

CITY OF HIGH POINT

AGENDA ITEM



Title: Text Amendment 23-02
(City of High Point)

From: Sushil Nepal, AICP
Planning & Development Director

Meeting Date: May 15, 2023

Public Hearing: Yes

Advertising Date: May 3, 2023, and May 10, 2023

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By: Planning & Development

PURPOSE:

A request by the Planning and Development Department to amend various sections of the City of High Point Development Ordinance to correct errors, provide consistency, and make revisions related to specific development standards.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their April 25, 2023 public hearing. All members of the Commission were present except for Mr. Mark Morgan. Sam Hinnant, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking on the request:

Ms. Judy Stalder, representing TREBIC, 115 South Westgate Drive, Greensboro, and Mr. Jim Grdich, Blue Ridge Companies, 5826 Samet Dr, Suite 105 spoke on this item.

Regarding Section 1 of the text amendment, the speakers noted that TREBIC had concerns that the change would add additional time to the zoning process and recommended that the period of time remain at 2 days. Staff responded by noting the change more accurately reflects the time required by management for the submittal of complete agenda items to the City Clerk's Office and provided examples of how simple changes would not impact the timing of a zoning case. Furthermore, the change will ensure applications address issues early in the process through the pre-application meeting with staff and neighborhood meeting with adjacent property owners.

Regarding Section 7 of the text amendment, Ms. Stalder stated that TREBIC recommended extending the direct utility provision to serve accessory dwelling units (ADU). Staff responded by noting that the ADU's provision are within a different section of the ordinance and does not directly relate to this section of the ordinance being reviewed. Furthermore, as there are multiple competing bills before the NC General Assembly related to ADU's, staff provided that after the General Assembly provides legislation related to ADUS then the Planning & Development Department will provide a new regulatory assessment. Finally, Planning & Development Director Sushil Nepal stated that it would be more appropriate to look at the ADU section of the ordinance comprehensively rather than in a piece-meal manner.

Once the public hearing was closed the Planning & Zoning Commission had a lengthy discussion on this text amendment request. The Commission recommended Section 7 be removed from the Text Amendment Case and that the issues be discussed in a more comprehensive manner at a later time or as a separate text amendment.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

Staff recommended *approval* of this request as outlined in the attached staff report.

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended *approval* with modification of this request, as recommended by staff, by a vote of 8-0.

2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 8-0 to approve the following statement:

That Text Amendment 23-02 is consistent with the City's adopted policy guidance because these general amendments make the Ordinance more user-friendly and flexible, and supportive of the City's adopted policy guidance.

Furthermore, the request is reasonable and in the public interest because the proposed amendments to the Development Ordinance address necessary changes required to better clarify existing standards, expand allowable uses within the City and continue to provide consistent language and formatting.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
TEXT AMENDMENT CASE TA-23-02
May 15, 2023**

Request	
<p>Applicant: City of High Point Planning & Development Department</p>	<p>Affected Ordinance Sections:</p> <p>Section 2.4.6.B.8. <i>Changes to Application</i> Section 2.4.9.B.8. <i>Changes to Application</i>; Section 2.4.16. <i>Variance</i>; Section 3.4.8.G., <i>District Standards</i>; Section 3.5.7.C.2.h., <i>Sidewalks</i>; Section 3.5.7.D.2., <i>Dimensional Standards</i>; Section 3.5.7.E.2., <i>Dimensional Standards</i>; Table 4.2.4. <i>Residential Use Classification</i>; Section 4.3.2.B.5., <i>Multi-Family Dwelling</i>; and Section 4.4.4.D.2., <i>Utilities</i>.</p>
<p>Proposal: To amend the Development Ordinance regarding the following:</p> <ol style="list-style-type: none"> 1) The amount of time required for the submittal and review of changes to applications of Conditional Zoning or Planned Development applications prior to Council consideration. 2) The variance process flowchart; 3) An incorrect section reference related to building standards; 4) Alternate sidewalk widths for certain streets within the Mixed Use Downtown (MX-D) and Mixed Use Washington (MX-W) zoning districts; 5) The use type description of a triplex/quadplex; 6) Standards for ground floor uses along Main Street lot frontages in multi-family dwellings within certain zoning districts; and, 7) Utility standards for residential accessory structures to allow lots that are two acres or more to have direct utility services. 	

Background

The Development Ordinance was adopted on May 16, 2016 and went into effect on January 1, 2017. Since that time there have been several general amendments proposed by staff and approved by the City Council that have focused on needed changes, clarifications and corrections. This proposed amendment does the same, and also includes amendments resulting from the development review process and requests from the Prosperity and Livability Committee of City Council.

Details of Proposal

The following is a brief summary of the proposed amendments.

- Section 1.** Amends the amount of time required for the submittal and review of changes to applications of Conditional Zoning or Planned Development applications prior to Council consideration. (Page 1)
- Section 2.** Amends the variance procedure flowchart to reflect the current variance procedure. (Page 2)
- Section 3.** Amends an incorrect section reference related to building standards. (Page 3)
- Section 4.** Establishes alternate sidewalk widths for certain streets within the Mixed Use Downtown (MX-D) and Mixed Use Washington (MX-W) zoning districts. Section references are also renumbered as well. (Page 3)
- Section 5.** Amends Table 4.2.4., *Residential Use Classification*, to amend the use type description of a triplex/quadplex. (Page 6)
- Section 6.** Amends Section 4.3.2.B.5., *Multi-family Dwelling*, to add standards for ground floor uses along Main Street lot frontages in multi-family dwellings within certain zoning districts. (Page 6)
- Section 7.** Amends the utility standards for residential accessory structures to allow lots that are two acres or more to have direct utility services, subject to TRC review and that no new street address is created for the structure. (Page 7)

Analysis

Section 1 amends the amount of time required for the submittal and review of changes to applications of Conditional Zoning or Planned Development applications prior to Council consideration.. Section 2 amends the variance procedure flowchart to reflect the current variance procedure.

Section 3 fixes an incorrect section reference related to building standards.

Section 4 establishes alternate sidewalk widths for certain streets within the Mixed Use Downtown (MX-D) and Mixed Use Washington (MX-W) zoning districts. Section references are also renumbered as well.

Section 5 Amends Table 4.2.4., *Residential Use Classification*, to amend the use type description of a triplex/quadplex.

Section 6 amends Section 4.3.2.B.5., Multi-family Dwelling, to add standards for ground floor uses along Main Street lot frontages in multi-family dwellings within certain zoning districts.

~~Section 7 amends the utility standards for residential accessory structures to allow lots that are two acres or more to have direct utility services, subject to TRC review and that no new street address is created for the structure.~~

These items were presented before the Prosperity and Livability Committee on April 5, 2023 and before the Planning & Zoning Commission on April 25, 2023.

In all, the proposed amendments continue staff's efforts to make the Development Ordinance more user friendly, consistent in its formatting, language and terminology, and more error free, and responsive to issues or circumstances raised or observed through the zoning or land development process.

Consistency with Adopted Plans:

The proposed text amendments are appropriate and are consistent with the purposes, goals, objectives and policies of relevant comprehensive land use or area plans.

These general amendments make the Ordinance more user-friendly and flexible, and supportive of the City's adopted policy guidance.

Reasonableness/Public Interest:

An approval of the proposed text amendments is considered reasonable and in the public interest.

The proposed amendments to the Development Ordinance address necessary changes required to better clarify existing standards, expand allowable uses within the City and continue to provide consistent language and formatting.

Recommendation

Staff recommends approval.

Required Action

City Council:

The NC General Statutes require that the City Council place in the official record a statement of consistency with the City's adopted plans, and also explain why the action taken is considered to be reasonable and in the public interest when rendering its decision in this case. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

Report Preparation

This report was prepared by Planning and Development Department staff member Sam Hinnant, CZO CFM, Senior Planner, and reviewed by Sushil Nepal, AICP, Director.

AN ORDINANCE AMENDING THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE

WHEREAS, the City of High Point adopted the "City of High Point Development Ordinance" on May 16, 2016, with an effective date of January 1, 2017, and subsequently amended; and

WHEREAS, public hearings were held before the Planning and Zoning Commission on April 25, 2023 and before the City Council on May 15, 2023 regarding Text Amendment 23-02; and

WHEREAS, notice of the public hearings was published in the High Point Enterprise on April 15, 2023 for the Planning and Zoning Commission public hearing, and on May 3, 2023 and May 10, 2023 for the City Council public hearing pursuant to Chapter 160D-601 of the General Statutes of North Carolina.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA:

SECTION 1.

(Regarding changes to applications for conditional zoning or planned development requests)

PART A.

That Section 2.4.6.B.8. *Changes to Application*, regarding changes made by applicants for conditional zoning applications, is hereby amended as follows:

(a) Changes shall be made in writing to the Planning and Development Director during or after the hearing conducted by the P&Z but no closer ~~two~~ **than 10** business days prior to final action by the City Council on the conditional zoning application;

(b) *(unchanged)*

(c) *(unchanged)*

PART B.

That Section 2.4.9.B.8. *Changes to Application*, regarding changes made by applicants for planned development applications, is hereby amended as follows:

(a) Changes shall be made in writing to the Planning and Development Director during or after the hearing conducted by the P&Z but no closer than ~~48 hours~~ **10 business days** prior to final action by the City Council on the planned development application;

(b) (unchanged)

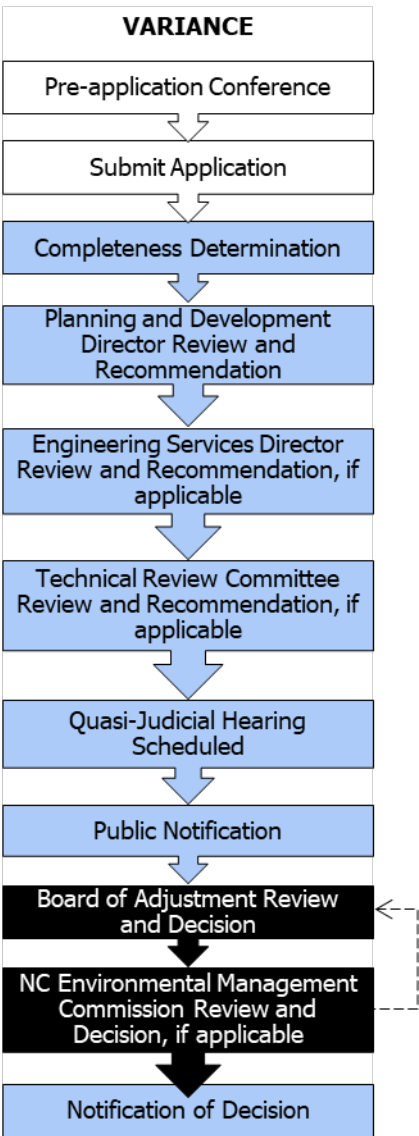
(c) (unchanged)

SECTION 2.

(Regarding the Variance procedure)

That Section 2.4.16. *Variance*, is hereby amended as shown, to reflect the current variance procedure. It was previously included in TA-20-03, related to watershed protection standards, but erroneously amended again with TA-21-01 during previous amendments related to 160D.

(Replace the existing Variance Procedure flowchart with this new version below)



SECTION 3.

That Section 3.4.8.G., *District Standards*, related to the section reference of building standards within the Central Business District, is hereby amended as follows:

G. District Standards

1. Building Compliance due to Expansion or Exterior Alteration

- (a) In cases where an existing building is expanded or enlarged by 25 percent or less of its gross floor area as it existed on June 5, 2017, or the effective date of the district upon the land, whichever is later, the expansion of the building shall either maintain the current appearance of the existing building or comply with the standards in Section 3.4.8 G.~~13~~, Building Standards.
- (b) In cases where an existing building is expanded or enlarged by more than 25 percent of its gross floor area as it existed on June 5, 2017, or the effective date of the district upon the land, whichever is later, the portion of the front and side building facades associated with the expansion or enlargement shall comply with the standards in Section 3.4.8 G.~~13~~, Building Standards.

SECTION 4.

(Regarding sidewalk standards in the Mixed Use Districts and to renumber subsequent tables accordingly)

PART A.

That Section 3.5.7.C.2.h., *Sidewalks*, related to sidewalk widths within the Mixed Use District is hereby amended as follows, including the addition of *Table 3.5.7.D. – Alternate Sidewalk Width Standards in the MX District*:

(h) **Sidewalks** Sidewalks shall comply with the standards in Section 5.9, Sidewalks, as well as the following:

- (1) Sidewalks shall be located on both sides of all streets except alleys.
- (2) Sidewalks shall be located at the back of the curb and shall maintain a minimum width of at least 12 feet or up to the existing building line when less than 12 feet., **unless an alternate width standard is provided in Table 3.5.7.D. – Alternate Sidewalk Width Standards in the MX District.**

Author's note: Table 3.5.7.D. – Alternate Sidewalk Width Standards in the MX District is established below as follows:

TABLE 3.5.7.D, ALTERNATE SIDEWALK WIDTH STANDARDS IN THE MX DISTRICT

Mixed-Use Downtown District (MX-D)

STREET NAME	WIDTH
Boulevard Street	8 feet
Ferndale Avenue (W. of Lindsay Street)	8 feet
Gatewood Avenue (W. of Lindsay Street)	8 feet
Hayden Place	8 feet
Lindsay Place	8 feet
Oakwood Street	8 feet
Virginia Place	8 feet
W. Broad Avenue	8 feet
Westwood Avenue (W. of Lindsay Street)	8 feet

Mixed-Use Washington Street District (MX-W)

Fourth Street	8 feet
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Hobson Street	8 feet
Richardson Avenue	8 feet

(3) *(unchanged)*

(4) *(unchanged)*

PART B.

That the following table titles be amended to reflect the addition of *Table 3.5.7.D. – Alternate Sidewalk Width Standards in the MX District.*

TABLE 3.5.7.~~DE~~, DIMENSIONAL STANDARDS IN THE MX-W DISTRICT

TABLE 3.5.7.~~EF~~, DIMENSIONAL STANDARDS IN THE MX-D DISTRICT

PART C.

That Section 3.5.7.D.2., *Dimensional Standards*, be amended to reflect the addition of *Table 3.5.7.D. – Alternate Sidewalk Width Standards in the MX District.*

2. Dimensional Standards The dimensional standards in Table 3.5.7.~~DE~~, Dimensional Standards in the MX-W District, shall apply to all development in the MX-W District.

PART D.

That Section 3.5.7.E.2., *Dimensional Standards*, be amended to reflect the addition of *Table 3.5.7.D. – Alternate Sidewalk Width Standards in the MX District.*

2. Dimensional Standards The dimensional standards in Table 3.5.7.~~EF~~, Dimensional Standards in the MX-D District, shall apply to all development in the MX-D District.

SECTION 5.

(Regarding the description of a triplex/quadplex)

That Table 4.2.4. *Residential Use Classification*, to amend the use type description for a triplex/quadplex, is hereby amended as follows:

B. HOUSEHOLD LIVING	(h) Triplex/quadplex	A type of residential structure that includes 3 or 4 individual dwelling units located on 1 lot, or configured so that each unit is on its own individual lot.
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SECTION 6.

(Regarding ground floor use standards for multi-family dwellings)

That Section 4.3.2.B.5., *Multi-Family Dwelling*, related to the use standards for multi-family dwellings, is hereby amended as follows to add ground floor use standards:

5. **Multi-Family Dwelling** Multi-family development shall comply with the following standards:

(a) through (g) *(unchanged)*

(h) Permitted Ground Floor Uses Along Main Street

(1) A minimum of 50 percent of the ground floor building frontage along Main Street shall be dedicated to institutional or commercial use types, or an active amenity which is commonly found within a multi-family dwelling, such as offices, recreation rooms, or common areas. The remainder of the frontage may be occupied by any use type permitted within the applicable zoning district.

(2) This standard shall only apply to multi-family dwellings with frontage on Main Street within the MS-A, MS-B, MS-C, MX-D and CB Districts.

SECTION 7.

That Section 4.4.4.D.2., *Utilities*, related to standards for residential accessory structures, is hereby amended as follows:

2. ~~**Utilities** Utility service, such as water, sewer and electricity, to the accessory structure shall be provided by branching service from the principal structure. **For lots that are 2 acres or more, utility service may be provided by direct service, subject to TRC review, and that no new street address is created for the structure.**~~

SECTION 8.

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 9.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 10.

This ordinance shall become effective upon adoption.

Adopted by the City Council
City of High Point, North Carolina
The **15th** day of **MAY, 2023**
Sandra R. Keeney, City Clerk

By: _____

Jay W. Wagner, Mayor

ATTEST:

Sandra R. Keeney, City Clerk