

AMENDING CHAPTER 30

AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES
WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

(Editor's Note: Added text shown with underlines and deleted text shown with strikethroughs.)

Section 1. That Subsection (A) of Section 30-12-3.11, Density, is hereby amended by to read as follows:

(A) Density Limits

New development shall not exceed the density limits in Table 12-6 (Density Limits in Upper and Lower Randleman Lake Watersheds) or Table 12-7 (Density Limits in Other Water Supply Watersheds and Other Watershed Districts), whichever is applicable, except as provided in Subsection (D) below.

Section 2. That Section 30-12-3.11, Density, is hereby amended by adding Subsection (D) to read as follows:

(D) Density Averaging

When all of the following conditions are met, two non-contiguous zone lots, neither of which is publicly held land, may be treated in tandem for compliance with the density requirements contained within this section. Publicly held lands include but are not limited to dedicated drainageway and open space, parkland, or other lands obtained for watershed protection. One lot (the "giving lot") shall reduce its allowable development, and the other lot (the "receiving lot") shall increase its allowable development by a like amount.

- 1) An Application for a Watershed Density Averaging Certificate, on a form supplied by the Department of Water Resources, is submitted according to the established deadlines and procedures.
- 2) The two lots are within the same water supply watershed, irrespective of jurisdictional boundaries;
- 3) If one of the lots is located in the Watershed Critical Area, that lot shall not be developed beyond the applicable density limit listed in Table 12-6 or Table 12-7;
- 4) The overall density for both lots meets applicable density requirements of Table 12-6 or Table 12-7 and both lots meet applicable stormwater control requirements;

Commentary: The density averaging formulas would be such that the sum of the maximum "by the watershed regulations book" numbers of dwelling units (DU) on the giving property and on the receiving property, divided by the sum of their acreages (Ac), would be equal to the sum of the reallocated numbers of dwelling units on the giving property and on the receiving property, divided by the sum of their acreages. The BUA formula would substitute square footages of BUA for numbers of dwelling units. To wit, maximum "by the book" $[DU \text{ Property A} + DU \text{ Property B}] / [Ac \text{ Property A} + Ac \text{ Property B}] = \text{reallocated } [DU \text{ Property A} + DU \text{ Property B}] / [Ac \text{ Property A} + Ac \text{ Property B}]$ and maximum "by the book" $[BUA \text{ Property A} + BUA \text{ Property B}] / [Ac \text{ Property A} + Ac \text{ Property B}] = \text{reallocated } [BUA \text{ Property A} + BUA \text{ Property B}] / [Ac \text{ Property A} + Ac \text{ Property B}]$.

- 5) Built-upon areas are designed and located such that the Technical Review Committee finds that the design of each site is such that all of the following are achieved:
 - a) Minimize stormwater runoff impact to the receiving waters;
 - b) Minimize concentrated stormwater flow;
 - c) Maximize the use of sheet flow through vegetated areas;
 - d) Maximize the flow length through vegetated areas; and
 - e) Average and adjust any undisturbed areas, as required in Sec. 30-12-4.2(B), Land Disturbance, to reflect the density averaging.
- 6) The built-upon areas on both lots are located in upland areas and away from surface waters and drainageways;
- 7) Both lots comply with the high density stream buffers;
- 8) The portions of the lots that are not being developed will remain in a vegetated or natural state, be placed in Density Averaging Easements (DAE) in accordance with Subsection 10) 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, dedicated drainageway and open space or greenway; or
 - c) Placement under a permanent conservation or farmland preservation easement.
- 9) Metes and bounds descriptions of the areas to remain vegetated and limits on use shall be recorded as follows:
 - a) On a Density Averaging 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 no net decrease provisions of this ordinance.
- 10) Density Averaging Easements (DAE) shall be platted over those areas that are not to be developed, which shall 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 utilities 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;
- f) The removal of hazardous trees (as determined by the Water Resources Director on a case-by-case basis) is permitted, provided that the stump remains and each tree removed is replaced with a newly planted tree at a 1:1 ratio; and
- g) The Technical Review Committee may grant a Type 2 Modification (see Sec. 30-4-11) for changes to existing Density Averaging Easements.

Section 3. That Subsection b) of Section 30-12-3.4(C) 1), Watershed Modification that is Minor in Nature, is hereby amended to read as follows:

- b) For properties located within General Watershed Areas (GWA) and Other Watershed Districts, the Planning Board may grant a Type 3 Modification to the Standards of watershed regulations in accordance with Sec. 30-4-11.

Section 4. That Table 12-5 of Section 30-12-3.9, Table of Activities and Structures in Stream Buffer, is hereby amended by adding the following activity and structure within alphabetical order:

Table 12-5
Table of Activities and Structures in Stream Buffers (Zone 1 and Zone 2)

Activities and Structures in Stream Buffers	Allowable	Allowable with Restrictions	Allowable with Mitigation
<u>Draining a pond in a natural drainageway where a riparian protection area is established adjacent to the new channel</u>	X		

Section 5. That Section 30-15-21, Terms Beginning with “W” and “X”, is hereby amended to revise the definition of “Watershed Manual” to read as follows:

Watershed Manual

~~This shall mean the adopted City of Greensboro Stormwater Management Manual.~~ This shall mean the current version of the City of Greensboro Stormwater Management Manual which is a supplement to the NC Division of Water Quality Stormwater BMP Manual.

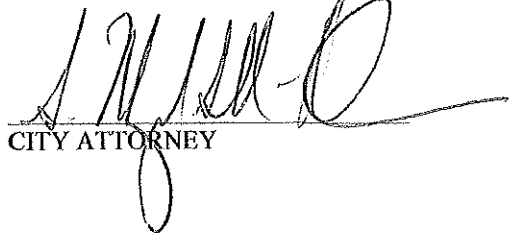
Section 6. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 7. This ordinance shall become effective upon adoption.

THE FOREGOING ORDINANCE WAS ADOPTED
BY THE CITY COUNCIL OF THE CITY OF GREENSBORO
ON THE 5th DAY OF AUGUST, 2013 AND WILL
BECOME EFFECTIVE UPON ADOPTION.

ELIZABETH H. RICHARDSON
CITY CLERK

APPROVED AS TO FORM


CITY ATTORNEY