

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 March 28, 2023; April 25, 2023; and June 27, 2023 and before the City Council of the City of High Point on May 15, 2023 and July 17, 2023 regarding **Zoning Map Amendment Case 23-08 (ZA-23-08)** 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 March 18, 2023 and June 17, 2023, for the Planning and Zoning Commission public hearing and on May 3 & 10, 2023 and July 5 & 12, 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 **May 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 Residential Multifamily - 16 District (CZ RM-16) District**. The property is approximately 9.7 acres, located west of the intersection of Penny Road and East Fork Road (1711 and 1701 Penny Road). The property is also known as Guilford County Tax Parcel 187199.

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:** Any uses allowed in the Residential Multifamily – 16 (RM-16) District shall be permitted, subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance.

Part II. CONDITIONS:

A. Development and Dimensional Requirements.

1. Multifamily Dwelling Use Type Development Standards:

- a. Penny Road Setback: A minimum building setback of 250 feet shall be required from the Penny Road right-of-way line for multifamily building(s). This higher setback standard shall not apply to accessory structures associated with a multifamily development.
- b. The following development and dimensional standards shall apply to multifamily structures that are developed on that portion of the property south of the Duke Energy Transmission Line Easement.
 - i. A maximum of 33 dwelling units shall be allowed.
 - ii. A minimum building setback of 30 feet shall be provided from the southern property line of the zoning site.
 - iii. A maximum building height of 50 feet shall be allowed, and buildings shall be of pitched roof construction.
 - iv. A maximum building length of 200 feet.

B. Landscaping, Buffers and Screening.

1. Northeastern boundary of the site (abutting Guilford County Tax Parcel 196594 - a Guilford County Historic Landmark Property): Adjacent to tax parcel 196594 (1753 Penny Road) on the northern property boundary of the zoning site, a Type C perimeter landscape yard, of greater than 50% evergreen will be established. In the event the R-3 zoning of tax parcel 196594 is changed to a multifamily or non-single family zoning district and the Guilford County Landmark historic designation is removed, this higher landscaping standards shall not apply.
2. Southern boundary of the site (abutting the Eagle Glen Eagle subdivision): Along the southern boundary of the zoning site, adjacent to the Eagle_Glen Subdivision, a Type C perimeter landscape yard, of greater than 50% evergreen, shall be established. This planting yard shall not encroach into the Duke Energy Transmission Line Easement.

An alternate landscaping/buffering/screening plan may be approved by the Planning and Development Director. In addition to the guidelines noted in Section 5.5.13 (Alternate Landscape Plan) of the Development Ordinance, landscaping, buffering, and screening:

- a) Shall not be less than 15 feet in width;
- b) Shall function as a partial opaque screen and shall create a sense of spatial separation between the zoning site and adjacent residential uses to the south; and

- c) May include an opaque screening as outlined in Section 5.6.6 (Screening Method) of the Development Ordinance but said opaque screening shall not be the only buffering method.
 - 3. Penny Road Street Planting Yard: A minimum 10 foot wide Street Yard shall be installed along the Penny Road frontage of the site. This Streetyard planting area shall be established within a common area and shall be exclusive of any utility easements, except for perpendicular crossings by utilities, roadways (public and private streets) and vehicular access driveway.
 - 4. Along the southern property boundary, a 6 foot high opaque screening fence will be erected adjacent to any multifamily building (between the building and the southern property line). The fence shall extend a minimum of 10 feet beyond the side walls of the building.
- C. Pedestrian Access: As a part of development permit approval, the property owner shall install a minimum five (5) foot wide concrete or asphalt pedestrian connection from the internal pedestrian circulation area(s), within the zoning site to the perimeter sidewalk along Penny Road.
- D. Transportation Conditions.
- 1. Access:
 - a) Location and number of vehicular access points: If more than 50 dwelling units are permitted, as part of development permit approval, two physical vehicular access connections shall be required to be installed to an improved public/private street or existing improved access drive corridor. One of the required access points shall align with Penny Road/East Fork Road intersection. Right and left turn lanes, with appropriate storage and taper, shall be provided on Penny Road.
 - b) If more than 50 dwelling units are approved, the developer shall be responsible for signal modifications at the site access at Penny Road/East Fork Road.

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.

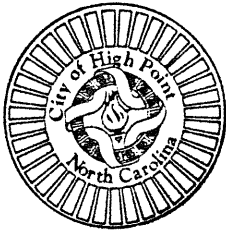
SECTION 5

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

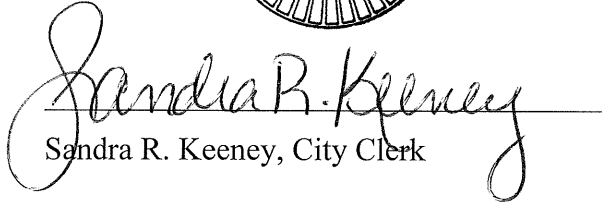
SECTION 6.

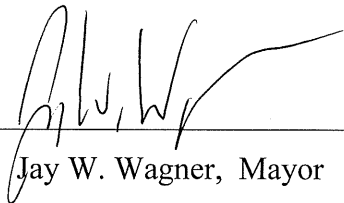
This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 17th day of July, 2023



ATTEST:


Sandra R. Keeney, City Clerk

By: 
Jay W. Wagner, Mayor