



Article 1. Introductory Provisions

30-1-1 Title

This official title of this document is the "Land Development Ordinance of the City of Greensboro, North Carolina." For convenience, it is referred to throughout this document as "this ordinance."

30-1-2 Effective Date

This ordinance becomes effective on July 1, 2010.

30-1-3 Purpose

It is the purpose of this ordinance to:

- 30-1-3.1** promote the health, safety, and general welfare within the City of Greensboro and its environs;
- 30-1-3.2** implement the policies and goals contained within officially adopted plans, including the Comprehensive Plan and other related plans;
- 30-1-3.3** protect water quality within watershed critical areas, the general watershed areas of designated water supply watersheds and other watershed districts.
- 30-1-3.4** preserve the overall quality of life for residents and visitors;
- 30-1-3.5** protect the character of established residential neighborhoods;
- 30-1-3.6** maintain economically vibrant as well as attractive business and commercial areas;
- 30-1-3.7** retain and expand the city's employment base;
- 30-1-3.8** facilitate safe and efficient movement of motorists, pedestrians and cyclists;
- 30-1-3.9** support transit usage;
- 30-1-3.10** provide a safe pedestrian and bicycling environment;
- 30-1-3.11** ensure pedestrian and bicycle connections;
- 30-1-3.12** support public health through provision of convenient exercise opportunities;
- 30-1-3.13** support the city's *Walkability Policy*;
- 30-1-3.14** maintain orderly and compatible land-use and development patterns;
- 30-1-3.15** ensure adequate light, air, privacy, and access to property;
- 30-1-3.16** encourage environmentally responsible development practices;
- 30-1-3.17** promote rehabilitation and reuse of older buildings;

30-1-3.18 maintain a range of housing choices and options;

30-1-3.19 establish clear and efficient development review and approval procedures;

30-1-3.20 accommodate growth and development that complies with the preceding stated purposes; and

30-1-3.21 protect private property rights.

30-1-4 Relationship to Comprehensive Plan

The administration, enforcement, and amendment of this ordinance will be accomplished with consideration of recommendations presented in the documents related to the city's Comprehensive Plan. These documents include the following: Comprehensive Plan, *Thoroughfare Plan*, *Collector Street Plan*, neighborhood plans, small area plans, community facilities plan, capital improvements program, economic development strategies, consolidated plan, parks and recreation plan, greenways plan, open space plan, watershed management plan, and other relevant plans. A copy of the adopted Comprehensive Plan is filed with the City Clerk.

30-1-5 Jurisdiction

30-1-5.1 The provisions of this ordinance apply to all public and private lands within the corporate limits and the extraterritorial jurisdiction of the City of Greensboro, North Carolina.

30-1-5.2 Other governmental regulations may also apply to lands within the City of Greensboro and its environs.

30-1-6 Authority

This ordinance is adopted pursuant to the general statutes, regulations, and applicable laws promulgated by the North Carolina General Assembly.

30-1-7 General Rules of Interpretation

30-1-7.1 Minimum Requirements

In the interpretation and application of this ordinance, all provisions are considered to be minimum requirements and deemed neither to limit nor repeal any other powers granted under state statutes, unless otherwise expressly stated.

30-1-7.2 Literal Interpretations

The language of this ordinance must be read and interpreted literally. Regulations are no more or less strict than stated.

30-1-7.3 Rules of Language and Construction

For the purposes of interpreting the general language and sentence construction of this ordinance, the following rules of construction apply unless the context clearly indicates otherwise.

A. Meaning of Words

Words listed in [Article 15](#) have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined are given their ordinary and common meaning.

B. Tenses and Usage

1. Words used in the singular include the plural. The reverse is also true.
2. Words used in the present tense include the future tense. The reverse is also true.
3. The terms "must," "will," "shall" and "may not" are mandatory.
4. The word "may" is permissive, and "should" is advisory, not mandatory or required.
5. When used with numbers, "up to x," "not more than x" and "a maximum of x" all include "x."

C. Computation of Time

1. References to "days" are to calendar days unless otherwise expressly stated. Reference to "business days" are references to regular working days of the City of Greensboro, excluding Saturdays, Sundays and city-observed holidays.
2. The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday observed by the city, that day is excluded.
3. A day concludes at the close of business (5:00 p.m.), and any materials received after that time will be considered to be have been received the following day.

D. References

Any reference to an article, section, or paragraph means an article, section, or paragraph of this ordinance, unless otherwise expressly stated.

E. Provisions Included in "This Ordinance"

All references to compliance with "this ordinance" are inclusive of all provisions in this ordinance unless otherwise expressly stated.

F. Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this ordinance. In case of any difference of meaning or implication between the text of this ordinance and any heading, drawing, table, figure, or illustration, the text governs.

G. Current Versions and Citations

All references to other city, county, state, or federal regulations in this ordinance are intended to be references to the most current versions and citations for those regulations, unless otherwise expressly stated. When the referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.

H. Lists and Examples

Unless otherwise expressly stated, lists of items or examples that use "including," "such as," or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

I. Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the city to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom he has authority. Delegation of authority is not allowed when the provisions of this ordinance expressly prohibit such delegation.

J. Public Officials and Agencies

All employees, public officials, bodies, and agencies to which references are made are those of the City of Greensboro, North Carolina unless otherwise expressly stated.

K. Calculations and Rounding

1. General

Unless otherwise expressly stated in this ordinance, all calculations that result in a part or fraction of a whole number must be rounded as follows:

- a. any fractional result of less than 0.5 must be rounded down to the next (lower) consecutive whole number; and
- b. any fractional result of 0.5 or more must be rounded up to the next consecutive (higher) whole number.

2. **Density**

In calculating density, all calculations that result in a part or fraction of a whole number must be rounded down to the next lowest whole number.

L. **Commentaries**

Commentaries are sometimes included in this ordinance as a means of clarifying certain provisions or providing supplemental information thought to be useful for ordinance users. Text marked as "commentary" is intended as a guide for administrative officials and the public; it has no regulatory effect.

Commentary: Commentaries appear in this manner and are for informational purposes only.
--

30-1-8 Conflicting Provisions

30-1-8.1 Conflict with State or Federal Regulations

If the provisions of this ordinance are inconsistent with those of the state or federal government, the more restrictive provision governs to the extent allowed by law. The more restrictive provision is the one that imposes greater restrictions or more stringent controls. Regardless of any other provision of this ordinance, no land may be developed or used, and no structure may be erected or maintained, in violation of any state or federal regulation.

30-1-8.2 Conflict with Local Regulations

If the provisions of this ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the city, the more restrictive provision governs. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

30-1-8.3 Conflict with Private Agreements and Controls

This ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, or permits previously adopted or issued pursuant to law. The city has no responsibility for monitoring or enforcing private agreements.

30-1-9 Compliance

No building, premises, or structure may be located, extended, altered, constructed, erected, modified, converted, occupied, placed, maintained, or moved, and no land use may be commenced, maintained, or modified, except as authorized by this ordinance and other applicable regulations.

30-1-10 Official Zoning Map Established

The location and boundaries of zoning districts established by this ordinance are shown on a geographic coverage layer entitled "Zoning" that is maintained as part of the city's geographic information system (GIS) under the direction of the Planning and Community Development Director. This "Zoning" geographic coverage

layer constitutes the City of Greensboro's official zoning map, and is as much a part of this ordinance as if actually depicted within the pages of this ordinance. The Planning and Community Development Director must direct revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of zoning map amendments. No unauthorized person may alter or modify the official zoning map. The Planning and Community Development Director may authorize printed copies of the official zoning map to be produced, and must maintain digital or printed copies of superseded versions of the official zoning map for historical reference.

30-1-10.1 District Boundaries

Where the ordinance establishing a zoning boundary identifies the boundary as following a particular feature, or reflects a clear intent that the boundary follows the feature, the boundary will be construed as following that feature as it actually exists.

30-1-10.2 Boundary Interpretations

- A. Where any uncertainty exists about a zoning boundary, the Planning and Community Development Director is authorized to interpret the boundary's location using the following rules of interpretation:
1. A boundary shown on the zoning map as approximately following a lot line or parcel boundary is construed as following the lot line or parcel boundary as it actually existed at the time the zoning boundary was established.
 2. A boundary shown on the zoning map as approximately following a river, stream, lake or other watercourse is construed as following the actual centerline of the watercourse.
 3. A boundary shown on the zoning map as approximately following a street or alley is generally construed as following the right-of-way line of the street or alley.
 4. A boundary shown on the zoning map as approximately following a railroad line is construed as following the centerline of the railroad.
 5. A boundary shown on the zoning map as approximately following the boundary of a municipality or of its extraterritorial jurisdiction is construed as following that boundary.
 6. A boundary shown on the zoning map as approximately parallel to, or as an apparent extension of, a feature described above is construed as being actually parallel to, or an extension of, the feature.
 7. Outer boundaries of General Watershed Area overlay districts indicated as approximately following ridgelines or streets are construed to follow ridgelines (the actual drainage basin boundaries) or street right-of-way or centerlines. Watershed Critical Area district outer boundaries not abutting General Watershed Area overlay districts are construed in the same manner. Boundaries between General Watershed Area overlay districts and Watershed Critical Area overlay districts indicated as approximately following major landmarks (identifiable major features) such as streets are construed to follow the right-of-way or centerlines of such features or, where applicable, the projections of the right-of-way or centerlines of such features.
 8. Past zoning maps may be consulted to aid in interpreting boundary lines.
- B. Appeals of administrative interpretations of zoning boundaries may be taken to the Board of Adjustment in accordance with [30-4-27](#).

30-1-11 Annexation

If any portion of the territory subject to county jurisdiction is annexed by the city or taken into the city's extraterritorial jurisdiction by act of the General Assembly or in accordance with [NCGS 160A, Article 4A](#) or [NCGS 160A-360](#), county regulations and powers of enforcement remain in effect until:

30-1-11.1 the city has adopted regulations for the annexed or extraterritorial area; or

30-1-11.2 a period of 60 days has elapsed following the effective date of annexation or extension of extraterritorial jurisdiction.

30-1-12 Transitional Provisions

30-1-12.1 Effect on Valid Building Permits and Vested Rights

Unless the subject owner voluntarily agrees to comply with this ordinance the owner is entitled to complete development of buildings or uses pursuant to approved development plans, for which either:

- A. building permits have been issued pursuant to [G.S. 160A-417](#) prior to July 1, 2010, so long as the permits remain valid and unexpired pursuant to [G.S. 160A-418](#) and unrevoked pursuant to [G.S. 160A-422](#); or
- B. a vested right has been established pursuant to [G.S. 160A-385.1](#) and such vested right remains valid and unexpired pursuant to [G.S. 160A-385.1](#).

30-1-12.2 Other Approval Granted before Effective Date

Variances, special use permits, subdivision plats, site plans, and other similar development approvals that are valid on June 30, 2010, will remain valid until their expiration date. Development may be completed in accordance with such unexpired approvals even if such building, development or structure does not fully comply with provisions of this ordinance. If development is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building, development or structure must meet the standards of this ordinance in effect at the time of any re-application.

Commentary: *Legislation passed by the General Assembly in 2009 (Session Law 2009 - 406 {S 831}, as amended by Session Law 2009 - 484 {S 838}, Session Law 2009 - 550 {S 274}, and Session Law 2009 - 572 {H-1490} affects automatic extension of building permits and development permits of all kinds under this ordinance. For any such permits or approval that were current and valid at any point during the period beginning January 1, 2008 and ending December 31, 2011, the running of the period of development approval and any associated vested right under [G.S. 160A-385.1](#) is suspended or "tolled" during that period.*

30-1-12.3 Applications in Progress before Effective Date

Applications for building permits, variances, special use permits, subdivision plats, site plans and other similar development approvals that were submitted in complete form and are pending approval on June 30, 2010, must be reviewed wholly under the terms of the ordinance in effect on June 30, 2010, unless the applicant elects to comply with the standards of this ordinance. Any re-application for an expired approval must meet the standards of this ordinance in effect at the time of re-application.

30-1-12.4 Violations Continue

Violations of the previous ordinance will continue to be violations under this ordinance and be subject to penalties and enforcement under [Article 5](#). The adoption of this ordinance does not affect nor prevent any pending or future action to abate violations of previous ordinances.

30-1-12.5 Existing Uses

- A. When a use classified as a special use under this ordinance exists as an approved special use or as a permitted use on June 30, 2010, such use will be considered a lawfully established special use.

- B. When any amendment to this ordinance changes the classification of a permitted use to a special use, any use lawfully established before the effective date of such amendment will be considered a lawfully established special use after the effective date of such amendment.

Commentary: Paragraphs (A) and (B), above are intended to clarify that lawful, existing uses are not rendered nonconforming (or illegal) merely because they were not approved through the special use process.

- C. A lawfully established existing use that is not allowed as a special use or as a permitted use in the district in which the use is now located will be considered a nonconforming use and will be subject to all applicable regulations of [Article 2](#) (Nonconformities).

30-1-13 Severability

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 does not affect, impair, or invalidate the validity of the remaining parts of this ordinance that can be given effect without the invalid provision.