

C-UDO-87
 AN ORDINANCE AMENDING CHAPTERS B and C OF
 THE
UNIFIED DEVELOPMENT ORDINANCES

Be it ordained by the Village Council of the Village of Clemmons, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B, Article I, Section 1-5.5 Redevelopment

1-5.5(A) These standards shall apply to all redevelopment activities as set forth in this section. Redevelopment is defined as one or more of the following:

- (1) Demolition of an existing building and rebuilding on the site.
- (2) ~~Reconstruction of a building that is twenty-five percent (25%) or greater of the original building footprint. Cumulative additions that are twenty-five percent (25%) or greater of the original building footprint.~~
- (2) Certain Thresholds
 - (a) Reconstruction of a building that is twenty-five percent (25%) or greater of the original building footprint.
 - (b) Reconstruction of a property that is twenty-five percent (25%) or greater of the original site plan for parcels less than or equal to one (1) acre.
 - (c) Reconstruction of a property that is twenty-five percent (10%) or greater of the original site plan for parcels greater than one (1) acre.
 - (d) Cumulative additions that are twenty-five percent (25%) or greater of the original building footprint.
 - (e) Cumulative additions that are twenty-five percent (25%) or greater of the original site plan for parcels less than or equal to one (1) acre.
 - (f) Cumulative additions that are twenty-five percent (10%) or greater of the original site plan for parcels greater than one (1) acre.
- (3) Cumulative addition or changes when ten (10) or more parking spaces are added to the site with no building.
- (4) Cumulative addition of façade changes of ten percent (10%) or more of any building wall facing a vehicular way intended for public travel regardless of ownership (e.g., adding or eliminating doors, windows, closings, openings, or increased wall area).

Section 2. Chapter B, Article II, Section 2-4.5 Table B.2.6 Permitted Uses is hereby amended as follows:

Table B.2.6 PERMITTED USES																																				
Use Type	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB	HB	GB	CB	MRB-S ⁴	LI	CPI	GI	CI	IP	C	MX	CONDS

RESIDENTIAL USES																													
Planned Residential Development	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	Z P	58

Section 3. Chapter B, Article II, Section 2-5 Use Conditions

2-5.58 Planned Residential Development

- (C) ~~Preapplication Conference...Prior to the formal submission of a proposed PRD, the petitioner or representative shall attend a preapplication conference with Planning Staff concerning the proposed development of the site. The petitioner shall be required to produce a sealed sketch-site plan showing the existing cultural, historic, and physical features of the site for review by the Planning Staff. Staff may ask for additional information such as the location of prime agricultural soils, historical structures, archeological/cultural elements, the depth of viewshed as seen from existing public rights-of-way, the location of rock walls and other "unique" features on site, and the location and general specifications of any proposed septic systems. The Planning Staff in consultation with other departments shall comment on which site features it recommends for preservation in writing within fifteen (15) days. The official plan of development shall be submitted to the Planning Board only after the completion of the preapplication conference and the written response.~~
- (C) Process...Planned Residential Development shall be processed and approved pursuant to section B.6-2.6 Zoning Map Amendment – Special Use District.

Section 4. Chapter B, Article VI, Section 6-1.2 Neighborhood Meeting

6-1.2(B) Applicability

- (1) Zoning Map Amendments...Before an application for a zoning map amendment is heard by the Planning Board, the petitioner shall conduct a neighborhood meeting except when the petitioner is the Village of Clemmons.
- (2) ~~Planning Director...Where not otherwise required, the Planning Director shall request a neighborhood meeting where it appears that the potential uses, size, scale, traffic impacts, or operating impacts of the proposed activity or development may materially affect the residents in the surrounding area.~~
 - (a) Where not otherwise required, the Planning Director shall request a neighborhood meeting where it appears that the potential uses, size, scale, traffic impacts, or operating impacts of the proposed activity or development may materially affect the residents of Clemmons.
 - (b) Additional Neighborhood Meetings may be requested by the Planning Director where it appears that the potential uses, size, scale, traffic impacts, or operating impacts of the proposed activity or development have changed since it was submitted.

6-1.2(C) Notice

- (1) ~~Time and Place...The neighborhood meeting shall be held at a place that is convenient~~

~~and generally accessible to neighbors that reside in proximity to the land subject to the application. The meeting shall be held in the evening or at a time of day when the maximum number of neighbors may attend.~~

- (a) The neighborhood meeting shall be held at a place that is convenient and generally accessible to neighbors that reside in proximity to the land subject to the application.
- (b) The meeting shall be held in the evening or at a time of day when the maximum number of neighbors may attend.
- (c) Neighborhood meetings shall be scheduled for no less than sixty (60) minutes in duration.
- (d) Neighborhood meetings shall generally be in person except for instances where a local state of emergency has been declared per G.S. 166A-8.
- (e) The Planning Director may approve a modification to the neighborhood meeting requirements in B.6-1.2(c)(1) as needed or if requested by the petitioner.
- (f) Nothing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation.

6-1.2(E) Automatic Continuance... If the petitioner fails to provide the required written summary to Planning staff at least eight (8) days prior to the date of the ~~Planning Board~~ applicable Appointed or Elected Body meeting for which the subject rezoning is scheduled, the subject request shall be automatically continued to the next scheduled ~~Planning Board~~ applicable Appointed or Elected Body public hearing meeting.

Section 5. Chapter B, Article VI, Section 6-1.5 Legislative & Evidentiary Hearings

6-1.5(C) Timeframe for Action

- (1) Regularly Scheduled Meeting...~~If this Ordinance~~ requires a hearing, then the hearing ~~shall~~ may not occur earlier than the next regularly scheduled meeting of the board, as applicable, following the publication of required notice.
- (2) ~~Approval Timeline...Where a legislative or quasi-judicial decision are required by a decision-making board or Elected Body, the decision shall be made within one hundred and eighty (180) days from the date an application is deemed complete, unless such dates are extended by mutual consent of the petitioner and the decision-making board or Elected Body. Such timeframe shall not begin to run until a determination of a complete application has been made.~~ Special and Emergency Meetings...At the discretion of the Decision-Making Board, Planning Board, or Elected Body, if this Ordinance requires a hearing, then the hearing may occur on a special or emergency meeting of the board, as applicable, following the publication of required notice.
- (3) Continuation of Legislative and Evidentiary Hearings.
 - (a) The Planning Board, Elected Body, or decision-making board may continue the hearing for its consideration of the application. ~~for a definite time not to exceed sixty (60) days, unless a longer period is agreed to by the petitioner or at a hearing.~~
 - (b) The continuance may be granted by the Planning Board, Elected Body, or decision-making board on its own initiative or at the request of the petitioner or affected property owners.
 - (c) The Planning Board, Elected Body, or decision-making board may also deny a request for continuation.

**Section 6. Chapter B, Article VI, Section 6-2.5 Zoning Map Amendment
– General Use District**

6-2.5(D)(2)(d) Elected Body Authority

- (i) The Elected Body may change the existing zoning classification of the area covered by a petition, or any part or parts thereof, to the classification requested or to a ~~lower~~ different classification(s) without the necessity of withdrawal or modification of the petition.

**Section 7. Chapter B, Article VI, Section 6-2.6 Zoning Map Amendment
Special Use District**

6-2.6(C)(3)(d) Elected Body Authority

- (i) The Elected Body may change the existing zoning classification of the area covered by a petition, or any part or parts thereof, to the classification requested or to a ~~lower~~ different classification(s) without the necessity of withdrawal or modification of the petition.

Section 8. Chapter B, Article VI, Section 6-2.11 Appeals and Interpretations

6-2.11(A) Authority

- (1) ~~The Board of Adjustment shall hear and pass upon appeals from and shall review any decision made by the Zoning Officer or Designee.~~ Appeals of administrative decisions and the Historic Resources Commission shall be made to the Board of Adjustment as provided in the *Unified Development Ordinances*.

Section 9. Chapter B, Article IX, Section 9-1.3 Board of Adjustment

9-1.3(E) Powers and Duties

- (3) Appeals and Interpretations...~~The Board of Adjustment shall hear and pass upon appeals from and shall review any decision made by the Zoning Officer or designee per Section.~~ Appeals of administrative decisions and the Historic Resources Commission shall be made to the Board of Adjustment as provided in the *Unified Development Ordinances*.

Section 10. Chapter B, Article IX, Section 9-1.2 Planning Board

9-1.2(B) Composition and Terms of Members

- (1) The Village of Clemmons Planning Board shall be comprised of ~~nine (9)~~ seven (7)

members, who are residents of the Village, and who shall hold no other public office with the Village of Clemmons. The members of the Board shall be appointed by the Elected Body.

- (2) ~~The terms of the members first appointed shall be three (3) for three (3) years, three (3) for two (2) years, and three (3) for one year. The term of members shall range from one (1) to three (3) years with three (3) years being the standard.~~
- (3) ~~The terms of the successors in the office shall be for three (3) years. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment as provided above for the unexpired term.~~
- (4) ~~If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term. Faithfully attending at least two-thirds ($\frac{2}{3}$) of all meetings of the Planning Board during any fiscal year is considered a prerequisite for the maintenance of membership, and the Elected Body will remove and replace any member continually delinquent in their duty to attend and for other just cause. Members shall be eligible for reappointment for a maximum of two (2) consecutive full three (3) year terms at which point they will not be eligible for reappointment for at least one (1) year.~~
- (5) ~~Faithfully attending at least two-thirds ($\frac{2}{3}$) of all meetings of the Planning Board during any fiscal year is considered a prerequisite for the maintenance of membership, and the Elected Body may remove and replace any member continually delinquent in his or her duty to attend and for other just cause. Members shall be eligible for reappointment for a maximum of two consecutive full three year terms at which point they will not be eligible for reappointment for at least one year. Removal for Cause...The Elected Body may remove and replace any member of the Planning Board for cause upon written concerns.~~
- (6) ~~Removal for Cause...The Elected Body may remove and replace any member of the Planning Board for cause upon written concerns. Reserved~~

9-1.2(C) Organization, Meetings, and Records

- (1) ~~Within thirty (30) days after appointment, the Planning Board shall meet and elect a Chairperson, Vice chairperson and Secretary and create and fill such other offices as it may deem necessary.~~
- (2) ~~The term of the Chairperson and other officers shall be one year, with eligibility for reelection. The Board may adopt rules for transaction of its discussions, findings, and recommendations. The Board shall meet at least four (4) times per year and all of its meetings shall be open to the public.~~
- (3) ~~A quorum shall consist of five (5) members for the purpose of taking any official action.~~

9-1.2(C) Organization, Meetings, and Records...The Planning Board shall adopt and publish Rules of Procedure for the conduct of its business.

Section 11. Chapter B, Article IX, Section 9-2.1 Enforcement Procedures

9-2.1(A) Notice of Violations

- (2) Appeals...Except as provided by G.S. 160D-1123 or G.S. 160D-1206 or otherwise provided by law, appeals of a notice of violation may shall be made appealed to the Board of Adjustment per Section B.6-2.11 Appeals and Interpretations.

Section 12. Chapter C, Article III, Section 3-1.8(B)(3) Civil Penalties & Remedies

3-1.8 CIVIL PENALTIES AND REMEDIES

- (B) Remedies...If the Watershed Administrator finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved part or parties may appeal such ruling to the Watershed Review Board.
- (3) Injunction, and Abatements, ~~Etc...~~The Village Manager, ~~with the written authorization of the Elected Body,~~ may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this Ordinance. Any person violating this Ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

Section 13. Chapter C, Article III, Section 7-1.9(B)(3) Civil Penalties and Remedies

7-1.9 CIVIL PENALTIES AND REMEDIES

- (B) Remedies...If the Stormwater Administrator finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. Remedies may include, but shall not be limited to, the following. If a ruling of the Stormwater Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Watershed Review Board.
- (3) Injunction and Abatements...The Village Manager, ~~with the written authorization of the Elected Body,~~ may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this Ordinance. Any person violating this Ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

Section 14. This ordinance shall be effective upon adoption

Approval this _____ day of _____, 2022.

Michael Rogers, Mayor

Attest:

Lisa Shortt, Village Clerk