

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 9-3-12, ZONING MAP AMENDMENTS, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of The City of High Point adopted “The City of High Point Development Ordinance” on January 7, 1992 with an effective date of March 1, 1992, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on June 23, 2015 and before the City Council of the City of High Point on July 20, 2015 regarding **Zoning Case 15-11** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings was published in the High Point Enterprise on June 14, 2015 for the Planning and Zoning Commission public hearing and on July 8, 2015 and July 15, 2015 for the City Council public hearing pursuant to Chapter 160A-364 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 August 17, 2015.

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: **Conditional Zoning Shopping Center (CZ-SC) District**. The property is approximately 0.67 acres lying along the north side of W. Wendover Avenue, approximately 670 feet east of Penny Road, consisting of Guilford County Tax Parcel 0170003. Being the property of Hal W. Lamb, III, described in Deed Book 7102 Page 1138 of the Guilford County Register of Deeds with a street address of 5230 West Wendover Avenue, High Point, NC; and more particularly described as follows:

BEGINNING at a point in the northern line of this property, the common corner of this property with the property of Thaxton Richardson, et al, as described in Deed Book 6889, Page 863, and as shown as Lot 3E of Plat Book 163 Page 60, and the property of West Wendover Associates, LLC, as described in Deed Book 4993, Page 1559, and as shown as Lot 3F of Plat Book 163 Page 60; THENCE, with the West Wendover Associates, LLC, N82°36’57”E, 230.28 feet to an EIP; THENCE, continuing with West Wendover Associates, LLC, S04°10’40”E, 100.05 feet to a point on the northern right of way of West Wendover Avenue as shown on Plat Book 163 Page 60; THENCE, with the right of way of West Wendover Avenue, S04°10’40”E, 12.23 feet to a point; THENCE, with the northern right of way of West Wendover Avenue, S74°18’16”W, 229.04 feet to an existing iron pipe; THENCE, with the right of way of West Wendover Avenue, N01°53’33”E, 12.57 feet to an existing iron pipe, a corner with Richardson in the northern right of way line of West Wendover Avenue as shown on Plat Book 163 Page 60;

THENCE, continuing with Richardson, N01°53'33"E, 106.54 feet to an existing iron pipe; THENCE, with Richardson the following five (5) calls: 1) N83°21'43"W, 76.78 feet to an existing iron pipe; 2) N89°15'41"W, 29.98 feet to an existing iron pipe; 3) N01°28'42"E, 9.17 feet to an existing iron pipe; 4) S89°11'46"E, 30.10 feet to an existing iron pipe and 5) N82°34'36"E, 56.40 feet to an existing iron pipe, the Place and Point of Beginning, having an area of 29,484 square feet.

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. Any of the land uses allowed in the Shopping Center (SC) District shall be permitted subject to the requirements of the Development Ordinance and subject to the specific conditions of this Ordinance.
- B. Prohibited Uses: Within 250 feet of the W. Wendover Avenue right-of-way, the following land uses shall be prohibited:
 1. Recreational Uses:
 - a. Billiard Parlors
 - b. Bingo Games
 - c. Bowling Centers
 - d. Coin-operated Amusements
 - e. Dance Schools
 - f. Golf Courses, miniature
 - g. Martial Arts Instructional Schools
 - h. Physical Fitness Centers
 - i. Skating Rinks
 - j. Sports & Recreation Clubs, Indoor
 2. Educational & Institutional Uses:
 - a. Auditoriums, Coliseums, or Stadiums
 - b. Colleges or Universities
 3. Business, Professional & Personal Service Uses:
 - a. Automobile Rental or Leasing
 - b. Laundromats, Coin-Operated
 - c. Shoe Repair or Shoeshine Shops
 - d. Television, Radio or Electronic Repairs (principal use)
 - e. Theaters, Indoors
 - f. Watch or Jewelry Repair Shops (principal use)

4. Retail Trade Uses:
 - a. Building Supply Sales (with storage yard)
 - b. Garden Centers or Retail Nurseries
 - c. Services Stations, Gasoline
 5. Other Uses:
 - a. Storage Trailers (accessory uses)
 - b. Outdoor Sale or Display of Merchandise
 - c. Demolition Debris Landfills, Minor
- C. Restricted Uses: Within 250 feet of W. Wendover Avenue right-of-way, no outside storage shall be permitted.

Part II. CONDITIONS:

A. Subdivision:

1. Lot Combination: Prior to issuance of any permit for new development, the zoning site shall be combined with Guilford County Tax Parcel 0212256.
2. The rezoning site shall be subject to the subdivision regulations of the Development Ordinance and a preliminary subdivision plat shall be prepared and approved prior to development and land division.

B. Development Design:

1. Drive-through/service windows and menu boards shall not be permitted between the principal building and the street right-of-way along the W. Wendover street frontage.
2. Any use with gasoline pumps shall be designed so that the canopy and gasoline pumps are no closer to the W. Wendover Avenue street right-of-way than the front façade of the principal building.
3. Within 250 feet of the W. Wendover Avenue right-of-way, automobile bays shall not face W. Wendover Avenue. Furthermore, air hoses, vacuum pedestals and other outdoor automobile service equipment shall not be located between the principal building and the W. Wendover Avenue right-of-way.
4. All lots with street frontage on W. Wendover Avenue and shall have a minimum lot area of 30,000 square feet.

C. Architectural Design:

1. The entire rezoning site shall be subject to the architectural requirements of the Eastchester Scenic Overlay District, Section 9-4-4(c)(4)(e), (Architecture), of the Development Ordinance. One set of the required design guidelines shall be developed for the rezoning site.

2. Metal and vertical sided buildings shall be prohibited on the rezoning site.
 3. The exterior colors of all principal and accessory structures shall be of low reflectance, subtle, neutral or earth tone. The use of high intensity colors, metallic colors, or fluorescent colors are prohibited. Building trim and accent areas may feature brighter colors including primary colors. Neon or LED tubing or strips shall not be permitted for exterior building trim or accent elements.
- D. Landscaping: The entire rezoning site shall be subject to the landscaping requirements of the Eastchester Scenic Overlay District, Section 9-4-4(c)(4)(c), (Landscaping), and Table 4-4-1, (Penny Road north to Gallimore Dairy Road), of the Development Ordinance; except that for the W. Wendover Avenue street frontage the required building setback shall be 65 feet, the required landscape street yard shall average 30 feet and the minimum parking lot setback shall be 28 feet.
- E. Signage: The entire rezoning site shall be subject to the signage requirements of Eastchester Scenic Overlay District, Section 9-4-4(c)(4)(d), (Signage) and Table 4-4-1, (Penny Road north to Gallimore Dairy Road) of the Development Ordinance.
- F. Transportation:
1. Right-of-way: The developer shall dedicate right-of-way for future road improvements along W. Wendover Avenue to match abutting parcels to the east and west of the site, a minimum of approximately 77-feet from centerline of W. Wendover Avenue, the exact dimension of right-of-way to be determined based on survey prior to dedication. This dedication shall occur prior to issuance of any permit for new development.
 2. Access: No vehicular access shall be permitted from W. Wendover Avenue. All access shall be from Brian Jordan Place. All construction shall meet the City of High Point ordinances and be approved by the Director of Transportation, and the NCDOT.

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 now 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.

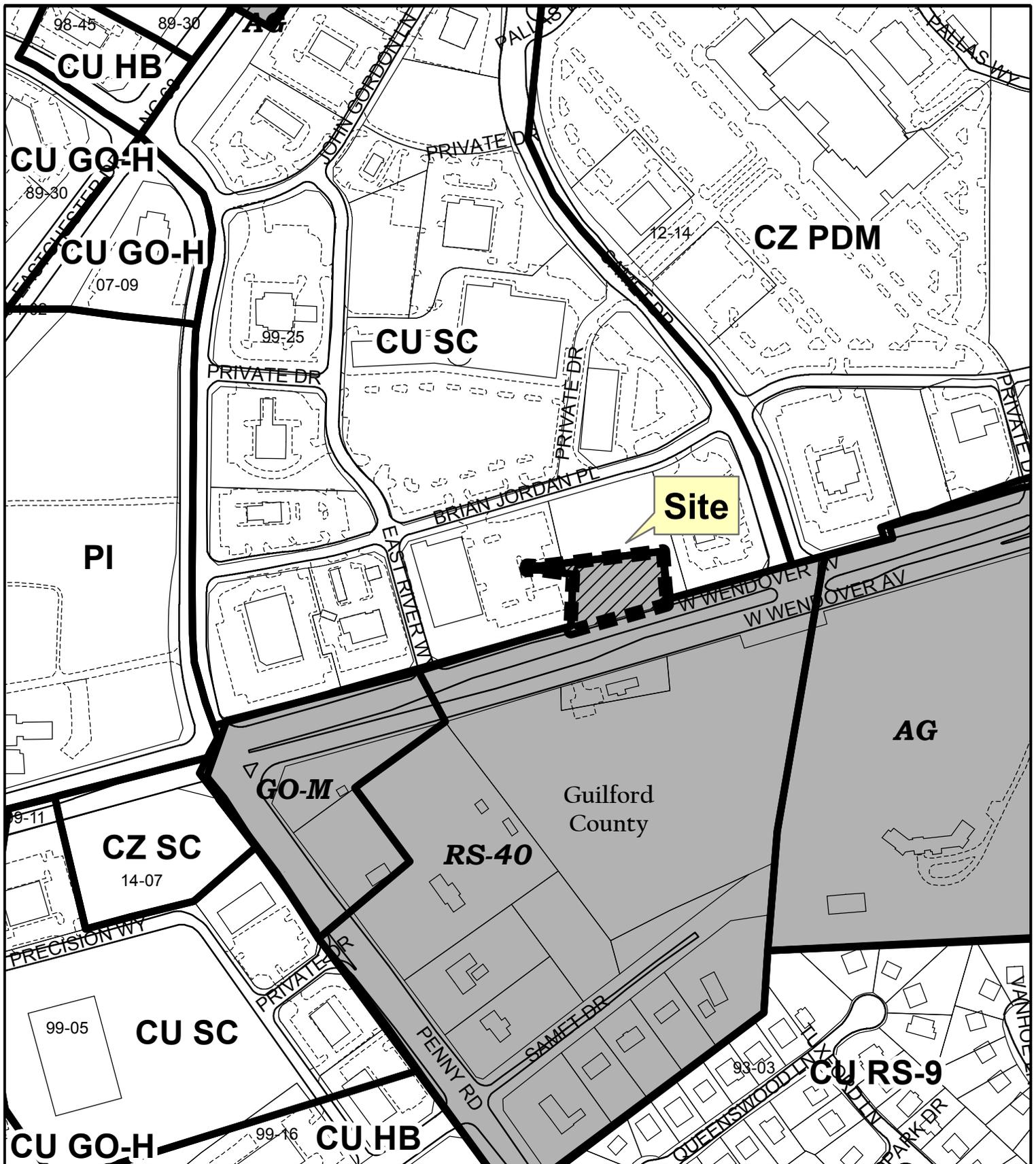
SECTION 5

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.
17th day of August, 2015.

Lisa B. Vierling, City Clerk



ZONING CASE 15-11

**From: Residential Single Family-40
To: Conditional Zoning Shopping Center**

Existing Zoning Boundary —————
Subject Property Boundary - - - - -

**Planning & Development
Department**

City of High Point

Date: June 23, 2015



Scale: 1"=300'

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