potable water treatment plants, and electrical substations.

UTILITY, MINOR. Infrastructure services that need to be located in or near the neighborhood or use type where the service is provided. Examples of Minor Utilities include water and sewage pump stations, storm water retention and detention facilities, telephone exchanges, and surface transportation stops such as bus stops and park-and-ride facilities.

VARIANCE. An application reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with this ordinance.

VOCATIONAL/TECHNICAL. A public or private institution for education or learning including athletic or recreational facilities, which does not include lodging. These schools offer vocational and technical training in a variety of technical subjects and trades. Training may lead to job-specific certification.

WAIVER. Official permission as described in this ordinance from the Planning and Development Services Director or the Technical Review Committee to depart from the requirements of this Ordinance.

WATER, PRIVATE. A system which provides for the supply and/or distribution of potable water for use by a development, project, or owner, but which is not operated or maintained by a government organization or utility district.

WATER, PUBLIC. A system which provides distribution of potable water for more than one (1) property and is owned and operated by a government organization or utility district.

WAREHOUSE (GENERAL STORAGE, ENCLOSED). Facilities for the storage of goods and materials of any nature. Includes cold storage. Does not include storage, or mini-storage facilities offered for rent or

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lease to the general public; or warehouse facilities primarily used for wholesaling and distribution; or terminal facilities for handling freight.

WAREHOUSE (SELF-SERVICE). A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

WORK OF ART. A piece of creative work in the arts, especially a painting or sculpture that gives aesthetic pleasure and that can be judged separately from any utilitarian considerations.

ZONING DISTRICT. A geographic area of land designated on the Official Zoning Map and subject to uniform land use regulations related to uses, density, or other similar attributes.

ZONING VESTED RIGHT. The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-108 or under common law.

HAZARDOUS WASTE

DISPOSAL (OF HAZARDOUS OR TOXIC SUBSTANCE(S)). The destruction, discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous waste or toxic substance into or on any air, land, or water.

DISPOSAL FACILITY. A facility or part of a facility at which hazardous waste or toxic substance is intentionally placed into or on any land or water, and at which hazardous waste or toxic substance will remain after closure.

HAZARDOUS WASTE GENERATOR. Any person whose act or process produces hazardous waste or toxic substance identified or listed in Part 261 of the North Carolina Hazardous Waste Management Rules, or whose act first causes a hazardous waste or toxic substance to become subject to regulation, provided that "generator" does not include a facility which accepts hazardous waste or toxic substances for the purpose of treatment, storage, or disposal, and in that process creates a different hazardous waste or toxic substance.

HAZARDOUS OR TOXIC SUBSTANCE. Any solid waste as defined in NCGS 130A-290(18), or any substance regulated under the Federal Toxic Substance Control Act of 1976, (PL 94-476), as amended from time to time, which because of its quantity, concentration, or physical chemical or infectious characteristic(s) may: 1) cause or significantly contribute to an increase in serious irreversible or incapacitating illness, or; 2) pose a substantial present or potential threat to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HAZARDOUS WASTE LONG-TERM STORAGE FACILITY. Any facility or any portion of a facility constructed for storage of the residuals of the treatment of hazardous waste, on or in land.

HAZARDOUS WASTE MANAGEMENT. The systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous wastes.

HAZARDOUS WASTE TREATMENT FACILITY. A facility which is established and operated for the recovery, recycling, treatment, storage during collection and prior to treatment, short-term storage

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after treatment, collection, processing, volume reduction, source separation, or transportation used exclusively in connection with the facility, of hazardous waste; and which facility includes several of the following equipment and processes: incinerators, rotary kilns, drum handling, washing and crushing facilities, raw waste tank storage, reduction, neutralization, detoxification, wastewater treatment facilities, including settling systems, aerobic digesters, anaerobic digesters, clarifiers, neutralization facilities, solidifying facilities, evaporators, reactions to facilitate "reuse" or recycling, analytical capabilities, and other similar appropriate technologies, activities and processes as may now exist or be developed in the future.

LONG-TERM RETRIEVABLE STORAGE OF HAZARDOUS WASTE. The storage in closed containers in facilities (either above or below ground) with adequate lights; impervious cement floors; strong visible shelves or platforms; passageways to allow inspection at any time; adequate ventilation if underground or in closed buildings; protection from the weather; accessible to monitoring with signs on both individual containers and sections of storage facilities; and adequate safety and security precautions for facility personnel, inspectors and invited or permitted members of the community.

HISTORIC DISTRICTS

CERTIFICATE OF APPROPRIATENESS (COA). A form of approval for changes to the exterior of a property within a locally designated historic district.

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.

STRUCTURE, CONTRIBUTING. A structure listed as historically and architecturally significant in the design guidelines for 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 by the HPC staff.

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 by the Historic Preservation Commission.

LIGHTING

CUT-OFF FIXTURE. An out-door lighting fixture that directs light where it is needed below the Horizontal Plane of the fixture (twenty-five (25) candelas per one thousand (1,000) lamp lumens at or above 90°… 2.5% above 90°).

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FOOT-CANDLE. A unit of measure of the intensity of light falling on a surface equal to one lumen per square foot**.**

FULLY SHIELDED FIXTURE. A fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal Plane of the fixture.

GLARE. The effect produced within the visual field by a light source that is significantly brighter than the level to which the eyes are adapted, causing annoyance, discomfort, or loss of visual performance and ability.

LUMEN. A quantitative unit measuring the amount of light emitted by a light source.

PHOTOMETRIC PLAN. A plan submitted as part of a site plan that illustrated the *measurement of the site's intensity of light or of relative illuminating power.*

LOT AND DIMENSIONS

BUILDABLE OR ZONE LOT. One (1) or more lots of record in one (1) undivided ownership with sufficient total area, exclusive of easements, flood hazards, well and septic tank fields; sufficient dimensions; and access to permit construction thereon of a principal use or building together with its required parking and planting yards.

CORNER LOT. A lot abutting two (2) or more streets at their intersection.

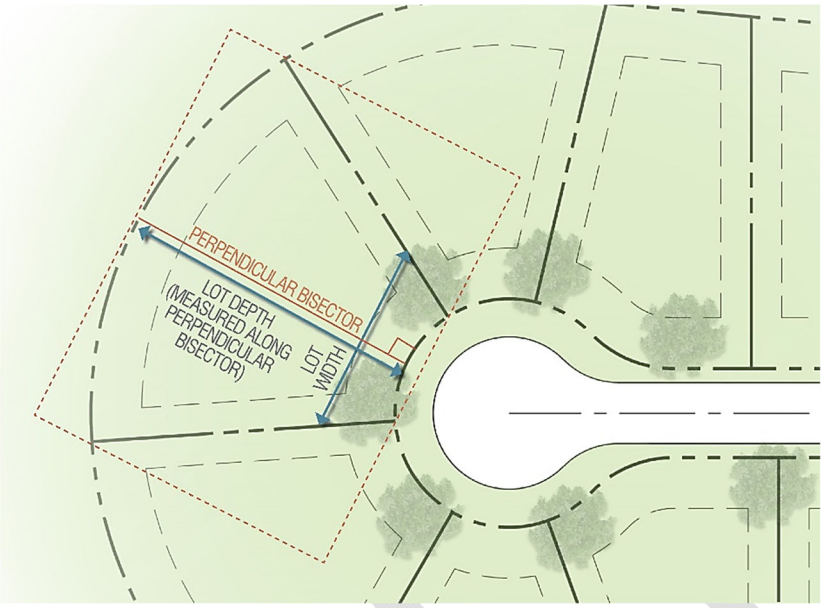
FLAG LOT. A lot, created by a subdivision, with less street frontage than is required by Article IV (Zoning), and composed of a narrow "flagpole" strip extending from the street and a much wider "flag" section lying immediately behind a lot or lots having the required street frontage for a conventional lot. In the case of a flag lot, the lot line at the end of the flag pole lying generally parallel to the street to which the flagpole connects shall be considered to be the front lot line for setback purposes.

LOT. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership, or for development or both. The word "lot" includes "plot", "parcel," or "tract."

LOT COVERAGE. The portion of a lot covered by buildings(s) and/or structure(s).

LOT DEPTH. The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot.

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LOT OF RECORD. A lot, plot, parcel, or tract recorded in the Office of the Register of Deeds in conformance with the ordinance(s) in effect at the time of recordation or before the ordinance was adopted in 1965.

LOT WIDTH. The mean width measured at right angles to the lot depth at the building line.

REVERSE FRONTAGE LOT. A through-lot which is not accessible from one (1) of the parallel or non-intersecting streets upon which it fronts.

THROUGH-LOT. A lot abutting two (2) streets that do not intersect at the corner of the lot.

TOWNHOUSE LOT. A parcel of land intended as a unit for transfer of ownership, and lying underneath, or underneath and around, a townhouse, patio home, or unit in nonresidential group development.

SETBACK. A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line.

SETBACK, INTERIOR. A setback from any property line not alongside a street.

SETBACK, REAR. A setback from an interior property line lying on the opposite side of the lot from the front street setback.

SETBACK, SIDE. Any interior property line setback other than a rear setback.

SETBACK, STREET. Any setback from right-of-way of a street, road, or lane.

SETBACK, ZERO SIDE. An alternate form of dimensional requirements that allows a dwelling unit to have one (1) side setback of zero (0) from a side property line. This definition does not include townhouses.

SIGNS

ANIMATED SIGN. Any sign which flashes, revolves, rotates or swings by mechanical means, or which uses a change of lighting to depict action, or to create a special effect or scene.

ARTICLE 12 - DEFINITIONS

BANNER SIGN. A temporary sign of lightweight fabric or similar material which is rigidly mounted to a pole or a building by a rigid frame at two (2) or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

BILLBOARD. A freestanding sign designed for the display of information and/or advertising and erected as a principal use in accordance with the provisions of this Ordinance.

HISTORICAL OR MEMORIAL MARKER. A sign indicating the name of a building or site and date and incidental information about its construction or historical significance.

CANOPY SIGN. Any sign which is a part of or attached to an awning, canopy or other fabric-like or plastic protective structure which is extended over a door, window, or entranceway. A marquee is not a canopy.

DIRECTIONAL SIGN. Any sign with no commercial message that indicates the direction to churches, hospitals, colleges and similar institutional uses.

ELECTRONIC CHANGEABLE COPY SIGN. A sign on which the copy changes automatically on a lampbank, such that the message or display does not run continuously in the travel mode, and any message or display remains stationary for a minimum or one (1) second on streets where the speed limit is fifty-five (55) miles per hour or greater, or two (2) seconds on streets where the speed limit is less than fifty-five (55) miles per hour. Any sign on which the message or display runs continuously in the travel mode and/or on which any message or display does not remain stationary for a minimum of one (1) second on streets where the speed limit is fifty-five (55) miles per hour or greater, or two (2) seconds on streets where the speed limit is less than fifty-five (55) miles per hour, shall be considered a flashing sign.

FREESTANDING SIGN. Any sign which is an accessory to the principle use on a lot that is supported by structures or supports which are placed on, or anchored in the ground, and which structures or supports are independent from any building or other structure.

GOVERNMENTAL SIGN. Any sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

IDENTIFICATION SIGN. Any sign used to display: the name, address, logo, or other identifying symbol of the individual, family, business, institution, service, or organization occupying the premises; the profession of the occupant; the name of the building on which the sign is attached; or directory information in group developments or buildings with multiple tenants.

INFORMATION BOARD. Signs which display messages in which the copy may be arranged or rearranged by hand.

INSTRUCTIONAL AND WARNING SIGN. Any sign with no commercial message that provides assistance with respect to the premises on which it is maintained, or for the instruction, safety, or convenience of the public such as "entrance", "exit", "one way", "telephone", "parking" and similar information.

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MARQUEE. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN. Any sign attached to, in any manner, or made a part of a marquee.

NONCONFORMING SIGN. Any sign which does not conform to size, height, location, design, construction, or other requirements of this Ordinance. The nonconformity may result from adoption of the Ordinance or any subsequent amendment.

OFF-SITE DIRECTIONAL REAL ESTATE LEAD-IN SIGN. A temporary sign displayed for the purpose of directing to property or development that is being offered for sale, lease or rent which is not erected, affixed or otherwise established on the same lot for the property or development being offered for sale, lease or rent.

PENNANT. Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

PLAYBILL. Any sign announcing entertainment offered, or to be offered, at a business location on the site where the sign is displayed.

PORTABLE SIGN. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to signs: designed to be transported by means of wheels; converted to A- or T-Frames; menu and sandwich board signs; gas or hot-air filled balloons; umbrellas used for advertising; signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day to day operation of the business.

PROJECTING SIGN. Any sign which is end mounted or otherwise attached to an exterior wall of a building which forms an angle with said wall.

ROOF SIGN. Any sign erected and constructed wholly on and over the roof on a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

SIGN. Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, pennants, banners, emblems, trademarks, tradenames, insignias, numerals, figures, design, symbols, fixtures, colors, illumination or projected images, or any other attention directing device.

SIGN OWNER. Any person holding legal title or legal right to occupy or carry on business in a structure or any facility, and shall include each and every person who shall have title to or benefit of a sign, or for whose benefit any type sign is erected or maintained. Where there is more than one (1) owner, as defined, their duties and obligations under this chapter are joint and several, and shall include the responsibility for such sign.

SPECIAL PROMOTION. An advertising activity or circumstance of a business which is not part of its daily activities or normal routine, and in which the display or sale of merchandise, wares, or other tangible

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items is the sole purpose for the promotion. Special promotions include grand openings or closeout sales, but do not include reoccurring sales advertisements or other similar publicity.

SUSPENDED OR PROJECTING SIGN. A sign which is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN. Any sign that is displayed for a limited period of time and is not permanently mounted. This includes yard signs, banners, and windblown signs.

TEMPORARY EVENT SIGN. An activity sponsored by a governmental, charitable, civic, educational, religious, business, or trade organization which is infrequent in occurrence and limited in duration. Examples include arts and crafts shows, athletic events, community festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, outdoor religious events and other similar activities. Such signs are permitted four (4) times annually with thirty (30) days per occurrence. .

VEHICLE SIGN. Any sign on a vehicle which is parked in a location which is visible to the public, and for a period of time which indicates that the principal use of the vehicle is for advertising rather than transport.

WALL SIGN. Any sign attached parallel to, painted on the wall surface of, or erected and confined within the limits of the outside wall, mansard roof structure, penthouse, or parapet of any building or structure, which is supported by such wall, building, or structure, but does not extend vertically above the highest portion of the roof, and which displays only one (1) sign surface.

WARNING SIGN. Any sign with no commercial message that displays information pertinent to the safety or legal responsibilities of the public such as signs warning of high voltage, "no trespassing," and similar directives.

WINDOW SIGN. Any sign, pictures, symbols, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, placed inside a window or upon the window panes or glass and which is visible from the exterior of the window.

STREETS

PUBLIC STREET. A dedicated public right-of-way for vehicular traffic which 1) has been accepted by NCDOT for maintenance; or 2) is not yet accepted, but in which the roadway design and construction have been approved under public standards for vehicular traffic. Alleys are specifically excluded.

STREET RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by a travel way for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

Appendix 1

Appendix 1 – STREET NAME AND ADDRESS ASSIGNMENT STANDARDS

FINAL DRAFT – 9.28.2020

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APPENDIX 1 – STREET NAME AND ADDRESS ASSIGNMENT STANDARDS

A-1 PURPOSE

A. The purpose of the Guilford County Street Name and Address Assignment Standards is to provide for the orderly assignment of street addresses to protect the safety of the general public and to facilitate the finding of individual dwellings and businesses for the delivery of public and private goods and services, including but not limited to timely emergency response.

A-2 AUTHORITY

A. The County Manager shall appoint a person to be the Address Ordinance Administrator. The Address Administrator shall have authority for administration and coordination of this ordinance including enforcement. The Address Administrator will have the overall responsibility to verify, modify or assign addresses and to enforce the requirements of this ordinance, and shall possess discretionary authority permitting minor variances from the provisions of this Ordinance when necessary to ensure public health, safety, and general welfare.

A-3 STREET ADDRESS SYSTEM

A. ESTABLISHMENT OF GRID SYSTEM.

1. *From Greensboro:* Elm Street and Market Street are the base lines used in numbering a street in a north/south or east/west direction. Streets running north and south from Market Street shall be numbered starting with the 100 block. Streets running east and west from Elm Street shall be numbered starting with the 100 block.
2. *From High Point:* Main Street and the Southern Railroad tracks are the base lines used in numbering a street in a north/south or east/west direction. Streets running north and south from the Southern Railroad tracks shall be numbered starting with the 100 block. Streets running east and west from Main Street shall be numbered starting with the 100 block.

B. ODD-EVEN NUMBERS.

1. *From Greensboro:* Going north and south from Elm Street and east and west from Market Street, EVEN addresses will be on the right hand side of the street while ODD addresses will be on the left hand side of the street.
2. *From High Point:* Going north and south from Main Street and east and west from the Southern Railroad tracks, EVEN addresses will be on the right hand side of the street while ODD addresses will be on the left hand side of the street.

C. NUMBERING SYSTEM

1. Primary addresses will consist of up to four (4) numerals, and will be determined by the block in which the property is located. The determination of block length shall be made by the Address Administrator.

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2. Addresses will be established as whole numbers and will not have fractions or decimals of a number.
3. The letters "I" and "O" will not be used in street addresses because of their close appearance to the numbers "1" and "0".
4. Only digits shall be used in the number as opposed to script.

A-4 STREET ADDRESS ASSIGNMENT

A. RESIDENTIAL

1. Single-Family Detached and Townhouse Dwellings: Each unit of property will be assigned a primary address. An accessory dwelling will be assigned a secondary address. The secondary address will include the primary followed by a dash and the letter "A". For example: "1621-A Smith Street" with "1621" being the primary and "A" being the secondary. Townhouses are assigned a primary address for each unit.
2. Multi-Family and Two-Family Dwellings: Apartments, twin homes, duplexes, and condominiums are assigned a primary address for each structure and a secondary address for each dwelling unit. The secondary address for a single-story structure will include the primary followed by a dash and a letter. An example would be "1621-A Smith Street" with "1621" being the primary address and "A" being the secondary address. The secondary address for a multi-story structure on the first floor would include the primary followed by a dash and a letter. An example would be "1621-A". The first unit on the second floor would include the primary followed by a dash, a number and a letter. An example would be "1621-2A"; etc. Internal drives may be required to be named and recorded by plat map in the public registry. Addresses may be assigned from internal drives depending on the size of the complex and subject to Technical Review Committee approval.
3. Mobile Home Parks: Each mobile home within Mobile Home Parks shall be assigned a primary address. Internal drives may be required to be named and recorded by plat map in the public registry. Addresses may be assigned from internal drives depending on the size of the complex and subject to Technical Review Committee approval.

B. COMMERCIAL AND INDUSTRIAL

Office, commercial and industrial buildings are assigned a primary address for each building and a secondary for each tenant space. The secondary address for a single-story structure will include the primary followed by a dash and a letter. An example would be "1621-A Smith Street" with "1621" being the primary address and "A" being the secondary address. The secondary address for a multi-story structure on the first floor would include the primary followed by a dash and a letter. An example would be "1621-A". The first unit on the second floor would include the primary followed by a dash, a number and a letter. An example would be "1621-2A"; etc. Internal drives may be required to be named and recorded by plat map in the public registry. Addresses may be assigned from internal drives depending on the size of the complex and subject to Technical Review Committee approval.

C. PUBLIC AND INSTITUTIONAL.

1. **Schools**
   a. Elementary and Secondary schools generally are assigned one primary address.
   b. College and Universities generally are assigned a primary address for each building. Internal drives may be required to be named and recorded by plat map in the public

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registry. Addresses may be assigned from internal drives depending on the size of the complex and subject to Technical Review Committee approval.

2. **Hospitals**
   a. Hospitals and large medical complexes generally are assigned a primary address for each building. Internal drives may be required to be named and recorded by plat map in the public registry. Addresses may be assigned from internal drives depending on the size of the complex and subject to Technical Review Committee approval.
3. **Parks**
   a. Parks generally are assigned a primary address for each principal activity cluster. Internal signage shall be used for directing traffic, including emergency personnel. Internal drives may be required to be named and recorded by plat map in the public registry. Addresses may be assigned from internal drives depending on the size of the complex and subject to Technical Review Committee approval.

D. CORNER LOT

Corner lots are assigned one (1) number to avoid any confusion created by the use in different systems of either of the two (2) addresses assigned to a corner lot, as it was the custom in the past. At the time of permit application, if necessary, the address administrator shall adjust the street address to make it coincide with the primary access to the property. In cases where such assignment is confusing, or misleading based on structure location and orientation or property size and configuration, the administrator can assign an address that accommodates the front entrance of the structure.

E. LOTS WITH MULTIPLE FRONTAGES

The Address Administrator shall assign an address for lots with multiple frontages after considering access location(s), primary structure location, lot size, and lot configuration.

F. VACANT PROPERTIES

Because there is no way of determining how many structures will eventually be built on vacant land within a block, any system which attempts to number structures consecutively does not provide the flexibility to accommodate change. A street number generally is reserved for each one hundred (100) feet of lot frontage. Address assignment shall occur concurrent with issuance of a development permit.

G. POSTING

Posting of addresses by the property owner shall be as per NC State Building Codes.

A-5 CHANGE OF EXISTING ADDRESS

In re-assigning addresses, as few existing addresses as possible will be changed.

A. REASON FOR CHANGE

Existing addresses may be changed for just cause. Examples of just cause are:

1. Area where no addresses were left for vacant lot(s) or new development.
2. Street name change approved by Planning Board.

3. Person unknowingly using the wrong address.
4. Street address number series presently in use is incorrect and misleading.
5. Road closures or installations.

B. NOTIFICATION

The Address Administrator will notify the property owner, all necessary local government departments, utility service companies and the U.S. Postal Service of any change in existing street addresses.

A-6 STREET NAMES

A. NAME SUBMITTAL AND APPROVAL

1. The Address Administrator shall approve all street names with right of appeal to the Planning Board.
   a. The developer shall submit names on a sketch plan or preliminary plat for new streets contained within proposed developments. Proposed names shall be reserved once approved.
   b. Property owners affected by a Change of Existing Street Name shall submit names according to Section A-8. Proposed names shall be reserved once approved.

B. GENERAL REQUIREMENTS

1. The proposed name shall not duplicate or be phonetically similar to existing street names irrespective of the suffix.
2. The use of complicated words or unconventional spellings shall be prohibited.
3. No symbols can be included in a name (for example; "#", "&", hyphens, decimals, periods, apostrophes, etc.).
4. The word "and" is prohibited from use in order to avoid confusion.
5. Any names considered discriminatory, exclusionary in nature, or deemed inappropriate shall be prohibited.
6. Use of initials shall be prohibited.
7. The use of numerical or written numbers for street names shall be prohibited.

C. STREET NAMING

1. It is acceptable for two streets to bear the same name provided the streets intersect and have different suffixes. A different block range shall be used for the intersecting streets when possible.
2. Proposed streets obviously in alignment with existing streets shall bear the same name and the suffix shall be in accordance with this appendix.
3. Proposed streets that may align in the future, but do not at the time of such development, shall not bear the same name. At such time the streets are connected, the street with the least amount of property owners will be renamed and affected properties readdressed so that the previously unconnected streets bear the same name. Notification concerning the potential for future readdressing shall be placed on the recorded plat when known.
4. Two opposing cul-de-sacs with lengths of less than 800 feet that are separated by a four-way intersection shall bear different street names and use the suffix "Court".
5. Two opposing cul-de-sacs or permanent dead-ends separated by a three-way intersection shall bear the different names with the suffix "Terrace", "Point", "Cove", "Dale", or "Way." The use of "Court" shall be prohibited per Section A-6-E.

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6. A proposed street obviously in alignment with another proposed street shall bear the same name; the suffix shall be in accordance with section A-6-E.
7. A proposed street ending in a cul-de-sac that is greater than 800 feet in length shall bear the suffix in accordance with this appendix.
8. Offset Intersections and Split Routes or "dog-legs" shall be treated as separate streets with different names and numbering to preserve the integrity and continuity of the number system.

D. PREFIXES

Prefixes shall not be used in the street name but may be used for directional purposes with the approval of the Address Administrator based on the following standards.

1. The prefix "North" shall be used for the northern portion of roadways having the same name. (According to each user's grid system.)
2. The prefix "South" shall be used for the southern portion of roadways having the same name. (According to each user's grid system.)
3. The prefix "East" shall be used for the eastern portion of roadways having the same name. (According to each user's grid system.)
4. The prefix "West" shall be used for the western portion of roadways having the same name. (According to each user's grid system.)
5. The prefix "N.C. Highway" shall be used for all State numbered routes or roadways.
6. The prefix "U.S. Highway" shall be used for all Federal numbered routes or roadways (excluding those on Interstate System).
7. The prefix "Interstate Highway" shall be used for all Federal numbered routes or roadways on the Interstate System.

E. SUFFIXES

Suffixes, including directional suffixes, shall not be used in the street name, (i.e. Ridge Lane Way). Suffixes shall be used based on the following standards.

1. The suffix "Street" shall be used for roadways running generally in a north-south direction or parallel to the base line for the grid system.
2. The suffix "Avenue" shall be used for roadways running generally in an east-west direction or parallel to the base line for the grid system depending on the individual user policy.
3. The suffix "Drive," "Trail," and "Trace" shall be used for roadways which follow a wandering alignment in different directions and/or intersect both street" and "avenue" and generally have scenic attractiveness.
4. The suffix "Road" shall be used for roadways running generally in a diagonal direction and/or connecting urban areas.
5. The suffix "Boulevard" and "Parkway" shall be used for divided roadways, the sides of which are separated by a park or open median strip for their main extent with limited direct access.
6. The suffix "Terrace", "Point", "Cove", "Dale", or "Way" shall be used for short roadways with an exit from one end only (dead end) with no potential for extension.
7. The suffix "Court" shall be used for a single cul-de-sac less than eight hundred (800) feet in length with no intersecting side streets and not intended to be extended in the future.

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8. The suffix "Circle" shall be used for short roadways that are circular or semi-circular in form and intersect the roadways from which they emanate at two different places.
9. The suffix "Place" or "Lane" shall be used for short roadways generally not over a block in length with no regard to predominant direction. (Guilford County uses "Lane" only for Private Streets as defined by this Ordinance.)
10. The suffix "Alley" shall be used for short roadways of substandard width as between buildings or at the rear of property, generally used for service.

A-7 STREET SIGNS

For all new streets, street name signs and traffic control signs shall be installed to standards found in this Ordinance and applicable NCDOT regulations.

A-8 CHANGE OF EXISTING STREET NAME

A. REASON FOR CHANGE

Existing street names may be changed for just cause. Examples of just cause are:

1. **Voluntary Petition.** Petitions for street name changes shall be submitted in writing for consideration by the Guilford County Planning Board, and upon appeal, by the Board of County Commissioners of Guilford County. Valid petitions shall:
   - **a.** Be submitted on the proper form as furnished by Guilford County;
   - **b.** Include any required fees;
   - **c.** Be signed by a minimum of 51% of the property owners along said street; in cases where a property has multiple landowners and the property is being used to achieve the required percentage of owner signatures, each landowners signature is required but only counts as one signature on the petition;
   - **d.** Propose a new street name described in A-6 of this Section.
   - **e.** Following receipt of a petition for street name change, the Planning & Development Department shall confer with County Emergency Service Agencies for comment on the proposed change.
2. **Initiated by Government Action.** In the event government sponsored or initiated action creates a situation that reasonably could be perceived to jeopardize the public's health, safety, or general welfare by impeding timely emergency response, a written request to change the street name shall be submitted for consideration by the Guilford County Planning Board, and upon appeal, by the Board of County Commissioners of Guilford County. Such requests shall:
   - **a.** Be submitted on the proper form as furnished by Guilford County;
   - **b.** Include any required fees;
   - **c.** Propose a new street name consistent with standards set forth in A-6 of this Section. Reasonable effort shall be made to seek input concerning the new street name from affected residents and property owners prior to the requisite public hearing;
   - **d.** Include a letter of support outlining the perceived threats to the public's health, safety, or general welfare from a recognized public agency. It shall be the responsibility of the petitioner and/or the supporting public agency to provide ancillary documentation and testimony during the requisite public hearing.

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e. Following receipt of a petition for street name change, the Planning & Development Department shall confer with County Emergency Service agencies for comment on the proposed change.

3. **Government Initiated to Secure the Public's Health, Safety and General Welfare.** In the event an existing street name has jeopardized the public's health, safety, or general welfare by impeding timely emergency response, or in the event an existing street name reasonably could be perceived to jeopardize the public's health, safety, or general welfare by impeding timely emergency response, a written request to change the street name shall be submitted for consideration by the Guilford County Planning Board, and upon appeal, by the Board of County Commissioners of Guilford County. Such requests shall:
   a. Be submitted on the proper form as furnished by Guilford County;
   b. Include any required fees;
   c. Propose a new street name consistent with standards set forth in A-6 of this Section. Reasonable effort shall be made to seek input concerning the new street name from affected residents and property owners prior to the requisite public hearing;
   d. Include a letter of support outlining the real or perceived threats to the public's health, safety, or general welfare from a recognized public safety agency. It shall be the responsibility of the petitioner and/or the supporting public agency to provide ancillary documentation and testimony during the requisite public hearing.
   e. Following receipt of a petition for street name change, the Planning & Development Department shall confer with County Emergency Service agencies for comment on the proposed change.

A-9 POSTING STANDARDS

A. ASSIGNED ADDRESS NUMBER TO BE POSTED; STANDARDS.

1. **Timing.** Immediately following the issuance of a building permit, the assigned address shall be posted on the property in a manner visible from the road. The Administrator shall not issue a final certificate of compliance or a final certification of occupancy until the assigned number is posted in accordance with this section. A temporary certificate of compliance or temporary certification of occupancy may be issued for a structure that does not post the proper size address number provided that the structure is posted with address numbers/letters in a manner that clearly identifies the address. The temporary numbers/letters shall be acceptable to the Administrator. The temporary numbers/letters may be required to be posted in multiple locations to enhance visibility and shall not be posted for more than 60 days before replacement with permanent numbers/letters.
2. Within 90 days after written notice by the Planning & Development Department, on behalf of the county Planning Board, of the change of address to a residential or non-residential structure, the owner or occupant of such property shall be required to post the address, so assigned in an approved area on such property in accordance with the requirements of this section. Property previously assigned an address and in compliance with the regulations pertaining to address posting at the time of adoption of this Article shall not be required to comply with this ordinance unless the Planning & Development Department provides written notification to the property owner that the address as posted has or may cause a

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delay in emergency service response. If so notified, the property owner shall have 90 days to comply with the provisions of this ordinance.

B. MINIMUM HEIGHT, PLACEMENT, VISIBILITY OF NUMBERS.

1. Single-family residential, townhouses and mobile home parks.

a. The minimum height of the posted address shall not be less than four (4) inches high with a stroke width of not less than 0.5 in.

b. The posted address shall be maintained within a three (3) foot perimeter of the front entrance or on the structure in a manner that is visible and readable from the road on which the address is assigned. If the structure is not visible from the road on which the address is assigned or the lot on which the building is located is landscaped such that the numbers cannot be seen from the public road, the assigned address shall also be posted on the property or near the property line at a driveway or access to the structure from the road on which the address is assigned.

c. In the event that two structures share a driveway and the structures are not visible from the road on which the address is assigned, the addresses shall also be posted where the driveway splits.

2. Multi-family, Two-family residential and all non-residential.

a. Structures and/or address markers located less than one hundred (100) feet from the road on which the address is assigned shall display the assigned address with numbers/letters no less than six (6) inches high for primary and secondary address numbers/letters. The minimum stroke width is ¾ in.

b. Structures located more than one hundred (100) feet from the road on which the address is assigned shall display the assigned address with numbers/letters no less than twelve (12) inches high for primary and secondary address numbers/letters and shall also post the address no less than six (6) inches high on the property at the road on which the address is assigned.

c. Address postings on the structure shall be placed either in the approximate center of the structure or on the structure in a manner that makes it visible and readable from either the road or from the parking lot which serves the building.

d. Where multiple addresses are assigned to a single property, the address range for the property shall be depicted on a single post, development entrance sign, or other permitted sign.

C. COLOR.

The address number shall be in a contrasting color to the color scheme of the structure on which it is placed so that it is clearly visible and shall be maintained in a clearly visible manner.

D. MAINTENANCE

Following the posting of the assigned address, as required, the owner or occupant shall maintain the posted address at all times in compliance with this section. The posted address shall not be obstructed from view by shrubs or vegetation as viewed from the public road.

E. VIOLATION GENERALLY

A violation of this section is a misdemeanor, as provided by G.S. 14-4, and may be punished as provided therein. Each day the violation continues after the offending owner or occupant has been notified of the violation shall constitute a separate violation of this section.

F. NOTICE OF VIOLATION

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Notice of violation of this appendix, sufficient to allow the daily penalties of this ordinance to be invoked, may be given by the Administrator, the county emergency medical services department, the county attorney's office, the county sheriff's department, or the county fire marshal's office, and must be, in writing, directed by name to the owner or occupant of the dwelling and set forth what action is necessary in order for the offender to be in compliance.

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Appendix 2

Appendix 2 – MAP STANDARDS

ADOPTION DRAFT – 09.28.2020

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Appendix 2 – MAP STANDARDS

A-1 NUMBER OF REVIEW AND FILING COPIES TO BE SUBMITTED

Type of Map	Review # of Prints*	Filing (after plan approval) # of Prints*
Sketch Plan	9	4
Preliminary Plan	9	
Final Plat**	5	5
Exempt Plats	4	4
Plot Plan	3	-
Site Plan/Group Developments including: • **Site Plan Cover Sheet** • **Site Layout** • **Utility** • **Soil and Erosion Control** • **Landscaping** • **Grading** • **Watershed Development Plan**	9 Sets	4 Sets
Street and Utility Construction Plans and Profiles	2 Sets	7 Sets

**When electronic plan/plot review is provided as an alternative, number of prints may be reduced and instructions for submittal can be provided.*

***See Section I of this Appendix for E-Recording Instructions.*

Appendix 2

A-2 REQUIRED INFORMATION ON SUBDIVISION PLATS, EXEMPT PLATS, ANNEXATIONS, PLOT PLANS, AND SITE PLANS/GROUP DEVELOPMENTS

A. Submission of all maps and/or plans shall contain the following information before submitted to the Planning & Development Department for review. An "X" indicates required information for site plan sheets.

1. "A" to be included on all sheets,
2. "S" to be included on Site Layout sheet,
3. "U" to be included on Utility sheet,
4. "E" to be included on Soil and Erosion Control sheet,
5. "L" to be included on Landscaping sheet,
6. "G" to be included on Grading Sheet,
7. "W" to be included on Watershed Development Plan.

B. Depending on the scale or complexity of the development, any or all the sheets may be combined. Site plan approval may require additional information. The Administrator may waive items required for sketch plans, if it is judged that they are not necessary to complete the review.

	Sketch Plan	Preliminary Plat	Final Plat	Exempt Plat	Plot Plan	Site Plan/ Group Dev.
Size:	≤ 24" x 36"	≤ 24" x 36"	≤ 24" x 36"	≤ 24" x 36"		
Margins - landscape			1.5" left border 0.5" top, right, and bottom borders			
Margins – portrait			1.5" top border 0.5" left, right, and bottom borders			
Scale	≤ 1" = 100'	≤ 1" = 100'	≤ 1" = 100'	≤ 1" = 100'	≤ 1" = 40' ≤ 1" = 60' (for improvement permits)	
1. Title Block						
Development name (including phase and section)	X	X	X	X	X	A
Map type	X	X	X	X	X	A

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	Sketch Plan	Preliminary Plat	Final Plat	Exempt Plat	Plot Plan	Site Plan/ Group Dev.
Owner name and address	X	X	X	X	X	A
Site address with township, county, and state	X	X	X	X	X	A
Descriptions of revisions after signing			X			
Scale ratio with scale bar	X	X	X	X	X	A
North arrow	X	X	X	X	X	
Guilford County Tax Parcel Number	X	X	X	X		S, E, W
2. Project Site Data and Detail						
Date(s) of preparation	X	X	X	X	X	A
Surveyor, firm name (if applicable), seal, and registration no.	X	X	X	X	X	A
Developer name, firm name (if applicable), address	X	X	X	X	X	A
Plan endorsement block		X				A
Zoning and overlay district(s) of subject property and adjacent lands	X	X	X	X	X	A
Any associated conditions	X	X	X	X	X	A
Any relief from requirements (variances, administrative waivers, etc.)	X	X	X	X	X	A
Plat book or deed book reference(s)		X	X	X	X	S
Names of adjoining property owners or subdivisions or developments of record with plat book reference		X	X	X		S
Vicinity map (location map)	X	X	X	X		A

Appendix 2

	Sketch Plan	Preliminary Plat	Final Plat	Exempt Plat	Plot Plan	Site Plan/ Group Dev.
City and county jurisdictional boundaries	X	X	X	X	X	
Exact course and distance of every boundary line of the tract and the location of intersecting boundary lines of adjoining lands			X	X		
Source of property boundaries signed and sealed by a registered land surveyor, architect, landscape architect, or engineer			X	X		
Location and description of all monuments, markers, and control points			X		X	S
Existing property lines on the tract to be subdivided. (If existing property lines are to be changed, label as "old property lines," and show as dashed lines.)	X	X	X	X	X	S
Railroad lines and rights-of-way	X	X	X	X	X	A
Water courses, pond, lakes, or streams	X	X	X	X	X	A
Wetlands		X		X		A
Location of floodway and floodway fringe from Flood Hazard Boundary Maps and cross-section elevations	X	X	X	X	X	A
Existing and proposed topography of tract and 100' beyond property showing existing contour	X	X				A

	Sketch Plan	Preliminary Plat	Final Plat	Exempt Plat	Plot Plan	Site Plan/ Group Dev.
intervals of no greater than 5' (2' where available) and labeling at least two contours per map and all others at 10' intervals from sea level						
Acreage in total tract	X	X	X	X		S, E, W
Acreage in public greenways and open space		X	X			S, L
Total number of proposed lots	X	X	X			S
Linear feet in streets		X	X			S
Area in newly dedicated right-of-way		X	X			S
3. Site Layout, Design, and Uses						
Existing land use(s) of subject property and depicted property	X	X				S, L
Dimensions, location and use of all existing and proposed buildings; distances between buildings measured at the closest point; and distance from buildings to closest property lines	X	X		X	X	S
Name and location of any property or building on the National Register of Historic Places or locally designated historic property or landmark		X	X	X		S
Areas to be dedicated or reserved for the public or a local jurisdiction		X	X	X	X	A

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Appendix 2

	Sketch Plan	Preliminary Plat	Final Plat	Exempt Plat	Plot Plan	Site Plan/ Group Dev.
Proposed building locations for town home or zero lot-line developments	X	X			X	
Typical diagram of manufactured dwelling space						S
Proposed lot lines and dimensions	X	X	X	X	X	A
Square footage of proposed lots under an acre in size and acreage for lots over an acre in size		X	X	X	X	S
Lots sequenced or numbered consecutively		X	X	X	X	S
Typical dimensions and location of off-street parking, loading, and stacking areas, including access aisles, service areas, and walkways. Note minimum number of spaces required and provided.					X	S, L
Clearly indicate each parking space (including handicapped), angle of parking, and paving material					X	S
Front, side, and rear elevations of proposed building(s)						If required by TRC
4. Landscaping, Buffering, and Outdoor Lighting						
Dimensions and location of required planting areas of street yards, parking lots, and planting areas		X				S, L

	Sketch Plan	Preliminary Plat	Final Plat	Exempt Plat	Plot Plan	Site Plan/ Group Dev.
Location, height, and type of outdoor light fixtures		X				L
Location and screening of dumpsters/compacters (show pad dimensions)		X				S, L
Location, species, size (caliper or DBH), number, spacing, height of trees and shrubs in required planting areas (Inventory of existing vegetation to be preserved, indicate approximate location, height, and species mix.)		X				L
Location of walls, berms, and other screening		X				S, L
Provisions for watering, soil stabilization, plant protection and maintenance access		X				L
Location and description of barriers to protect any vegetation from damage both during and after construction		X				L
5. Streets and Utilities						
Method of Sewage Treatment and Location of Water Supply		X				U
Denied lots, lots not evaluated, and lots not certified *(cross hatch, and label with "NO*		X	X		X	S

Appendix 2

	Sketch Plan	Preliminary Plat	Final Plat	Exempt Plat	Plot Plan	Site Plan/ Group Dev.
IMPROVEMENT PERMIT HAS BEEN ISSUED FOR THIS LOT" or "NO CERTIFICATION FOR SEWAGE TREATMENT HAS BEEN ISSUED FOR THIS LOT")						
Location of Special Purpose Lots or common area for Off-site or Community Sewage Treatment Systems and Community Wells	X	X	X		X	S
Location of the proposed facility and appurtenances for sewage treatment system, water supplies, and surface waters		X			X	
Location of existing facilities and appurtenances for sewage treatment system(s)					X	
Location of existing facilities and appurtenances for all water supplies		X			X	
Existing and proposed rights-of-way lines within and adjacent to property	X	X	X	X	X	S
Existing and proposed right-of-way width dimension	X	X	X	X		S
Right-of-way width dimension from existing public street centerlines		X	X	X	X	S
Existing and proposed street pavement and curb lines	X	X		X		S, W

	Sketch Plan	Preliminary Plat	Final Plat	Exempt Plat	Plot Plan	Site Plan/ Group Dev.
Existing and proposed pavement width dimension	X	X		X		S, W
Cul-de-sac pavement radius	X	X		X		S, W
Existing and proposed street names (label public or private)	X	X	X	X		A
Location, dimension and type of all easements	X	X	X	X	X	A
Note type of sewage disposal used		X			X	W
Sanitary sewer		X			X	U
Water distribution		X			X	U
Storm Sewer		X			X	U, G, W
Natural gas, electric, cable T.V., etc.		X			X	U
6. Common Areas, Open Space, and Recreation Areas						
Designated common areas or open space under control of an owners association	X	X	X		X	S, L, W
Location of designated recreation areas and facilities (labeled public and private)					X	
Location and dimensions of central mail structure(s)		X				S
Location, dimensions and details of proposed clubhouses, pools, tennis courts, tot lots or other common area recreation facilities		X				S, L
7. Erosion Control, Stormwater, and Watershed						
Watershed name and classification	X	X	X	X		W
Watershed boundaries and WCA Tier lines labeled	X	X	X	X	X	W

	Sketch Plan	Preliminary Plat	Final Plat	Exempt Plat	Plot Plan	Site Plan/ Group Dev.
Residential density in dwelling units per acre	X	X	X	X	X	A
Non-residential land use intensity shown as Gross Floor Area (GFA) per acre	X					A
Total built-upon area shown in acres and with percent of total area noted	X	X	X	X	X	W
Watershed deed restriction note		X	X	X		
Permanent runoff control structures shown and properly labeled	X	X	X	X		W
Existing and proposed utilities that may conflict with runoff control structures		X				W
Maintenance responsibility note for permanent runoff control structures, when used	X	X	X	X		W
Engineer's certification of runoff control (as required)	X (Note intent, but not certified until designed)	X				W
Construction Sequence		X				E
Area to be disturbed with number of graded acres and percentage		X				E
Temporary sediment control measures, including the design, locations, dimensions and calculations		X				E
Permanent erosion controls, including design, locations,		X				E

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	Sketch Plan	Preliminary Plat	Final Plat	Exempt Plat	Plot Plan	Site Plan/ Group Dev.
dimensions, and calculations. Proposed ponds should have the drainage area and impervious surface area draining to the pond noted.						
Permanent stormwater control measures including ponds, maintenance and access easements and natural filtration and infiltration areas		X	X			S, E
Stormwater network, including swales, culverts, inlet and outlet structures with grades, elevations, dimensions and hydraulic calculations.		X				S, E, W
Seeding specifications, including seedbed preparation, soil type and amendments, seeding rates and schedule		X				E
Soil types		X				E, W
Existing and proposed signs (location, height and area)		X				S

A-3 MAP CERTIFICATES

A. CERTIFICATE OF SURVEY ACCURACY (FINAL PLATS AND EXEMPT PLATS)

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____ etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____ that the ratio of precision or positional accuracy as calculated is _____; this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this _____ day of _____, A.D., _____.

SEAL OR STAMP

_____

Surveyor

_____

Registration Number

B. CERTIFICATE OF REVIEW OFFICER (FINAL PLATS)

State of North Carolina
County of Guilford

I, _____, Review Officer of Guilford County, certify that the map or plat to which this certification is affixed meets all statutory requirement for recording.

_____ _____

Review Officer **Date**

C. CERTIFICATE OF OWNERSHIP AND DEDICATION (FINAL PLATS AND EXEMPT PLATS)

The undersigned hereby acknowledge(s) ownership of the property shown and descried hereon and hereby adopts this plant and allotment to be a free act and deed and hereby dedicate(s) to public use streets, playgrounds, parks, drainageway, and open space, and easements forever all area so shown or indicated on said plat, and authorize(s) Guilford County to record this plat in the office of the Register of deeds of Guilford County, N.C.

_____ _____

Signed **Date**

_____ _____

Attested **Date**

D. DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS CERTIFICATE (FINAL PLATS AND EXEMPT PLATS)

I hereby certify that the plans for streets in the subdivision shown hereon meet the design standards and specifications of the North Carolina Department of Transportation Division of Highways.

_____ _____

District Engineer **Date**

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E. CERTIFICATE STATING NO APPROVAL IS REQUIRED BY DIVISION OF HIGHWAYS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (FINAL PLATS AND EXEMPT PLATS)

This plat does not require a certificate of approval by the Division of Highways as provided in G.S. 136-102.6, subsection (g).

F. CERTIFICATE OF LOCAL JURISDICTION APPROVAL FOR RECORDATION:

I, _____, as a representative of the Guilford County Planning and Development Department hereby certify that this plat meets the design standards and specifications set forth in the Guilford County Unified Development Ordinance and is approved for recordation this _____ day of _____ A.D. _____.

_____

Planning & Development Director

G. CERTIFICATE OF PURPOSE OF PLAT (FINAL PLATS)

The Final Plat shall contain one of the following surveyor's certificate, signed and sealed by the surveyor:

1. This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
2. This survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
3. Any one of the following:
   a. This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.
   b. This survey is of an existing building or other structure, or natural feature, such as a watercourse.
   c. This survey is a control survey.
4. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision
5. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

_____ _____

Signed – Surveyor **Date**

H. CERTIFICATE OF REVIEW BY LICENSED SOIL SCIENTIST (FINAL PLATS)

I hereby certify that lot(s) _____ shown on this plat have been reviewed as appropriate and with respect to minimum lot requirements set forth in _____ of the regulations governing sewage treatment and disposal systems in Guilford County as amended from time to time. As of this date and based on this review of existing site conditions the lots numbered above on this plat will presumably meet these regulations.

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I hereby certify that lot(s) _____ shown on this plat have been reviewed as appropriate and with respect to alternative requirements set forth in _____ of the regulations governing sewage treatment and disposal systems in Guilford County as amended from time to time. As of this date and based on this review of existing site conditions the lots numbered above on this plat will presumably meet these regulations.

This certification does not represent approval or a permit for any site work, nor does it guarantee issuance of an improvement permit for any lot. Final site approval for issuance of improvement permits is based on regulations in force at the time of permitting and is dependent on satisfactory completion on individual site evaluations following application for an improvement permit detailing a specific use and siting.

Any change in use or any site alteration may result in suspension or revocation of certification.

STAMP OR SEAL

_____ _____

Signed – Surveyor **Date**

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I. PLAT RECORDATION PROCESS

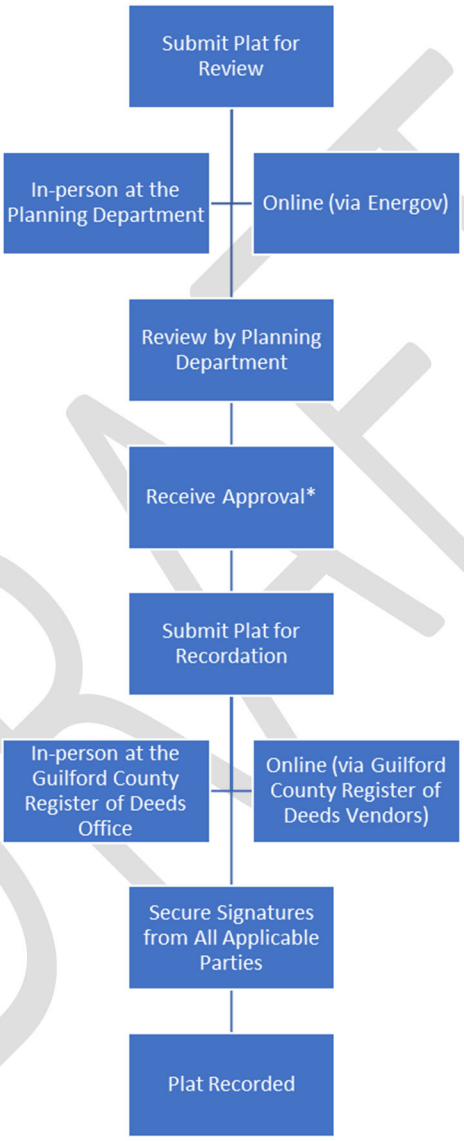
1. Physical Recordation

Upon approval, plats may be recorded in-person at the Guilford County Register of Deeds.

2. E-Recording

When e-recording is provided as an alternative to submitting a physical plat, visit the Guilford County website for the most current information.

3. Plat Recordation Flow Chart



**Note that approval is not guaranteed. If a plat does not meet the requirements of this UDO Guilford County may deny the plat.*

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Appendix 3

Appendix 3 – PERFORMANCE GUARANTEE FORM

ADOPTION DRAFT – 09.28.2020

GUILFORD COUNTY
IMPROVEMENTS PERFORMANCE GUARANTEE AGREEMENT

1. **Purpose**: This Improvements Performance Guarantee Agreement ("Agreement") is intended to help ensure that developers properly install all required subdivision improvements in a timely manner, in accordance with approved plats. This agreement is not executed for the benefit of persons providing services or material to the subdivision, or for the benefit of persons buying lots or homes in the subdivision, or other possible third party beneficiaries.

2. **Parties:** This Agreement is between the County of Guilford, North Carolina (the "County") and _____ *[Name of "Developer"].*

3. **Term:** The term of this Agreement is _____ *[insert duration; may not exceed 2 years]* from the date of execution signified below.

4. **Subdivision:** This Agreement applies to property the Developer is developing as: _____ *[Subdivision Name],* Phase(s)_____, recorded in Book(s) of Maps and Page(s) _____.

5. **Improvements:** The Developer is responsible for the construction and installation, at the Developer's sole expense, of the following improvements:
   - **a.** All roads within the subdivision and improvements to existing roads required for safe and adequate access to the subdivision as may be required by this County's regulations;
   - **b.** Drainage facilities, easements and temporary stormwater management devices associated with roadways;
   - **c.** Erosion and sedimentation control devices; and
   - **d.** Any other on- or off-site improvements required by the Guilford County Unified Development Ordinance or subdivision plat approval.

6. **Standards:** The Developer will construct and install improvements required in Section 5 in accordance with NCDOT standards and all applicable County subdivision regulations and any other applicable federal, state, county or municipal standards in effect at the time of subdivision plat approval.

7. **Estimate of Probable Costs:** The Developer hereby agrees and states that the attached estimate of the probable costs of subdivision improvements include the cost of design, engineering and construction and project management and supervision. Please see Attachment A for estimate criteria.

   Pursuant to Guilford County subdivision regulation standards, estimated probable costs must be itemized by improvement type and certified by the applicant's engineer or other licensed professional as authorized by General Statute. Cost estimates must be based on industry norms within Guilford County. An itemized cost estimate must be attached to this Agreement.

The Developer hereby agrees that the construction of the improvements will be completed on or prior to _____*[insert "Construction Completion Date"],* which date shall not exceed two years from the date of execution of this Agreement.

The Developer estimates, based on the certified formal cost estimate(s) attached hereto, that the total cost of the construction of the improvements will be as follows: _____.

8. **Security:** To secure the performance of the Developer's obligations under this Agreement, the Developer will provide the County either an irrevocable letter of credit, performance bond or a cash deposit in the amount of $ _____ *[125% of cost estimate as provided in #7 above].*

   Below is a list of performance guarantees types. Please select which guarantee is being tendered (one or more may be selected):

   - ☐ **Letter of Credit:** If the Developer provides a letter of credit, it must be valid for at least one year and be payable to the County at any time upon presentation of (a) a sight draft drawn on the issuing Bank, (b) an affidavit executed by an authorized County Official stating that the Developer is in default under this Agreement, and (c) the original letter of credit. The letter of credit will be issued by a financial institution approved by the County and located within Guilford County, North Carolina, and must be irrevocable. An authorized county official for purpose of this subsection shall include the County Manager, the Planning & Development Director, or their designees. The Developer shall renew the letter of credit for successive one-year terms until this Agreement is of no further effect.
   - ☐ **Performance Bond:** If the Developer provides a performance bond, it must be valid for at least one year and payable to the County upon default of this Agreement. The bonding company must be licensed to do business in NC. The bond must also detail the procedure for drawing funds once the Developer is determined to be in default under this Agreement. The Developer shall renew the performance bond for successive one-year terms until this Agreement is of no further effect. If a performance bond is deemed to be perpetual in form the bonding company will be required to provide annual notice of the performance bond's continuance.
   - ☐ **Cash Deposit or Equivalent:** Cash deposits will be placed in a separate Guilford County account and designated for this purpose.

9. **Reduction in Security:** Once all of the required improvements are at least 75 percent complete, as certified by a North Carolina Registered Professional Engineer, the County may reduce the total financial security by the ratio that the completed improvements bear to the total estimated cost of improvements required, provided that no more than one such reduction may be permitted prior to releasing the performance guarantee.

10. **Release of Security:** The County will release the security when all required Completion Certification Forms have been provided and any required maintenance guarantee and corresponding documents have been provided.

11. **Events of Default:** The following conditions, occurrences, omissions or actions will constitute a default by the Developer:
    - **a.** Developer's failure to provide either of the following to the County at least two weeks before the agreement and/or security expires, (1) a properly executed Completion Certification Form certifying that all required subdivision improvements have been constructed or installed or (2) a renewed Agreement and/or security under Section 13, below;
    - **b.** Developer's insolvency, the appointment of a receiver for the Developer, or the filing of a voluntary or involuntary petition in bankruptcy respecting the Developer; or
    - **c.** Foreclosure of any lien against the Subdivision property or a portion of the property, or assignment or conveyance of the Subdivision property in lieu of foreclosure.
    - **d.** Within 10 days after any appointment of a receiver for the Developer, filing of a bankruptcy petition respecting the Developer, foreclosure against the Subdivision property, or conveyance of the Subdivision property in lieu of foreclosure, the Developer will give the County written notice of such event.

12. **Notice of Default:** At least 60 days before this Agreement expires, the County may give the Developer written notice of the Agreement's upcoming expiration and of the County's intent to declare a default under Section 11. The County need not provide any further notice before declaring a default under Section 10.

13. **Renewal of Agreement:** If agreed to in writing by the County and Developer, this Agreement may be extended no more than twice and for no more than one year per extension.

14. **County's Rights Upon Default:** When any event of default occurs, the County may draw on the financial security to the extent of its face value. The Developer grants the County, its successors, assigns, agents, contractors, and employees, a nonexclusive right to enter the Subdivision property for the purposes of constructing or installing subdivision improvements

15. **Indemnification:** The Developer expressly agrees to indemnify and hold the County harmless from and against any claims, cost, and liability for injury or damage received or sustained by any person or entity in connection with work performed under this Agreement. The Developer further agrees to aid and defend the County if the County is named as a defendant in an action concerning work performed under this Agreement except where the action is brought by the Developer. The Developer is not an agent or employee of the County.

16. **No Waiver:** No waiver of any provision of this Agreement will constitute a waiver of any other provision, nor will it constitute a continuing waiver, unless expressly provided for by a written amendment to this Agreement. Nor will any waiver of any default under this Agreement constitute a waiver of any subsequent default of defaults of the same type. The County's failure to exercise any right under this Agreement will not constitute the approval of any wrongful act by the Developer. The County's exercise of any right under this Agreement will not relieve the Developer from any obligation to complete the Improvements under the County's Unified Development Ordinance and will not constitute a waiver of the County's right to exercise any enforcement action under those ordinances.

17. **Amendment or Modification:** The parties to this Agreement may amend or modify this Agreement only by written instrument executed on behalf of the County by the County Attorney (or his designee) and by the Developer (or the Developer's authorized officer). An amendment or modification must be properly notarized before it is effective.

18. **Attorney's Fees:** Should either party be required to resort to litigation, arbitration, or mediation to enforce the terms of this Agreement, the prevailing party, whether plaintiff or defendant, will be entitled to costs - including reasonable attorney's fees and expert witness fees - from the opposing party.

19. **Third Party Rights:** No person or entity not a party to this Agreement will have any right of action under this Agreement.

20. **Scope:** This Agreement constitutes the entire agreement between the parties, and no statement, promise, or inducement not contained in this Agreement will be binding on the parties.

21. **Severability:** If the courts hold any part of this Agreement to be illegal or otherwise unenforceable, such illegality or unenforceability will not affect the validity of any other part, and the rights of the parties will be construed as if the part was never a part of the Agreement.

22. **Notice:** Any notice required by this Agreement will be considered effective when personally delivered in writing, or three days after being deposited with the U.S. Postal Service, postage prepaid.

23. **Immunity:** Nothing contained in this Agreement constitutes a waiver of the County's sovereign, governmental or public official immunities under state law.

Dated this _____ day of _____, 20____.
By:

_____
_____
_____
Name(s) of Developer(s)

North Carolina _____ County
I, _____, a Notary Public for said County and State, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 20____.

(Official Seal)_____
Notary Public
My commission expires _____, 20_____.

DEVELOPMENT BOND TEMPLATE

BOND NUMBER _____

COUNTY OF GUILFORD

KNOW ALL PERSONS BY THESE PRESENT: That we, _____ *[Developer's Name]*, a Corporation of _____ *[state],* authorized to do business in the State of North Carolina as Principal, and _____ *[company]*, a corporation organized and existing under and by virtue of the laws and State of _____ *[state]* and authorized to do business in the State of North Carolina as Surety, are held and firmly bound unto the County of Guilford, in the sum of _____ [amount in dollars] for the payment of which, well and truly to be made, we firmly bind ourselves, and each of our heirs, executors, administrators, and assigns, jointly and severally by these presents.

WHEREAS, the Principal has submitted a land development plan or plat entitled _____ *[Development Name & Phase (if applicable)]* a copy of which is reference made a part here of;

THE CONDITION of this obligation is such that if the Principal shall well and truly perform the work described below:

_____
_____
_____
_____

of which is referenced in Attachment A of the Guilford County Improvements Performance Guarantee Agreement to this Bond, which is to be installed to Guilford County specifications and as required by the applicable Guilford County Development Ordinances and shall pay all labor and material bills incurred relative thereto, this obligation shall be void, otherwise to remain in full force and effect.

Signed, sealed, delivered and effective this the _____ day of _____, 20_____.

_____

[Company]

By: _____

(Name & Title)

_____

[Bonding Company]

_____

(Name & Title)

ATTACHMENT A

Cost Estimate Worksheet

Use the following worksheet to show cost estimates for each of the required items:

Item	Cost Per Unit	Total Cost
Clearing & Grading		
Base Course (1)		
Surface Course (2)		
Temporary Erosion Control Devices (3)		
Drainage Structures (4)		
Project Management Costs		
	Total Cost Estimate	
	X 125 % = Amount of Required Security	

(1) Correct Base Course to meet NCDOT specs for the specific road section based on subgrade soil type.
(2) Correct Surface Course to correspond with proper base course.
(3) Items such as silt fence, tree protection fence, check dams, seeding, matting, etc. associated with road system.
(4) Storm pipe and other costs associated with road system.