

CITY OF HIGH POINT

AGENDA ITEM



Title: Text Amendment 16-03
City of High Point

From: Lee Burnette, Planning & Development
Director

Meeting Date: January 17, 2017

Public Hearing: Yes

Advertising Date: January 4 & 11, 2017

Advertised By: Planning & Development
Department

Attachments: A. Planning and Zoning Commission Recommendation
B. Staff Report
C. Ordinance of Adoption

PURPOSE:

A request by the City of High Point Planning & Development Department to adopt miscellaneous amendments to the new Development Ordinance.

BACKGROUND:

Staff report, ordinance of adoption, and the Planning & Zoning Commission's recommendation are enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. Staff recommends *approval* of this request, as outlined in the attached staff report.
- B. On December 13, 2016, a public hearing was held before the Planning and Zoning Commission regarding Text Amendment 16-03. The Planning & Zoning Commission recommended *approval* of this request, by a vote of 9-0, as outlined in the staff report and as recommended by staff.

PLANNING AND ZONING COMMISSION RECOMMENDATION

City of High Point

Text Amendment 16-03

At its December 13, 2016 public hearing, the Planning and Zoning Commission reviewed a request to adopt miscellaneous amendments to the new Development Ordinance. All members of the Commission were present. Ms. Heidi Galanti, Planning Administrator, presented the case and recommended approval of the request as outlined in the staff report.

Speaking in favor of the request:

No one spoke in favor of the request.

Speaking in opposition of the request:

No one spoke in opposition to this request.

Planning & Zoning Commission Action

The Planning & Zoning Commission recommended **approval** of this request, as recommended by staff, by a vote of 9-0.

Upon making its recommendation, the Planning & Zoning Commission stated that its approval of Text Amendment 16-03 would be consistent with the City's adopted plans. Additionally, the Commission concurred with the staff report and found its approval recommendation reasonable and in the public interest because:

- 1) They fix errors and omissions,
- 2) They provide clarity and consistency in the text, and
- 3) They incorporate recent changes in City policy.

NOTE: After further review following the Planning and Zoning Commission meeting, staff revised Section 23 of the proposed text amendment regarding open space to provide additional clarification, but no change in meaning.

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

**STAFF REPORT
TEXT AMENDMENT CASE 16-03
January 4, 2017**

Request	
Applicant: City of High Point	Affected Ordinance Sections: Various sections throughout the ordinance.
Proposal: Text amendments to the new Development Ordinance.	

Background

The new Development Ordinance was adopted on May 16, 2016 and since that time staff has been working with the new ordinance in preparation for the January 1, 2017 effective date. During this time, staff has discovered some errors and omissions that need correcting. In addition, a few other text amendments have arisen due to requests from the City Manager's Office and recent changes in City policy.

Details of Proposal

A detailed description of the amendments is attached to this report in the ordinance of adoption. The following is a brief summary of the proposed amendments with section references to the attached ordinance of adoption:

- Section 1: Vested Rights, Section 1.10.1– Used incorrect term, change is needed to clarify correct meaning.
- Section 2: Term Limits for Review Authorities, Section 2.2 – At the request of the City Manager's Office, remove Term Limits for the Planning and Zoning Commission, Board of Adjustment and Historic Preservation Commission.
- Section 3: Public Services Director, Section 2.2.12.A.1 – Add a duty of the Public Services Director that was omitted.
- Section 4: Conditional Zoning, Sections 2.4.5 and 2.5.2 – Amend to clarify when and how amendments can be made to conditional zoning.
- Section 5: Watershed Variance Procedure, Section 2.4.18.B – Fix an error in the watershed variance definition to be consistent with State regulations.
- Section 6: Administrative Adjustments, Section 2.5.2 – Remove percentages to fix an error in the administrative adjustment section.
- Section 7: Employment Center District, Section 3.4.10 – Remove off-street parking requirement because staff further tested this provision against potential development and determined that it will likely hinder the use of this district.
- Section 8: Special Zoning Districts Purpose and Intent, Section 3.5.1 – Simplify the purpose and intent statement.

- Section 9: Drive-Throughs, Chapter 3 - There was an inadvertent omission of drive-through standards in the Main Street District which necessitated additional changes for consistency in the standards for the Limited Business, General Business, Retail Center, and the Eastchester Gateway Corridor Overlay districts.
- Section 10: Planned Development District Signage, Table 3.7.3.I – Fix an error in the sign standards to reference the RM-16 district.
- Section 11: Airport Overlay District, Section 3.8.5.B.1 – Add reference to the noise mitigation study.
- Section 12: Manufactured Housing Overlay District, Section 3.8.9.B – Add a reference to the principal use table to clarify where Manufactured Housing Overlays are allowed.
- Section 13: Principal Use Table, Table 4.1.9 – Add an asterisk to the R-5 and R-7 districts so that triplexes and quadplexes are only allowed in the Core City. Add Public Safety Facility, Major as a “P” in AGR so that the City’s outdoor shooting range is a permitted use.
- Section 14: Wireless Telecommunications Facility, Section 4.3.3.F.3 – Amend standards so that zoning controls the placement of these facilities in the public right-of-way.
- Section 15: Chapter 5, Change the titles of Sections 5.2 and 5.5.
- Section 16: Principal Building on a Zone Lot, Section 5.2.1 – Add multiple lot developments as an exception to the limitation of principal buildings on a zone lot.
- Section 17: Street Access, Section 5.2.2 – Fix a formatting error in the street access section.
- Section 18: Applicability of Development Standards, Chapter 5 – Fix the inconsistencies in the applicability and exemption provisions of the development standards throughout the chapter.
- Section 19: Off-Street Parking Surface Material in AGR, Section 5.4.7.K.4 – At the request of the City Manager’s Office, allow gravel parking for uses in the Agricultural/Rural district.
- Section 20: Signs on Water Tanks, Section 5.7.7 – Due to a recent change made by City Council, exempt signs on active water tanks from the sign regulations.
- Section 21: Nonresidential Wall Signs in Residential Districts, Table 5.7.10.B – Amend sign regulations to allow wall signs for nonresidential uses in residential districts
- Section 22: Fence Exemptions, Section 5.11.3.B - Change the names in the exemptions list for fences to match the appropriate new use types in Chapter 4.
- Section 23: Open Space Standards, Section 5.12.5.F – Clarify that active recreation features have to be within the development to get credit for them. **After further review following the Planning and Zoning Commission meeting, staff has revised this open space standard to provide additional clarification.**
- Section 24: Corner Retail, Section 5.14.3.C.5 – Provide standards for wall signs.
- Section 25: Sustainable Development Incentives, Table 5.15.3 – Reword to remove “stories” and increase the maximum allowable height to give more of an incentive.
- Section 26: Public Tree Protection, Section 6.1.3.B.1 – Fix the wording in the public tree exemptions, as it was not carried forward correctly.
- Section 27: Watershed Protection, Section 6.2 - Correct the exemption text, correct codification, and remove certain activities regulated by other governmental agencies to be consistent with State regulations.

- Section 28: Lots Adjoining Public Open Space, Section 7.1.6.B.5 - Add the word “dedicated” for clarification.
- Section 29: Private Street Standards, Section 7.1.6.C - Remove the word “minimum” for clarification.
- Section 30: Water and Sewer Connections, Section 7.1.6.F.2 - Add that the Public Services Director must determine if a water or sewer connection is not feasible so that it is consistent with the City Code.
- Section 31: Nonconformities Purpose and Scope, Section 8.1.1 - Modify purpose and scope to remove references to “site features”. They were originally proposed to be addressed as nonconformities, but later addressed in Chapter 5 and inadvertently left in this section.
- Section 32: Lot Area Averaging, Section 10.2.3.C.2 - Average Lot Area was incorrectly defined as contextual dimensional standards. Renaming and redefining is required for clarity.
- Section 33: Maximum Building Height, Section 10.2.6 – revise definition.
- Section 34 and 35: Definitions, Section 10.4 –
 - Group Development - refer to “lots” and not “lots of record”
 - Subdivision – revise to match the State definition

Analysis

Over the past six months staff has been working with the new Development Ordinance in preparation for the January 1, 2017 effective date. During this time staff has identified errors and omissions that need to be corrected. Additionally, the City Manager’s Office and City Council have requested some changes and made some policy decisions that require additional text amendments.

Consistency with Adopted Plans:

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

Staff Comments:

The proposed text amendments are consistent with and supported by the City’s adopted plans, especially the Core City Plan.

Reasonableness/Public Interest:

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

Staff Comments:

Staff suggests the approval of the text amendments are reasonable and in the public interest because: 1) they fix errors and omissions, 2) they provide clarity and consistency in the text, and 3) incorporate recent changes in City policy.

Recommendation

Staff recommends approval

Staff recommends approval of the text amendments to the Development Ordinance that was adopted on May 16, 2016 because they fix errors and omissions; they provide clarity and consistency in the text; and they incorporate recent changes in City policy into the text of the Ordinance.

Required Action

Planning and Zoning Commission:

Upon making its recommendation, the Planning and Zoning Commission must place in the official record a statement of consistency with the City's Land Use Plan, and any other officially adopted plan that may be applicable. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with staff's findings, by adoption of its own statement.

City Council:

Upon rendering its decision in this case, the High Point City Council also must place in the official record a statement of consistency with the City's Land Use Plan. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Council, or, if the Council is in disagreement with staff's findings, by adoption of its own statement.

In addition, the City Council must, prior to adopting or rejecting any zoning amendment, explain why it considers the action taken to be reasonable and in the public interest. In this case, staff suggests that the approval of the applicant's request is reasonable and in the public interest because: 1) they fix errors and omissions, 2) they provide clarity and consistency in the text, and 3) incorporate recent changes in City policy. The City Council may adopt this statement, it may add to or change this statement, or, if the Council is in disagreement with the above statement it will need to formulate its own reasonableness / public interest statement.

Report Preparation

This report was prepared by Planning and Development Department staff member(s) Heidi H. Galanti, AICP, Planning Services Administrator, and reviewed by Robert L. Robbins, AICP, Development Services Administrator and G. Lee Burnette, AICP, Director.

TEXT AMENDMENT: 16-03
Ordinance #XXXX/XX-XX
APPLICANT: City of High Point

AN ORDINANCE AMENDING THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of 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

WHEREAS, public hearings were held before the Planning and Zoning Commission on December 13, 2016 and before the City Council on January 17, 2017 regarding **Text Amendment 16-03**; and

WHEREAS, notice of the public hearings was published in the High Point Enterprise on December 4, 2016 for the Planning and Zoning Commission public hearing and on January 4, 2017 and January 11, 2017 for the City Council public hearing pursuant to Chapter 160A-364 of the General Statutes of North Carolina; and

WHEREAS, this amendment was adopted by the City Council of the City of High Point on XXXXXXX, 2017;

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

Amendments affecting the following sections of the Development Ordinance:

SECTION 1.

Section 1.10.1 Building Permit revise as follows:

The issuance of a building permit establishes a vested right to development in accordance with Section 160A-385.1 of the North Carolina General Statutes, as long as the **building permit development** complies with the terms and conditions of approval of that building permit.

SECTION 2.

Term Limits

Table 2.2.3 Planning and Zoning Commission, subsection B.4 revise as follows:

4. MEMBER TERMS:

(a) Members may serve a 3-year term and shall continue to serve until their successors are appointed, provided that upon initial appointment their terms of office may be staggered.

(b) The terms of all members shall not expire at the same time.

~~(c) Regular members shall not serve more than 2 full consecutive terms.~~

~~(d)~~ (c) Vacancies shall be filled by a new member or an alternate member appointed to serve for the remainder of the unexpired term.

Table 2.2.4 Board of Adjustment, subsection B.4 revise as follows:

4. MEMBER TERMS:

(a) Members may serve a 3-year term and shall continue to serve until their successors are appointed, provided that upon initial appointment the terms of office may be staggered.

(b) The terms of all members shall not expire at the same time.

~~(c) Regular members shall not serve more than 2 full consecutive terms.~~

~~(d)~~ (c) Vacancies shall be filled by a new member or an alternate member appointed to serve for the remainder of the unexpired term.

Table 2.2.5 Historic Preservation Commission, subsection B.4 revise as follows:

4. MEMBER TERMS:

(a) Members may serve a 3-year term and shall continue to serve until their successors are appointed, provided that upon initial appointment the terms of office may be staggered.

(b) The terms of all members shall not expire at the same time.

~~(c) Regular members shall not serve more than 2 full consecutive terms.~~

~~(d)~~ (c) Vacancies shall be filled by a new member or an alternate member appointed to serve for the remainder of the unexpired term.

SECTION 3.

Section 2.2.12 Public Services Director, subsection A.1 add new paragraph (c) revise as follows:

(c) Determine the infeasibility of water and sewer connections in accordance with this Ordinance and the City Code.

SECTION 4.

Section 2.4.5 Conditional Zoning, subsection F.1(g) revise as follows:

Increases ~~in residential density of up to 10 percent, not to exceed the zoning district maximum, and increases~~ in nonresidential gross floor area of up to 10 percent, or 50,000 square feet, whichever is less; and

Section 2.5.2 Administrative Adjustment, subsection E add a new #7 to read as follows:
7. The development standard being adjusted is not expressly prohibited by a condition of approval.

SECTION 5.

Section 2.4.18 Watershed Variance, subsection B

Revise paragraph 1(c) as follows:

Any management requirement by a factor ~~of greater than~~ 10 percent under the low density option; or

Revise paragraph 2(b) as follows:

Any management requirement by a factor ~~of up to~~ 10 percent under the low density option; or

SECTION 6.

Section 2.5.2 Administrative Adjustment (Type I/Type II), subsection B revise as follows:

1. Type I Administrative Adjustment

A type I administrative adjustment is reviewed and decided by the Planning and Development Director and allows an adjustment of the standards in accordance with Section 2.5.2.C, Administrative Adjustment Amount, ~~by up to 10 percent outside the Core City, and up to 20 percent in the Core City area.~~

2. Type II Administrative Adjustment

A type II administrative adjustment is reviewed and decided by the TRC and allows an adjustment to the standards in accordance with Section 2.5.2.C, Administrative Adjustment Amount, ~~by up to 25 percent throughout the City.~~

SECTION 7.

Section 3.4.10 Employment Center, subsection G, delete paragraph 1(g) and reletter the remainder of the list as follows:

~~(g) Off-Street Parking~~

~~When 30 or more parking spaces are provided, no more than 50 percent of the required off-street parking may be located between the primary building facade and the street it faces and comply with the standards in Section 5.4, Off-Street Parking and Loading.~~

~~(h)~~**(g)** Accessory Buildings

Accessory buildings shall be located to the side or rear of the development they serve, and shall use the same materials and architectural styling as the principal building they serve.

~~(i)~~**(h)** Outdoor Storage

Outdoor storage shall:

- (1) Not cover an area greater than 50 percent of the ground level gross floor area of the principal building;
- (2) Be located between the rear building line of the principal building and the rear lot line;
- (3) Not be located in any required landscape yard; and
- (4) Be screened from view from adjacent lots and public streets with an opaque wall, fence, or other approved means to a height of 6 feet above grade level, provided the screen shall not be allowed in any required landscaping yard.

~~(j)~~**(i)** Outdoor Manufacturing, Processing, Repair, or Assembly

Outdoor manufacturing, processing, repair, or assembly is prohibited and must take place within an enclosed building.

SECTION 8.

Section 3.5.1 General Purpose and Intent, revise as follows:

The special zoning districts established in this section are intended to **achieve specific planning and design objectives in defined areas of the City and to create suitable environments for distinct uses and development outside the established residential and business districts** ~~address special areas where typical urban growth and development does not, should not, or cannot occur, whether because the areas contain important natural resources or natural hazards (the Parkland and Natural Resource Area (PNR) district), rural character and productive natural resources (the Agricultural/Rural (AGR) district), special public or private institutions (the Institutional (I) district), special development considerations and constraints related to the City's current development template and economic situation (the Main Street (MS) district), or the City's adopted policy guidance with respect to the Core City area (the Mixed Use (MX) district).~~

SECTION 9.**Drive-Throughs**

Section 3.4.5 Limited Business (LB), subsection G, revise paragraph 1 as follows:

1. Drive-Throughs

- (a) Outdoor speakers associated with a drive-through shall be located at least 50 feet from a residential district.
- (b) Drive-through windows, menu boards, **drive aisles**, and speakers shall not be located between the principal building line and the front street right-of-way. **For corner lots, the drive aisles shall not be located between the principal building line and the front street right-of-way, to the maximum extent practicable.**

Section 3.4.6 General Business (GB), subsection G, revise paragraph 1 as follows:

1. Drive-Throughs

- (a) Outdoor speakers associated with a drive-through shall be located at least 50 feet from a residential district.
- (b) Drive-through windows, menu boards, **drive aisles**, and speakers shall not be located between the principal building line and the front street right-of-way. **For corner lots, the drive aisles shall not be located between the principal building line and the front street right-of-way, to the maximum extent practicable.**

Section 3.4.7 Retail Center (RC), subsection G, revise paragraph 1 as follows:

1. Drive-Throughs

- (a) Outdoor speakers associated with a drive-through shall be located at least 50 feet from a residential district.
- (b) Drive-through windows, menu boards, **drive aisles**, and speakers shall not be located between the principal building line and the front street right-of-way. **For corner lots, the drive aisles shall not be located between the principal building line and the front street right-of-way, to the maximum extent practicable.**

Section 3.5.6 Main Street (MS), subsection G, revise paragraph 3(c) as follows:

(c) Drive-Throughs

- (1)** Drive-through lanes and windows are prohibited in sub-district B.
- (2)** **In sub-districts A, C, and D the following standards shall apply:**
 - i.** Outdoor speakers associated with a drive-through shall be located at least 50 feet from a residential district.

- ii. Drive-through windows, menu boards, **drive aisles**, and speakers shall not be located between the principal building line and the front street right-of-way. **For corner lots, drive aisles shall not be located between the principal building line and the front street right-of-way, to the maximum extent practicable.**

Section 3.8.7 Gateway Corridor Overlay (GCO), subsection F, revise paragraph 4(a) as follows:

(a) Drive-Throughs

- (1) Outdoor speakers associated with a drive-through shall be located at least 50 feet from a residential district.
- (2) Drive-through windows, menu boards, **drive aisles**, and speakers shall not be located between the principal building line and the front street right-of-way. **For corner lots, drive aisles shall not be located between the principal building line and the front street right-of-way, to the maximum extent practicable.**

SECTION 10.

Table 3.7.3.I Planned Development Signage Standards, revise signage standards as follows:

TABLE 3.7.3.I: PLANNED DEVELOPMENT SIGNAGE STANDARDS	
PREDOMINANT USE TYPE	SIGNAGE STANDARDS NO LESS RESTRICTIVE THAN THOSE IN:
Residential (other than live/work)	Table 5.12.8 <u>RM-16</u>
Live/Work	TO district
Office	OI district
Commercial	RC district
Industrial	LI district

SECTION 11.

Section 3.8.5 Airport Overlay (ARO), subsection B, revise paragraph 1 as follows:

1. The district boundaries are defined on the Official Zoning Map. The boundaries generally follow physical features and property lines and are associated with aircraft noise impacts **contours as identified by a FAR Part 150 Study.**

SECTION 12.

Section 3.8.9 Manufactured Housing Overlay (MHO), subsection B, insert a new paragraph 2 and renumber the remainder of the list as follows:

2. MHO districts are permitted in accordance with Table 4.1.9, Principal Use Table.

- ~~2.~~ **3.** In requesting the establishment of an MHO district, an applicant shall present factual information to ensure, in the discretion of the City Council, that property values of surrounding lands are protected, that the character and integrity of the neighborhood are adequately safeguarded, and the proposed MHO district is consistent with these standards.
- ~~3.~~ **4.** To assure acceptable similarity in exterior appearance between proposed manufactured dwellings and dwellings that are constructed on adjacent or nearby land, an applicant may, for illustrative purposes only, present examples of the types and design of such proposed dwellings.

SECTION 13.

Table 4.1.9 Principal Use Table, add an asterisk to the R-5 and R-7 districts for Triplex/Quadplex and add a "P" to AGR district for Public Safety Facility, Major as follows:

	R - 3	R - 5	R - 7	R M - 5	R M - 1 6	R M - 2 6	T O	O I	L B	G B	R C	C B	E C	L I	H I	A G R	I	P N R	M S	M X
Triplex/quadplex		P *	P *	P	P	P	P	P	P	P	P	P	P				P		P	P
Public safety facility, major								P	P	P	P	P	P	P	P	P	P			

SECTION 14.

Section 4.3.3 Institutional Uses, subsection F Utilities, paragraph 3(d)(1), revise as follows:

- (1) Minor Wireless Telecommunications
- The following uses are considered minor wireless telecommunications facilities that may only be established in accordance with the standards of this section and Section 2.5.14, Site Plan:
- (i) A new wireless support structure of 60 feet in height or less in any ~~general~~ zoning district;

- (ii) A concealed or stealth wireless facility of 80 feet in height or less in a residential district;
- (iii) A concealed or stealth wireless facility of 150 feet in height or less in a business, special, or planned development district;
- (iv) A new wireless support structure of 200 feet in height or less in a PNR, I, LI, or HI district;
- ~~(v) A monopole or replacement pole located on public land or within a utility easement or right-of-way, in any district;~~
- (vi) Collocation of equipment on an existing wireless telecommunications facility, support structure, or building in any district; or
- (vii) A substantial modification of an existing wireless facility or support structure in any district.

SECTION 15.

Chapter five change the titles of Sections 5.2 and 5.5 as follows:

Section 5.2 Zone Lot and Access **Standards**

Section 5.5 Landscaping **Standards**

SECTION 16.

Section 5.2.1 Principal Building on a Zone Lot, add paragraph C to read as follows:

C. Multiple Lot Development

Two or more principal buildings are permitted on a zone lot pursuant to Section 5.14.5, Multiple Lot Development, and provided that vehicular access is maintained to each building for service and emergency vehicles.

SECTION 17.

Section 5.2.2 Street Access, subsection C should be a subset of 5, paragraph D should be a 6, and 6 should be a 7 revise as follows:

5. Single-Family Lot of Record Access Through Easement

Lots of record established as of July 1, 1992 that do not abut a publicly-maintained street may establish access through a recorded access easement provided the lot is used for only 1 single-family detached dwelling **and meets the following criteria:**

(a) The minimum easement width shall be 25 feet.

(b) The minimum separation between the easement and any other platted access or right-of-way shall be 150 feet.

(c) The location of the easement must be recorded on a plat.

(d) The easement shall permit ingress, egress, and regress and necessary utilities to serve the lot.

D 6. Access Through Unimproved Right-of-Way

A single zone lot that has frontage on an existing unimproved public right-of-way, may obtain access through such right-of-way, provided that the following minimum criteria are met:

(a)1 A site plan, signed and sealed by a professional surveyor, shall be submitted that shows the lot has no other frontage on an improved public street;

(b)2 The unimproved public right-of-way is at least 20 feet in width;

(c)3 The access shall serve only 1 single-family detached dwelling and its uninhabited accessory structures;

(d)4 The access shall serve only 1 zone lot. If the unimproved public right-of-way is the sole means of access to more than 1 zone lot in the same block, access pursuant to this subsection shall not be approved;

(e)5 If the zone lot contains multiple parcels, they shall be combined into 1 parcel as a condition of approval;

(f)6 The access shall be maintained by the lot owner; and

(g)7 Utilities shall be located within the unimproved right-of-way and extended to the lot in accordance with City standards. The lot owner shall maintain water and sewer utility lines from the edge of the existing street right-of-way to the dwelling. Any proposed dwelling must be within 500 feet of an approved fire hydrant.

6-7. Special Purpose Lot

Special purpose lots may establish access through an easement a minimum of 10 feet in width, in accordance with Section 7.1.6.B.6, Special Purpose Lots.

SECTION 18.

Cross-Access

Section 5.2.3 Cross-Access, subsection B, revise as follows:

B. Applicability

The provisions of this section **shall** apply to commercial and industrial uses, as defined in Section 4.2, Use Classifications, Use Categories, and Use types, **on zone lots** that front thoroughfare streets **with the following**, unless exempted in accordance with Section 5.2.3.C, Exemptions:

1. New Buildings or Uses

New principal buildings ~~constructed~~ or **new** open uses of land ~~established after the effective date of this Ordinance.~~

Off-Street Parking and Loading

Section 5.4.2 Applicability, revise as follows:

Applicability

The provisions of this section **shall** apply to **zone lots with** the following, unless exempted in accordance with Section 5.4.3, Exemptions:

A. **New Buildings or Uses General**

New principal buildings or new open uses of land.

~~Whenever a building is constructed, enlarged or increased in capacity, or a principal use is established or enlarged, the development shall meet the requirement of this section, except as specifically exempted in this Ordinance.~~

B. Changes in Use

Changes in the principal use ~~If the principal use changes, the new principal use shall meet the requirements of this section,~~ except that if the use change results in an increase of less than 5 percent in the required number of parking spaces, or less than 5 additional parking spaces, no additional parking spaces area required.

C. **Expansions**

Expansions of existing principal buildings or open uses of land.

Landscaping

Section 5.5.2 Applicability, revise subsections A and B as follows:

Applicability

The provisions of this section shall apply to **zone lots with** the following, unless exempted in accordance with Section 5.5.3, Exemptions:

A. New Buildings or Uses

New pPrincipal buildings ~~constructed~~ or **new** open uses of land ~~established after the effective date of this Ordinance.~~

B. Changes in Use

Changes in use of one or more in land use intensity (see Table 5.5.11.D, Land Use Intensity); ~~in which case the landscaping requirements of this section apply to the entire zone lot.~~

Section 5.5.3 Exemptions, insert a new subsection H to read as follows:

H. No parking lot landscaping shall be required for parking lots on the same zone lot as the principal use they serve if they have less than 5 parking spaces outside the Core City, or 20 or fewer spaces inside the Core City.

Section 5.5.10 Parking Lot Landscaping, revise as follows:

A. **Applicability General Standards**

- ~~1. Unless exempted, in accordance with Section 5.5.3, Exemptions or Section 5.5.10.D., Exemptions, the parking lot landscaping standards in this section shall apply to all new development with 5 or more parking spaces.~~
- ~~2. Expansions of existing parking lots shall provide additional parking lot landscaping in accordance with Section 5.5.2.C, Expansions.~~
1. Two or more parking lots on the same zone lot that are physically separated by buildings and are not physically connected by internal drives shall be considered independently.

B. ~~General Rate~~

2. Parking lot landscaping shall include at least 1 canopy tree for every 12 parking spaces.

~~G.~~ 3. Placement of Canopy Trees

- ~~4.~~ (a) Required interior and perimeter parking lot canopy trees shall be placed such that no parking space is more than 80 feet from the trunk of a canopy tree for new or redeveloped nonresidential parking areas, and 50 feet for new or redeveloped residential parking areas.
- ~~2.~~ (b) In cases where an approved alternate landscape plan permits understory trees to be substituted for canopy trees, they shall be placed such that no parking space is more than 50 feet from the trunk of an understory tree for nonresidential parking areas, and 30 feet for residential parking areas.
- ~~3.~~ (c) Additional trees above the minimum number required may be used to meet this standard.

D. ~~Exemptions~~

~~Off-street parking lots of 20 or fewer spaces located in the Core City and on the same zone lot as the principal use they serve are exempted from the standards of this section. Two or more parking lots on the same zone lot that are physically separated by buildings and are not physically connected by internal drives shall be considered independently for the purposes of determining exemption from these standards.~~

Renumber the remainder of the section and renumber all section references accordingly within the text.

Section 5.5.11 Perimeter Landscape Yards, revise as follows:

A. ~~Applicability~~ **General Standards**

- 1.** Landscape yards are required along the perimeter, extending inward from the lot line, of a zone lot or development site in accordance with Table 5.5.10.~~C~~ **B**, Perimeter Landscape Yard Types, and Table 5.5.10.~~D~~ **C**, Landscape Use Intensity. They are intended to mitigate potential adverse impacts that may result when higher intensity land uses are located adjacent to lower intensity land uses.

~~B. General~~

- ~~1.~~ **2.** The width of permitted driveways and permitted cross-access easements, measured at the lot line, shall be excluded from the calculation of required plant material.
- ~~2.~~ **3.** A perimeter landscape yard may be located along shared access easements between parcels in nonresidential development.
- ~~3.~~ **4.** A perimeter landscape yard in a multiple lot development that is configured and developed as a single entity, is only required around the outer perimeter of the development.
- ~~4.~~ **5.** Stormwater management devices that incorporate vegetation (e.g., bio-retention cell, rain garden, constructed wetlands, etc.) may be placed within a perimeter landscape yard provided the screening function of the landscape yard is maintained. Any plant material meeting the minimum requirements for the landscape yard may be counted toward the requirements.

Renumber the remainder of the section and renumber all section references accordingly within the text.

Screening

Section 5.6.2 Applicability, revise as follows:

Applicability

The provisions of this section **shall** apply to solid waste collection facilities, loading docks and loading bays, and ground-based mechanical equipment **on zone lots with for** the following, unless exempted in accordance with Section 5.6.3,

Exemptions:

A. New Buildings or Uses

New pPrincipal buildings ~~constructed~~ or **new** open uses of land ~~established after the effective date of this Ordinance.~~

B. Changes in Use

Changes in use of one or more in land use intensity (see table 5.5.11.D, Land Use Intensity).

C. Expansions

Expansions of principal buildings that exceed 1,000 square feet of gross floor area (GFA) or the total ~~of additions or~~ expansions of principal buildings, open uses of land or off-street parking that individually or collectively exceed 3,000 square feet.

Signage

Section 5.7.2 Applicability, revise as follows:

Applicability

The provisions of this section shall apply to signs erected, affixed, placed, painted or otherwise established, unless exempted in accordance with Section 5.7.7, Exempt Signs. A sign may only be erected, affixed, placed, painted or otherwise established in the City in accordance with the standards of this section.

Sidewalks

Section 5.9.2 Applicability, revise as follows:

Applicability

The provisions of this section **shall** apply to the following, unless exempted in accordance with Section 5.9.3, Exemptions:

A. **Subdivisions General**

~~Sidewalks must be installed along streets that are within or abutting a subdivisions, (including group developments) or development subject to a site plan.~~

B. **New Buildings or Uses**

New principal buildings or new open uses of land that are subject to a site plan.

~~B.C.~~ Expansions

Individual or collective expansions of existing principal buildings, open uses of land, or off-street parking **that are subject to a site plan** and that exceed 50 percent.

Exterior Lighting

Section 5.10.2 Applicability, subsection A, revise as follows:

Applicability

The provisions of this section shall apply to **zone lots with the following all development**, unless exempted in accordance with Section 5.10.3, Exemptions.

A. **New Buildings or Uses General**

New principal buildings or new open uses of land. Review for compliance with these standards shall occur as part of the review of an application for a site plan or group development plan, as appropriate.

Nonconforming Signs

Section 8.5.5 Replacement of Nonconforming Signs, subsection C, revise as follows:

C. Renovation

Nonconforming sign shall be removed or replaced with conforming signage if any of the following occur:

1. ~~If additions or~~ Expansions of **principal** buildings **that** exceed 1,000 square feet of gross floor area (GFA) or the total ~~of additions or~~ expansions of **principal**-buildings, ~~parking areas,~~ open uses of land **or off-street parking occur** that individually or collectively exceed 3,000 square feet; or
2. ~~If Structural or nonstructural alterations,~~ (excluding routine maintenance and repair of the façade of the principal building,) **that** exceeds 50 percent of the façade's area, ~~to be~~ **which is** calculated from the area of the façade or wall used in calculating the maximum allowable sign area.

SECTION 19.

Section 5.4.7 Standards for Off-Street Parking Spaces and Loading Areas, subsection K.4, insert new (d) to read as follows:

4. Except for required parking facilities for the disabled, required parking may be constructed with gravel or other approved comparable all-weather surface for:
 - (a) Parking used on an irregular basis for religious institutions, private minor assembly uses, and other similar nonprofits organizations;
 - (b) Parking for residential uses or a bed and breakfast establishment where 6 or fewer spaces are required;
 - (c) Parking for an office use converted from a single-family detached dwelling where 4 or fewer spaces are required; **and**
 - (d) Parking for all uses in the AGR district; and**
 - ~~(d e)~~ Parking for industrial uses in the HI district, or manufacturing and production uses in the LI district.

SECTION 20.

Section 5.7.7 Exempt Signs, insert new subsection L to read as follows:

L. A sign painted on an active public water tower.

SECTION 21.

Table 5.7.10.B: Requirements for an Attached Sign Requiring a Sign Permit, revise Identification Signs Sign Type as follows:

IDENTIFICATION SIGNS					
All nonresidential districts and all nonresidential uses in residential districts	1 when average wall height > 35 feet	75	> 6 feet	top of wall	1% of wall area

SECTION 22.

Section 5.11.3 Exemptions, subsection B, revise as follows:

B. The fence height limitations in this section shall not apply to fences built in conjunction with the following:

- ~~1. Electric or gas substations~~ **Utility Facilities, Major and Minor;**
- ~~2. Municipal solid waste disposal facilities~~ **Landfills, Major and Minor;**
- ~~3. Water or sewage treatment plants or facilities~~ **Correctional Facilities;**
- ~~4. Municipal water storage facilities;~~
- ~~5. Public correctional and mental institutions;~~
- ~~6 4. Military facilities; or~~
- ~~7 5. Hazardous or radioactive waste storage or disposal facilities~~ **Hazardous Waste Disposal Facilities.**

SECTION 23.

Section 5.12.5 Open Space Standards, subsection F, revise as follows:

F. Incentives for Active Recreational Features

When provided by the developer, Land associated with a path, trail, greenway, or other an allowable active recreational feature **and the land associated with the feature located within an environmentally sensitive area** may be **located within an environmentally sensitive area and** counted

towards the requirements in Table 5.12.4, Minimum Open Space Amount, above and beyond the maximum amount ~~specified~~ **allowed** in Section 5.12.5.A.1, Features Counted as Open Space.

SECTION 24.

Section 5.14.3 Corner Retail, subsection C, paragraph 5(e) revise as follows:

(e) Signage

(1) Signs shall comply with the signage standards in Section 5.7, Signage, **for the Transitional Office (TO) district.**

(2) Free-standing shall ~~also~~ comply with the following:

(4 i) Free-standing signs may only be used if the street setback is more than 5 feet;

(2 ii) The sign shall be a monument type sign;

(3 iii) The sign shall be limited to a maximum area of 75 square feet; and

(4 iv) The sign shall be limited to a maximum height of 6 feet.

SECTION 25.

Table 5.15.3 Sustainable Development Incentives, revise the maximum height incentives as follows:

An increase in the maximum allowable height by up to 2 stories or 20 <u>30</u> feet beyond the maximum allowed in the zoning district in the Core City	2	3
An increase in the maximum allowable height by up to 1 story or 10 <u>15</u> feet beyond the maximum allowed in the zoning district outside the Core City	2	3

SECTION 26.

Section 6.1.3 Tree Planting, Pruning and Removal, subsection B, paragraph 1, revise as follows:

1. Public and private utilities (water, sewer, electrical, gas, telecommunications, cable, etc.) in public rights-of-way, ~~on land owned or controlled by the City,~~ or in dedicated utility easements **on land owned or controlled by the City.**

SECTION 27.

Section 6.2 Watershed Protection revise as follows:

6.2.3. EXEMPTIONS

A. General

The following activities are exempt from the requirements of this section; however, this exemption shall not be construed to permit uses prohibited in the underlying zoning district, or uses prohibited by this section.

- ~~1. A.~~ Development on a lot of record less than 20,000 square feet in area existing on July 1, 1993 in all **water supply** watersheds except in the Randleman Lake Watershed.
- ~~2. B.~~ Development on a lot of record less than 20,000 square feet in area existing on January 1, 2000 in the Randleman Lake Watershed.
- ~~3. C.~~ Development on a lot of record less than 40,000 square feet in area existing on January 1, 2000 in the Downtown Area, which is shown on the High Point Watershed Map.
- ~~4. D.~~ Development of 1 single-family dwelling and its accessory structure(s) on:
 - ~~(a) 1.~~ A lot located outside (WCA) Tier 1 within the Oak Hollow Lake, City Lake, and Oakdale Reservoir Watersheds; or
 - ~~(b) 2.~~ A lot located outside (WCA) Tiers 1 and 2 within the Randleman Lake Watershed.
- ~~5. E.~~ Development of a duplex dwelling and its accessory structure(s) on a lot in the Oak Hollow Lake, City Lake, and Oakdale Reservoir Watersheds provided a sedimentation and erosion control plan is not required and it is located outside (WCA) Tiers 1 and 2.
- ~~6. F.~~ Development on a lot in a non-water supply watershed that disturbs less than an acre.
- ~~7. G.~~ Replacement of an existing built-upon area on a lot developed with a like or lesser amount of new built-upon area at the same location, or at a different location on the same lot if the TRC determines that equal or improved water quality will result.
- ~~8. H.~~ Development **existing with a vested right, in accordance with Section 1.10, Vested Rights,** on July 1, 1993 in all water supply watersheds except Randleman Lake Watershed where the effective date is January 1, 2000.
- ~~9. I.~~ Development **with a vested right, in accordance with Section 1.10, Vested Rights, as of July 1, 2007** ~~existing~~ in all non-water supply watersheds, ~~as of July 1, 2007.~~

B. 6.2.4 Exemption to the Plan Submission Requirements of This Section

The development of a small accessory building, structure, or small amount of other built-upon area on a lot is exempt from the plan submission requirements of this section, provided:

- ~~1- A.~~ The development is nonresidential or multi-family;
 - ~~2- B.~~ The total built-upon area is no greater than 600 square feet;
 - ~~3- C.~~ Less than 1 acre of land is disturbed;
 - ~~4- D.~~ The built-upon area or land disturbance is not within a required surface water buffer;
 - ~~5- E.~~ The exemption is not proposed on a lot subject to a watershed development plan on file with the Planning and Development Department; and
 - ~~6- F.~~ The exemption is applied to a lot no more than once after July 1, 1993, in all watersheds except Randleman Lake Watershed, or after January 1, 2000 in the Randleman Lake Watershed.
- ~~G- 6.2.5~~ Compliance with Previously Approved Plans
Any restrictions upon building location, drainageways, pavement, or other built-upon area, percentage of impervious surface area, location of built-upon area, or any other matter appearing on any previously approved watershed development plan covering the subject land shall be complied with unless and until replaced by an approved revised watershed development plan meeting the requirements of this section.
- ~~D- 6.2.6~~ Activities Regulated by Other Governmental Agencies
- ~~1- Agriculture~~
~~The Guilford Soil and Water Conservation District is the designated agency responsible for implementing the provisions of this section pertaining to agriculture.~~
 - ~~2- Silviculture~~
~~The City of High Point is the designated management agency responsible for implementing the provisions of this section pertaining to silviculture activities.~~
 - ~~3- A.~~ Transportation
The NCDOT shall comply with the practices outlined in its document entitled "Best Management Practices for the Protection of Surface Waters," which is incorporated herein by reference.
 - ~~4- B.~~ Hazardous Materials
 - ~~(a)~~ 1. The City of High Point Fire Marshall and the Guilford County Local Emergency Planning Committee are the designated management agencies responsible for implementing the provisions of this section pertaining to hazardous materials.
 - ~~(b)~~ 2. An inventory of all hazardous materials used and stored in the watershed shall be maintained.
 - ~~(c)~~ 3. A spill/failure containment plan and appropriate safeguards against contamination are required.
 - ~~(d)~~ 4. Waste minimization and appropriate recycling of materials is encouraged.

~~(e)~~ **5.** Land in the WSO where oil or other hazardous substances are stored shall comply with the following requirements:

- ~~(1)~~ **a)** The Superfund Amendments and Reauthorization Act (SARA) Section 302 Extremely Hazardous Substances (42 USC 11000 et seq.); and
- ~~(2)~~ **b)** Section 311 of the Clean Water Act (CWA), as amended (33 USC 1251 et seq.).

Renumber the remaining sections, Section 6.2.4 HOW TO USE THIS SECTION through 6.2.14 WATERSHED ACCOUNTING accordingly as Sections 6.2.7 HOW TO USE THIS SECTION through 6.2.17 WATERSHED ACCOUNTING and renumber all section references accordingly within the text.

SECTION 28.

Section 7.1.6 Subdivision Standards, subsection B, paragraph 5 revise as follows:

5. Lots Adjoining **Dedicated** Public Open Space or Required Watershed Stream Buffer Areas

Single-family lots with public water and sewer service that abut a dedicated public open drainageway, **dedicated** public open space areas, or a required watershed stream buffer when such buffer is in a common area, may have less area than the minimum lot size required, provided the following standards are met:

- (a) No lot area shall be less than 60 percent of the minimum lot size for the zoning district or less than 4,000 square feet.
- (b) A note shall be placed on the Final Plat stating:
"The required area of Lots (insert lot #) through (insert lot #) has been reduced in accordance with Section 7.1.6.B.5 Lots Adjoining **Dedicated** Public Space or Required Watershed Stream Buffer Areas. All other dimensional requirements of the Development Ordinance shall apply."

SECTION 29.

Section 7.1.6 Subdivision Standards, subsection C, paragraph 9(b) revise as follows:

(b) ~~Minimum~~ Design and Construction

- (1) The ~~minimum~~ street design standards for private streets are the same as for public streets.

SECTION 30.

Section 7.1.6 Subdivision Standards, subsection F, paragraph 2(a) revise as follows:

- (a) Connection of each lot to public water and sewer utilities shall be required if the proposed subdivision is within 300 feet of the nearest adequate line of a public

system, ~~and provided that no~~ unless the Public Service Director determines geographic or topographic factors ~~would~~ make such connection infeasible.

SECTION 31.

Section 8.1.1 Purpose and Scope revise as follows:

There are existing uses of land, structures, lots of record, and signs, ~~and site features (e.g., off-street parking, landscaping, etc.)~~ that were lawfully established before the effective date of this Ordinance or a subsequent amendment thereto, that now do not conform to standards and requirements of this Ordinance. Such uses, structures, lots, and signs ~~and site features~~ are collectively referred to as "nonconformities." The purpose and intent of this chapter is to allow nonconformities to continue to exist, but to regulate and limit their continued existence and expansion so as to bring them into conformity to the extent that is reasonably practicable.

SECTION 32.

Section 10.2.3 Lot Dimensions, subsection C, paragraph 2 revise as follows:

2. ~~Average Lot Area~~ Lot Area Averaging

Lot area averaging may be applied to new single-family detached development located outside the Core City area in certain zoning districts as noted in the individual zoning district dimensional standards in Chapter 3 Zoning Districts. The areas of residential lots in the same development may be averaged in order to meet the required minimum lot area for the applicable zoning district in accordance with the following:

- (a) Lot area averaging must be proposed and approved at the time of preliminary plat approval.
- (b) All lots to be averaged must be for residential use and be within 75% to 125% of the minimum lot area required by the zoning district.
- (c) The areas of all such lots in the development are added together and divided by the total number of lots. The resulting number shall meet or exceed the required minimum lot area for the district.
- (d) Residential lots that are larger than 125% of the required minimum lot area for the district are permitted, but shall be excluded from lot area averaging.

Chapter 3 Zoning Districts

Table 3.3.2 Residential Single Family-3 (R-3), Note 1 - revise as follows:

[1] Lots in projects 2 acres or greater in area may be between 75% and 125% of the district minimum lot area, provided the development as a whole maintains an average

lot area that equals or exceeds the district minimum **(See Section 10.2.3.C.2 Lot Area Averaging)**.

Table 3.3.3 Residential Single Family-5 (R-5), Note 1 – revise as follows:

[1] May be between 75% and 125% of the district minimum lot area, provided the development as a whole maintains an average lot area that equals or exceeds the district minimum **(See Section 10.2.3.C.2 Lot Area Averaging)**.

Table 3.3.4 Residential Single Family-7 (R-7), Note 1 – revise as follows:

[1] May be between 75% and 125% of the district minimum lot area, provided the development as a whole maintains an average lot area that equals or exceeds the district minimum **(See Section 10.2.3.C.2 Lot Area Averaging)**.

Table 3.3.6 Residential Multifamily-5 (RM-5), Note 2 – revise as follows:

[2] May be between 75% and 125% of the district minimum lot area, provided the development as a whole maintains an average lot area that equals or exceeds the district minimum **(See Section 10.2.3.C.2 Lot Area Averaging)**.

Table 3.3.7 Residential Multifamily-16 (RM-16), Note 2 – revise as follows:

[2] May be between 75% and 125% of the district minimum lot area, provided the development as a whole maintains an average lot area that equals or exceeds the district minimum **(See Section 10.2.3.C.2 Lot Area Averaging)**.

Table 3.3.8 Residential Multifamily-26 (RM-26), Note 2 – revise as follows:

[2] May be between 75% and 125% of the district minimum lot area, provided the development as a whole maintains an average lot area that equals or exceeds the district minimum **(See Section 10.2.3.C.2 Lot Area Averaging)**.

Table 3.4.2 Transitional Office (TO), Note 2 – revise as follows:

[2] May be between 75% and 125% of the district minimum lot area, provided the development as a whole maintains an average lot area that equals or exceeds the district minimum **(See Section 10.2.3.C.2 Lot Area Averaging)**.

Table 3.4.3 Office Institutional (OI), Note 2 – revise as follows:

[2] May be between 75% and 125% of the district minimum lot area, provided the development as a whole maintains an average lot area that equals or exceeds the district minimum **(See Section 10.2.3.C.2 Lot Area Averaging)**.

Table 3.4.5 Limited Business (LB), Note 2 – revise as follows:

[2] May be between 75% and 125% of the district minimum lot area, provided the development as a whole maintains an average lot area that equals or exceeds the district minimum **(See Section 10.2.3.C.2 Lot Area Averaging)**.

SECTION 33.

Section 10.2.6 Height, subsection A, revise the Maximum Building Height definition as follows:

The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof ~~along the front facade~~.

SECTION 34.

Section 10.4 Definitions, revise the Group Development definition as follows:

A development in which, in-lieu of the division of a tract of land into separate lots ~~of record~~ for separate principal buildings, a tract of land is divided into 2 or more principal building sites for the purpose of building development (whether immediate or future) and occupancy by separate families, firms, businesses, or other enterprises.

SECTION 35.

Section 10.4 Definitions, revise the Subdivision definition as follows:

A division of a tract or parcel of land into 2 or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and includes all divisions of land involving the dedication of a new street or a change in existing streets. The following are not included within this definition and are not subject to any subdivision regulations in this Ordinance:

- a. The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance.
- b. The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved.
- c. The public acquisition by purchase of strips of land for the widening or opening of streets, or for public transportation system corridors.
- d. The division of a tract in single ownership, the entire area of which is not greater than 2 acres, into not more than 3 lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance.

SECTION 36.

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 37.

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

SECTION 38.

This ordinance shall become effective upon adoption.

Adopted by the City Council
City of High Point, North Carolina
The XXth day of XXX, 2017
Lisa B. Vierling, City Clerk