

# Article 3. Administration

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## 30-3-1 General

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### 30-3-1.1 Establishment

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The City Council provides for the manner in which the provisions of this ordinance are determined, established, enforced, amended, supplemented, and changed.

### 30-3-1.2 Organization

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With the exception of the City Council, each of the boards, commissions and committees provided for by this ordinance must adopt rules and maintain records in accordance with the following:

**A. Rules of Conduct**

Boards, commissions and committees must adopt rules necessary to conduct their affairs.

**B. Conformance**

The rules adopted must be in accordance with state law and the provisions of this ordinance.

**C. Residency**

With the exception of members of the Technical Review Committee, the Guilford County Joint Historic Preservation Committee, and administrative officials, all board and commission members must be residents of the City of Greensboro or its extraterritorial jurisdiction.

**D. Election and Terms of Officers**

Unless otherwise expressly stated by ordinance, members of a board, commission or committee must elect a Chair and Vice-Chair.

**E. Record of Meetings**

Boards, commissions and committees must keep minutes of their proceedings, showing the vote of each member upon every action or, if absent or failing to vote, indicate such fact. Where applicable, they must also keep records of evidence presented and their official actions. All such records and minutes are public record.

**F. Temporary Disqualification for Conflict of Interest**

A member of a board, commission, or City Council charged with making decisions may not participate in any vote on a matter that would violate an applicant's right to an impartial decision maker. Common conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, communications outside of an advertised public hearing dealing with the subject matter, (for quasi-judicial), a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members of the Board must by majority vote rule on the objection.

**G. General Powers**

In the application and enforcement of the specific powers and duties established by this ordinance, a board, commission or committee has the authority to:

1. appoint, at its discretion, subcommittees to concern themselves with specific planning and community development matters;
2. make such other studies and plans and to review such other related matters as directed by the City Council; and

3. exercise other powers and authority provided to it by the City Council, this ordinance, or state law.

### **30-3-1.3 Alternate Members**

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#### **A. Inclusion of Alternates**

The City Council may appoint alternate members to a board, commission or committee to serve in the absence or temporary disqualification of regular members, or to fill a vacancy pending appointment of a new member.

#### **B. Powers and Duties**

In the absence or temporary disqualification of a regular member, alternate members have and may exercise all of the powers and duties of a regular member.

### **30-3-1.4 Terms**

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#### **A. Length of Terms**

Regular members and alternate members will serve a term of 3 years unless otherwise expressly stated, provided that upon initial appointment the terms of office may be staggered. The terms of all members may not expire at the same time.

#### **B. Maximum Consecutive Terms**

Regular members may not serve more than 2 full consecutive terms unless otherwise expressly stated.

#### **C. Filling of Vacancies**

Vacancies created by resignation or other causes must be filled by a new member or an alternate member appointed to serve for the remainder of the unexpired term. Such service is not counted towards the maximum serving of 2 consecutive terms, unless it is greater than half the term.

### **30-3-1.5 Extraterritorial Representation**

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If the population in the city's extraterritorial jurisdiction reaches the population specified in [NCGS 160A-360](#), the Guilford County Board of County Commissioners must appoint additional regular members to affected city boards and commissions in accordance with [NCGS 160A-362](#).

### **30-3-1.6 Compensation**

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Compensation for members may be provided for by the City Council.

## **30-3-2 City Council**

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### **30-3-2.1 Organization**

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Unless otherwise expressly stated in this ordinance, the City Council must conform to the rules and procedures provided in the City Charter.

### **30-3-2.2 Powers and Duties**

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In the application and enforcement of this ordinance, the City Council has the following powers and duties:

#### **A. Review and Recommendation**

The City Council has review and recommendation authority for Type 5 Modifications ([30-4-11](#)).

#### **B. Final Approval**

The City Council has final decision-making authority for the following:

1. Comprehensive Plan Amendments (30-4-3), except in accordance with 30-4-5.6(D)2;;
2. Ordinance Text Amendments (30-4-4);
3. Zoning Map Amendments (30-4-5 through 30-4-8);
4. Establishment of Original Zoning (30-4-9);
5. Special Use Permits (30-4-10);
6. Local Historic District and Landmark Designations (30-4-12);
7. Type 4 Modifications (30-4-11);
8. Designation of Redevelopment Areas;
9. Street Name Changes;(30-4-23);
10. Street, Alley and Walkway Closings (30-4-22); and
11. Design manuals for overlay zoning districts (30-4-8).

**C. Appeal**

The City Council is authorized to hear and decide appeals for the following:

1. Zoning Map Amendments (30-4-5 through 30-4-8);
2. Special Use Permits (30-4-10);
3. Site Plans (30-4-15);
4. Subdivisions (30-4-17), and Preliminary Plats;
5. Type 1, Type 2 and Type 3 Modifications (30-4-11); and
6. Site Specific Development Plans (30-4-25).

## **30-3-3 Planning Board**

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### **30-3-3.1 Authority and Establishment**

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A planning agency known as the Planning Board is hereby established pursuant to NCGS 160A-361.

### **30-3-3.2 Membership**

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The Planning Board consists of 9 regular members appointed by the City Council.

### **30-3-3.3 Quorum**

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Five or more members of the Planning Board constitutes a quorum.

### **30-3-3.4 Powers and Duties**

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The Planning Board has the following powers and duties:

**A. Review and Recommendation**

The Planning Board has review and recommendation authority for the following:

1. Comprehensive Plan Amendments (30-4-3) except when processed concurrently with Zoning Map Amendments, as specified in 30-4-5.6(D)2;;
2. Ordinance Text Amendments (30-4-4);

3. Design manuals for overlay zoning districts (30-4-8);
4. Street Name Changes. (30-4-23);
5. Street, Alley and Walkway Closings (30-4-22);
6. Designation of Redevelopment Areas;
7. Type 4 and Type 5 Modifications (30-4-11); and
8. Department of Housing and Urban Development Consolidated Plan:
  - a. To review and provide recommendations concerning programs contained in the Consolidated Plan covering the Community Development Block Grant, HOME and Emergency Shelter Grant Program for the city;
  - b. To provide professional expertise for developing program goals and policy; and
  - c. To gather information from the public, development and business communities with respect to the Consolidated Plan.

**B. Final Action**

The Planning Board has final decision-making authority for the following procedures:

1. Release of Utility Easements;
2. Unified Development Plans (30-4-15);
3. Traditional Neighborhood Development Plans (30-4-7);
4. Type 3 Modifications (30-4-11);
5. Site Specific Development Plans (30-4-25);

**C. Appeal**

The Planning Board is authorized to hear and decide appeals of the following administrative decisions in accordance with 30-4-27.

1. Subdivision Preliminary Plats (30-4-17);
2. Site Plans (30-4-15); and
3. Type 1 and Type 2 Modifications (30-4-11).

**Commentary:** *Appeals of certain administrative decisions may also be heard by the City Council as specified within the applicable procedure.*

D. The Planning Board shall form a Tree Conservation and Landscaping (Tree Board) subcommittee, composed of three members, and led by a member of the Planning Board to perform the following powers and duties:

1. To provide professional expertise for developing program goals and policy related to tree conservation and landscape;
2. To review and provide recommendations for the long term tree management and maintenance plan for the city;
3. To evaluate and monitor current regulations for effectiveness, and recommend appropriate changes regarding the tree conservation and landscape provisions of this ordinance to the city council; and
4. To gather information from the public, development and business communities with respect to the tree conservation and landscape provisions of this ordinance.

### **30-3-3.5 Voting**

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**A. Required Vote for Approval**

The concurring affirmative vote of a majority of Planning Board members present and voting is required to make a recommendation or any other decision in favor of an applicant. Tie votes will be considered recommendations or decisions for denial.

**B. Vote of the Chair**

The Chair votes as any other Board member.

**C. Appeals to City Council**

All decisions of the Planning Board may be appealed to the City Council.

(Amended by Ord. 12-114 on 10/2/12)

### **30-3-4 Technical Review Committee**

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#### **30-3-4.1 Authority and Establishment**

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A planning agency known as the Technical Review Committee (TRC) is hereby established pursuant to [NCGS 160A-361](#).

#### **30-3-4.2 Membership**

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A. The Technical Review Committee is composed of 8 members with one representative from each of the following departments (divisions):

1. Planning (Administration);
2. Planning (Current Planning);
3. Engineering and Inspections (Engineering);
4. Parks and Recreation;
5. Fire Department;
6. Transportation;
7. Water Resources (Engineering); and
8. Water Resources (Stormwater).

B. These members are designated by their respective department heads.

#### **30-3-4.3 Quorum**

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Five or more members of the Technical Review Committee constitutes a quorum.

#### **30-3-4.4 Officers**

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The Planning Director or the Planning Director's designated representative serves as Chair of the Technical Review Committee.

#### **30-3-4.5 Powers and Duties**

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**A. Review and Recommendation**

The Technical Review Committee has review and recommendation authority for the following:

1. Type 3, 4 and 5 Modifications (30-4-11);
2. Site Specific Development Plans (30-4-25);
3. Street, Alley and Walkway Closings (30-4-22);
4. Street Name Changes (30-4-23);
5. Unified Development Plans (30-4-6 and 30-4-6.6(A); and
6. TN Development Plans (30-4-7).

**B. Final Action**

The Technical Review Committee has final decision-making authority for the following procedures:

1. Type 2 Modifications (30-4-11);
2. Major Subdivision Preliminary Plats (30-4-17);
3. Site Plans (30-4-15);
4. Watershed Plans;
5. Stormwater Management Plans; and
6. Planned Unit Development Concept Plans.

**C. Appeal**

The Technical Review Committee is authorized to hear and decide appeals of decisions on:

1. Minor Subdivision Preliminary Plats (30-4-17);
2. Final Subdivision Plats (30-4-17);
3. Site Grading Plans; and
4. Type 1 Modifications (30-4-11).

**D. Nonregulatory**

The Technical Review Committee must provide for a continuing, coordinated, and comprehensive review of the technical aspects of this ordinance.

## **30-3-4.6 Voting**

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**A. Required Vote for Approval**

Six or more favorable votes are required to make a recommendation or any other decision in favor of an applicant. Votes containing a tie will be considered recommendations or decisions for denial and may be appealed in accordance with Subsection (C) below.

**B. Vote of the Chair**

The Chair votes as any other Board member.

**C. Appeals to Department Directors**

All decisions rendered in a tie vote may be appealed to the directors of the departments which compose the Technical Review Committee. The concurring affirmative vote of a majority of directors is required to make a recommendation or any other decision in favor of an applicant. Tie votes will be considered recommendations or decisions for denial.

- D. Any vote by a member of the Technical Review Committee related to a submitted application shall be directly related to compliance with all applicable ordinance requirements that are under the purview of said department.

(Amended by Ord. 12-114 on 10/2/12 and Ord. 14-35 on 3/18/14)

## **30-3-5 [Reserved]**

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(Amended by Ord. 12-114 on 10-2-12)

## **30-3-6 Zoning Commission**

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### **30-3-6.1 Authority and Establishment**

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A planning board known as the Zoning Commission is hereby established pursuant to [NCGS 160A-361](#).

### **30-3-6.2 Membership**

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The Zoning Commission consists of 9 regular members appointed by the City Council.

### **30-3-6.3 Quorum**

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Five or more members of the Zoning Commission constitutes a quorum.

### **30-3-6.4 Powers and Duties**

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#### **A. Review and Recommendation**

The Zoning Commission has review and recommendation authority for the following:

1. Ordinance Text Amendments when referred to it by the Planning Board or City Council ([30-4-4](#));
2. Zoning Map Amendments processed concurrently with Comprehensive Plan Amendments ([30-4-5](#) through [30-4-8](#));
3. Establishment of Original Zoning ([30-4-9](#)); and
4. Zoning Map Amendments for overlay zoning districts ([30-4-8](#)).

#### **B. Final Action**

The Zoning Commission has final decision-making authority (subject to appeal) for the following:

1. Zoning Map Amendments, other than those processed concurrently with Comprehensive Plan Amendments ([30-4-5](#) through [30-4-8](#));
2. Zoning Map Amendments with Comprehensive Plan Amendments ([30-4-5.6\(D\)2](#)); and
3. Special Use Permits ([30-4-10](#)).

### **30-3-6.5 Voting**

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- A. Six or more favorable votes are required for approval of an application before the Zoning Commission.
- B. When an application before the Zoning Commission receives fewer than 6 favorable votes, but a majority favorable vote, that action constitutes a favorable recommendation and the application will be forwarded to the City Council for final action following a public hearing.
- C. When an application is accompanied by a Comprehensive Plan Amendment and receives a unanimous vote of approval by the Zoning Commission, it shall be deemed approved ([30-4-5.6\(D\)2](#)).
- D. When an application receives a tie vote or a majority unfavorable vote from the Zoning Commission, the application is deemed denied.

- E. All zoning map amendment decisions of the Zoning Commission may be appealed to the City Council (30-4-5.6(E)) and
- F. All special use permit decisions of the Zoning Commission may be appealed to the Guilford County Superior Court (30-4-10.13)
- G. The Chair votes as any other Commission member.

(Amended by Ord. 13-122 on 9/17/13)

## **30-3-7 Board of Adjustment**

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### **30-3-7.1 Authority and Establishment**

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A planning agency known as the Board of Adjustment is hereby established pursuant to NCGS 160A-388.

### **30-3-7.2 Membership**

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The Board of Adjustment is appointed by the City Council and must consist of 7 regular members and 2 alternate members.

### **30-3-7.3 Quorum**

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Four or more regular or alternate members of the Board of Adjustment present and eligible to vote constitutes a quorum.

### **30-3-7.4 Powers and Duties**

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#### **A. Final Action**

The Board of Adjustment has final decision-making authority for the following procedures:

1. Variances (30-4-13);
2. Special Exceptions (30-4-14); and
3. Changes of Use for Nonconforming Uses (30-2-3.4) or Alterations of Nonconforming Uses (30-2-3.2(D)).

#### **B. Appeals**

The Board of Adjustment has the authority to hear and decide appeals on the following:

1. Zoning Administrative Determinations (30-4-27);
2. Certificate of appropriateness decisions of the Historic Preservation Commission (30-4-1.6).

(Amended by Ord. 13-156 on 12/17/13 and Ord. 12-114 on 10/2/12)

### **30-3-7.5 Voting**

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#### **A. Required Vote for Approval**

1. An affirmative vote of 4/5 of the appointed members shall be required to grant a variance from the provisions of this ordinance. 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.
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.

**B. Vote of the Chair**

The Chair votes as any other board member.

(Amended by Ord. 10-156 on 10/19/10, Ord. 12-114 on 10/2/12, Ord. 13-122 on 9/17/13, and Ord. 15-102 on 7/21/15)

## **30-3-8 Historic Preservation Commission**

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### **30-3-8.1 Authority and Establishment**

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A Historic Preservation Commission is hereby established pursuant to [NCGS 160A-400.7](#). Pursuant to Section 4 [NCGS 160A-400.5](#), nothing in this ordinance affects the status of any historic district or historic property established or designated under the authority of Part 3 of [Article 19 of Chapter 160A](#) of the General Statutes; such establishment or designation being prior to the effective date of this ordinance. Nothing in this ordinance affects the validity of the Guilford County Joint Historic Properties Commission created by Ordinance 80-86 dated October 6, 1980.

### **30-3-8.2 Membership**

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**A. Number of Members**

The Historic Preservation Commission consists of 9 members who are appointed by the City Council.

**B. District Representation**

Each historic district must be represented by at least one person on the Historic Preservation Commission.

**C. Qualification for Membership**

Members must be qualified based on demonstrated interest or experience in history, architectural history, historic preservation, architecture, archaeology, planning, or related fields.

**D. Designation**

The Guilford County Joint Historic Properties Commission may be designated by the City Council to perform the duties of a Historic Preservation Commission.

### **30-3-8.3 Quorum**

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Five or more members of the Historic Preservation Commission constitutes a quorum.

### **30-3-8.4 Powers and Duties**

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**A. Review and Recommendation**

The Historic Preservation Commission has review and recommendation authority for the following:

1. Designation of Local Historic District overlay district including design guidelines and zoning map amendments (see **Historic District Preservation Manual and Design Guidelines**);
2. Designation of Landmark Signs (30-4-12.2);
3. Ordinance Text Amendments, when required (30-4-4);
4. Zoning Map Amendments, when required (30-4-5 through 30-4-8);
5. Special Use Permits, when required (30-4-10);
6. Special Exceptions, when required (30-4-14);
7. Variances, when required (30-4-13); and
8. Street, Alley and Walkway Closings, when required (30-4-22).

**B. Final Action**

1. The Historic Preservation Commission has final decision-making authority for a certificate of appropriateness (30-4-12.4) when the subject property is located within a designated local historic district.
2. The Historic Preservation Commission has final decision-making authority for designation of landmark signs (30-4-12.2).

**C. Nonregulatory**

In addition to the specific powers and duties required in the enforcement and application of, the Historic Preservation Commission has the following nonregulatory authority:

1. Review proposed nominations of National Historic Districts and sites;
2. to undertake an inventory of properties of historical, prehistorical, architectural, and/or cultural significance;
3. to acquire by any lawful means the fee or any lesser included interest, including options to purchase, to properties within established historic 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;
4. to restore, preserve, and operate historic properties;
5. to conduct an educational program with respect to historic properties and districts within its jurisdiction;
6. to prepare and recommend adoption of a preservation plan;
7. to negotiate at any time with the owner of a building, structure, site, area, or object for its acquisition or its preservation when such action is reasonably necessary or appropriate;
8. to cooperate with the state, federal, and local governments in historic preservation activities. The City Council or the Historic Preservation Commission when authorized by the City Council may contract with the state or federal government or with any other organization, provided the terms are not inconsistent with state or federal law;
9. 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 Historic Preservation Commission may enter any private building or structure without the express consent of the owner or occupant thereof; and
10. to exercise other powers and authority provided to it by the City Council, this ordinance, and State law.

## **30-3-8.5 Voting**

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An affirmative vote of a majority of those members present and voting is required before any recommendation or action is made on any matter considered. When any matter is transmitted to the City Council without recommendations, the reasons for the lack of a recommendation must be stated.

## **30-3-9 Guilford County Joint Historic Preservation Commission**

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### **30-3-9.1 Authority and Establishment**

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A Guilford County Joint Historic Preservation Commission is hereby established pursuant to [NCGS 160A-399.1](#) et seq.

### **30-3-9.2 Purpose**

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The historical heritage of the County is one of its most valued and important assets. Conservation of historic properties will stabilize and increase the values in their areas and strengthen the overall economy of the county and state. The City of Greensboro seeks:

- A. to safeguard its heritage by preserving any property therein that embodies important elements of its cultural, social, economic, political, or architectural history; and
- B. to promote the use and conservation of such property for the education, pleasure, and enrichment of the residents of the county and state.

### **30-3-9.3 Membership**

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#### **A. Number of Members**

The Guilford County Joint Historic Preservation Commission consists of 11 members with 3 of those members appointed by the Greensboro City Council.

#### **B. Qualification for Membership**

Members must be qualified based on demonstrated interest or experience in history, architectural history, historic preservation, architecture, archaeology, planning, or related fields.

### **30-3-9.4 Annual Report**

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The Guilford County Joint Historic Preservation Commission must prepare and submit an annual report to the Greensboro City Council.

### **30-3-9.5 Powers and Duties**

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#### **A. Review and Recommendation**

The Guilford County Joint Historic Preservation Commission has review and recommendation authority for the following within the City of Greensboro:

- 1. to recommend to the City Council, building, structures, sites, areas, or objects within the corresponding zoning jurisdiction to be designated by ordinance as landmarks;
- 2. to recommend to the City Council that landmark designation of any building, structure, site, area, or object as a historic property be revoked or removed.

#### **B. Final Action**

The Guilford County Joint Historic Preservation Commission has final decision-making authority for Certificates of Appropriateness for a designated Landmark.

**C. Nonregulatory**

The Guilford County Joint Historic Preservation Commission has the following nonregulatory powers and duties:

1. to acquire by any lawful means the fee or any lesser included interest, including options to purchase, to any such historic properties; 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;
2. to restore, preserve, and operate such historic properties;
3. to negotiate with the owner of a designated historic property for its preservation as allowed by [NCGS 160A-360](#) et seq. when such action is reasonably necessary or appropriate for the preservation;
4. to conduct an educational program on historic properties within its jurisdiction;
5. to cooperate with the state, federal, and local governments in pursuance of the purposes of this section. The Commission when authorized by the City Council may contract with the state or the federal government, or with any agency or with any other organization, provided the terms are not inconsistent with state or federal law;
6. 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 Commission may enter any private building or structure without the express consent of the owner or occupant thereof;
7. to act as, establish, or designate a group, body, or committee to give advice to property owners concerning the treatment of the historical and visual characteristics of their properties such as color schemes, gardens and landscape features, and minor decorative elements;
8. to take steps, during the period of postponement of demolition or alteration of any historic property, to ascertain what the City Council can or may do to preserve such properties including consultation with private civic groups, interested private citizens, and other public boards or agencies and including investigation of potential acquisition by the City Council when the preservation of a given historic property is clearly in the interest of the general welfare of the community and such property is of certain historic and architectural significance;
9. to propose to the City Council changes to this or any other ordinance and propose new ordinances or laws relating to historic properties or relating to a total program for the protection and/or development of the historic resources of the County, the municipalities therein, and its environs;
10. to communicate with other boards or commissions or with agencies of the local government or other governmental units to offer or request assistance, aid, guidance, or advice concerning matters under its purview or of mutual interest;
11. to publish information about or otherwise inform the public of any matters pertinent to its purview, duties, organization, procedures, responsibilities, functions, or requirements as its budget may allow;
12. to report violations of this ordinance or the building code with respect to historic properties to the city's Planning and Community Development Director;
13. to accept funds granted to the Commission for preservation purposes from private individuals and organizations;
14. to organize itself and conduct its business; and
15. to exercise other powers and authority provided to it by the City Council and state law.

## **30-3-9.6 Receipt and Expenditure of Funds**

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The City Council may make appropriations to the Guilford County Joint Historic Preservation Commission in any amount that it may determine necessary for the expenses of the operation of the Commission, and may make available any additional amounts necessary for the acquisition, restoration, preservation, operation, and management of historic buildings, structures, sites, areas, or objects designated as historic properties, or of land on which historic buildings or structures are located or to which they may be removed.

## **30-3-9.7 Staff and Technical Services**

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The Guilford County Joint Historic Preservation Commission may recommend to the City Council suitable arrangements for the procurement or provision of staff or technical services.

## **30-3-9.8 Remedies**

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In case any building, structure, site, area, or object designated a historic property is about to be demolished whether as a result of deliberate neglect or otherwise, materially altered, remodeled, or removed, except in compliance with this section, the city or Guilford County Joint Historic Preservation Commission may institute any appropriate action or proceeding to prevent such unlawful demolition, material alteration, remodeling, or removal; to restrain, correct, or abate such violation; or to prevent any illegal act or conduct with respect to such historic property.

## **30-3-10 [Reserved]**

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(Amended by Ord. 12-114 on 10/2/12)

## **30-3-11 Redevelopment Commission**

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### **30-3-11.1 Authority and Establishment**

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A Redevelopment Commission is hereby established pursuant to [NCGS 160A-504](#).

### **30-3-11.2 Membership**

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The Redevelopment Commission consists of 5 members appointed by the City Council.

### **30-3-11.3 Findings and Declaration of Policy**

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The Redevelopment Commission makes the following findings and recommendations to the City Council after considering facts and information contained in studies and investigations made by city agencies:

- A. that there are within the territorial limits of the city areas in which there is a predominance of buildings or improvements, and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowded, unsanitary or unsafe conditions, endanger life and property by fire and other causes, and which conditions substantially impair the sound growth of the community, and which conditions are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and which are detrimental to the public health, safety, morals, and welfare of the community, and which areas, by reason of the aforesaid conditions, are blighted or deteriorated areas now existing within the territorial limits of the city; and
- B. that the redevelopment of such areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the city.

## **30-3-11.4 Powers and Duties**

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The Redevelopment Commission is vested with all the powers and duties and must perform all the acts authorized by [NCGS 160A-500 et seq.](#)

## **30-3-12 Planning and Community Development Director**

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### **30-3-12.1 Powers and Duties**

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#### **A. Review and Recommendation**

The Planning and Community Development Director has review and recommendation authority for the following:

1. Comprehensive Plan Amendments ([30-4-3](#));
2. Ordinance Text Amendments ([30-4-4](#));
3. Establishment of Original Zoning ([30-4-9](#));
4. Zoning Map Amendments ([30-4-5](#) through [30-4-8](#));
5. Special Use Permits ([30-4-10](#));
6. Variances ([30-4-13](#));
7. Special Exceptions ([30-4-14](#));
8. Site Specific Development Plans ([30-4-25](#));
9. Local Historic District Designations ([30-4-12](#));
10. Sign Permits ([30-4-26.5](#));
11. Tank Permits; and
12. Other permits and certificates as per this ordinance.

#### **B. Final Approval**

The Planning and Community Development Director has final decision-making authority for the following:

1. Type 1 Modifications ([30-4-11](#));
2. Plot Plans ([30-4-15](#));
3. Minor Subdivision Preliminary Plats ([30-4-17](#));
4. Final Subdivision Plats ([30-4-17](#));
5. Administrative Interpretations ([30-4-2](#));
6. Zoning Map Interpretations ([30-1-10.2](#));
7. Change of Nonconforming Use ([30-2-3.4](#)); and
8. Expansion or alteration of a Nonconforming Structure ([30-2-3.2](#)).

## **30-3-13 Floodplain Administrator**

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The Floodplain Administrator has the following powers and duties:

**30-3-13.1** Review all floodplain development applications and approve permits for all proposed development within special flood hazard areas and future conditions flood hazard areas to assure that applicable requirements have been satisfied.

**30-3-13.2** Advise permittee that additional federal or State permits, reviews or approvals (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required and require that copies of such permits be provided and maintained on file with the floodplain development permit;

**30-3-13.3** 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);

**30-3-13.4** Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained;

**30-3-13.5** Prevent encroachments within floodways and non-encroachment areas unless the certification and flood damage prevention provisions of [30-12-2.2](#) are met;

**30-3-13.6** obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with [30-4-26.10\(A\)](#);

**30-3-13.7** Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved nonresidential structures and utilities have been flood proofed, in accordance with [30-4-26.10\(B\)](#);

**30-3-13.8** Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with [30-12-2.3\(A\)12](#);

**30-3-13.9** When flood-proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with [30-4-26.10\(B\)](#) and [30-12-2.3\(B\)2](#);

**30-3-13.10** Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard or future conditions flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation;

**30-3-13.11** when base flood elevation (BFE) data has not been provided in accordance with [30-12-2.1\(F\)](#), the Planning and Community Development Director shall obtain, review, and reasonably utilize any base flood elevation data along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to [30-12-2.3\(C\)](#), in order to administer the flood prevention regulations of this ordinance.

**30-3-13.12** When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with [30-12-2.1\(F\)](#), 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 flood prevention regulations of this ordinance.

**30-3-13.13** When the lowest ground elevation of a parcel or in the case of a structure, the lowest adjacent grade and lowest floor, located in a special flood hazard area is above the base flood elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.

**30-3-13.14** maintain all records that pertain to the administration of the flood prevention regulations of this ordinance and make these records available for public inspection.

**30-3-13.15** make on-site inspections of work in progress. 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.

**30-3-13.16** Issue stop work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of the flood prevention regulations 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.

**30-3-13.17** 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 may also be revoked.

**30-3-13.18** Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his 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.

**30-3-13.19** Follow through with enforcement procedures of [30-5-3](#).

**30-3-13.20** Review, provide input, and make recommendations for variance requests.

**30-3-13.21** Maintain a current map repository to include, but not be limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with [30-12-2.1\(F\)](#), including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State of North Carolina and FEMA of mapping needs.

**30-3-13.22** Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

## **30-3-14 Property Owners Review Team (PORT)**

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### **30-3-14.1 Authority**

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A planning agency known as the Property Owners Review Team (PORT) is hereby established pursuant to [NCGS 160A-361](#).

### **30-3-14.2 Membership**

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#### **A. Number of Members**

The PORT shall be composed of five voting members and three advisory members who will be appointed by the City Council for terms to expire as of August 15.

#### **B. Qualification for Membership**

Members shall be residents of the city.

#### **C. Composition**

Voting members shall be composed of one property owner from the Urban Residential Mixed Use character area, one property owner from the Historic Core character area, two property owners from the Pedestrian

Mixed Use character area, and one representative from Downtown Greensboro Inc.'s Board, who is also a downtown property owner. The non-voting advisory members shall be composed of two representatives from the design community who have recently been involved with projects in Downtown (i.e architect, landscape architect, engineer, urban and/ or landscape designer, historic preservationist, etc.), and one Downtown Greensboro Inc. President or designee.

### 30-3-14.3 Quorum

Three voting members of the Property Owners Review Team shall constitute a quorum. The concurrence of at least a majority of those members present will be required before any recommendation or action is made on any matter considered.

### 30-3-14.4 Powers and Duties

The Property Owners Review Team shall have the following powers and duties:

- A. To provide for a continuing, coordinated, and comprehensive review of the technical aspects of this Ordinance, as it relates to the **design guidelines within the Downtown Design Overlay District**, and for the approval of certain technical aspects of development proposals;
- B. To review technical aspects of development occurring within Downtown as specified by this Ordinance;
- C. To review appeals, orders, requirements, decisions, determinations, or interpretations made by an administrative official charged with enforcing the Downtown Overlay District standards;
- D. To perform any other related duties that the City Council may direct; and
- E. To exercise other powers and authority provided to it by the City Council, this Ordinance, or state law.

(Added by Ord. 10-133 on 9/7/10)

### 30-3-15 Other Departments

Other departments may be empowered by the City Council, this ordinance, state or federal law to develop, maintain and implement technical standards, specifications, and guidelines.

(Amended by Ord. 10-133 on 9/7/10)

### 30-3-16 Summary of Review and Decision-making Authority

The table on the following page summarizes the review and decision-making authority under this ordinance:

Table 3–1: Summary of Review and Decision-Making Authority									
Procedure	Planning and Community Development Director	HPC (4)	GCJHPC	Board of Adjustment	Zoning Commission	TRC	Planning Board	City Council	Section
Ordinance Interpretations	D								30-4-2
Comprehensive Plan Amendments	R	{R}					{R}1	{D}	30-4-3
Ordinance Text Amendments	R	{R}					{R}	{D}	30-4-4
Zoning Map Amendments	R	{R}			{R/D}			{D}	30-4-5
Overlays - Plan, Design Manual	R						{R}	{D}	30-4-8

**Table 3–1: Summary of Review and Decision-Making Authority**

Procedure	Planning and Community Development Director	HPC (4)	GCJHPC	Board of Adjustment	Zoning Commission	TRC	Planning Board	City Council	Section
Establishment of Original Zoning	R				{R}			{D}	30-4-9
Special Use Permits	R							{D}	30-4-10
Type 1 Modification	D	{R}							30-4-11
Type 2 Modification						D			30-4-11
Type 3 Modification						R	D		30-4-11
Type 4 Modification						R	R	D	30-4-11
Type 5 Modification						R	R	R(5)	30-4-11
Local Historic District Designations	R	{R}			{R}		{R}	{D}	30-4-12.1
Local Historic Landmark Designations	R		{R}					{D}	30-4-12
Designation of Landmark Signs	R	{D}							30-4-12.2
Zoning Map Amendments-- Historic Districts	R	{R}			{R}			{D}	30-4-12.3
Certificates of Appropriateness	R	{D}	{D}						30-4-12.4
Prevention of Demolition by Neglect	R	{D}							30-4-12.5
Variances	R			D(7)					30-4-13
Special Exceptions	R	{R}		D(7)					30-4-14
Site Plans/Plot Plans	D(3)					D3			30-4-15
Unified and TN Development Plans	R					R	D		30-4-15
Construction and Utility Plans	D(6)								30-4-16
Preliminary Subdivision Plats	D(2)					D2			30-4-17
Final Subdivision Plats	D								30-4-17
Street, Alley and Walkway Closings	R	R				R	R	{D}	30-4-22
Site Specific Development Plans	R	{R}				R	{D}		30-4-25
Street Name Change/Assignment	R						{R}	{D}	30-4-23
Appeal of Zoning Administrative Decision				D(7)					30-4-27

HPC = Historic Preservation Commission; GCJHPC = Guilford County Joint Historic Preservation Commission; TRC = Technical Review Committee  
 "R" = Review/Recommendation; "D" = Decision-making Authority; "{ }" = Public Hearing Required

**Notes:**

- (1) Public Hearing required when not associated with a Zoning Map Amendment
- (2) The Planning and Community Development Director makes final decisions on Minor Subdivisions. Technical Review Committee makes final decisions on Major Subdivisions.
- (3) The Planning and Community Development Director makes final decisions on Plot Plans. Technical Review Committee makes final decisions on Site Plans.
- (4) The Guilford County Joint Historic Preservation Commission makes final decisions relating to Landmarks. The Historic Preservation Commission makes final decisions on all other applications.
- (5) City Council makes a recommendation to the North Carolina Environmental Management Commission.
- (6) Engineering and Inspections Director makes final decision.
- (7) Appeals of Board of Adjustment decisions are made to the Superior Court of Guilford County.

(Amended by Ord. 10-133 on 9/7/10, Ord. 10-156 on 10/19/10, Ord. 12-26 on 4/3/12 and Ord. 12-114 on 10/2/12)