

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Text Amendment 19-03  
(City of High Point)

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

**Meeting Date:** July 15, 2019

**Public Hearing:** Yes

**Advertising Date:** July 3, 2019 and July 10, 2019

**Advertised By:** Planning & Development

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

---

### PURPOSE:

A request by the Planning and Development Department to amend various sections of the City of High Point Development Ordinance regarding the following: 1) consistency of terminology for 'solid waste collection facilities' and 'loading space'; 2) sidewalk exemptions; 3) standards for accessory structures; 4) definition and use of the terms 'vacant land' and 'undeveloped land'; and 5) standards for on-site exterior lighting.

### 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 June 25, 2019, a public hearing was held before the Planning and Zoning Commission regarding Text Amendment 19-03. The Planning & Zoning Commission recommended ***approval*** of this request, as outlined in the staff report and recommended by staff, by a vote of 8-0.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

### **City of High Point**

### **Text Amendment 19-10**

At its June 25, 2019 public hearing, the Planning and Zoning Commission reviewed a request to amend various sections of the City of High Point Development. All members of the Commission were present except for Mr. John McKenzie. Mr. Bob Robbins, Development Administrator, presented the case and recommended approval of the request as outlined in the staff report.

### **Speaking on the request:**

No one spoke in favor nor in opposition to the request.

### **Planning & Zoning Commission Action**

#### **Text Amendment**

The Commission recommended *approval* of Text Amendment 19-03, as recommended by staff, by a vote of 8-0.

#### **Consistency & Reasonableness Statements**

The Commission voted 8-0 to approve the following statement: That the request is consistent because these miscellaneous amendments make the Ordinance more user-friendly and flexible, and supportive of the City's adopted policy guidance. Furthermore, the proposed amendments continue to pursue making the Development Ordinance error free, easier to read and understand, and more consistent in its use of language and formatting.

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

**STAFF REPORT  
TEXT AMENDMENT CASE TA-19-03  
June 25, 2019**

<b>Request</b>	
<p><b>Applicant:</b> City of High Point</p> <p><b>Proposal:</b> A request by the Planning and Development Department to amend various sections of the City of High Point Development Ordinance regarding the following:</p> <ol style="list-style-type: none"> <li>1) consistency of terminology for 'solid waste collection facilities' and 'loading space';</li> <li>2) sidewalk exemptions;</li> <li>3) standards for accessory structures;</li> <li>4) definition and use of the terms 'vacant land' and 'undeveloped land';</li> <li>5) standards for on-site exterior lighting; and</li> <li>6) deletion of an unused definition.</li> </ol>	<p><b>Affected Ordinance Sections:</b>            Section 3.7.6.C. <i>District Standards</i> (PD-P District);            Section 4.4.5. <i>Standards for Specific Accessory Uses</i>;            Section 5.4.1. <i>Purpose and Intent</i> (Off-street Parking and Loading);            Section 5.4.7. <i>Standards for Off-Street Parking Spaces and Loading Areas</i>;            Section 5.5.6.C. <i>Shrub Size and Type</i>;            Section 5.6.3. <i>Exemptions</i> (Screening);            Section 5.6.5. <i>Specific Standards for Solid Waste Facilities</i>;            Section 5.6.6. <i>Screening Methods</i>;            Section 5.14.4.B. <i>Development Standards</i> (Large Retail Development Type);            Section 5.9.3.A. <i>Areas Where Sidewalks Do Not Exist</i>;            Section 4.4.4. <i>Accessory Structures and Uses</i>;            Section 5.2.3.H. <i>Connection Required</i> (Cross-Access);            Section 5.5.11.C. <i>Landscape Yard Type Application</i>;            Table 5.5.11.C2 <i>Type of Landscape Yard Required</i>;            Table 5.10.6.A. <i>Maximum Illumination Levels</i>;            Section 5.14.6.A. <i>Purpose and Intent</i> (Pocket Neighborhood Development Type);            Section 5.14.7.A. <i>Purpose and Intent</i> (Tiny Home Neighborhood Development Type);            Section 5.10.6.B. <i>Maximum Height</i> (On-site Exterior Lighting);            Section 10.4, <i>Definitions</i></p>

## Background

The Development Ordinance was adopted on May 16, 2016 and went into effect on January 1, 2017. Since that time there have been several ‘miscellaneous’ amendments proposed by staff and approved by the City Council that have focused on needed changes, clarifications and corrections. This proposed amendment does the same.

## Details of Proposal

The following is a brief summary of the proposed amendments.

- **Section 1.** This amends several sections of the Development Ordinance with regard to the use of the terms ‘loading space’ and ‘solid waste collection facilities’. The modifications make sure these terms are correctly spelled and consistently applied wherever they appear in the Ordinance.
- **Section 2.** Regarding sidewalks, an exemption is added where an existing local or sub-collector street that does not have sidewalks is adjacent to a proposed development, and the street is determined by the TRC to have minimal need for pedestrian facilities, or that sidewalk construction would be unreasonable due to topography or other physical impediments.
- **Section 3.** Two amendments with respect to the size of accessory buildings and structures are included in this section of the amendment. The first deals with the size of accessory structures in the Transitional Office (TO) district. The second creates a scale for the maximum size of residential accessory buildings based upon the size of the lot.
- **Section 4.** The Ordinance uses the terms ‘undeveloped’ and ‘vacant’ somewhat interchangeably, but they often mean different things. This section defines these two terms and makes changes to insure their consistent use.
- **Section 5.** This amendment section allows an increase in the maximum height (35 ft.) of an on-site exterior lighting pole when banners, cameras and other appurtenances necessitate a more stout design and extra height – up to 45 ft.
- **Section 6.** A definition for a term that is not used in the Development Ordinance (Parking Space, Accessible) is proposed to be deleted.

## Analysis

This text amendment includes a variety of changes primarily identified by the staff. As with the previous ‘miscellaneous’ amendments to the 2017 Development Ordinance, most of the changes

can be described or categorized as corrections of errors or omissions, or clarifications of existing terms or provisions – mostly wording changes with some minor substantive changes.

Sections 1 and 4 contain proposed changes that define and clarify the use of specific terms that are used in the Ordinance. Clarity is often needed as the Ordinance continues in use, to be sure that the interpretation of it is as consistent as possible. Section 6 proposes the deletion of a definition of a term that is not present in the text, and therefore is not needed.

In Section 2, an additional exemption to the requirement for sidewalks is proposed to be added where a roadway abutting a proposed development is found by the TRC to have limited development potential that would generate pedestrian traffic or where it is determined that topographic or other physical constraints make sidewalk installation unreasonable.

The subject of Section 3 is an allotment of additional square footage for residential accessory buildings based on the size of the lot, as the Ordinance will allow the keeping of animals like horses if the lot is 5 acres or larger, but will not allow accessory buildings of sufficient size to care for them. Accessory structures in the TO district are also addressed in Section 3. The TO district is intended to serve as a transition zone between residential and more intense office or commercial uses. Because most TO-zoned land in High Point abuts residentially zoned land or residential uses, TO development should be of a mass and scale that is compatible. The residential limitations of 600 square feet or 50% of the principal structure, whichever is greater, are appropriate for this purpose.

Finally, Section 5 responds to a known issue with the height of on-site exterior lighting poles in some applications where the type and amount of appurtenances makes it difficult and more expensive to remain below the 35-foot maximum height. Staff has consulted with the City's Electric Services Department in determining that in selected applications a height up to 45 feet should be permitted.

In all, the proposed amendments continue staff's efforts to make the Development Ordinance more user friendly, consistent in its formatting, language and terminology, and more error free.

**Consistency with Adopted Plans:**

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

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

**Reasonableness/Public Interest:**

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

**The proposed amendments continue to pursue making the Development Ordinance error free, easier to read and understand, and more consistent in its use of language and formatting.**

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

## **Report Preparation**

This report was prepared by Planning and Development Department staff member(s) Robert L. Robbins, AICP, 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, as subsequently amended; and

**WHEREAS**, public hearings were held before the Planning and Zoning Commission on June 25, 2019 and before the City Council on July 15, 2019 regarding Text Amendment TA-19-03; and

**WHEREAS**, notice for the public hearings was published in the High Point Enterprise on June 16, 2019 for the Planning and Zoning Commission public hearing and on July 3, 2019 and July 10, 2019 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.**

*(Regarding consistency of terminology for 'solid waste collection facilities' and 'loading space')*

**PART A.**

Section 3.7.6.C. *District Standards*, regarding the Planned Development-Periphery district, is hereby amended as follows:

2. **Off-Street Parking and Loading Space** Development in a PD-P district shall comply with the following:
  - (a) *(unchanged)*
  - (b) Section 5.4.7.I, Stacking Spaces;
  - (c) and (d) *(unchanged)*

**PART B.**

Section 4.4.5. *Standards for Specific Accessory Uses*, is hereby amended as follows:

- P. **Solid Waste Collection Facilities** See Section 5.6. Screening for the applicable standards

**PART C.**

Section 5.4.1. *Purpose and Intent*, regarding off-street parking and loading, is hereby amended as follows:

**5.4.1. – Purpose and Intent**

The purpose and intent of this section is to ensure the provision of safe off-street parking and loading ~~facilities~~ space for development allowed by this Ordinance. The standards in this section are intended to avoid requiring an over-supply of parking that pose economic and environmental impacts while ensuring off-street parking is provided to mitigate impacts to streets and neighborhoods.

**PART D.**

Section 5.4.7. *Standards for Off-Street Parking Spaces and Loading Areas* is hereby amended as follows:

**5.4.7. – Standards for Off-Street Parking ~~Spaces~~ and Loading ~~Areas~~ Space**

Off-street parking, stacking and loading spaces along with drive aisles and private drives are referred to as “vehicular use area”. Vehicular use areas shall meet the standards of this section.

A. **General**

1. All required off-street parking, stacking, and loading spaces shall be located on the same zone lot as the principal use it serves, except as allowed in Section 5.4.8. Parking Alternatives.
2. All required off-street parking, stacking, and loading spaces shall not be used for any other purpose, including but not limited to the storage or display of goods or the sale, lease, storage or repair of vehicles.
3. *(unchanged)*
4. Off-street loading spaces shall not be located in any required parking space or protrude into any public street.

D. **Vehicle Backing**

1. *(unchanged)*
2. Except in the CB district, off-street loading **space** shall be designed so that no backing into or from a public street is necessary.

G. **Dimensional Standards for Loading Spaces**~~*(remove 's')*~~ Except for loading spaces~~s~~ used by semi-tractor trailers, off-street loading spaces~~s~~ shall be at least 12 feet wide and at least 25 feet long. Off-street loading spaces~~s~~ used by semi-tractor trailers shall be at least 60 feet long. Overhead clearance shall be at least 14 feet.

I. **Stacking Spaces**~~*(remove 's')*~~

1. **General** Uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service shall provide adequate stacking spaces~~s~~ on-site for the uses or buildings in accordance with this section. Such uses include but are not limited to: restaurants with drive-through, convenience store with fuel sales, and other uses with service bays or drive-throughs.
2. **Design** Stacking spaces ~~are~~ **is** subject to the following design and layout standards:
  - (a) **Size** ~~Individual S~~ **Individual** stacking spaces shall be a minimum of 9 feet wide and 16 feet long.
  - (b) **Traffic Movements** Stacking spaces~~s~~ shall not impede vehicular traffic movements or movements into or out of parking spaces, whether on-site or off-site.
  - (c) **Bicycle and Pedestrian Movement** Stacking spaces~~s~~ shall not impede on-site or off-site bicycle or pedestrian traffic movements, whether on-site or off-site.
  - (d) **Separation** Stacking spaces~~s~~ shall be clearly delineated through such means as striping, landscaping, pavement design, or curbing.

K. **Surface Material**

1. All required parking spaces, drives, and loading spaces~~s~~ in a vehicular use area shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights, except as provided in this section.

**PART E.**

Section 5.5.6.C. *Shrub Size and Type*, regarding plant material specifications, is hereby amended as follows:

1. Required shrubs in a Type A landscape yard or shrubs located parallel to the edge of parking lots, access drives, loading ~~and unloading areas~~ space, and outdoor storage shall be evergreen.
2. thru 5. *(unchanged)*

**PART F.**

Section 5.6.3. *Exemptions*, regarding screening, shall be amended as follows:

**5.6.3. – Exemptions**

The following shall be exempt from the standards in this section:

- A. **Heavy Industrial (HI) District** Solid waste collection facilities, loading ~~facilities docks and bays~~, and ground-based mechanical equipment in the HI district are exempt from the requirements of this section, unless the structure or equipment is within 100 feet of a lot with an existing residential use.
- B. **Loading Docks and Bays**
  1. Loading docks and ~~loading~~ bays in the CB and MX districts are exempt from the requirements of this section.
  2. Loading docks and ~~loading~~ bays in the LI district that face an industrial street are exempt from the requirements of this section.
  3. and 4. *(unchanged)*

**PART G.**

Section 5.6.5. *Specific Standards for Solid Waste Facilities*, is hereby amended as follows:

**5.6.5 – Specific Standards for Solid Waste Collection Facilities**

*(remainder of section unchanged)*

## PART H.

Section 5.6.6. *Screening Methods*, is hereby amended as follows:

### 5.6.6. – Screening Methods

Solid waste collection facilities, loading ~~facilities~~ **docks and bays**, and ground-based mechanical equipment may be screened by any of the following methods, in single use or in combination:

A. thru D. (*unchanged*)

## PART I.

Section 5.14.4.B. *Development Standards*, regarding the Large Retail development type, is hereby amended as follows:

### 2. Site Standards

(a) thru (c) (*unchanged*)

(d) **Loading Docks and Loading Bays** Loading docks and ~~loading~~ bays shall:

(1) thru (3) (*unchanged*)

## SECTION 2.

Section 5.9.3.A. *Areas Where Sidewalks Do Not Exist*, regarding sidewalk exemptions, is hereby amended as follows:

A. ~~Areas Where Sidewalks Do Not Exist~~ **Residential Areas** Along local and sub-collector residential streets where the TRC finds the following conditions exist:

1. The proposed development is within an area consisting predominately of single-family detached residential development, where no sidewalks are present **and have not been otherwise required.**

B. **Subdivisions and Group Developments Along an existing local or sub-collector street abutting a proposed development where the TRC finds the following conditions exist:**

1. No new pedestrian facilities are planned along the existing street; and
2. The abutting street does not have a sidewalk and has minimal potential for additional development along it such that the need for pedestrian facilities is greatly reduced; or
3. Sidewalk construction is deemed substantially challenged or unreasonable due to existing topography or other physical constraints.

Existing subsections B. **Industrial Areas**, C. **Cul-De-Sac and Dead End Streets** and D. **Controlled Access Roads** shall be re-lettered as C., D. and E. respectively.

### SECTION 3.

*(Regarding the maximum total area of accessory buildings on a lot)*

#### PART A.

Section 4.4.4.A. *Dimensional Standards*, regarding Standards for Accessory Structures, is hereby amended as follows:

##### A. **Dimensional Standards**

1. **Nonresidential Aa** accessory structures, which include accessory buildings, shall meet the applicable zoning district dimensional standards, except as provided in this section and in Section 10.2.4.G. Setback Encroachments.
2. **Transitional Office District (TO)** The maximum total area of all accessory buildings on the lot in a TO district shall not exceed 50 percent of the gross floor area of the principal structure or 600 square feet, whichever is greater.

#### PART B.

Section 4.4.4.D. *Residential Accessory Structures*, is hereby amended as follows:

1. thru 3. *(unchanged)*

##### 4. **Accessory Buildings**

- (a) **Location** In addition to the setback requirements, accessory buildings shall be located behind the front building line of the principal structure, except on lots ~~greater than~~ 2 acres in area **or**

**larger**, for which 1 accessory building may be located in front of the principal structure provided it meets the street setback.

(b) **Size**

**(1) For lots less than 2 acres in area, the maximum total area of all accessory buildings on the lot shall not exceed 50 percent of the gross floor area of the principal structure or 600 square feet, whichever is greater.**

**(2) For lots that are 2 acres or more, but less than 5 acres in area, the maximum total area of all accessory buildings on the lot shall not exceed 200 percent of the gross floor area of the principal structure or 2500 square feet, whichever is greater.**

**(3) For lots that are 5 acres or more in area, there is no maximum total area for accessory buildings.**

## SECTION 4.

*(Regarding the definition and use of the terms 'vacant land' and 'undeveloped land')*

### PART A.

Section 5.2.3.H. *Connection Required*, regarding cross-access, is hereby amended as follows:

- H. **Connection Required** Development ~~on vacant land~~ subject to these standards shall ~~install~~ **include** cross-accessways **installed** to the shared property line. However, if the abutting landowner that does not already have a cross-accessway stub is unwilling to allow the cross-accessway to be built to the shared property line due to the impact of the grading equipment or other construction activity on their property, then the Transportation Director shall notify the unwilling property owner that they will be responsible for completing the cross-accessway when ~~their property is developed~~ **development subject to these standards occurs there.**

**PART B.**

Section 5.5.11.C. *Landscape Yard Type Application*, is hereby amended as follows:

1. thru 5. *(unchanged)*

**6. For purposes of determining the required landscape yard type, vacant land, as defined by this Ordinance, shall be assigned a land use intensity score by the Planning and Development Director, based upon the most recent use of the property, and with consideration given to its current zoning.**

Table 5.5.11.C2 *Type of Landscape Yard Required*, is hereby amended as follows:

TABLE 5.5.11.C2: TYPE OF LANDSCAPE YARD REQUIRED						
A = Type A buffer   B = Type B buffer   C = Type C buffer   D = Type D buffer   n/a = no buffer required						
LAND USE INTENSITY OF PROPOSED USE	LAND USE INTENSITY OF EXISTING ADJACENT USE					
	1	2	3	4	5	<b><u>VACANT UNDEVELOPED LAND</u></b>
1	n/a	n/a	n/a	n/a	n/a	n/a
2	C	n/a	C	B	B	D
3	B	B	n/a	C	B	D
4	A	A	C	n/a	C	D
5	A	A	B	C	n/a	n/a

**PART C.**

Table 5.10.6.A. *Maximum Illumination Levels*, is hereby amended as follows:

TABLE 5.10.6.A: MAXIMUM ILLUMINATION LEVELS	
ABUTTING USE [1]	MAXIMUM ILLUMINATION VALUE AT LOT LINE (FOOTCANDLES)
Residential use or <del>vacant</del> <u>undeveloped</u> land zoned for residential development	1.0
Institutional use	1.5
Commercial use or <del>vacant</del> <u>undeveloped</u> land zoned for uses other than residential[2]	2.5
Vehicular use area	2.5
NOTES:	
[1] See Table 4.1.9, Principal Use Table	
[2] Includes mixed-use development	

**PART D.**

Section 5.14.6.A. *Purpose and Intent*, regarding the pocket neighborhood development type, is hereby amended as follows:

- A. **Purpose and Intent** The pocket neighborhood development type is proposed to establish standards to facilitate the voluntary development of a group of smaller single-family detached dwellings built in close proximity to one another around a small green or open space with off-street parking areas to the rear or in common areas. This approach is well-suited to small, vacant or undeveloped infill sites in established neighborhoods.

**PART E.**

Section 5.14.7.A. *Purpose and Intent*, regarding the tiny home neighborhood development type, is hereby amended as follows:

- 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 or undeveloped infill sites in established neighborhoods.

**PART F.**

Section 10.4. *Definitions*, is hereby amended to add the following new definitions, which shall be placed in alphabetic order:

<b><u>LAND, UNDEVELOPED</u></b>	<b><u>Land is considered to be undeveloped when it is in its natural state, or when prior evidence of development such as buildings, other structures and vehicular use areas have been removed or substantially removed.</u></b>
<b><u>LAND, VACANT</u></b>	<b><u>Land is considered to be vacant when evidence of development exists such as buildings, other structures and vehicular use areas, but no occupancy or active use of the land exists.</u></b>

**SECTION 5.**

Section 5.10.6.B. *Maximum Height*, regarding general standards for on-site exterior lighting, is hereby amended as follows:

- B. **Maximum Height** ~~Except for outdoor public recreation, outdoor assembly, and similar uses, the height of exterior lighting, whether mounted on poles, walls, or by other means, shall be no greater than 35 feet above grade at the base of the fixture.~~ **except for the following:**
- 1. Lighting for outdoor public recreation, outdoor assembly and similar uses; and**

- 2. Where a larger pole is needed in order to accommodate multiple light fixtures, cameras, other equipment, or wind load requirements for attached banners, etc. the maximum height may be increased up to 45 feet.**

## **SECTION 6.**

Section 10.4. *Definitions*, is hereby amended to delete the following definition:

<b><del>PARKING SPACE, ACCESSIBLE</del></b>	<b><del>A space designed for the parking or temporary storage of 1 motor vehicle in addition to the space necessary for the ingress and egress from the vehicle by a disabled person and any equipment needed for that purpose.</del></b>
---	---

## **SECTION 7.**

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 8.**

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

## **SECTION 9.**

This ordinance shall become effective upon adoption.

Adopted by the City Council  
City of High Point, North Carolina  
The \_\_\_\_ day of \_\_\_\_\_, 2019

By:

---

Jay W. Wagner, Mayor

ATTEST:

---

Lisa B. Vierling, City Clerk