

**Amendment to CZ-22-09 submitted by applicant  
on Wed. May, 11, 2022 (see page #2)**

Ordinance # XXXX/XX-XX  
Zoning Map Amendment XX-XX

In accordance with NCGS 160D-703(b), I consent to these conditions being incorporated into the Conditional Zoning Ordinance.

  
(sign by property owner or petitioner/applicant)

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 April 26, 2022, and before the City Council of the City of High Point on May 16, 2022 regarding **Zoning Map Amendment Case 22-09 (ZA-22-09)** 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 April 17, 2022, for the Planning and Zoning Commission public hearing and on May 4, 2022 and May 11, 2022, 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 16, 2022.

**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 Retail Center (CZ-RC) District (for Tract 1) and Conditional Zoning Limited Business (CZ-LB) District (for Tract 2)**. The property is approximately 13 acres, lying at the southeast corner of Johnson Street and Skeet Club Road. The property is also known as Guilford County Tax Parcels 203730, 203737 and 203739.

**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 & Prohibited Uses (Tract 1 CZ-RC District)

1. Permitted uses:

Except as excluded below in Part I. A(2), permitted uses shall be limited to those principal uses of the Limited Business (LB) District, as listed in the Principal Use Table 4.1.9 of the Development Ordinance), and

2. Prohibited uses:

The Multifamily Dwelling use type, as enumerated in Table 4.1.9 (Principal Use Table) of the Development Ordinance, shall be prohibited.

B. Permitted Uses & Prohibited Uses (Tract 2 CZ-LB District)

Any uses allowed in the Limited Business (LB District) subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance.

C. Restricted Uses (Tracts 1 and 2): The Wireless Communication use type shall be permitted subject to meeting standards of the RM-5 District.

Part II. CONDITIONS:

A. Development and Dimensional Requirements (for the entire Site):

1. Minimum overall zoning district and development size shall be 10 acres.
2. Lot Combination: All parcels of the rezoning site shall be combined into one lot prior to resubdivision or any new development.
3. Development of the site shall be subject to the standards of Section 5.14.4 (Large Retail use type) of the Development Ordinance, except that Section 5.14.4.A (Applicability) and 5.14.4.B1(c.) (setback reduction) shall not apply.
4. Maximum building height shall not exceed 50 feet.

B. Development and Dimensional Requirements (for Tract 1):

1. Development shall be subject to the District Purpose, Dimensional Standards and District Standards of the RC District, unless further restricted by this ordinance.
2. Residential Uses: Subject to meeting standards of Part I. (Uses), permitted uses under the Residential Use Classification shall meet the District Purpose, Development Standards and District Standards of the Residential



Multifamily – 5 (RM-5) District (Section 3.3.6 of the Development Ordinance), except as follows:

- a) A minimum 30-foot street setback shall be required.
- b) A minimum 30-foot perimeter setback shall be required.

**C. Development and Dimensional Requirements (for Tract 2):**

- 1. Development shall be subject to the District Purpose, Dimensional Standards and District Standards of the Limited Business (LB) District, unless further restricted by this ordinance.
- 2. Residential Uses: Subject to meeting standards of Part I. (Uses), permitted uses under the Residential Use Classification shall meet the District Purpose, Development Standards and District Standards of the Residential Multifamily – 5 (RM-5) District (Section 3.3.6 of the Development Ordinance).
- 3. Perimeter setbacks:
  - a. A minimum 30 foot street setback shall be required for Tract 2;
  - b. A minimum 30 foot perimeter setback from the northern property line shall be required for Tract 2;

**D. Landscaping, Buffers and Screening:**

- 1. A minimum 25-foot-wide Type B Perimeter Landscape Yard, planted to the Type A rate, shall be installed along the entire length of the eastern and southern boundary of the zoning site.
- 2. A minimum 6-foot-high opaque fence shall be installed along the along the entire length of the eastern and southern boundary of the zoning site. The installation of this fence shall not permit reduction in the width of the perimeter landscape yard. So as to not interfere with required sight distances, this opaque fence may be reduced to a height of 4 feet when located within 15 feet of the Johnson Street and Skeet Club Road public rights-of-way.
- 3. A minimum three (3) foot high soil berm with a minimum width of ten (10) feet, meeting standards of Section 5.5.6.H of the Development Ordinance, shall be installed in the vicinity of the eastern and southern boundary of the zoning site. This berm shall be installed at the time landscaping planting materials are installed on the site.
- 4. A minimum 15-foot wide Streetyard planted, to Type C rate, shall be installed.
- 5. Stormwater detention ponds shall be screened with landscaping so as to obscure, to the maximum extent practicable, the view from public right-of-way.
- 6. The property owner(s) shall be responsible for the perpetual maintenance of the above noted Landscaping, Buffers, and Screening standards.

E. Other Conditions:

1. Site Standards

- a) Ground-based Mechanical Equipment Screening: Ground-based mechanical equipment should be located to the rear of the principal building(s), and shall be screened in accordance with Section 5.6 (Screening) of the Development Ordinance.
- b) Off-Street Loading: Off-street loading areas shall be located to the side or rear of the principal building and shall not face Johnson Street or Skeet Club Road.
- c) Outdoor Storage: Outdoor storage of materials, supplies, products, or equipment is prohibited for all nonresidential uses. Nothing shall prohibit the outdoor display of merchandise for sale in accordance with Section 4.4.5.K, (Outdoor Display) of the Development Ordinance.

2. Signage: Except as restricted below, signage for the zoning site shall meet standards of the RC District.

- a) Development Identification signs shall be restricted to a height of 15 feet.
- b) In addition to signage prohibited by Section 5.7.6, Prohibited Signs, the following signs shall be prohibited:
  - (1) Changeable copy signs (message boards);
  - (2) Animated signs, including electronic changeable copy signs, except for time and temperature signs which do not exceed 15 square feet of copy area;
- c) Illumination of all signage, except wall signage, shall be limited to cut-out letters and indirect lighting. Back lit wall signage shall be permitted; however, the background of the sign face shall be semi-opaque such that light shall primarily come through the lettering/logos of the sign.
- d) Freestanding signs shall meet the following requirements:
  - (1) Be monument style only

3. Building Standards:

a) Facade Materials:

- (1) The use of vinyl siding or corrugated metal siding and other vertical metal siding is prohibited.
- (2) The use of high intensity (bright), metallic, or fluorescent colors shall be limited to facade trim or accents and total less than 20% of the area of any building facade.
- (3) The use of lighting by direct illumination to outline or accentuate all or part of a structure, building or architectural features of a building, including but not limited to rooflines, windows, doors, cupolas, exterior walls, porches, canopies and awnings, with narrow band, strip, tube or other methods of lighting, is prohibited.

b) Roof-Mounted Equipment:

- (1) Flat roofs shall incorporate parapet walls designed to screen the roof and roof-mounted equipment from view from the primary street fronting the building and any abutting side streets as seen from the edge of the public right-of-ways abutting the property at a height of 6 feet. The parapet wall should be finished in the same or similar material and color as the building.
- (2) In cases where complete screening is not practicable, all roof-mounted equipment and other roof penetrations shall be camouflaged through the use of paint or architectural techniques to minimize its appearance.

4. Service or Vehicular Bays:

Service or vehicular bays and their doors shall not face Johnson Street or Skeet Club Road.

5. Truck Deliveries and Trash Services: Truck deliveries shall be limited to occurring only between the hours of 6am and 10pm with waste and trash removal only between the hours of 7am and 10pm.

6. Operating Hours: No establishment located on the Property shall be open for business to the general public between 11:00pm to 6:00am

7. On-Site Exterior Lighting: Exterior lighting shall be designed, located, installed, and maintained such that between 11:00pm to 7:00am, the maximum illumination measured in footcandles at ground level along the entire length of the eastern and southern property line of the zoning site shall not exceed 0.5-foot candles.

F. Transportation Conditions:

1. Traffic Impact Analysis (TIA): A reference to the TIA refers to the Mendenhall Marketplace Traffic Impact Analysis, prepared by BGE, Inc, Dated September 23, 2021.

2. Right-of-way Dedication: As a part of development permit approval the property owner shall dedicate a minimum of twenty-five (25) feet of right-of-way along the entire Skeet Club Road frontage of the zoning site.

3. Access:

a) Johnson Street – Two points of access allowed to Johnson Street.

- i. One right-in/right-out (*Driveway 1 as depicted in the TIA*).
- ii. One full movement access (*Driveway 2 as depicted in the TIA*). This access point must be a minimum of 250 feet from the intersection of Johnson Street/Skeet Club Road;

ii. Skeet Club Road - Two points of access allowed to Skeet Club Road.

- i. One right-in/right-out and median that meets minimum North Carolina Department of Transportation (NCDOT) requirements (*Driveway 3 as depicted in the TIA*).
- ii. One full movement access (*Driveway 4 as depicted in the TIA*).

4. Improvements:

- a) As part of driveway permit approval, the property owner shall provide a right turn lane at all access points with a minimum of 100 feet of storage and appropriate taper.
- b) Driveway 1 as depicted in the TIA – As part of Driveway permit approval the property owner shall restripe the center turn lane to provide a southbound left turn lane into Driveway 1. The left turn lane shall have a minimum one-hundred (100) foot taper and a minimum of fifty (50) feet of storage. Construct a northbound right turn lane with a minimum one-hundred (100) foot taper and a minimum of one-hundred (100) feet of storage.
- c) Driveway 2 as depicted in the TIA - As part of driveway permit approval the property owner shall construct a northbound right turn lane with a minimum one-hundred (100) foot taper and a minimum of one-hundred (100) feet of storage. Construct a concrete island to prohibit entering and exiting left-turn movements.-that extends along the length of the left turn lane and taper of Johnson Street.
- d) Driveway 3 as depicted in the TIA – As part of driveway permit approval the property owner shall construct an eastbound right-turn lane with minimum of one-hundred (100) feet of storage an appropriate taper. Construct a concrete island to prohibit entering and exiting left-turn movements.
- e) Driveway 4 as depicted in the TIA – Construct an eastbound right turn lane with minimum of one-hundred (100) feet of storage an appropriate taper. 100 feet of storage and an appropriate taper.
- f) School Zone: As part of driveway permit approval, the property owner shall improve the school zone for Immaculate Heart of Mary School on Johnson Street to include the following:
  - i. Illuminated School Zone signage;
  - ii. "School" painted markings on Johnson Street;

Such improvements shall be meet the minimum requirements of the MUTCD (Manual on Uniform Traffic Control Devices) and the property owner shall be responsible for the installation and perpetual maintenance of the above noted improvements.

- g) Other Transportation Conditions: The City of High Point Transportation Director and the North Carolina Department of Transportation (NCDOT) 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 16<sup>th</sup> day of May, 2022

By: \_\_\_\_\_

Jay W. Wagner, Mayor

ATTEST:

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Lisa B. Vierling, City Clerk