



UPDATE

Guilford/Greensboro/High Point Planning & Inspections Department Merger – The task force studying this merger released its recommendations in late January. Over the course of February all of the local governments involved were briefed, and now it is time for them to start making decisions. This is where it gets harder than it needs to be. Essentially, everyone is fine with the merger concept as long as they can be in charge. Unfortunately, this is going to require sharing. A joint meeting of the County and Greensboro elected bodies got sidetracked and this issue was not discussed in any meaningful way. Greensboro Council will discuss the recommendations at their briefing session in late March. Stay tuned for the continuing saga of woe and intrigue as the months progress.

Greensboro's Proposed Land Development Ordinance – City Council held a public hearing on the draft ordinance on February 9th, and as expected, hosted an overflow crowd. About 2 dozen people spoke, but the list of substantive issues was remarkably short. As a result we expect to see the following changes prior to adoption: One-Tree-per-lot will likely be eliminated; protection against large residential lots being subdivided after being rezoned to R3; eliminating the allowing of twin homes on corner lots at thoroughfares; eliminating the proposed increase of minimum lot widths in some non-residential zoning districts that was creating non-conforming lots; Elimination of or major changes to the Street Connectivity Ratio (seems like everybody hates this one); and limiting R40 zoning to Activity Centers only. We have discovered that a document of 54 “technical” changes released on the day of the hearing did not contain all the clarifying changes that we had asked for back in November, so there will be some of more of those changes as well.

One troubling movement is a concern that we should not abandon the Unified development ordinance and therefore we should delay adoption until the city and county Planning Departments are merged and the ordinances can be merged too. This is a fine goal and it can be done, but it will take at least 2 years, plus, the merger of departments is not guaranteed.

TREBIC's LDO CAT members and engineers report that while some elements of the document are not optimal, in most ways it is far superior to the current ordinance. Plus, it addresses new issues like infill compatibility and mixed use development that are not addressed in the current ordinance. Staff and Council are continuing to take comment from the public, and Council will continue the public hearing to March 16th. We should take a month or two to make tweaks and get folks comfortable with the new ordinance, we should give one year grace period for users to use either ordinance, and we should aggressively fix the inevitable glitches that will be found during that one year. But we should move to make this modernized, user-friendly ordinance available this spring.

GSO Urban Loop Noise Notification Requirements – At the direction of Council last September, GSO Planning staff sent us language in February that they planned on taking to the Planning Board a few days later. We do not oppose the goal of notifying potential buyers about a future highway and its attendant noise – we want our customers to be happy with their purchases. Unfortunately, this first draft has several problems, so staff agreed to continue the hearing until March and work with us on changes. The draft requires the city to use first class mail to notify properties within 400' of the centerline of a scenic corridor right of way that a road is planned. It then requires owners and agents to

use the Residential Property Disclosure Form to notify potential buyers until such time as the road is open to the public. We believe that:

- the ordinance does not belong in a scenic corridor ordinance,
- The original notification must be very easy to find (e.g. a flag on the tax record) to be effective in the way Council intends, and to avoid unacceptable liability for resale agents. And the city may need to construct a webpage listing subject properties.
- Naming the agents in the ordinance exacerbates liability issues for us
- The ordinance needs to address what happens when the alignment changes from its initial location.
- It's not clear what happens with properties that are not in the city limits
- The ordinance should not rely on (or refer to) the Residential Property Disclosure Statement because it can't be changed by anyone but the state legislature; only refers to CURRENT conditions and does not list "road" or "future" noise as disclosable items; agents are not allowed to advise sellers as to how to fill it out or what to include; and it is not required for new construction or foreclosures.

HP Conditional Use Zoning Changes – HP Council is considering changing from quasi-judicial Conditional Use District Zoning to legislative Conditional Zoning. The real difference is whether Council members can talk to proponents or opponents outside of the public hearing, and whether they can consider less-than-expert testimony in the public hearing. Many jurisdictions have made the switch in the last few years since the state legislature passed legislation to allow it because the legislative process is much more user friendly. TREBIC supported Greensboro's switch a few years ago for this very same reason. However, HP is considering making the switch AND also writing themselves some rules about not talking to people outside the public hearing. They want to avoid potential law suits, but also don't want to do a lot of talking about projects "at the grocery store."

While there are some legal advantages to the restrictive quasi-judicial process for applicants and neighbors alike, it lengthens the process because it limits the input council members can get upfront. It also leaves project neighbors (and applicants who are not land use professionals) feeling frustrated and dismissed because it is hard for them to understand why they can't talk to their city council representatives about such issues. The legislative process makes for much better relations between citizens and city government, so we support this change. However, adopting rules that seek to limit conversation to the public hearing defeats the purpose of the change to the legislative process. Citizens and applicants alike will still be frustrated with the lack of access to council members and the length of the process, while also losing the advantage of the legal protections of the quasi-judicial process. So we do not support this move to make the legislative process mimic the quasi-judicial process.

Guilford County Lead Ordinance Changes –Guilford County Environmental Health Department staff is proposing what they call "minor" changes to the county lead ordinance to:

1. Align current regulations with new federal regulations and current research;
2. Add Consumer Products Safety Improvement Act levels for any substance intended to be used for children;
3. Add an option for the Health Director to approve any other emerging methods for maintenance standard;
4. Add and additional sampling location and decrease dust lead levels as follows:
 - Dust levels of floors from 40 micrograms per ft² to 10 micrograms per ft²
 - Dust levels for windowsills from 250 micrograms per ft² to 100 micrograms per ft²
 - Exterior entrance floor dust level of 40 micrograms per ft²

However, our remodelers and property managers have been responding that these changes are not all minor, are not all acceptable and sometimes go beyond EPA and NC requirements. We will be meeting with Health Department staff in the coming weeks to seek changes.

NAIOP and TREBIC Win National Award: NAIOP/TREBIC have won a NAIOP National Award for government affairs excellence for our work on the Jordan Lake Stormwater Rules.

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