

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Text Amendment 17-05  
City of High Point

**From:** Lee Burnette, Planning & Development  
Director

**Meeting Date:** November 20, 2017

**Public Hearing:** Yes

**Advertising Date:** November 8, 2017 and  
November 15, 2017

**Attachments:** A. Planning and Zoning Commission Recommendation  
B. Staff Report  
C. Text Amendment Ordinance

**Advertised By:** Planning & Development

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### PURPOSE:

A request by the Planning & Development Department to adopt miscellaneous amendments to the Development Ordinance.

### BACKGROUND:

The staff report and the Planning & Zoning Commission's recommendation are enclosed.

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

- A. Staff recommended *approval* of this request, as outlined in the attached staff report.
- B. On October 24, 2017, a public hearing was held before the Planning and Zoning Commission regarding Text Amendment 17-05. The Planning & Zoning Commission recommended *approval* of this request, by a vote of 9-0, as outlined in the staff report and recommended by staff.

## PLANNING AND ZONING COMMISSION RECOMMENDATION

### City of High Point

### Text Amendment 17-05

At its October 24, 2017 public hearing, the Planning and Zoning Commission reviewed a request to adopt miscellaneous amendments to the Development Ordinance. All members of the Commission were present. Mr. Bob Robbins, Development Services Administrator, presented Text Amendment 17-05 and recommended approval as outlined in the staff report.

#### Speaking in favor of the request:

Speaking in favor of the request was Ms. Judy Stalder, Regulatory Affairs Director for Triad Real Estate and Building Industry Coalition (TREBIC), 115 S. Westgate Drive, Greensboro, N.C. Ms. Stalder stated that TREEBIC reviewed the miscellaneous amendments and has no objections.

#### Speaking in opposition of the request:

No one spoke in opposition to this request.

### Planning & Zoning Commission Action

#### Consistency Statement

The Commission stated that the request is consistent with the City's adopted plans and the objectives of the Development Ordinance. It makes the Ordinance more user-friendly, and it adds clarity to the wording and intent of various provisions. It is in the public interest to adopt this amendment as it fixes errors, omissions, provide clarity and consistency in the text. The Planning & Zoning Commission **adopted this statement** by a vote of 9-0.

#### Text Amendment

The Commission recommended ***approval*** of Text Amendment 17-05, as recommended by staff, by a vote of 9-0.

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

**STAFF REPORT  
TEXT AMENDMENT CASE TA-17-05  
October 24, 2017**

Request	
<b>Applicant:</b> City of High Point	<b>Affected Ordinance Sections:</b> Section 2.4.8.C. <i>Planned Development Review Standards</i> ; Section 4.3. <i>Use Standards</i> ; Section 7.2.1. <i>Installation Statement and Financial Guarantees In-Lieu of Completion</i> ; Section 8.2.3. <i>Standards Applied to Specific Nonconforming Uses</i> ; and various other sections of the Ordinance.
<b>Proposal:</b> Amend the Development Ordinance to: correct various Table and Figure numbers; clarify wording in various provisions, fence height standards, and standards applied to manufactured dwellings; consolidate planned development review standards; revise the definition of subdivision to coincide with change made by the General Assembly; and to correct various errors and omissions.	

**Background**

The Development Ordinance was adopted on May 16, 2016 and went into effect on January 1, 2017. On January 17, 2017, City Council approved the first set of text amendments to correct errors and omissions and address some changes in City policy. A second set of text amendments, correcting additional errors and omissions and removing the street design standards from the Ordinance so they may be placed in a design manual to allow for added flexibility, received approval on April 3, 2017. Now, a third set of text amendments is proposed which focus on the clarification, consolidation and standardization of wording in several sections of the Ordinance, and correcting another group of errors and omissions.

**Details of Proposal**

The following is a brief summary of the proposed amendments. All of the amendments are either: 1) corrections of errors and omissions; 2) consolidation of ordinance provisions to promote user friendliness; 3) clarification or standardization of wording; or 4) changes needed due to State law. No substantive changes are proposed by this amendment.

- **Section 1.** Staff discovered several inconsistencies and errors in the identification numbers for Tables and Figures in the Ordinance. The affected Tables and Figures are listed in this section, with the Table or Figure name and the current and new numbers shown. These changes will result in a more consistent and predictable numbering scheme.
- **Section 2.** In Table 2.3.6, which summarizes the public notification requirements for various applications, Zoning Map Amendment requirements were inadvertently omitted.

This section adds those requirements to the table and organizes the table contents alphabetically.

- **Section 3.** This section consolidates the review standards for Planned Development into one location. Some standards were located in Section 3.7.2. of the Ordinance and these are moved to Section 2.4.8.C. and joined with the review standards in that section, thereby eliminating the need to look in two different ordinance locations for them. Part A of this section shows the consolidated standards in Section 2.4.8., and Part B shows the standards moved from Section 3.7.2.
- **Section 4.** This is a multi-part section (A through H) that clarifies and standardizes language in the outdoor storage provisions in the District Standards of several business zoning districts in Section 3.4. It also makes similar clarifications in language for certain individual uses in Section 4.3. and for disabled motor vehicles as an accessory use (Section 4.4.5.). The clarifications refer the reader to Section 5.6.6. to determine what allowed methods of screening may be used to meet requirements, and in the case of Part F and Part H, which deal with vehicles, indicate that the method of screening must be specifically approved. These are all clarifications based on the requirements of the Ordinance as adopted.
- **Section 5.** The Use Type *Sports and Fitness Centers* was omitted as a permitted principal use in Table 4.1.9. (Principal Use Table) in the MS and MX districts. This section adds that use to those two districts.
- **Section 6.** The phrase “not front or gain access from a residential local street” as it applies to various institutional uses is reworded and expanded to more accurately convey its intent. The provision is intended to prevent the location of assembly, cemetery, day care, education and large religious uses deep within residential neighborhoods without having access to collector (or higher classified) streets, but to allow access to a residential local street for corner lots that also front on thoroughfare streets, where access to the thoroughfare street may be restricted or not desirable.
- **Section 7.** This section requires vehicle establishments to store tires within an enclosed building or under cover so as to not violate the City’s public nuisance code. This is a clarification of a general requirement for this specific use type aimed at eliminating standing water collected in tires that then encourages the breeding of mosquitos.
- **Section 8.** The new Ordinance established the MX District as a base district rather than an overlay district. As an overlay district applying only to the Washington Street area, the MX did not regulate signage. That was done through the underlying base district (CB). Now that it is a base district, general standards must be set for MX. Standards were set for freestanding signs, but omitted for attached (wall) signs. This section adds the MX district to Table 5.7.10., with the same regulations as exist for the wall signage in the CB and several other commercial and industrial zoning districts.
- **Section 9.** This is a clarification of the provision exempting sidewalk on a cul-de-sac or dead end street less than 800 feet in length except when cluster mailbox units are located there.
- **Section 10.** Section 5.11.5.C. regarding fence height for nonresidential and mixed use application has been reworded to make it clear that a fence may exceed 8 feet in height only when it is located 15 feet from the lot line or complies with principal building setbacks, *whichever is greater.*

- **Section 11.** In order to establish a financial guarantee in-lieu of completion of required improvements, an estimate of the costs is required from the developer which is approved by the City. The guarantee is based on that approved estimate. This section updates Section 7.2.1. of the Ordinance to the current City practice of requiring a bona fide itemized estimate, signed and dated by the preparer, rather than filling out an Installation Statement of Required Improvements form.
- **Section 12.** The City has few remaining manufactured home parks, and those that still remain are nonconforming uses. Text that was in the previous ordinance was omitted from the new Ordinance that allows the replacement of individual manufactured homes within these developments. Units may be replaced with newer units, which may or may not be larger than the one being replaced. No double-wide units are permitted. No increase in the number of units in the manufactured home park is permitted.
- **Section 13.** The General Assembly recently codified an exemption to the definition of a subdivision that came about through the courts, having to do with the division of land in accordance with a probated will or intestate succession. The definition of subdivision in Section 10.4 of the Ordinance is amended to add the language as it appears in the general statutes.

## Analysis

As the new Development Ordinance is used, staff is continuing to identify errors and omissions and the need for clarification of wording and intent. These miscellaneous amendments help make the Ordinance user-friendly and easier to read and understand. These amendments also help the staff to correctly and consistently apply the provisions of the Ordinance. This group of amendments contains no substantive changes to the Ordinance.

### **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**

**These miscellaneous amendments are consistent with the City's adopted plans and the objectives of the Development Ordinance in that they make the Ordinance more user-friendly and add clarity to the wording and intent of various provisions.**

### **Reasonableness/Public Interest:**

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

**The amendments: 1) fix errors and omissions, and 2) provide clarity and consistency in the text.**

## Recommendation

**Staff recommends approval.**

## **Required Action**

### **Planning and Zoning Commission:**

The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

### **City Council:**

The NC General Statutes require that the City Council also place in the official record a statement of consistency with the City's adopted plans, and 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 Robert L. Robbins, AICP, Development Services Administrator and reviewed by G. Lee Burnette, AICP, Director.

## 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 subsequently amended; and

**WHEREAS**, public hearings were held before the Planning and Zoning Commission on October 24, 2017 and before the City Council on November 20, 2017 regarding Text Amendment TA-17-05; and

**WHEREAS**, notice for the public hearings was published in the High Point Enterprise on October 15, 2017 for the Planning and Zoning Commission public hearing and on November 8, 2017 and November 15, 2017 for the City Council public hearing, pursuant to Chapter 160A-364 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.

The following Table and Figure identification numbers in various locations in the City of High Point Development Ordinance shall be amended as indicated below:

Table Name	Current Table Number	New Table Number
Zoning District Translation	<del>1.9</del>	<b>1.9.1</b>
Summary Development Review Table	<del>2.1</del>	<b>2.1.2</b>
Land Use Intensity	<del>5.5.11.C</del>	<b>5.5.11.C1</b>
Type of Landscape Yard Required	<del>5.5.11.D</del>	<b>5.5.11.C2</b>
Replacement of Landscape Material Following Unauthorized Removal	<del>5.5.16</del>	<b>5.5.16.C</b>
Maximum Illumination Levels	<del>5.10.6</del>	<b>5.10.6.A</b>
Fence Height for Residential Uses	<del>5.11.5</del>	<b>5.11.5.B</b>
Minimum Open Space Amount	<del>5.12.4</del>	<b>5.12.4.A</b>
Pocket Neighborhood Lots	<del>5.14.6</del>	<b>5.14.6.D</b>
Sustainable Development Incentives	<del>5.15.3</del>	<b>5.15.3.E</b>
Minimum Stormwater Controls Required in the General Watershed Area	<del>6.2.11.A.1</del>	<b>6.2.11.A1</b>
Minimum Stormwater Controls Required in the Watershed Critical Area	<del>6.2.11.A.2</del>	<b>6.2.11.A2</b>
Maximum Permissible Velocity for Stormwater Discharges	<del>6.3.7</del>	<b>6.3.7.B</b>
Development Entry Points	<del>7.1.6.C.2</del>	<b>7.1.6.C</b>

Figure Name	Current Figure Number	New Figure Number
Planning Policy Framework	<del>1.5.1.1</del>	<b>1.5.1</b>
Parking Lot Location	<del>3.5.6.G.3</del>	<b>3.5.6.G1</b>
Façade Transparency Alternatives	<del>3.5.6.G.4</del>	<b>3.5.6.G2</b>
Parking Lot Configuration	<del>3.5.7.C.2</del>	<b>3.5.7.C1</b>
Façade Transparency Alternatives	<del>3.5.7.C.3</del>	<b>3.5.7.C2</b>
Façade Facing A Street	<del>5.14.4</del>	<b>5.14.4.B</b>
Use Easement	<del>5.14.6.D.1</del>	<b>5.14.6.D1</b>
<b>Examples of Dwelling Unit Configuration</b> (Not named; add name as shown)	Not numbered	<b>5.14.6.D2</b>
Setbacks for Group Development	<del>10.2.4.A.1</del>	<b>10.2.4.A</b>
Setbacks	<del>10.2.4.A.2</del>	<b>10.2.4.E1</b>
Setbacks for Buildings Exceeding 50 Feet in Height	<del>10.2.4.A.3</del>	<b>10.2.4.E2</b>
Height Measurement	<del>10.2.6.A.1</del>	<b>10.2.6</b>

All references in the Development Ordinance text to the current table or figure numbers shall be changed to the new table or figure numbers as indicated above.

## SECTION 2.

Table 2.3.6 *Public Notification Timing Requirements* shall be amended to add the following application type:

Application Type	Decision-Making Body Review	Types of Required Public Notice		
		Published Notice	Mailed Notice	Posted Notice
<b>Zoning Map Amendment</b>	<b>P&amp;Z</b>	<b>X</b>	<b>X [5]</b>	<b>X [3]</b>
	<b>City Council</b>	<b>X [6]</b>	<b>X [5]</b>	<b>X [3]</b>

In addition, all Application Types in Table 2.3.6 shall appear in the table in alphabetic order.

## SECTION 3.

### Part A.

Section 2.4. *Review Procedures Subject to Decision-Making Body Review and Decision*, subsection 2.4.8. regarding Planned Development, of the City of High Point Development Ordinance shall be amended as follows:

### 2.4.8. Planned Development

### **C. Planned Development Review Standards**

The advisability of establishing a planned development district classification is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or deny a planned development, the City Council shall consider the following: standards in Section 2.4.5C, Conditional Zoning Review Standards, and the standards for the proposed type of PD district in Section 3.7, Planned Development Zoning Districts.

#### **1. Consistency with Adopted Policy Guidance**

Whether a decision to approve, or to deny, the proposed PD zoning district is consistent with the City's adopted policy guidance.

#### **2. Consistency with PD District Standards**

(a) Whether the proposed PD district meets the standards of Section 3.7.3., Standards Applied to All Planned Development Districts.

(b) Whether the proposed PD district meets the standards of Section 3.7.5., PD-CC District if in the Core City Area, or the standards of Section 3.7.6, PD-P District if outside the Core City Area.

#### **3. Compatibility with Surrounding Areas**

(a) Whether development along the perimeter of the proposed PD district is compatible with adjacent existing or proposed development.

(b) Where there are issues of compatibility, the master plan map, statement of intent and the standards document shall establish transition areas along the perimeter of the PD district that provide for appropriate buffering and ensure a complimentary character of development.

(c) Determination of complimentary character shall be based on densities/intensities, use types, lot sizes and dimensions, building height, mass and scale, exterior lighting, siting of service areas, or other aspects identified by the City Council.

#### **4. Promotes a Preferred Development Pattern**

(a) Whether and the extent to which there have been changes in the type or nature of development in the area of the proposed PD zoning district that support the application.

- (b) Whether and the extent to which the proposed PD zoning district will result in development that promotes a logical, preferred, and orderly development pattern.

**5. Mitigation of Impacts**

How the proposed PD District, including the proposed use(s), standards, and PD Master Plan, will satisfactorily:

- (a) Minimize or effectively mitigate any identified adverse impact on adjacent and nearby land, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.;
- (b) Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees, and protect habitat;
- (c) Minimize or effectively mitigate any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police, and fire; and
- (d) Minimize or effectively mitigate any identified adverse effect on the use, enjoyment, or value of adjacent lands.

**6. Reasonableness/Public Interest**

Why a decision to approve, or to deny, the proposed PD District would be reasonable and in the public interest.

**D. Effect**

- 1.** Lands rezoned to a planned development district shall be subject to the approved master plan map and the statement of intent and development standards document. The master plan map and the statement of intent and development standards document are binding on the land as an amendment to the Official Zoning Map. The applicant may apply for and obtain subsequent development permits and approvals necessary to implement the planned development master plan map and the statement of intent and development standards document in accordance with the appropriate procedures and standards in this Ordinance. Any permits or development approvals shall comply with the planned development master plan map and the statement of intent and development standards document.
- 2. The PD master plan map, statement of intent and development standards document shall not include any standards which:**
- (a) Specifies the ownership status, race, religion, or other characteristics of the occupants of housing units;
- (b) Establishes a minimum size of a dwelling unit;
- (c) Establishes a minimum value of buildings or improvements;
- (d) Excludes residents based upon race, religion, or income; or

**(e) Obligates the City to perform in any manner relative to the approval of the PD District or development of the land.**

**Part B.**

*Section 3.7. Planned Development Zoning Districts*, subsection 3.7.2. *General Provisions*, of the City of High Point Development Ordinance shall be amended as follows:

**3.7.2. General Provisions**

**A. Classification of Planned Development Districts**

Land shall be classified as a planned development zoning district only in accordance with the procedures and requirements set forth in Section 2.4.8, Planned Development, and this section.

**B. Organization of Planned Development District Regulations**

Section 3.7.3, Standards Applied to All Planned Development Districts, sets out general standards applicable to all planned development districts. Sections 3.7.5, Planned Development-Core City (PD-CC), and 3.7.6, Planned Development-Periphery (PD-P), set out the purpose statements and standards applicable to each of the specific planned development districts. The more restrictive requirements between the general standards in this section and the standards in the PD-CC or PD-P districts shall control.

**~~C. Consistency with Adopted Policy Guidance~~**

~~The PD zoning district classification, the master plan map, and the statement of intent and standards document, shall be consistent with the City's adopted policy guidance.~~

**~~D. Compatibility with Surrounding Areas~~**

~~Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the master plan map shall provide for transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complimentary character of development. Determination of complimentary character shall be based on densities/intensities, types of uses, lot sizes and dimensions, building height, mass and scale, exterior lighting, siting of service areas, or other aspects identified by the City Council.~~

**~~E. Planned Development Application~~**

~~An application for a planned development district shall be made using a form provided by the City, complete with all required signatures,~~

~~application fees, and other documentation as required in Section 2.4.8, Planned Development.~~

## SECTION 4.

### Part A.

Section 3.4. regarding Business Zoning Districts, Subsection 3.4.6. *General Business (GB)* of the City of High Point Development Ordinance shall be amended as follows:

#### 3.4.6. General Business (GB)

##### G. District Standards

##### 2. Outdoor Storage Outdoor storage shall:

- (d) Be screened from view from adjacent lots and public streets with an opaque ~~wall fence, fence wall,~~ or by any other approved means allowed method in Section 5.6.6., Screening Methods, to a height 6 feet above grade level, provided the screen shall not be allowed in any required landscape yard.

### Part B.

Section 3.4. regarding Business Zoning Districts, Subsection 3.4.7 *Retail Center (RC)* of the City of High Point Development Ordinance shall be amended as follows:

#### 3.4.7. Retail Center (RC)

##### G. District Standards

##### 2. Outdoor Storage Outdoor storage shall:

- (d) Be screened from view from adjacent lots and public streets with an opaque ~~wall fence, fence wall,~~ or by any other approved means allowed method in Section 5.6.6., Screening Methods, to a height 6 feet above grade level, provided the screen shall not be allowed in any required landscape yard.

### Part C.

Section 3.4. regarding Business Zoning Districts, Subsection 3.4.10 *Employment Center (EC)* of the City of High Point Development Ordinance shall be amended as follows:

### 3.4.10. Employment Center (EC)

#### G. District Standards

##### 1. Site Standards

(h) **Outdoor Storage** Outdoor storage shall:

- (4) Be screened from view from adjacent lots and public streets with an opaque ~~wall fence, fence wall,~~ or by any other approved means allowed method in Section 5.6.6., Screening Methods, to a height 6 feet above grade level, provided the screen shall not be allowed in any required landscape yard.

#### Part D.

Section 3.4. regarding Business Zoning Districts, Subsection 3.4.11 Light Industrial (LI) of the City of High Point Development Ordinance shall be amended as follows:

### 3.4.11. Light Industrial (LI)

#### G. District Standards

1. **Outdoor Storage** Outdoor storage shall be screened from view from adjacent lots and public streets with an opaque ~~wall fence, fence wall,~~ or by any other approved means allowed method in Section 5.6.6., Screening Methods, to a height 6 feet above grade level.

#### Part E.

Section 4.3. regarding Use Standards, Subsection 4.3.3 Institutional Uses of the City of High Point Development Ordinance shall be amended as follows:

### 4.3.3. Institutional Uses

#### B. Day Care

##### 1. Day Care Center

- (d) Outdoor recreation areas adjacent to a residential district shall be screened with an opaque ~~wall fence, fence wall,~~ or by any other approved allowed method in Section 5.6.6., Screening Methods, to a height of 6 feet above grade level.

#### Part F.

Section 4.3. regarding Use Standards, Subsection 4.3.4 Commercial Uses of the City of High Point Development Ordinance shall be amended as follows:

### 4.3.4. Commercial Uses

## G. Vehicle Establishments

### 1. Vehicle Establishments

#### (a) General

- (5) In the LI and HI districts, outdoor vehicle storage may occupy up to 50 percent of the lot. The storage area shall be located behind the front building line of the principal building and be screened with an opaque ~~wall~~ **fence**, ~~fence~~ **wall**, or other approved ~~means~~ **method**, to a height of 6 feet above grade level.

#### (c) Minor

- (4) The use shall be screened with an opaque fence, wall, or **by any** other ~~approved~~ **allowed** method **in Section 5.6.6., Screening Methods**, to a height of 6 feet above grade level along all lot lines abutting a residential district.

## Part G.

Section 4.3. regarding Use Standards, Subsection 4.3.5 *Industrial Uses* of the City of High Point Development Ordinance shall be amended as follows:

### 4.3.5. Industrial Uses

#### D. Waste-Related Service

### 2. Recycling Center

#### (b) Major

- (2) Materials may be stored outdoors provided they are located at least 200 feet from all property lines and are screened with an opaque ~~wall~~, fence, **wall**, or **by any** other ~~approved means~~ **allowed method in Section 5.6.6., Screening Methods**, to a height of 8 feet above grade **level**.

## Part H.

Section 4.4. regarding Accessory Structures and Uses, Subsection 4.4.5. *Standards for Specific Accessory Uses* of the City of High Point Development Ordinance shall be amended as follows:

### 4.4.5. Standards for Specific Accessory Uses

**S. Vehicles****1. Disabled Motor Vehicles****(a) All Other Uses**

- (2) The disabled vehicle shall be stored within a fully enclosed building or fully screened by a building, opaque ~~wall~~ **fence**, ~~fence wall~~, or other approved ~~means~~ **method**, to a height of 6 feet above grade level.

**SECTION 5.**

Table 4.1.9 *Principal Use Table* of the City of High Point Development Ordinance shall be amended as follows:

Under the Commercial Use Classification, Use Category *Recreation and Leisure*, Use Type *Sports and fitness centers*, a "**P**" shall be added in the MS and MX column.

**SECTION 6.**

Section 4.3., *Use Standards*, subsection 4.3.3., *Institutional Uses* of the City of High Point Development Ordinance, shall be amended as follows:

**4.3.3. - Institutional Uses****A. Civic****1. Assembly (Major and Minor)**

An assembly use (major and minor) shall comply with the following standards:

- (a) ~~Not front or gain access from a residential local street;~~ **Have street frontage on a street classified higher than a residential local street.**
- (b) **Have no access from a residential local street, unless the use is located on a corner lot with street frontage on a thoroughfare street.**
- ~~(b)-(c)~~ (c) Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a residential district.
- ~~(e)-(d)~~ (d) Assembly uses in residential districts shall be on a lot of at least 2 acres.
- ~~(d)-(e)~~ (e) Assembly uses with permanent seating for 1,000 or more shall require a special use in accordance with Section 2.4.11, Special Use.

**2. Cemetery, Columbarium, Mausoleum**

~~Except for the expansion of an existing cemetery that is an accessory use to a religious institution, a~~ **A** cemetery shall comply with the following standards:

- (a) Be located on a lot or site at least 3 acres in area;
- (b) Provide space for on-site parking and maneuvering of funeral processions;
- (c) ~~Not front or gain access from a residential local street;~~ Have street frontage on a street classified higher than a residential local street; and
- (d) Have no access from a residential local street, unless the use is located on a corner lot with street frontage on a thoroughfare street; and
- ~~(d)-(e)~~ (e) Ensure interments take place at least 50 feet from a lot line and comply with the requirements of State law.

## B. Day Care

1. **Day Care Center** A day care center shall comply with the following standards:

- (a) Meet All applicable State licensing requirements;
- (b) ~~Not front or gain access from a residential local street;~~ Have street frontage on a street classified higher than a residential local street;
- (c) Have no access from a residential local street; unless the use is located on a corner lot with street frontage on a thoroughfare street.
- ~~(e)-(d)~~ (d) Outdoor recreation areas shall:
  - (1) Be located behind the front building line of the principal building;
  - (2) Be completely enclosed by a fence that is at least 4 feet in height; and
  - (3) Be safely segregated from parking, loading, or service areas.
- ~~(d)-(e)~~ (e) ~~Screen~~ Outdoor recreation areas adjacent to a residential district shall be screened with an opaque ~~wall~~ fence, fence wall, or other ~~approved~~ allowed method in Section 5.5.6., Screening Methods, to a height of 6 feet above grade level.
- ~~(e)-(f)~~ (f) If located in a residential district, signage is limited to 1 monument sign with a maximum area of 24 square feet and a maximum height of 6 feet.

## C. Education

### 2. School (Major and Minor)

A school (major and minor) ~~shall not front or gain primary access from a residential local street~~ shall comply with the following standards:

- (a) Have street frontage and gain primary access on a street classified higher than a residential local street.
- (b) Have no access from a residential local street, unless the use is located on a corner lot with street frontage on a thoroughfare street.

#### D. Religious Institutions

~~1. Religious Institution~~ A religious institution in a residential district on a lot of 3 acres in area or larger shall comply with the following standards:  
~~shall not front on or gain access from a residential local street.~~

- (a) Have street frontage and gain primary access on a street classified higher than a residential local street.
- (b) Have no access from a residential local street, unless the use is located on a corner lot with street frontage on a thoroughfare street.

### SECTION 7.

Section 4.3., *Use Standards*, of the City of High Point Development Ordinance, subsection 4.3.4.G., *Vehicle Establishments*, shall be amended as follows:

#### 1. Vehicle Establishments

##### (a) General

- (1) ~~The outdoor storage of tires shall be subject to the outdoor storage standards of the zoning district.~~ Tires shall be stored within an enclosed building or stored within the outdoor vehicle storage area and under cover in such a manner as to prevent a violation of the public nuisance code.

### SECTION 8.

Table 5.7.10.B. *Requirements For An Attached Sign Requiring A Permit* of the City of High Point Development Ordinance shall be amended as follows:

TABLE 5.7.10.B: REQUIREMENTS FOR AN ATTACHED SIGN REQUIRING A SIGN PERMIT					
SIGN TYPE	NUMBER	AREA (SQ FT)		HEIGHT (FEET)	COMPUTATION
		MAX	MIN [1]		
WALL SIGNS					

TO, I & PNR districts	See 5.7.10.A.1, Maximum Number of Attached Signs	n/a	25	top of wall	5% of wall area [2]
OI, LB, & EC districts			25		7.5% of wall area [2]
GB, RC, CB, MS, <b>MX</b> LI, & HI districts			50		10% of wall area [2]

## SECTION 9.

Section 5.9. *Sidewalks*, Subsection 5.9.3 *Exemptions* of the City of High Point Development Ordinance shall be amended as follows:

### 5.9.3. EXEMPTIONS

- C. Cul-De-Sac and Dead End Streets** Along cul-de-sac streets and permanent dead-end streets of 800 feet or less in length, except ~~where~~ when they contain cluster ~~(mail)~~ mailbox units.

## SECTION 10.

Section 5.11.5., *Height Standards* of the City of High Point Development Ordinance, regarding height standards for fences, shall be amended as follows:

- C. Nonresidential and Mixed Uses** ~~No fence shall exceed a maximum height of 8 feet unless:~~  
~~1. The fence is at least 15 feet from a lot line; or~~  
~~2. The fence complies with the minimum setback requirements applied to the principal structure.~~  
No fence may be erected that exceeds 8 feet in height, unless the fence is 15 feet from a lot line, or it complies with the minimum setback requirements as applied to the principal structure, whichever is greater.

## SECTION 11.

Section 7.2.1. *Installation Statement and Financial Guarantees In-Lieu of Completion* of the City of High Point Development Ordinance shall be amended as follows:

### 7.2.1. ~~Installation Statement and~~ Financial Guarantees In-Lieu of Completion

#### A. General

In-lieu of the completion, installation, and dedication of all required public improvements (streets, potable water, sanitary sewer, stormwater, electricity and

street lights) and private site improvements (off-street parking, landscaping, screening, protected trees, fencing, stormwater management and sedimentation control) prior to approval of a final plat or issuance of a certificate of occupancy (as appropriate), a developer may submit:

1. ~~An installation statement of required improvements, as provided in the City of High Point's Development Guide,~~ A bona fide itemized estimate of the costs, including labor, for all required improvements, signed and dated by the preparer, for which the developer is responsible, and the date when the improvements are to be completed; and
2. An acceptable financial guarantee for the installation of ~~public infrastructure~~ said required improvements in accordance with Section 7.2.2., Performance Guarantee.

## B. Timing

The ~~installation statement-itemized estimate of the costs~~ and financial guarantees shall not be accepted until after the construction plans and profiles for the development are approved, in accordance with Section 7.1.3., Street and Utility Construction, and a watershed development plan, if applicable, is approved in accordance with Section 6.2.8.E., Watershed Development Plan.

## C. Effect

Once the ~~installation statement-itemized estimate of the costs~~ and ~~the~~ required financial guarantees ~~are~~ is accepted by the City, the final plat or certificate of occupancy (as appropriate) may be approved if the development complies with all other requirements of this Ordinance.

## SECTION 12.

Section 8.2.3. *Standards Applied to Specific Nonconforming Uses*, of the City of High Point Development Ordinance be amended as follows:

### D. Standards Applied to Manufactured Dwellings

Nonconforming manufactured dwellings shall meet the requirements of Section 8.2.2. Standards Applied to All Nonconforming Uses except as stated herein.

#### 1. Continuation and Replacement

- (a) A nonconforming manufactured dwelling that is the sole principal structure on a lot, or is located within a manufactured dwelling park, may be continued or replaced in accordance with the requirements of this section.
- (b) A ~~replacement~~—manufactured dwelling that replaces a manufactured dwelling located on a lot shall:
  - (1) Obtain a building permit in accordance with Section 2.5.3., Building Permit;
  - (2) Meet or exceed the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time ~~of construction of the dwelling~~ the dwelling was manufactured; and
  - (3) Meet the requirements of a manufactured dwelling in accordance with Section 4.3.2.B.4., Manufactured Dwelling.
- ~~(c)~~ A manufactured dwelling that replaces a manufactured dwelling located in a manufactured dwelling park shall:
  - (1) Obtain a building permit in accordance with Section 2.5.3., Building Permit;
  - (2) Meet or exceed the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time the dwelling was manufactured;
  - (3) Be a single-wide unit no wider than 15 feet; and
  - (4) Not increase the number of dwelling units in the manufactured dwelling park.
- ~~(e)-(d)~~ No manufactured dwelling ~~constructed~~ made prior to June 15, 1976 may be used to replace a lawfully established nonconforming manufactured dwelling.

## 2. Expansion or Enlargement

A replacement manufactured dwelling or single-wide manufactured dwelling ~~(mobile home)~~ may be larger than the existing manufactured dwelling being replaced, provided:

- (a) It is located in a residential or AGR zoning district;
- (b) It is located on the same lot or space as the previous dwelling unit;  
and
- (c) It meets all applicable setbacks for the district where it is located. and
- ~~(d) The number of dwelling units is not increased.~~

## SECTION 13.

Section 10.4 *Definitions* of the City of High Point Development Ordinance shall be amended as follows:

### **SUBDIVISION**

The 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.
- 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.
- e. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the North Carolina General Statutes.**

## SECTION 14.

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 15.

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

**SECTION 16.**

This ordinance shall become effective upon adoption.

Adopted by the City Council  
City of High Point, North Carolina  
The \_\_\_\_ day of \_\_\_\_\_, 2017

Lisa B. Vierling, City Clerk