

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Text Amendment 18-02 (TA-18-02)  
(City of High Point)

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

**Meeting Date:** March 19, 2018

**Public Hearing:** Yes

**Advertising Date:** March 7, 2018, and  
March 14, 2018

**Advertised By:** Planning & Development

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

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### PURPOSE:

A request by the Planning & Development Department to amend Section 5.14.6 Pocket Neighborhoods and to add a new Section 5.14.7. Tiny Home Neighborhood.

### 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 February 27, 2018, a public hearing was held before the Planning and Zoning Commission regarding Text Amendment 18-02. The Planning & Zoning Commission recommended **approval** of this request, as outlined in the staff report and recommended by staff, by a vote of 9-0.

## PLANNING AND ZONING COMMISSION RECOMMENDATION

### City of High Point

### Text Amendment 18-02 (TA-18-02)

At its February 27, 2018 public hearing, the Planning and Zoning Commission reviewed a request to amend Section 5.14.6 Pocket Neighborhoods and to add a new Section 5.14.7. Tiny Home Neighborhood to the Development Ordinance. All members of the Commission were present. Mr. Robert Robbins, Development Administrator, presented the case and recommended approval of the request as outlined in the staff report.

#### Speaking in favor of the request:

Speaking in favor of the request was Mr. Scott Jones, Board Chair for Tiny Homes Greensboro, 1031 Summit Avenue, Greensboro, NC. Mr. Jones stated that his organization (Tiny Homes Greensboro a 501c3 nonprofit organization) built a tiny home development in Greensboro and they would like to do a similar development in High Point. An approximate half acre parcel, in the Core City Area, has been donated to their organization and they would like to build a 10-unit tiny home development on this property. Each unit would be constructed to meet requirements of the N.C. Building Code.

The Commission had several questions, which were addressed by Mr. Robbins and Mr. Jones.

#### 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 adopted policy guidance documents in that it helps provide a wider range of housing types for individuals with varied incomes and needs, and supports Core City infill strategies.

#### Reasonableness Statement

The Commission stated that the request is reasonable and in the public interest as it will further the flexibility of the Development Ordinance, will provide additional affordable housing options, and will help encourage reuse of vacant or underutilized properties in the Core City Area.

The Planning & Zoning Commission **adopted these statements** by a vote of 9-0.

#### Text Amendment

The Commission recommended ***approval*** of Text Amendment 18-02 as recommended by staff, by a vote of 9-0.

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

**STAFF REPORT  
TEXT AMENDMENT CASE 18-02  
February 27, 2018**

Request	
<b>Applicant:</b> City of High Point Planning and Development Department	<b>Affected Ordinance Sections:</b> Section 5.14.1, <i>Development Types</i> Section 5.2.1, <i>Principal Buildings on a Zone Lot</i>
<b>Proposal:</b> To amend the Development Ordinance to add Tiny Home Neighborhood as a development type and establish appropriate development standards for its use	Section 5.14.7 (new), <i>Tiny Home Neighborhood</i> , and Section 5.14.6, <i>Pocket Neighborhood</i>

**Background**

Tiny houses, whether sitting on a wheeled chassis or on a permanent foundation have been trending over the last several years. They generally contain less than 400 square feet of living area, although site-built tiny homes can be up to 600 square feet. They are solidly constructed, and unlike typical recreational vehicles (RVs) they are meant for permanent living when erected on foundations and connected to public utilities.

There are many reasons why some people find these homes an attractive alternative to other, more standard types (and sizes) of living units. Among them are to live a simpler, less cluttered life, to live more economically, and to live “off the grid”. Recently, tiny homes have been increasingly considered as a way to provide affordable housing, shelter for the homeless, or to provide interim housing for veterans and others looking to reconnect with society or complete their education or job training.

Built to look like shrunken versions of single-family detached housing, tiny homes are permitted by the Development Ordinance as accessory dwelling units, when they meet applicable standards and are placed on a permanent foundation. But they are also a viable development choice for small, urban infill sites where they can be grouped together, like a smaller version of the pocket neighborhood development type currently allowed by the Development Ordinance.

The City has been approached by a developer currently constructing a small tiny home neighborhood in Greensboro, who has an opportunity to do one here. That desire has led to the preparation of this text amendment, as we do not have a way to permit a similar development in High Point.

## Details of Proposal

This text amendment proposes to establish a new development type called Tiny Home Neighborhood, the standards for which will become a new subsection of Section 5.14, *Development Types*, and be placed following the subsection containing the standards for the Pocket Neighborhood development type. To the extent possible, the pocket neighborhood and tiny home neighborhood subsections (5.14.6. and 5.14.7., respectively) are structured similarly, and contain similar language. To accomplish this, needed language changes, clarifications and some reordering of paragraphs in the pocket neighborhood subsection are also proposed as part of this amendment.

A tiny home neighborhood is proposed to contain between 4 and 12 tiny homes situated on a single tract of land at least  $\frac{1}{4}$  acre and no greater than 2 acres in size with at least 50 feet of public street frontage, and be within the Core City area. It must be located in a zoning district that permits single-family detached dwellings. Individual homes must have less than 600 square feet of gross floor area. Each tiny home neighborhood will be approved according to the group development plan procedures in the Development Ordinance (Section 2.5.9.), the same as pocket neighborhoods.

There are required common elements that must total at least 40 percent of the site area. These include open space, improved pedestrian walkways accessing each dwelling and the public sidewalk, and a perimeter landscape yard to buffer the tiny home neighborhood from adjacent development. Other common elements may be added, such as a common building for recreation and/or storage, a picnic area or community garden. Although no off-street parking is required, a shared parking area may also be added. A tiny home neighborhood must have a homeowner's association that maintains control of common elements and is responsible for their maintenance.

Like pocket neighborhoods, dwelling units in tiny home neighborhoods will sit on their own lot, which may or may not have frontage on a street. Minimal in area, these lots are necessary to allow the dwellings to be built under the State Residential Building Code, rather than the State Commercial Code.

Changes to the pocket neighborhood regulations are primarily to sync the language and the organization of that section (5.14.6.) with that of the tiny home neighborhood section (5.14.7.). There are, however, a few substantive changes proposed in order to make requirements equal for both: 1) the addition of a 50-foot minimum street frontage requirement for the development tract; 2) the required landscape yard type has been changed from a Type B yard to a Type C yard; 3) the maximum lot coverage requirement has been eliminated; and, 4) the addition of a requirement prohibiting individual lots or dwellings from encroaching into the required perimeter landscape yard.

## Analysis

Tiny homes are attracting a lot of attention, and communities across the country are determining how they will deal with them, or whether they will allow them as a distinct dwelling type. Tiny homes built on a wheeled chassis present issues for most communities because they are classified as RVs and as such are not intended for permanent occupancy – and therefore are relegated to RV parks and campgrounds. Many communities have taken an approach that permits them as single-family detached dwellings, as long as they are built according to local or state building codes and placed on permanent foundations, which is the approach taken with this text amendment.

Tiny homes are allowed as a single-family detached dwelling, but because of their size, tiny homes are not a practical dwelling of choice for standard single-family detached subdivisions. And because they are more affordable to build and economical to live in than standard sized homes, they are increasingly thought of as a housing choice for various groups of people with limited or fixed incomes, whether that condition is likely to be permanent or temporary. With that in mind, tiny home neighborhoods are a good choice for urban infill situations in the Core City area, closer to transit and services.

Since the Development Ordinance already will permit a tiny house to be built on-site as an accessory dwelling unit on a lot with a principal single-family dwelling, it is possible to have a tiny home in your backyard. Although the staff had been considering proposing a tiny home neighborhood Ordinance amendment, the opportunity to develop one in the City has accelerated its preparation somewhat, and if developed it will provide an early test for the standards.

The proposed standards are purposely simple. They are much like the existing pocket neighborhood regulations, but are designed on a smaller scale. The continued aging of the population, growth in single person households, diversity of households, and interest in providing a wider range of housing choices seem to lend support for tiny homes as a viable housing type.

### **Consistency with Adopted Policy Guidance:**

**Whether and the extent to which the proposed text amendment is appropriate and is consistent with the City's adopted policy guidance.**

**The adoption of the tiny home neighborhood ordinance is consistent with adopted policy guidance in that it helps provide a wider range of housing types for individuals with varied incomes and needs, and supports Core City infill strategies.**

**Reasonableness/Public Interest:**

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

**Because it will further the flexibility of the Development Ordinance, provide additional affordable housing options, and help encourage reuse of vacant or underutilized properties in the Core City.**

**Recommendation**

**Staff recommends approval.**

Similar to a pocket neighborhood, but on a smaller scale, the tiny home neighborhood provides another housing choice for people who do not want and/or cannot afford a conventionally sized lot and house. It also offers potential for development of otherwise difficult infill properties in the Core City area.

**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 disagrees 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. 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. 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 disagrees with staff's findings, by adoption of its own statement.

**Report Preparation**

This report was prepared by Planning and Development Department staff member Robert L. Robbins, AICP, and reviewed by G. Lee Burnette, AICP, Director.

**AN ORDINANCE AMENDING THE CITY OF HIGH POINT DEVELOPMENT  
ORDINANCE TO ADD REGULATIONS REGARDING TINY HOME  
DEVELOPMENTS**

**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 ##### and before the City Council on ##### regarding Text Amendment TA-18-02; and

**WHEREAS**, notice for the public hearings was published in the High Point Enterprise on ##### for the Planning and Zoning Commission public hearing and on ##### and ##### 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.**

Section 5.14, entitled *Development Types*, is hereby amended as follows:

**5.14.1. General**

**B. Development Types Distinguished**

The following development types are hereby established:

1. Conservation subdivision;
2. Corner retail;
3. Large retail;
4. Multiple lot development; ~~and~~
5. Pocket neighborhoods; ~~and~~
6. **Tiny home neighborhood.**

## SECTION 2.

Section 5.2.1, *Principal Buildings on a Zone Lot*, is hereby amended as follows:

### B. Residential Group Development

Two or more principal buildings are permitted on a zone lot in a multi-family, ~~or~~ single family attached, **pocket neighborhood or tiny home neighborhood** development pursuant to a group development plan approved in accordance with Section 2.5.9, Group Development, and provided that access is maintained to each building for service and emergency vehicles.

## SECTION 3.

A new Section 5.14.7. entitled *Tiny Home Neighborhood* is hereby added to the City of High Point Development Ordinance, which shall read as follows:

### **5.14.7. TINY HOME NEIGHBORHOOD**

#### **A. Purpose and Intent**

**The tiny home neighborhood development type is proposed to establish standards to facilitate the voluntary development of a group of very small single-family detached dwellings built in close proximity to one another on minimally sized lots and including common open space. This approach is well-suited to small, vacant, infill sites in established neighborhoods.**

#### **B. Applicability**

**The tiny home neighborhood development option is applicable only within the Core City area, in zoning districts that permit single-family detached dwellings.**

#### **C. Site Configuration**

##### **1. Development Size**

**It shall be located on a parcel of land at least one-fourth (1/4) of an acre and no greater than 2 acres in area, with at least 50 feet of frontage along a public street.**



**2. Allowable Uses**

**Only the following uses shall be allowed: single-family detached dwellings and incidental and subordinate accessory uses, along with a building for the purposes of common storage or recreation, and other common elements.**

**3. Number of Dwellings**

**It shall include at least 4 dwellings but no more than 12 dwellings.**

**4. Common Elements**

**(a) It shall include common elements that comprise at least 40 percent of the total site area that include open space, improved pedestrian walkways that access each dwelling and connect to the public sidewalk network, and a perimeter landscape yard that incorporates landscaping materials, existing vegetation or other features to buffer the tiny home neighborhood from adjacent development.**

**(b) It may include a shared parking area, a common building used for recreation and/or storage, a picnic area, community garden space, or other common amenity.**

**(c) If a common building is provided, it shall not be larger than 1,000 square feet and shall not be used as a permanent dwelling unit.**

**5. Perimeter Landscape Yard**

**(a) A tiny home neighborhood shall incorporate a Type C perimeter landscape yard, in accordance with Section 5.5, Landscaping Standards, where the neighborhood abuts lots with existing single-family detached dwellings. The perimeter landscape yard area shall be considered part of the common elements.**

**(b) No individual lot or dwelling unit shall encroach into the perimeter landscape yard.**

**6. Lot Frontage**

The lots in tiny home neighborhoods are exempt from the minimum street frontage requirement for platted lots in Section 7.1.6.B.9, Minimum Street Frontage.

**7. Off-Street Parking**

(a) Tiny home neighborhoods are exempt from the parking standards in Table 5.4.4.B, Table of Minimum Parking Standards.

(b) If provided, off-street parking areas shall meet the standards in Table 5.4.7.E, Dimensional Standards for Parking Spaces and Aisles, and shall meet the paving and maintenance requirement for a private drive accessing a public street (Section 5.4.7.K.3).

**8. Private Drives**

Vehicular entryways into a tiny home neighborhood and accessways serving off-street parking areas shall be configured as private drives.

**9. Fences**

Fences are permitted only within the perimeter landscape yard and to protect community garden areas, and shall meet the standards of Section 5.11, Fences, except that fences around community garden areas shall be 4 feet or less in height.

**D. Individual Lot Configuration**

Each individual lot in a tiny home neighborhood shall contain only 1 dwelling unit. Table 5.14.7.D, Tiny Home Neighborhood Lots sets out the dimensional requirements for individual lots.

TABLE 5.14.7.D: TINY HOME NEIGHBORHOOD LOTS	
FEATURE	REQUIREMENT
Minimum lot area (sq.ft.)	None
Minimum lot width (ft)	None
Minimum front setback (ft)	5 from common elements; or zoning district minimum street setback [1]

<b>Minimum side &amp; rear setback (ft)</b>	<b>3</b>
<b>Minimum separation between dwelling units (ft)</b>	<b>10</b>
<b>NOTES:</b> <b>[1] Porch steps, ramps, fences and walkways may encroach into the front setback in accordance with Section 10.2, Rules of Measurement, but no other structures shall be permitted to encroach into the required setback.</b>	

**E. Dwelling Unit Configuration****1. Maximum Height**

**A tiny home dwelling unit shall not exceed 18 feet above grade.**

**2. Dwelling Size**

**A tiny home dwelling unit shall have less than 600 square feet of gross floor area.**

**3. Dwelling Orientation**

**All dwellings shall face interior common open space or a street. No dwelling shall face a perimeter landscape yard.**

**F. Homeowner's Association**

**A tiny home neighborhood shall have a homeowner's or property owner's association that maintains control of all common elements and is responsible for the maintenance of such elements within the neighborhood. Association documents shall be reviewed by the City prior to approval of the development, and recorded with the development.**

## SECTION 4.

Section 5.14.6. entitled *Pocket Neighborhood* is hereby amended as follows:

### Part A.

Section 5.14.6.B, *Applicability*, is amended as follows:

#### B. Applicability

The pocket neighborhood development option is applicable only within the Core City area, **in zoning districts that permit single-family detached dwellings.**

### Part B.

Section 5.14.6.C, *Site Configuration*, is amended as follows:

#### C. Site Configuration

##### 1. Development sSize

It shall be located on a parcel of land at least one-third (1/3) of an acre and no greater than 4 acres in area, **with at least 50 feet of frontage along a public street.**

##### 2. Allowable Uses

**Only the following uses** It shall be allowed ~~only the following uses:~~ ~~detached~~ single-family **detached** dwellings and ~~commonly associated incidental and subordinate~~ accessory uses, **along with a building** ~~Accessory uses may include common open space, a common building~~ for the purposes of **common** storage or recreation, ~~outdoor recreational features, and garages and other common elements.~~

##### 3. Number of Dwellings

*(text is unchanged)*

##### 4. Common ~~Open-Space~~ **Elements**

(a) It shall include common ~~open-space~~ **elements** that comprises at least 40 percent of the total site and includes **open space**, improved pedestrian walkways that provide pedestrian access to each dwelling **and connect to the**

~~public sidewalk network, a shared parking area(s), common buildings, and the public sidewalk network. The common open space shall include a central green, lawn, or garden area fronting the dwellings, a shared, centrally located off-street parking area,~~ and a perimeter buffer area that incorporates landscaping materials, existing vegetation, or other features to buffer the pocket neighborhood from adjacent development.

- (b) The common open space shall include a central green, lawn, or garden area fronting the dwellings, containing ~~The central green or lawn area shall include~~ at least 375 square feet of area for each dwelling in the development.
- (c) ~~A common building located within the common open space area may be included as an accessory use, but in no instance shall the common building exceed 1,500 square feet or serve as a permanent dwelling unit. If a common building is provided, it shall not be larger than 1,500 square feet and shall not be used as a permanent dwelling unit.~~

#### **9. 5. Perimeter Landscape Yard**

- (a) A pocket neighborhood shall incorporate a Type B C perimeter landscape yard, in accordance with Section 5.5, Landscaping Standards, along all lot lines shared where the neighborhood abuts lots with existing single-family detached dwellings. The perimeter landscape yard shall be considered part of the common elements.
- (b) No individual lot or dwelling unit shall encroach into the perimeter landscape yard.

#### **5. 6. Lot Frontage**

- (a) The lots in pocket neighborhoods are exempt from the minimum street frontage requirement for platted lots in Section 7.1.6.B.9, Minimum Street Frontage.

~~(a)(b)~~ At least 60 percent of the individual building lots shall front the common open space area, not a street or alley.

~~(b) — Up to 40 percent of the lots may front a street.~~

**6. ~~7.~~ Surface Off-Street Parking**

- (a) Pocket neighborhoods are exempt from the parking standards in Table 5.4.4.B, Table of Minimum Parking Standards.
- (b) The pocket neighborhood shall include a shared parking area that accommodates resident and guest parking.
- (c) **Surface Off-street** parking areas shall include at least 1 parking space for each dwelling unit plus 1 designated guest parking space for every four dwelling units.
- (d) Provision of resident parking spaces within a shared parking area is not required in cases where resident parking is provided through individual driveways or by parking spaces along alleys.
- (e) In no instance shall a parking areas space be more than 300 linear feet from the dwelling it serves.

**~~10. 8.~~ Private Drives**

Vehicular entryways into pocket neighborhoods and accessways serving off-street parking areas and individual dwelling lots shall be configured as private drives.

**~~7. 9.~~ Detached Shared Garages**

*(text is unchanged)*

**~~8. 10.~~ Storage Space**

*(text is unchanged)*

**Part C.**

Section 5.14.6.D, *Individual Lot Configuration is amended as follows:*

**D. Individual Lot Configuration**

- 1.** **Each individual lot in a pocket neighborhood shall contain only 1 dwelling unit.** Table 5.14.6.D, Pocket Neighborhood Lots, sets out the dimensional requirements for individual lots.

TABLE 5.14.6.D: POCKET NEIGHBORHOOD LOTS	
FEATURE	REQUIREMENT
Minimum lot size (sq ft)	None
<del>Maximum lot coverage (%)</del>	<del>75</del>
Minimum lot width (ft)	20
Minimum front setback (ft)	10 from <del>open space</del> <b><u>common elements</u></b> ; zoning district requirement from street [1]
Minimum side setback (ft)	3 one side; 15 other side [1]
Minimum rear setback (ft)	None [2]
NOTES:	
[1] Porch steps, ramps, fences, and walkways may encroach into the front setback in accordance with Section 10.2, Rules of Measurement, but no other structures shall be permitted to encroach into the required setback.	
[2] When an individual lot includes a driveway, the minimum rear setback shall be 20 feet.	

- 1. 2.** **Use Easement**  
(text is unchanged)

**FIGURE 5.14.6.D1, USE EASEMENT**  
(figure is unchanged)

## **E. 2.** **Dwelling Unit Configuration**

**1. ~~(a)~~ Maximum Height**

A dwelling unit shall not exceed ~~1 1/2 stories, or~~ 24 feet above grade.

**2. ~~(b)~~ Dwelling Size**

**~~(a 1)~~** A **pocket neighborhood** dwelling unit shall **be have** at least 600 square feet **in of gross** floor area, but not more than 2,000 square feet **in of gross** floor area.

**~~(b 2)~~** *(text is unchanged)*

**3. ~~(c)~~ Fences**

**~~(a 1)~~** *(text is unchanged)*

**~~(b 2)~~** *(text is unchanged)*

**~~(c 3)~~** *(text is unchanged)*

**FIGURE 5.14.6. ~~D2E~~ EXAMPLES OF DWELLING UNIT CONFIGURATION**

*(figure shall be removed from previous location and inserted here)*

**~~E. (d)~~ Homeowner's Association**

A pocket neighborhood shall **include have** a homeowner's ~~s (s)~~ or property owner's ~~s (s)~~ association that maintains control of **all** common **areas elements** and **takes responsibility is responsible** for **the** maintenance of **common features such elements within in** the neighborhood. Association documents shall be **submitted to and** reviewed by the City prior to approval of the development, **and recorded with the development.**

**SECTION 5.**

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 6.**

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

**SECTION 7.**



**TEXT AMENDMENT 18-02**

Ordinance #

APPLICANT: City of High Point

This ordinance shall become effective upon adoption.

Adopted by the City Council  
City of High Point, North Carolina  
The 20<sup>th</sup> day of November, 2017

Lisa B. Vierling, City Clerk