



City of High Point

Meeting Agenda

Prosperity, Livability, & Safety Committee

Municipal Office Building
211 S. Hamilton Street
High Point, NC 27260

Monica Peters, Chair
Dr. Patrick Harman
Tyrone Johnson
Vickie M. McKiver
Cyril Jefferson, Mayor (Alternate)
Britt Moore, Mayor Pro Tem (Alternate)

Thursday, December 4, 2025

9:00 AM

Council Chambers

Prosperity and Livability Committee - Council Member Monica Peters, Chair

CALL TO ORDER

PRESENTATION OF ITEMS

2025-491

Consideration of Text Amendment 25-04

City Council is requested to authorize Planning and Development staff to present Development Ordinance Text Amendment 25-04 at the January 2026 regular meeting of the Planning and Zoning Commission.

ADJOURNMENT

CITY OF HIGH POINT

AGENDA ITEM



TITLE: Consideration of Text Amendment 25-04

FROM:
Michael Harvey
Planning & Development Director

MEETING DATE:
December 4, 2025

PUBLIC HEARING:
Yes

ADVERTISED DATE/BY:
N/A

ATTACHMENTS:
1. Text Amendment

PURPOSE: To consider Text Amendment 25-04.

BACKGROUND: The City of High Point Planning and Development staff were directed to initiate a Development Ordinance text amendment that would modify the review process for special use permits. Specifically, this amendment would transfer the responsibility for reviewing and acting on special use permit applications from the City Council to the Board of Adjustment.

If adopted, the City Council would no longer review or take action on special use permit requests, as all authority would be reassigned to the Board of Adjustment. A Legislative Hearing will be scheduled in the new year to formally consider and adopt the proposed text amendment.

BUDGET IMPACT: N/A

RECOMMENDED ACTION REQUESTED: City Council is requested to authorize Planning and Development staff to present Development Ordinance Text Amendment 25-04 at the January 2026 regular meeting of the Planning and Zoning Commission.

AN ORDINANCE AMENDING THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE

WHEREAS, 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 January ____, 2026 and before the City Council on _____, regarding Text Amendment 25-04; and

WHEREAS, notice of the public hearings was published in the High Point Enterprise on _____, for the Planning and Zoning Commission public hearing, and on _____, for the City Council public hearing pursuant to Chapter 160D-601 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 changes to amend the Ordinance allowing the Board of Adjustment to assume review and approval authority for Special Use Permit Applications)

PART A.

Amendment to Section 2.1.2 Summary Development Review Table:

2.1.2. - Additional Information

Detailed information on each development review procedure is included in Section 2.4, Review Procedures Subject to Decision-Making Body Review and Decision, and Section 2.5, Review Procedures Subject to Staff Review and Decision.

TABLE 2.1.2: SUMMARY DEVELOPMENT REVIEW TABLE				
Pre-application Conference & Citizen Information Meeting: M = Mandatory O = Optional Type of Action: C = Comment R = Recommendation D = Decision A = Appeal Type of Hearing: { } = Public Hearing [] = Quasi-Judicial Hearing Table symbols: "." = not applicable / / = see notes				
Section Reference	Pre-application	Citizen Information	Review Authorities	
			Staff	Decision-Making Bodies

Procedure	Reference	Conference	Information Meeting	Planning and Development Director	Engineering Services Director	Technical Review Committee (TRC)	Urban Forestry Committee (UFC)	Historic Preservation Commission (HPC)	Planning & Zoning Commission (P&Z)	City Council	Board of Adjustment (BOA)
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PROCEDURES SUBJECT TO DECISION-MAKING BODY REVIEW AND DECISION

Special Use Permit	2.4.12	M	M	R	{D}	-[D] ¹
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NOTES:

(8) A zoning map amendment, conditional zoning or planned development application that is associated with one of the procedural items listed below shall be forwarded to City Council for concurrent public hearing review by the Planning & Zoning Commission and City Council, with a recommendation from the Planning & Zoning Commission and a final decision by City Council to be made after the public hearing review:

- (a) Annexation
- ~~(b) Special Use Permit~~
- (be) Development Agreement
- (ce) Land Use Plan Amendment
- (de) Street Abandonment
- (ef) Text Amendment

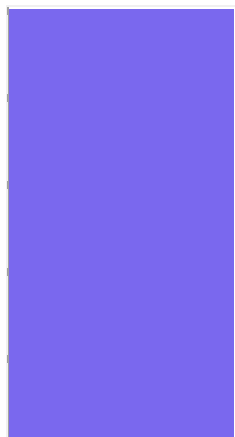
PART B.

Amend Section 2.2.2 Review Authorities – City Council as follows:

2.2.2. - City Council

To exercise the authority granted the City Council by State law, the Council shall have the powers and duties under this Ordinance set out in Table 2.2.2, City Council.

TABLE 2.2.2: CITY COUNCIL	
A. POWERS AND DUTIES	1. APPLICATION REVIEW AND DECISION - TO INITIATE, REVIEW, AND DECIDE APPLICATIONS FOR:
	(a) Beneficial use determination;
	(b) Conditional zonings;
	(c) Development agreements;
	(d) Planned developments;
	(e) Right-of-way encroachments
	(f) Special uses;
	(f) Street abandonments;
	(g) Text amendments;
	(h) Vested rights certificates;
	(i) Voluntary annexations;
	(j) Watershed variances (major); and
	(k) Zoning map amendments.



PART C.

Amend Section 2.2.4 Review Authorities – Board of Adjustment as follows:

2.2.4. - Board of Adjustment (BOA)

The BOA is hereby established in accordance with Section 160D-302 of the North Carolina General Statutes. Table 2.2.4, Board of Adjustment (BOA), sets out the BOA's powers and duties, composition, and rules of procedure.

TABLE 2.2.4: BOARD OF ADJUSTMENT (BOA)	
A. POWERS AND DUTIES	1. APPLICATION REVIEW AND DECISION - TO REVIEW AND DECIDE APPLICATIONS FOR:
	(a) Alternate design;
	(b) Appeals on decisions of the Planning and Development Director, Engineering Services Director, Public Services Director, Transportation Director, TRC, HPC, or UFC;
	(c) Reasonable accommodations; and
	(d) Variances. and
	(e) Special Use Permits

2. OTHER POWERS AND DUTIES:	2. OTHER POWERS AND DUTIES:
	(a) To hear and decide appeals from and review any order, requirement, decision, or determination made by the Planning and Development Director with regard to High Point City Code Title 9, Chapter 11, Article E (Minimum Housing Code) provisions.
	(b) To exercise other powers and authority provided to it by the City Council, this Ordinance, or state law.

PART D.

Amend Section 2.2.10 Review Authorities – Planning and Development Director as follows:

2.2.10. - Planning and Development Director

Table 2.2.10, Planning and Development Director, sets out the Planning and Development Director's powers and duties under this Ordinance.

TABLE 2.2.10: PLANNING AND DEVELOPMENT DIRECTOR	
A. POWERS AND DUTIES	1. APPLICATION REVIEW AND DECISION - TO REVIEW AND DECIDE APPLICATIONS FOR:
	(a) Administrative adjustments;
	(b) Building permits;
	(c) Certificates of occupancy;
	(d) Determinations;
	(e) Exclusion maps;
	(f) Final plats;

(g) Sign permits; and
(h) Zoning compliance permits.
2. RECOMMENDATION AUTHORITY - TO COMMENT OR MAKE RECOMMENDATIONS ON THE FOLLOWING APPLICATIONS:
(a) Appeals;
(b) Certificates of appropriateness;
(c) Conditional zonings;
(d) Land use plan amendments;
(e) Planned developments;
(f) Reasonable accommodations;
(g) Right-of-way encroachments;
(h) Special uses <u>permits</u> ;
(i) Street abandonments;
(j) Street name changes;
(k) Text amendments;
(l) Variances;
(m) Vested rights certificates;
(n) Voluntary annexations; and
(o) Zoning map amendments;

3. OTHER POWERS AND DUTIES - THE PLANNING AND DEVELOPMENT DIRECTOR SHALL HAVE THE FOLLOWING OTHER POWERS AND DUTIES:

(a) To investigate violations and enforce this Ordinance in accordance with Chapter 9: Enforcement.

(b) To establish application content requirements and a submission schedule for review of applications and appeals.

(c) To ensure proper public notification regarding pending development applications is provided in accordance with state law.

(d) To serve as Chair of the TRC.

(e) To review development applications for compliance with this Ordinance and submit staff reports to decision-making bodies.

(f) To maintain the Official Zoning Map and related materials.

(g) To compile and maintain a [*Development Guide*](#).

(h) To provide expertise and technical assistance to City staff and decision-making bodies, upon request.

(i) To maintain all records pertaining to the provisions of this Ordinance and make records available for public inspection.

(j) To perform any other related duties that the City Manager may direct.

(k) To exercise other powers and authority provided by the City Council, this Ordinance, or state law.

PART E.

Amend Section 2.3.2 Standard Review Procedures – Pre-Application Conference as follows:

2.3.2. - Pre-Application Conference

- A. **Purpose** The purpose of a pre-application conference is to provide an opportunity for the applicant to learn about the submittal requirements, procedures, and standards applicable to a development application. A pre-application conference is also an opportunity for city staff to become familiar with, and offer preliminary comments about, the scope, features, and impacts of the proposed development, as it relates to the standards in this Ordinance.
- B. **Applicability**
1. **Pre-Application Conference Required** A pre-application conference between the applicant and City staff shall be held before submittal of the following applications:
 - (a) Conditional zonings;
 - (b) Development agreements;
 - (c) Planned developments;
 - (d) Reasonable accommodations;
 - (e) Special uses permits;
 - (f) Street abandonments.
 - (g) Street name changes;
 - (h) Text amendments;
 - (i) Variances;
 - (j) Vested rights certificates;
 - (k) Voluntary annexations; and
 - (l) Zoning map amendments.

PART E.

Amend Section 2.3.3 Standard Review Procedures – Citizen Information Meeting as follows:

2.3.3. - Citizen Information Meeting

- A. **Purpose** The purpose of the citizen information meeting is to inform landowners and occupants of nearby lands about a development application that is going to be reviewed under this Ordinance, and to provide the applicant an opportunity to hear comments and concerns about the development proposal as a means of resolving conflicts and outstanding issues, where possible.
- B. **Favored Practice**
1. Citizen information meetings are encouraged and sometimes required as opportunities for informal communication between applicants and the landowners and occupants of nearby lands, and other residents who may be affected by development proposals.
 2. If a citizen information meeting is conducted, it is preferable to hold it in close proximity to the proposed development.
- C. **Applicability** A citizen information meeting is required for any of the following applications (unless they are initiated by City Council):
1. Conditional zoning;
 2. Planned developments;
 3. Special uses permits; and
 4. Zoning map amendments that propose to establish a more intense zoning district.
- D. **Procedure** If a citizen information meeting is required, it shall comply with the following procedures:
1. **Timing** The applicant shall hold the citizen information meeting at least 23 days prior to consideration of the application by the P&Z, or in the case of a special use permit, 22 days prior to consideration of the application by ~~City Council~~the Board of Adjustment.
 2. **Form** The citizen information meeting can take the form of a meeting, gathering, or a telephone communication between the applicant or the applicant's representative and landowners or other interested parties. Nothing shall prohibit multiple meetings or telephone communications from taking place.
 3. **Notification**

- (a) Prior to the citizen information meeting, the applicant shall provide notice of the meeting to all landowners of land located within 300 feet of the land subject to the application, as shown on the county tax listing.
 - (b) Failure of a party to receive notice of the meeting shall not invalidate the application.
4. **Information Provided** The applicant shall provide the following information to those attending a meeting or participating in a telephone call:
- (a) A description of the proposed development;
 - (b) Information provided by the Planning and Development Department that describes:
 - (1) The purpose of the citizen information meeting;
 - (2) The development review procedure(s) the application will follow;
 - (3) The potential for changes in the applicant's development proposal as it proceeds through the review process;
 - (4) Sources of further information about the development review process; and
 - (5) Any additional information that would promote understanding of the development proposal.
5. **Conduct of Meeting** At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process and the potential for change to the proposal as it proceeds through the process, respond to questions and concerns neighbors raise about the application, and propose ways to resolve conflicts and concerns.
6. **Written Summary** At least 22 days before the initial consideration of the application by the P&Z, or in the case of a special use permit, 21 days prior to consideration of the application by ~~City Council~~ the Board of Adjustment, the applicant shall submit a written summary of the citizen information meeting or telephone call to the Planning and Development Department that includes:
- (a) The date, time, and location of the meeting;
 - (b) The method and date of notification about the meeting;
 - (c) A list of landowners notified about the meeting;
 - (d) A list of meeting attendees;
 - (e) If the meeting was conducted as a series of telephone calls;

- (f) The description of the development proposal presented to the attendees; and
- (g) A summary of attendee comments, ideas, and suggestions from citizens to be incorporated into the development proposal.

The written summary shall be included with the application materials and be made available to the public for inspection.

PART F.

Amend Section 2.3.4 Standard Review Procedures – Application Submittal and Acceptance as follows:

2.3.4. - Application Submittal and Acceptance

G. Development Permit Applications

1. Permit Choice

- (a) When a complete application for a development permit, as defined by this Ordinance, is pending final action at the time of an amendment to the regulations of this Ordinance, including zoning district boundaries, the applicant may opt to have the application reviewed under the regulations in effect at the time the application was determined complete, or under the amended regulations.
- (b) Where multiple development permits are required to complete a proposed development, the approval of a certificate of appropriateness, special use permit, building permit, group development, preliminary plan, site plan or zoning compliance permit establishes the initial development permit required to vest a proposed development in either version of the regulations, provided all subsequent applications for the proposed development are filed within 18 months.

PART E.

Amend Section 2.3.3 Standard Review Procedures – Public Notification as follows:

2.3.6. - Public Notification

TABLE 2.3.6: PUBLIC NOTIFICATION TIMING REQUIREMENTS				
APPLICATION TYPE	DECISION-MAKING BODY REVIEW	TYPES OF REQUIRED PUBLIC NOTICE		
		PUBLISHED NOTICE	MAILED NOTICE	POSTED NOTICE
Special Use <u>Permit</u>	City Council BOA	X [6]	X [52]	X [3]
[1] Published notice provided once, at least 10 days before the hearing.				
[2] Mailed notice provided to affected owners and landowners within 100 feet of the subject lot or site between 10 and 25 days before the hearing.				
[3] Posted notice provided between 10 and 25 days before the hearing.				
[4] Mailed notice provided to all landowners in the subject LHO district between 10 and 25 days before the hearing.				
[5] Mailed notice provided to affected owners and landowners within 300 feet of the subject lot or site between 10 and 25 days before the hearing.				
[6] Published notice provided once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before the hearing.				

PART F.

Amend Section 2.3.7 Standard Review Procedures – Quasi-Judicial Hearing Procedures as follows:

2.3.7. - Quasi-Judicial Hearing Procedures

If the development application is subject to a quasi-judicial hearing by a decision-making body, the decision-making body shall hold a quasi-judicial hearing in accordance with the following procedures.

- A. **Opportunity to Present Testimony and Evidence** Any affected party shall be afforded a reasonable opportunity to present testimony and evidence in support of or in opposition to the application, and to ask questions of the applicant, the applicant's representatives, City staff, and the City staff's representatives. At the discretion of the person chairing the body conducting the quasi-judicial public hearing, an affected party may be granted an opportunity to ask questions of any other member of the public who has testified at the hearing.
- B. **Rules of Evidence** The body conducting a quasi-judicial 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, ~~and~~ substantial 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.
- C. **Cross Examination** Any inquiry under cross-examination shall be limited to matters raised in the direct examination of the person testifying. No re-direct or re-cross shall be allowed unless requested by the applicant, an affected party, or the City—who shall state the desired area of inquiry. The request shall be approved by the person chairing the body conducting the quasi-judicial hearing. If re-direct or re-cross is allowed, it shall be limited to questions of the witness on issues raised in the cross-examination or re-direct examination.
- D. **Ex Parte Communication** Ex parte communications between an applicant or an affected party and a member of the decision-making body is prohibited. If it occurs, it shall be disclosed during the quasi-judicial hearing.

E. **Vote:** A simple majority vote of the decision-making body is necessary to act on any item requiring a quasi-judicial hearing, except for variances, which requires the concurring vote of four-fifths of the BOA, as provided in Sec. 2.4.16, Variance.

PART G.

Amend Section 2.3.8 Standard Review Procedures – Review by P&Z or HPC as follows:

2.3.8. - Review by P&Z or HPC

If an application is subject to a review **and recommendation** by the P&Z or HPC, the ~~P&Z or HPC~~board shall review and act on the application in accordance with the following procedures:

- A. **General** The P&Z or HPC, as appropriate, shall consider the application, relevant support materials, staff report, and any public comments. One of the decisions authorized for the particular type of application shall be recommended, based on the review standards applicable to the application type, as set forth in Section 2.4, Review Procedures Subject to Decision-Making Body Review and Decision.
- ~~B. **General Conduct** Members conducting a review and providing a recommendation should act in accordance with the following guidelines:~~
- ~~1. **No Prejudice** Consider the application without prejudice.~~
 - ~~2. **No Commitment Prior to Review** Make no commitment or agreement or take a public position on an application or on any proposed condition until the application is reviewed during the meeting.~~
 - ~~3. **Acknowledgement** Acknowledge any information obtained outside the public meeting that they believe has influenced their evaluation of the application.~~
 - ~~4. **Deliberation** Refrain from deliberation or formulation of a judgment or decision prior to the meeting at which the application is considered.~~
- BC. **Clearly State Factors for Recommendation** ~~The recommendation~~Cases involving a recommendation to City Council shall clearly state the factors considered in making the recommendation and the basis or rationale for the recommendation.
- CD. **Vote**
1. A decision to recommend approval shall be decided by a simple majority of voting members present and constituting a quorum.

~~2. Text amendment applications receiving a recommendation for denial by the P&Z shall require a 2/3 favorable vote of the City Council members present and voting to be approved. (SL 1989-918)~~

23. A zoning map amendment, conditional zoning, or planned development application that is associated with one of the procedural items listed below shall be forwarded to City Council for concurrent public hearing review by the P&Z and City Council, with a recommendation from the P&Z and a final decision by City Council to be made after the public hearing review:

- (a) Annexation
- ~~(b) Special Use Permit~~
- ~~(b)~~ Development Agreement
- ~~(c)~~ Land Use Plan Amendment
- ~~(d)~~ Street Abandonment
- ~~(e)~~ Text Amendment

PART H.

Amend Section 2.3.9 Standard Review Procedures – Action by Decision Making Body as follows:

2.3.9. - Action by Decision-Making Body

If an application is subject to a decision by the City Council, P&Z, BOA, or HPC, the decision-making body shall review and decide the application in accordance with the following procedures:

- A. **General** The decision-making body shall conduct any required public hearing(s) and consider the application, relevant support materials, staff report, any advisory body recommendations, and public comments. After the conclusion of the public hearing, it shall make one of the decisions authorized for the particular type of application based on the review standards applicable to the application type, as set forth in Section 2.4, Review Procedures Subject to Decision-Making Body Review and Decision.
- B. **General Conduct** Members making a decision should act in accordance with the following guidelines:
 - 1. **No Prejudice** Consider the application without prejudice.

2. **No Commitment Prior to Review** Make no commitment or agreement or take a public position on an application or on any proposed condition until the application is reviewed during the hearing.
 3. **Acknowledgement** Acknowledge any information obtained outside the public hearing that they believe has influenced their evaluation of the application.
 4. **Deliberation** Refrain from deliberation or formulation of a judgment or decision prior to the meeting to consider the application.
- C. **Quasi-Judicial Procedures** Required quasi-judicial ~~public~~ hearings (see Table 2.1.2, Summary Development Review Table) shall be conducted in accordance with Section 2.3.7, Quasi-Judicial Public Hearing Procedures.

PART I.

Amend Section 2.3.14 Standard Review Procedures – Withdrawal as follows:

2.3.14. - Withdrawal

- A. **Application to be Heard by the P&Z** An applicant may request, and the Planning and Development Director may grant an applicant's request to withdraw an application if it is done at least 22 days prior to initial consideration by the P&Z. A request to withdraw an application after that date shall only be considered by the P&Z at the public hearing.
- B. **Application to be Heard by the BOA or the HPC** An applicant may request, and the Planning and Development Director may grant an applicant's request to withdraw an application if it is done at least 15 days prior to initial consideration of the application by the BOA or the HPC. A request to withdraw an application after that date shall only be considered by the BOA or HPC, as appropriate, at the public hearing.
- C. ~~**Successive Requests** If an applicant withdraws an application for the same land after public notification 2 times within a single calendar year, the same application may not be resubmitted for a period of 1 year from the date of the second withdrawal.~~

PART J.

Amend Section 2.4.3 Review Procedures Subject to Decision-Making Body Review and Decision - Appeal as follows:

2.4.3. - Appeal

E. Effect of BOA Appeal

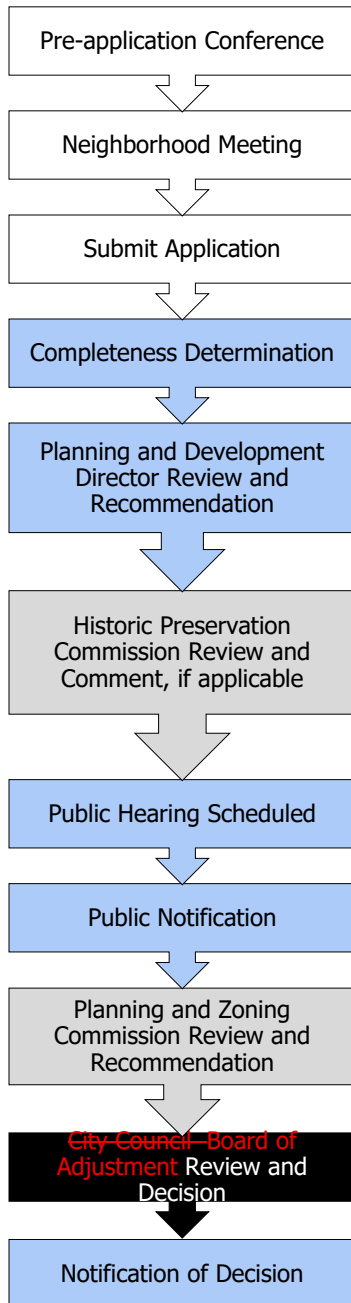
1. An appeal to the BOA stays all proceedings in furtherance of the action appealed, unless the City official from whom the appeal is taken certifies to the BOA, after notice of appeal has been filed, that because of facts stated in the certificate a stay would, in the city official's opinion, cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of this Ordinance.
2. If certification by a City official is filed, administrative proceedings before the BOA shall not be stayed except through issuance of a restraining order by a court of competent jurisdiction.
3. If the appeal to the BOA is not stayed, the appellant may file for an expedited hearing of the appeal, and the BOA shall meet to consider the appeal with 15 days of the date the request is filed.
4. The filing of an appeal to the BOA prevents the filing of an application for a zoning map amendment or special use permit for the same land subject to an appeal application, as well as the filing of a text amendment application by the same party filing the appeal until the appeal application is decided by the BOA or appealed to the courts.

PART K.

Amend Section 2.4.12 Review Procedures Subject to Decision-Making Body Review and Decision – Special Use as follows:

2.4.12. - Special Use Permit

SPECIAL USE PERMIT



- A. **Applicability** Uses identified as requiring a special use permit in Table 4.1.9, Principal Use Table, shall be approved as a special use in accordance with the procedures and standards of this section, prior to development. A special use is a land use that may be deemed appropriate for development within a zoning district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.
- B. **Special Use Permit Procedure**
1. **Pre-Application Conference** Applicable (see Section 2.3.2, Pre-Application Conference).
 2. **Citizen Information Meeting** Applicable (see Section 2.3.3, Citizen Information Meeting).
 3. **Application Submittal and Acceptance**
 - (a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).
 - (b) An special use permit application shall be submitted only by the landowner(s), and shall include a site plan.
 - (c) When required, a traffic impact analysis shall be submitted for review with the submittal of an application for a special use permit. The procedure for review of a traffic impact analysis is described in the [Development Guide](#).
 4. **Staff Review**
 - (a) Applicable (see Section 2.3.5, Staff Review and Action).
 - (b) The Planning and Development Director shall review the application, prepare a staff report, and provide a recommendation in accordance with Section 2.4.12 C, Special Use Permit Review Standards.
 5. **Public Notification** Applicable (see Section 2.3.6, Public Notification).
 6. **~~City Council~~Board of Adjustment Review and Decision**
 - (a) Applicable (see Section 2.3.9, Action by Decision-Making Body, and 2.3.7, Quasi-Judicial Hearing Procedures).
 - (b) The ~~City Council~~Board of Adjustment, after the conclusion of a quasi-judicial hearing, shall decide the application in accordance with Section 2.4.12 C, Special Use Permit Review Standards. The decision shall be one of the following:
 - (1) Approval of the special use permit as proposed;
 - (2) Approval of a ~~revised-modified~~ special use permit; or
 - (3) Denial of the special use permit.

(c) Any conditions of approval shall meet or exceed the minimum requirements of this Ordinance.

C. **Special Use Review Standards** A special use permit shall be approved upon a finding that the applicant demonstrates the proposed special use:

1. Will not materially endanger the public health or safety if located where proposed;
2. Complies with all required ~~standards, conditions,~~ and specifications of this Ordinance, ~~including Chapter 4: Uses;~~
3. Will not substantially injure the value of the ~~abutting adjoining property land,~~ or the special use ~~is will be~~ a public necessity;
4. Will be in harmony with the area in which it is to be located; and
- ~~5. Is~~ in general conformity with the City's adopted policy guidance
5. Complies with all other relevant City, State, and Federal laws and regulations.

D. **Conditions of Approval** Applicable (see Section 2.3.10, Conditions of Approval).

E. **Effect**

1. Applicable (see Section 2.3.12, Effect of Development Approval).
2. A special use permit and the associated site plan approval are perpetually binding and run with the land, unless ~~amended~~modified.
3. An action invalidating a special use permit condition of approval for any reason shall render the special use permit null and void.

F. **Amendment**

1. **Minor ~~Changes~~ Modifications**

(a) ~~The Planning and Development Director shall review and decide applications for a minor modification to a previously approved special use permit. The City Council may approve a minor change to a special use requested by the applicant without a hearing consistent with Section 2.5.2, Administrative Adjustment, upon receipt of a report from the Planning and Development Director on the proposed minor change.~~

(b) A minor ~~change~~ modification ~~includes~~ is any changes to the conditions of a special use permit or associated site plan which will result in equal or better performance of the ~~conditions~~ special use and that ~~does~~ not alter the objectives and purposes of the special use. A minor modification does not include any change in uses, or the overall density of the development, permitted by the special use permit.

(c) In granting a minor change, the ~~City Council~~Planning and Development Director may require such conditions as will address the objectives of the ~~parts of the special use permit requirements or conditions that are~~ changed.

~~(d) If multiple parcels of land are subject to a special use permit, the owners of individual parcels may apply for a minor modification so long as the modification would not result in other properties failing to meet the terms of the special use permit or regulations. Any modifications approved apply only to those properties whose owners apply for the~~

2. **Major Modifications**~~Material Changes are Amendments~~

(a) A material change to a special use permit or ~~to an~~the associated site plan that alters the objectives and purposes of the ~~requirements or conditions of the~~ special use permit constitutes ~~a~~ major modification amendment to the special use permit.

(b) An ~~amendment~~major modification to a special use permit includes but is not limited to:

- (1) Boundary changes;
- (2) Use changes; and
- (3) Increases in density or intensity of development.

(c) ~~Amendments~~Major modifications toof a special use permit may only be reviewed and considered in accordance with the procedures and standards established ~~for its original approval in this section for the~~ approval of the original special use permit.

G. **State and Federal Requirements** Special uses shall meet all applicable federal and state requirements for location and operation. Failure to maintain compliance with those requirements may result in the revocation of the special use permit.

H. **Expiration**

1. The approval of a special use permit establishes a vested right in accordance with Section 1.10.1, Development Permit.
2. A special use ~~permit approval~~ shall expire and become null and void within 1 year of the issuance of the ~~order~~special use permit, unless development authorized by the special use permit has substantially commenced.
3. If a special use is replaced by a use otherwise permitted by right in the zoning district, the special use ~~permit approval~~ is deemed abandoned and the special use ~~approval~~permit is null and void.

I. **Extension** Upon written request submitted at least 30 days before expiration of the special use permit, and upon a showing of good cause, the Planning and Development Director may grant one extension not to exceed six months from the date the special permit was issued. Failure to submit a written request for an extension within six months from the date the special permit was issued shall result in the expiration of the special use permit.

J. **Recording.** Special use permits shall be recorded by the holder of the permit with the County Register of Deeds office where the parcel is located, as identified by the Planning and Development Director, within 90 days of approval. Any minor or major modifications to special use permits shall be recorded in the same manner.

PART L.

Amend Section 4.1.3 Permitted Use Table – Uses Requiring Special Use Review as follows:

4.1.3. - Uses Requiring Special Use a Review Permit

An "S" in a cell of the principal use table indicates that the specific use type is permitted in the corresponding zoning district only upon approval of a special use permit in accordance with Section 2.4.12, Special Use Permit, and any additional standards referenced in the principal use table.

PART M.

Amend Section 4.1.9 Permitted Use Table as follows:

TABLE 4.1.9: PRINCIPAL USE TABLE

P=Permitted P*=Permitted only inside Core City area S=Permitted with special use permit O=Overlay required
D=Development Type
Permitted uses may be subject to additional zoning district standards in Chapter 3.

PART N.

Amend Section 4.3.3 Use standards – Institutional Uses 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, except as exempted in accordance with subsection (g) below:

- (a) 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.
- (c) Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a residential district.
- (d) Assembly uses in residential districts shall be on a lot of at least 2 acres.
- (e) Assembly uses with permanent seating for 1,000 or more shall require a special use permit in accordance with Section [2.4.12](#), Special Use Permit.

PART O.

Amend Section 7.1.4 Subdivisions – Dedication of Right-of-Way as follows:

7.1.4. - Dedication of Right-of-Way

A. Dedication of Right-of-Way with Density Transfer When land is proposed for subdivision or is being considered for approval as a conditional zoning district or a special use permit and a portion of it is in a corridor for a street or highway shown on a plan established and adopted in accordance with North Carolina General Statutes Section 136-66.2, the City may provide for the dedication of right-of-way within that corridor pursuant to any applicable legal authority.

PART P.

Amend Section 10.4 Definitions as follows:

**HEARING,
QUASI-
JUDICIAL**

A formal hearing involving the legal rights of specific parties conducted by the decision-making body~~City Council, the Board of Adjustment or the Historic Preservation Commission~~ based on evidence and sworn testimony presented during the ~~public evidentiary~~ hearing. Decisions made during such hearings are based upon and supported by the record developed at the hearing, and typically involve findings of fact and conclusions of law made by the decision-making body.

DEVELOPMENT PERMIT

The following ~~administrative and quasi-judicial~~ permits and approvals are defined as development permits pursuant to State law: alternate design, certificate of appropriateness, reasonable accommodation, special use permits, variance, building permit, final plat, floodplain development permit, group development, land disturbance permit, preliminary plan, public tree certificate, sign permit, site plan, wireless telecommunications permit, and zoning compliance permit.

SECTION 2.

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 3.

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

SECTION 4.

This ordinance shall not be interpreted to conflict with G.S. 160D-601(d) and shall only apply to development and uses established after the date of adoption.

SECTION 5.

This ordinance shall become effective upon adoption.

Adopted by the City Council
City of High Point, North Carolina
The ____day of _____

By:

Cyril Jefferson, Mayor

ATTEST:

Sandra R. Keeney, City Clerk