

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 Table 12-4 within Section 30-12-3.9(F), Explanation of Stream Buffer Zones, is hereby amended to read as follows:

Table 12-4 Stream Buffer Width {1} Requirements in Watershed Districts and in Other Water Supply Watershed Districts						
Low Density Option						
Watershed District	Perennial Streams, Lakes & Ponds			Intermittent Streams		
	Zone 1	Zone 2	Zone 3	Zone 1	Zone 2	Zone 3
All Watershed Districts	0-30	30-50	N/A	0-30	30-50	N/A
High-Density Option						
Watershed District	Perennial Streams, Lakes & Ponds			Intermittent Streams		
	Zone 1	Zone 2	Zone 3	Zone 1	Zone 2	Zone 3
<u>All GWA & WCA</u> <u>Upper Randleman Lake</u> <u>Lower Randleman Lake</u>	0-30	30-50	50-100	0-30	30-50	N/A
<u>Greensboro</u> <u>Lake Mackintosh</u> <u>Polecat Creek</u> Other Watershed Districts	0-30	30-50	N/A	0-30	30-50	N/A
{1} Distances on all sides of water bodies are in feet and are with reference to top of bank for streams and normal water level for all other water bodies. Thus, "0" equals top of bank or normal water level and "30" equals 30 feet landward from top of bank or normal water level.						

Section 2. That Subsection (2) of Section 30-12-3.9(G), Associated Requirements, is hereby amended to read as follows:

2. Requirements for Categories of Activities and Structures in Stream Buffers

Activities and structures designated in Table 12-5 as ~~allowable~~ exempt, allowable ~~with restrictions~~, and allowable with mitigation within a riparian protection area shall have the following requirements:

a. Allowable Exempt

Activities and structures designated as ~~allowable~~ exempt are permissible provided that they adhere to the limitations of the activity as defined in Table 12-5. In addition, allowable structures and activities 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.

b. Allowable ~~with Restrictions~~

Activities and structures designated as allowable are permissible with restrictions and may proceed provided that there are no practical alternatives to the requested use pursuant to 30-4-26.11. This includes construction, monitoring, and maintenance activities.

c. Allowable with Mitigation

Activities and structures designated as allowable with mitigation may proceed provided that there are no practical alternatives to the requested use pursuant to 30-4-26.11 and an appropriate mitigation strategy has been approved pursuant to 30-12-3.9(G)4). These activities and structures require a determination of no practical alternative from the city in accordance with 30-4-26.11.

Section 3. That Subsection (1) of Section 30-12-3.4(C), Modifications, is hereby amended to read as follows:

1. Watershed Modification that is Minor in Nature

Modification of the watershed regulations of 30-12-3, 30-12-4 or 30-12-5 that meets one of the following criteria: (A) Modification of any standard of Article 12 but not in the EMC Rules; (B) Modification of any standard on which the level of performance required by Article 12 exceeds that required by the corresponding section of the EMC Rules, provided that approval of the modification does not lower the level of performance below that required by the EMC Rules; (C) Activities that will impact only Zone 2 of the stream buffer; or (D) Modification from the EMC Rules that results in a relaxation, by a factor of up to 5%, of density, or built-upon area requirement under the high-density option; or that results in a relaxation, by a factor of up to 10%, of any management requirement under the low-density option, shall be considered minor in nature.

Section 4. That Subsection (A) of Section 30-4-26.11, Determination of No Practical Alternatives is hereby amended to read as follows:

A. Persons who wish to undertake uses designated as ~~allowable~~ exempt or allowable ~~with mitigation~~ shall submit a request for a "no practical alternatives" determination to the City of Greensboro. Submission may be made as part of a Stormwater and/or Watershed Development Plan. The applicant shall certify that the project meets all the following criteria for a determination that there is no practical alternative:

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. Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

Section 5. That Table 12-5, Table of Activities and Structure in Stream Buffers (Zone 1 and Zone 2), within Section 30-12-3.9(G) 2), Requirements for Categories of Activities and Structures in Stream Buffers, is hereby amended by adding a new row in alphabetical order and amending one row to read as follows:

The following chart sets out potential new activities and structures within the buffer and categorizes them as allowable exempt, allowable ~~with restrictions~~, or allowable with mitigation. All activities and structures not categorized as allowable exempt, allowable ~~with restrictions~~, or allowable with mitigation are considered prohibited and may not proceed within the riparian protection area if the use would impact the buffer.

Table 12-5 Table of Activities and Structures in Stream Buffers (Zone 1 and Zone 2)			
Activities and Structures in Stream Buffers	<u>Allowable Exempt</u>	Allowable with Restrictions	Allowable with Mitigation
Piping of a stream, outside of the Upper Randleman Lake and Lower Randleman Lake Watershed Districts under a permit issued by the NC Division of Water Quality and U.S. Army Corps of Engineers {6}	X		
Utility, non-electric, other than perpendicular crossings{4.5}			
<ul style="list-style-type: none"> ▪ <u>Outside of the Upper Randleman Lake and Lower Randleman Lake Watershed Districts with impacts in Zone 2</u> 	X		
<ul style="list-style-type: none"> ▪ <u>Within of the Upper Randleman Lake and Lower Randleman Lake Watershed Districts</u> with impacts in Zone 2 		X	
<ul style="list-style-type: none"> ▪ <u>Within all Watershed Districts and</u> with impacts in Zone 1 {1} 			X
Footnotes:			
{6} There is no stream buffer required over the portion of a stream that has been piped.			

Section 6. That the term “Airport Facilities” within Section 30-15-1, Terms Beginning with “A,” is hereby amended to read as follows:

Airport Facilities

Means all 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, aeronautic industrial facilities that require direct access to the airfield, 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':

A. Satellite parking facilities;

B. Retail and commercial development outside of the terminal area, such as rental car facilities; and

C. Other secondary development, such as hotels, industrial facilities, freestanding 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'.

Section 7. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 8. This ordinance shall become effective upon date of adoption.