

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.6, CONDITIONAL ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of the City of High Point adopted “The City of High Point Development Ordinance” on May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on June 27, 2023 and before the City Council of the City of High Point on July 15, 2023 regarding **Zoning Map Amendment Case 23-15 (ZA-23-15)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on June 17, 2023, for the Planning and Zoning Commission public hearing and on July 3, 2023 and July 10, 2023, for the City Council public hearing pursuant to Chapter 160D-602 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on **July 15, 2023**.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:**

**SECTION 1**

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Conditional Zoning General Business (CZ-GB) District**. The property is approximately 1.48 acres, lying at the northwestern corner of W. Lexton Avenue and Westchester Drive. The property is addressed as 800 W. Lexington Avenue and 724 Westchester Drive and also known as Guilford County Tax Parcels 179335 and 179334.

**SECTION 2**

That the property herein described shall be perpetually bound by the following use(s) authorized and condition(s) imposed, unless subsequently changed or amended as provided for by the Development Ordinance.

Part I. **USES:**

- a) **Permitted Uses:** Any principal use of the General Business (GB) District subject to the standards of the Development Ordinance, the specific conditions listed in this ordinance, and as further restrict by Condition Part I (Uses) b) and c) below.
- b) **Restricted Uses:** The following uses under the major or minor vehicular establishment use type shall be prohibited:

1. Vehicle sales associated with a dealership.
  2. Vehicle rental.
  3. Vehicle storage as a principal use (vehicle storage accessory to repair established is permitted).
  4. Vehicle towing & storage as a principal use (vehicle storage accessory to repair established is permitted).
- c) Prohibited Uses: The following uses enumerated in Principal Use Table (Table 4.1.9) of the Development Ordinance shall be prohibited.
1. Agricultural Use Classification
    - a. Agricultural Production (crops and livestock);
  2. Residential Use Classification
    - a. Live/work dwelling
    - b. Multi-family dwelling
    - c. Single-family attached dwelling
    - d. Triplex/quadplex
    - e. Social Service facility (Major and Minor)
    - f. Assisted Living Facility
    - g. Continuing Care Retirement Community
    - h. Long-Term care/skilled nursing facility
  3. Institutional Use Classification
    - a. Assembly, major and minor
    - b. Cemetery, Columbarium, mausoleum
    - c. Cultural facility, major and minor
    - d. Public Recreation facility
    - e. Public Safety facility, major
    - f. Other Post-secondary educational facility
    - g. School, major and minor
    - h. Medical care facility, major and minor
    - i. Park and Ride facility
    - j. Passenger Terminal
    - k. Taxi or limo service
    - l. Utility facility, minor
  4. Commercial Use Classification
    - a. Bar or nightclub, major and minor
    - b. Restaurant, major
    - c. Office, major
    - d. Parking, commercial
    - e. Personal Service, Major
    - f. Tattoo/body piercing
    - g. Amusement and entertainment
    - h. Amusement Park
    - i. Bulky item sales

- j. Convenience Store with fuel sales
  - k. Flea market/antique mall pawnshop
  - l. Retail Sales, Large
  - m. Retail Sale, major
  - n. Hotel or motel
  - o. R/V Park
5. Industrial Use Classification
- a. Motion Picture production
  - b. Self-storage, internal and external access
  - c. Warehouse and distribution

Part II. Conditions:

A. Development and Dimensional Requirements.

1. Site Plan and Landscape Plan Submittal and Approval:

a) Site Plan Approval:

- i. Site Plan: A Development Permit (site plan) shall be required to be submitted and approved. This plan shall formalize the grading, paving, vehicle circulation, vehicular parking, and stormwater control for Guilford County Tax Parcel 179334 (724 Westchester Drive). This plan shall be submitted by December 31, 2023 and approved no later than June 28, 2024.
- ii. Lot combination: As part of Development Permit (site plan) approval the two (2) lots associated with this zoning request shall be combined to form one parcel.

b) Landscape Plan Approval (landscaping, buffers and screening): A Development Permit (landscaping plan) shall be required to be submitted and approved. This plan shall be submitted by December 31, 2023 and approved no later than June 28, 2024. Landscaping from this plan shall be installed by December 31, 2024. At a minimum the landscaping shall consist of the following:

- i. A Type B Perimeter Landscape Yard (Semi-Opaque Landscape Yard), planted to the Type B rate, shall be installed along the western boundary of Guilford County Tax Parcel 179334 (724 Westchester Drive).
- ii. A Type C Perimeter Landscape Yard (Intermittent Landscape Yard), planted to the Type B rate, shall be installed along the entire length of the northern boundary of tax parcel 179334 (724 Westchester Drive), excluding the access drive between the properties.

- iii. A street yard with an average width of 10-feet and a minimum width of 8 feet shall be provided along the Westchester Drive frontage of the site. The minimum planting rate of this street yard shall consist of four (4) Understory trees per every 100 liner feet and 20 evergreen shrubs every 100 liner feet along the entire length of the eastern boundary of the site as it abuts the Westchester Drive right-of-way. The Planning Director may approve an alternate planting yard along the Westchester Drive frontage of the site to mitigate interference/conflicts between planting materials with adjacent overhead electrical lines.

2. Transportation :

- a) Access: Vehicular access shall be limited to the existing access drive on W. Lexington Avenue and through an access easement providing vehicular access to Westchester Drive over adjacent Westchester Keys Apartments property.
- b) Other Transportation Conditions The City of High Point Transportation Director and the North Carolina Department of Transportation (if applicable) shall approve the exact location and design of all access points and improvements.

SECTION 3

That plans for any development on the property described herein shall be pursued in accordance with this conditional zoning district and shall be submitted to the City of High Point and other approval authorities for review in the same manner as other such plans that are required to be approved by the City of High Point.

SECTION 4

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.

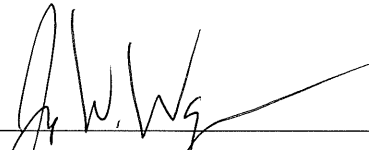
SECTION 5

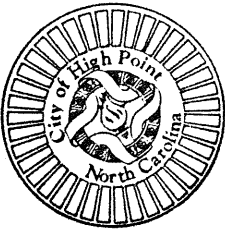
That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6.

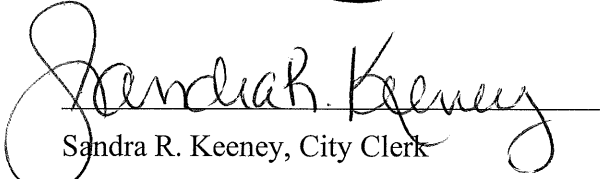
This ordinance shall become effective upon the date of adoption.

Adopted by the City Council  
City of High Point, North Carolina  
The 15<sup>th</sup> day of July, 2023

By:   
Jay W. Wagner, Mayor



ATTEST:

  
Sandra R. Keeney, City Clerk