

AMENDING CHAPTER 30 (LDO)  
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 30-3-7.5, Voting, is hereby amended to read as follows:

(A) Required Vote for Approval

1) An affirmative 4/5 majority vote of members present and voting is required to grant a variance from the provisions of this ordinance.

- ~~a) To decide in favor of the applicant any other matter upon which the Board of Adjustment is required to pass under this ordinance;~~
- ~~b) To grant a variance from the provisions of this ordinance; and~~
- ~~c) To grant a special exception as may be assigned by this ordinance.~~

2) An affirmative vote of the majority of members is required:

- a) To grant a special exception as may be assigned by this ordinance;
- b) To reverse or modify any order, requirement, decision, determination, or interpretation of an appeal of an administrative officer charged with enforcing this ordinance; and
- c) To decide in favor of the applicant any other matter upon which the Board of Adjustment is required to pass under this ordinance.

3) Vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

Section 2. That Subsection 2) of Section 30-4-1.4(A), Summary of Notice Required, and Table 4-2, Notice Requirements for Boards and Commissions is hereby amended by placing a check mark in the "Posted" notice column for the "Variance and Special Exception" and "Appeal of Zoning Administrative Decision" rows.

Section 3. That Subsection b) of Section 30-4-1.4(B) 1), Published Notice, is hereby amended to read as follows:

b) Board of Adjustment

An advertisement must be placed in a local newspaper of general circulation once, not less than 10 days nor more than 25 days before the date of the public hearing.

Section 4. That Subsection c) of Section 30-4-1.4(B) (2), Mailed Notice, is hereby amended to read as follows:

c) All ~~zoning map amendment~~ Zoning Commission and Board of Adjustment notices must be mailed at least 10 but not more than 25 days before the date of the public hearing. All other notices must be mailed prior to the public hearing date.

Section 5. That Subsection 3) of Section 30-4-1.4 (B), Notification Requirements, is hereby amended to read as follows:

(3) The ~~Planning and Community Development~~ Director must post a sign as specified in Sec. 30-4-1.4(A) advertising the public hearing not less than 10 days nor more than 25 days before the date of public ~~prior to the hearing date~~ for the action being considered. The sign must be posted on the property or at a point visible from a

public street. The sign must include, at a minimum, the time, date, and case number of the matter to be heard at the hearing, and contact information of the Planning and Community Development Department.

Section 6. That Subsection (A) of Section 30-4-2.1, Applicability, is hereby amended to read as follows:

(A) Interpretation by Planning and Community Development Director

The Planning and Community Development Director ~~and/or an officer charged with enforcing this ordinance~~ is authorized to make interpretations concerning the provisions of this ordinance ~~unless otherwise specified~~.

Section 7. That Subsection (A) of Section 30-4-13.5, General Variance Findings of Fact, is hereby amended to read as follows:

(A) In order to grant a variance request, the Board must make the following findings of fact:

~~1) There are practical difficulties or unnecessary hardships that would result from carrying out the strict letter of this ordinance. The Board of Adjustment may reach this conclusion if it finds that:~~

- ~~a) if the applicant complies with the provisions of this ordinance, no reasonable use could be made of the property;~~
- ~~b) the hardship of which the applicant complains results from unique circumstances related to the applicant's property;~~
- ~~c) the hardship results from the application of this ordinance to the property; and~~
- ~~d) the hardship is not the result of the applicant's own actions.~~

~~2) The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit.~~

~~3) The granting of the variance assures the public safety and welfare and does substantial justice.~~

1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2) 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.

3) The hardship did not result from actions taken by that applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

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

Section 8. That Section 30-4-27.1, Applicability, is hereby amended to read as follows:

30-4-27.1 Applicability

An appeal of any person with standing, as defined in G.S. 160A 393(d), aggrieved by a final zoning order, interpretation or decision of any administrative official authorized to make decisions in regard to the provisions of this ordinance may be taken to the Board of Adjustment, except as otherwise expressly stated.

Section 9. That Section 30-4-27.3, Deadline for Submission of Application, is hereby amended to read as follows:

30-4-27.3 Deadline for Submission of Application

An appeal of a zoning administrative decision must be filed with the Planning and Community Development Director within 30 ~~15~~ days of the date the appealing party receives actual or constructive notice of the decision from

which the appeal is taken. With respect to an appeal of a zoning administrative decision approving a development application, constructive notice shall include, but shall not be limited to any visual signs of the initiation of construction work on a site.

It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is predominately posted on the property for at least ten days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision.

Section 10. That Section 30-4-27.5, Action by the Planning and Community Development Director, is hereby amended to read as follows:

30-4-27.5 Action by the Planning and Community Development Director

The Planning and Community Development Director must transmit to the Board of Adjustment, owner of the property and appellant (if different than the property owner) all the notes, applications, and other records relating to the decision being appealed.

Section 11. That Section 30-5-3.1, Appeal, is hereby amended to read as follows:

30-5-3.1 Appeal

Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of any city employee charged with enforcement of the provisions of this ordinance to the Board of Adjustment (unless this ordinance expressly states that another board is responsible for hearing the appeal) within 30 +5 days following the date of the Notice of Violation. The Board of Adjustment, or other designated board, must hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the decision of any city employee charged with enforcement of the provisions of this ordinance shall be final.

Section 12. That Section 30-4-10, Special Use Permits, is hereby amended by adding a new Subsection 30-4-10.13, Appeal, to read as follows:

30-4-10.13 Appeal

Final decisions made by the Zoning Commission or the City Council may be appealed within 30 days to the Guilford County Superior Court who must hear the appeal on the record.

Section 13. That Subsection (E) through (G) of Section 30-3-6.5, Voting, are hereby amended to read as follows:

(E) All zoning map amendment decisions of the Zoning Commission may be appealed to the City Council (Sec.30-4-5.6(E)).

(F) All special use permit decisions of the Zoning Commission may be appealed to the Guilford County Superior Court (Sec. 30-4-10.13)

(F-G) The Chair votes as any other Commission member.

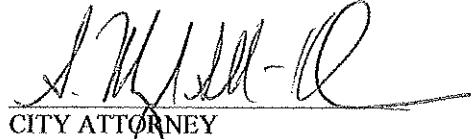
Section 14. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

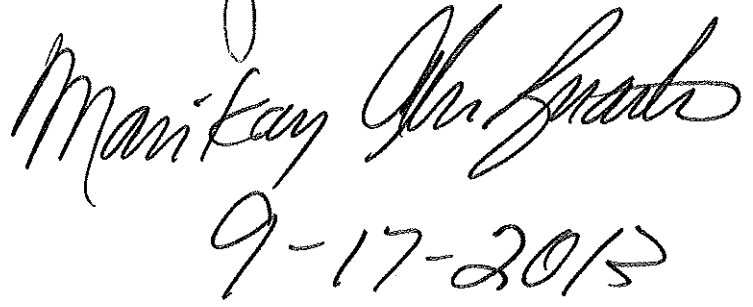
Section 15. This ordinance shall become effective on October 1, 2013.

THE FOREGOING ORDINANCE WAS ADOPTED  
BY THE CITY COUNCIL OF THE CITY OF GREENSBORO  
ON THE 17TH DAY OF SEPTEMBER, 2013 AND WILL  
BECOME EFFECTIVE ON OCTOBER 1, 2013.

ELIZABETH H. RICHARDSON  
CITY CLERK

APPROVED AS TO FORM

  
CITY ATTORNEY

  
9-17-2013