

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 March 26, 2019 and before the City Council on April 15, 2019 regarding Text Amendment TA-19-01; and

WHEREAS, notice for the public hearings was published in the High Point Enterprise on March 17, 2019 for the Planning and Zoning Commission public hearing and on April 3, 2019 and April 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.

Section 2.3.7. *Quasi-judicial Public Hearing Procedures* of the City of High Point Development Ordinance is hereby amended as follows:

B. ~~Not Bound by Rules of Evidence~~

~~Except as otherwise provided in the North Carolina General Statutes, T~~the body conducting a quasi-judicial public hearing is not bound by the rules of evidence, ~~nor is it~~ limited to consideration of evidence that is admissible in a court of law. The body may consider all testimony and evidence it deems competent and material to the application under consideration if the evidence was admitted without objection, or the evidence appears to be sufficiently trustworthy and was admitted under such circumstances that it was reasonable for the decision-making body to rely upon it. Competent evidence shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:

1. The use of property in a particular way would affect the value of other property;
2. The increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety; or
3. Matters about which only expert testimony would generally be admissible under the rules of evidence as applied in the trial division of the General Court of Justice.

SECTION 2.

PART A.

Section 2.4.5. *Conditional Zoning* of the City of High Point Development Ordinance is hereby amended as follows:

A. Applicability

This section provides a uniform means for reviewing and deciding amendments to the Official Zoning Map. In cases where the standards of a zoning district are inadequate to ensure that development allowed by a zoning district will conform to the City's adopted policy guidance or ~~to~~ **will** appropriately address the impacts expected to be generated by development, ~~a landowner may apply for a conditional zoning in accordance with this section.~~ Approval of a conditional zoning application establishes a parallel conditional zoning district that is equivalent to a corresponding **general** zoning district, but is subject to additional conditions or restrictions that the applicant and City mutually agree are necessary to ensure conformance with adopted policy guidance and adequately address expected development impacts.

B. Conditional Zoning Procedure

3. Application Submittal and Acceptance

- (b) Conditional zoning applications may only be initiated by ~~the~~ **all** landowner(s) of the land subject to the application.
- ~~(e)-(c)~~ When required, a traffic impact analysis shall be submitted for review with the submittal of an application for a conditional zoning. The procedure for preparation of a traffic impact analysis is described in the *Development Guide*.
- ~~(e)~~ **(d)** All conditions of approval proposed by the applicant must be included with the conditional zoning application.
- ~~(d)~~ **(e)** An application for a conditional zoning may include a conditional zoning plan that illustrates the proposed development in order to demonstrate proposed conditions where text does not provide an adequate description.

6. **P&Z or HPC Review and Recommendation**

- (c) The P&Z, following a public hearing, shall make a recommendation on the application in accordance with Section 2.4.5.C, Conditional Zoning Review Standards, and shall comment on the application's consistency with applicable City adopted policy guidance.

~~(e) Upon completion of the public hearing, the P&Z shall comment on the application's consistency with the City's adopted policy guidance.~~

C. **Conditional Zoning Review Standards**

The advisability of a conditional zoning is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to approve or deny a conditional zoning, the City Council ~~may~~ shall weigh the relevance of and consider the following ~~standards~~:

2. **Reasonableness/Public Interest**

~~Whether an approval of the conditional zoning is reasonable and in the public interest. Why a decision to approve, or to deny, the proposed conditional zoning would be reasonable and in the public interest.~~

3. **Compatibility with Surrounding Areas**

(a) Whether the proposed conditional zoning district will result in a development that is compatible with the character of surrounding existing or proposed development and land uses.

(b) Where there are issues of compatibility, the proposed conditional zoning district shall provide for appropriate transition areas that address incompatibility through increased buffering, landscaping, fencing, building height, mass and scale or other means designed to promote a complimentary character of development.

(c) Determination of complimentary character may 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 that may be identified by the City Council.

~~3.4. Review Factors~~ **Mitigation of Impacts**

Whether the applicant's proposed conditional zoning district, including the proposed use(s), written conditions, and conditional zoning plan (if applicable) will satisfactorily:

~~(a) Result in a development that is compatible with surrounding development character and land uses;~~

~~(b)~~ (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.;

~~(c)~~ (b) Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees, and protect habitat;

~~(d)~~ (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

~~(e)~~ (d) Minimize or effectively mitigate and identified adverse effect on the use, enjoyment or value of adjacent lands.

4.5. Supportive Changes in the Area

~~There have been changes~~ Whether and the extent to which there have been changes in the type or nature of development in the area of the proposed conditional zoning district that support the application.

5.6. Promotes a Preferred Development Patterns

~~The proposed conditional zoning district~~ Whether and the extent to which the proposed conditional zoning district will results in development that promotes a logical, preferred, and orderly development pattern.

PART B.

Section 2.4.8. *Planned Development*, of the City of High Point Development Ordinance is hereby amended as follows:

In the flowchart to the right, the term 'Planning Director' shall be amended to read 'Planning **and Development** Director'

A. Applicability

This section provides a uniform means for **amending reviewing and deciding amendments to** the Official Zoning Map to establish a Planned Development (PD) zoning district. This Ordinance establishes two forms of planned development, one intended for lands within the Core City area (PD-CC), and one for peripheral lands located outside the Core City area (PD-P).

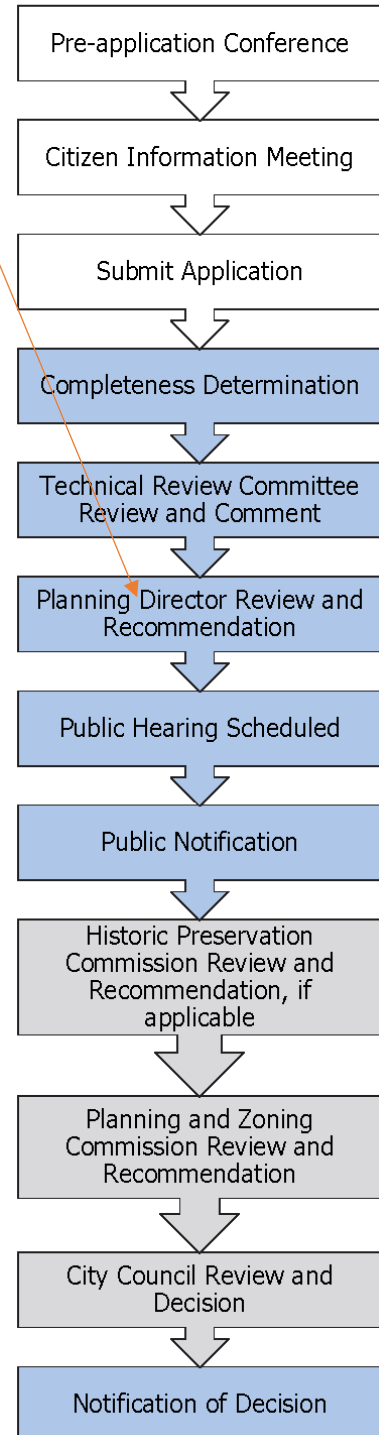
B. Planned Development Procedure**3. Application Submittal and Acceptance**

(b) Planned development applications may only be initiated by ~~the~~ **all** landowner(s) of the land subject to the application.

~~(e)(c)~~ When required, a traffic impact analysis shall be submitted for review with the submittal of an application for a planned development. The procedure for preparation of a traffic impact analysis is described in the *Development Guide*.

~~(e)(d)~~ The application shall include a master plan map and a statement of intent and development standards completed in accordance with Section 3.7.3. Standards Applied to All Planned Development Districts.

~~(d) To ensure unified control, the application shall also include a copy of the title to all land that is part of the proposed PD zoning district classification.~~

PLANNED DEVELOPMENT

6. P&Z or HPC Review and Recommendation

- (c) The P&Z, following a public hearing, shall make a recommendation on the application in accordance with Section 2.4.8.C, Planned Development Review Standards, and shall comment on the application's consistency with applicable City adopted policy guidance.
- (d) ~~Upon completion of the public hearing, the P&Z shall comment on the application's consistency with the City's adopted policy guidance~~ During its review of the application, the P&Z may suggest revisions to the proposed development standards (including the master plan map). Only those revisions agreed to by the applicant shall be incorporated into the application.

7. City Council Review and Decision

- (b) The City Council, after the conclusion of a public hearing, shall decide the application in accordance with Section 2.4.8.C, Planned Development Review Standards. ~~The decision shall be one of the following:~~
- ~~(1) Adoption of the planned development as proposed;~~
 - ~~(2) Adoption of a revised planned development;~~
 - ~~(3) Denial of the planned development; or~~
 - ~~(4) Remand of the planned development application to the P&Z for further consideration.~~
- (c) The decision shall be one of the following:
- (1) Adoption of the planned development as proposed;
 - (2) Adoption of a revised planned development;
 - (3) Denial of the planned development; or
 - (4) Remand of the planned development application to the P&Z for further consideration.
- ~~(e)~~(d) As part of the decision, the City Council shall adopt a written statement of consistency and reasonableness that:
- (1) Describes whether the decision is consistent with all applicable City-adopted policy guidance; and
 - (2) Explains why the decision is reasonable and in the public interest.

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 ~~district~~, the City Council shall weigh the relevance of and consider the following:

1. Consistency with Adopted Policy Guidance

Whether and the extent to which the proposed planned development district is appropriate for its proposed location, a decision to approve, or to deny, the proposed PD zoning district is and is consistent with the City's adopted policy guidance.

~~6.2.~~ Reasonableness/Public Interest

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

3. Compatibility with Surrounding Areas

- (a) Whether ~~development along the perimeter of~~ the proposed PD district will result in a development that is compatible with the character of surrounding adjacent existing or proposed development and land uses.
- (b) Where there are issues of compatibility, the master plan map, statement of intent and the standards document shall ~~establish~~ provide for appropriate transition areas along the perimeter of the PD district that address incompatibility through increased buffering, landscaping, fencing, building height, mass and scale or other means designed to promote that provide for appropriate buffering and ensure a complimentary character of development.
- (c) Determination of complimentary character ~~shall~~ may 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 that may be identified by the City Council.

~~2.4.~~ 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.

5. Mitigation of Impacts

~~How the~~ Whether the applicant's proposed PD district, including the proposed use(s), standards and PD ~~Master Plan~~, will satisfactorily:

(sub-sections (a), (b), (c), and (d) are unchanged)

6. Supportive Changes in the Area

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.

4.7. 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 a development that promotes a logical, preferred, and orderly development pattern.

PART C.

Section 2.4.19. *Zoning Map Amendment* of the City of High Point Development Ordinance is hereby amended as follows:

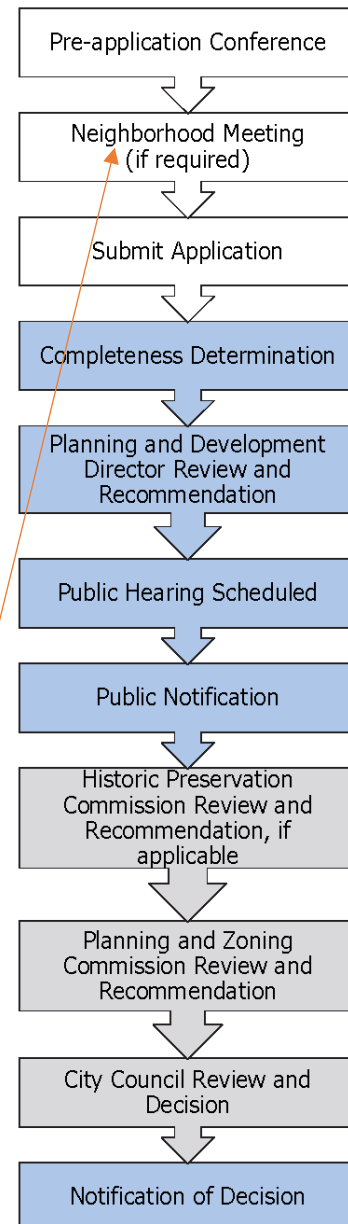
In the flowchart to the right, the term 'Neighborhood Meeting' shall be amended to read 'Citizen Information Meeting'.

B. Zoning Map Amendment Procedure

3. Application Submittal and Acceptance

(b) Zoning Map Amendment Applications may be initiated by the City Council or all landowner(s) of the land ~~in the proposed Zoning Map Amendment~~ subject to the application. (SL 1989-88)

ZONING MAP AMENDMENT



C. Zoning Map Amendment Review Standards

The advisability of a ~~amendment to the Official Zoning Map~~ zoning map amendment 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 proposed zoning map amendment, the City Council ~~may~~ shall weigh the relevance of and consider the following:

1. Consistency with Adopted Plans Policy Guidance

Whether and the extent to which the proposed zoning map amendment is appropriate for its proposed location, and is consistent with the ~~purposes, goals, objectives, and policies of the~~ City's adopted policy guidance.

2. Reasonableness/Public Interest

~~Whether an approval of the zoning map amendment is~~ Why a decision to approve, or to deny, the proposed zoning map amendment would be reasonable and in the public interest.

SECTION 3.

Section 2.4.6.C. *Development Agreement Review Standards* of the City of High Point Development Ordinance is hereby amended as follows:

C. Development Agreement Review Standards

For consideration of the City to participate in a development agreement, a development subject to the agreement must meet the following:

~~1. The land subject to the development agreement shall contain 25 acres or more of developable land (exclusive of wetlands, mandatory buffers, unbuildable slopes, and other portions of the land that may be precluded from the property at the time of application).~~

~~2.1.~~ The development shall demonstrate phasing, and participation in the proposed agreement shall ~~not exceed~~ include an initial term of up to 20 years, and may include up to 2 additional extensions of 5 years each, effective at the end of the initial term upon mutual agreement of the parties.

~~3.2. The development shall demonstrate the impact on existing and future provisions of capital improvements by the City, including at least one of the following: transportation, potable water, sanitary sewer, solid waste, stormwater management, educational, parks and recreation, and health systems and facilities. The development shall meet all applicable state requirements for development agreements.~~

SECTION 4.

Section 3.5.6.G. regarding *District Standards* in the Main Street (MS) zoning district, subsection 3. *Site Standards*, is hereby amended as follows:

3. Site Standards

(g) Landscaping

Landscaping shall comply with the standards in Section 5.5. Landscaping Standards, as well as the following:

- (1) Street yards are not required in sub-districts B and C.
- (2) A Type D landscape yard is required in sub-districts A ~~&~~ and D for all street frontages.

(3) Where fencing is provided in accordance with paragraph (4) of Section 3.5.6.G.3.(e) Fences, no landscape yard shall be required. Otherwise, perimeter landscape yards shall be a Type D landscape yard.

(4) No landscaping shall be required adjacent to a public alley.

SECTION 5.

Section 3.8.7.F. *Eastchester GCO District Standards* of the City of High Point Development Ordinance, subsection 8. *Character of Entrances to Existing Residential Subdivisions* is hereby amended as follows:

8. Character of Development Located at Entrances to Existing Residential Subdivisions

- (b) ~~Design guidelines which, at a minimum, address the above criteria, shall be submitted by the developer for the review and approval of the Planning and Development Director prior to the approval of any preliminary plat or the issuance of any permit.~~ The developer shall submit written and/or illustrative information that addresses the above criteria for the review and approval of the Planning and Development Director, either as part of a Statement of Design Guidelines, if design guidelines are required for the proposed development per Section 3.8.7.F.7(d), or as a separate document if design guidelines are not otherwise required. Approval is required prior to the approval of a site plan, group development or final plat, or the issuance of any permit.

SECTION 6.

Section 4.3.5. *Industrial Uses*, subsection D. *Waste-Related Service*, is hereby amended as follows:

D. Waste-Related Service

1. Landfill

A landfill shall comply with the following standards:

(a) General

- (1) Provide a Type A landscape yard around its perimeter (see Section 5.5.11. Perimeter Landscape Yards).
- (2) Access shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.
- (3) Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition.

(b) Major

- (1) ~~Be located at least 500 feet from a residential district.~~ A major landfill shall meet all applicable state and federal regulations.
- (2) An existing major landfill located within a WSO (GWA and WCA) may continue to operate or expand, but no new major landfill shall be permitted in the WSO (GWA and WCA).

(c) Minor

~~Be set back at least 50 feet from any property line and 300 feet from any existing residential district.~~ A minor landfill shall meet all applicable state and federal regulations.

2. Recycling Center

A recycling center shall comply with the following standards:

(a) General

- (1) Access shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.
- (2) Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition.

(b) **Major**

- (1) ~~Be located at least 300 feet~~ **Area utilized for buildings and outdoor processing areas shall be at least 200 feet from** a residential district, except that an accessway or weighing station ~~may~~ **shall** be located **at least** 100 ~~or more~~ feet from a residential district.
- (2) Materials may be stored outdoors provided they are located at least ~~200~~ **150** feet from all property lines and are screened with an opaque fence, wall, or by any other allowed method in Section 5.6.6. Screening Methods, to a height of 8 feet above grade level.

(c) **Minor**

- (1) **A minor recycling center shall be** ~~located~~ at least 150 feet from a residential district and operated entirely within an enclosed building, except for loading facilities which may be located outdoors.
- (2) Outdoor storage of recyclable materials, **whether unprocessed or processed,** is prohibited.

3. **Salvage or Junk Yard**

A salvage or junk yard shall comply with the following standards:

- (a) ~~Be located on a lot of~~ **The property upon which a salvage or junk yard is established shall be** at least 5 acres.
- (b) **Area utilized for the storage of junk, waste, discarded, salvaged, or similar materials shall** ~~Be~~ located at least 300 feet from a residential district.
- (c) ~~Locate it~~ The storage area **shall be located** behind the front building line of the principal building and be screened with an opaque wall, fence, or other ~~approved means~~ **allowed method in Section 5.6.6. Screening Methods** to a height of 8 feet above grade level.

4. **Transfer Station**

A transfer station shall comply with the following standards:

- (a) Access shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping.
- (b) Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition.

- (c) Area utilized for the unloading and loading of solid waste, buildings and other structures shall be located at least 150 feet from a residential district, and The transfer station shall be operated entirely within an enclosed building structure, except for loading/unloading facilities ~~which may be located outdoors~~.
- (d) Outdoor storage of waste material is prohibited.

SECTION 7.

Section 5.2.3.C. *Exemptions* of the City of High Point Development Ordinance, regarding cross-access exemptions, is hereby amended as follows:

C. Exemptions

- 5. Sufficient cross-access already exists, or an existing non-thoroughfare street performs the cross-access function (i.e. frontage road or service road).

SECTION 8.

Section 5.5.10. *Parking Lot Landscaping*, subsection C. *Parking Lot Perimeter Landscaping Required* of the City of High Point Development Ordinance is hereby amended as follows:

C. Parking Lot Perimeter Landscaping Required

2. Location

- (a) Required plant material shall be evergreen and shall be placed adjacent to the perimeter of the parking area.

SECTION 9.

Section 5.5.11. *Perimeter Landscape Yards*, subsection C. *Landscape Yard Type Application* of the City of High Point Development Ordinance is hereby amended as follows:

C. Landscape Yard Type Application

- 4. If a zone lot contains uses with different land use intensities, the higher numbered land use intensity applies unless an ~~Administrative Adjustment~~ alternate landscape plan is approved in accordance with Section 5.5.13 Alternate Landscape Plan.

SECTION 10.

Table 5.5.11.C1: *Land Use Intensity* of the City of High Point Development Ordinance is hereby amended as follows:

(The remainder of the table is unchanged)

TABLE 5.5.11.C1: LAND USE INTENSITY			
USE CLASSIFICATION	USE CATEGORY	USE TYPE	LAND USE INTENSITY SCORE
Industrial	Manufacturing and Production	All, except microbrewery, microdistillery, microwinery, <u>minor manufacturing</u> or motion picture production	5
		Microbrewery, microdistillery, or microwinery	<u>43</u>
		<u>Minor Manufacturing</u>	<u>4</u>
		Motion Picture Production	3

SECTION 11.

Section 5.7.9.B. *Specific Standards for Freestanding Signs Requiring a Permit*, subsection 3(e) *Electronic Changeable Copy Sign Requiring a Permit* is hereby amended as follows:

(5) Additional Standards in the GB, MS, RC and LB Districts

(The remainder of paragraph (5) is unchanged)

SECTION 12.

Table 10.2.4.G: *Allowable Encroachments into Setbacks*, is hereby amended to add the following:

TABLE 10.2.4.G: ALLOWABLE ENCROACHMENTS INTO SETBACKS	
FEATURE	ALLOWABLE ENCROACHMENT
Flagpoles, mailboxes, lamp and address posts, <u>exterior light poles</u>	May be located in any required setback
<u>Satellite Dishes, Amateur Radio and Television Towers</u>	<u>May be located in any required setback, subject to Section 4.4.5. Standards for Specific Accessory Uses</u>
<u>Small Wind Energy Conversion (WEC) System</u>	<u>May be located in any required setback, subject to Section 4.4.5. Standards for Specific Accessory Uses</u>
<u>Solid Waste Collection Facility</u>	<u>May be located in any required setback, subject to Section 5.5. Landscaping and Section 5.6. Screening</u>
<u>Stormwater Controls</u>	<u>May be located in any required setback subject to Section 5.5. Landscaping</u>
<u>Vehicular Use Area</u>	<u>May be located in any required setback subject to Section 5.5. Landscaping</u>

The remainder of Table 10.2.4.G. is unchanged except that the table rows shall be alphabetized according to the FEATURE column.

SECTION 13.

Section 10.4. *Definitions* of the City of High Point Development Ordinance is hereby amended as follows:

PART A.

LAND USE CLASS <u>INTENSITY</u>	A numeric value denoting the intensity of an individual use type for the purposes of determining applicable perimeter landscape yard requirements.
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PART B.

The following definitions shall be deleted in their entirety: HAZARDOUS OR TOXIC SUBSTANCE GENERATOR; HAZARDOUS OR TOXIC SUBSTANCE HANDLER; and SIGN, GROUND SURFACE.

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 15th day of April, 2019

By: _____

Jay W. Wagner, Mayor

ATTEST:

Lisa B. Vierling
Lisa B. Vierling, City Clerk

