

AN ORDINANCE AMENDING THE CITY OF HIGH POINT 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; and

WHEREAS, public hearings were held before the Planning and Zoning Commission on October 24, 2017 and before the City Council on November 20, 2017 regarding **Text Amendment 17-06;** and

WHEREAS, notice of the public hearings was published in the High Point Enterprise on October 15, 2017 for the Planning and Zoning Commission public hearing and on November 8, 2017 and November 15, 2017 for the City Council public hearing pursuant to Chapter 160A-364 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.

Amend Section 3.5.7.B.3 District Organization as follows:

- (c) Based on its associated mixed-use area plan, each MX district should, at a minimum, include boundaries, dimensional standards, and any other standards unique to the district. The general standards in Section 3.5.7 C, General Standards for All MX Districts shall also apply. **If there is a conflict between the general standards for all MX districts and the specific standards for the individual MX districts, the specific standards for the individual MX district shall control.**

SECTION 2.

Amend Section 3.5.7.C. General Standards for All MX Districts as follows:

C. General Standards for All MX Districts

Except where otherwise indicated below, the standards in this section shall apply to all development in all MX districts.

1. Building Compliance due to an Expansion **or Exterior Alteration**

- (a) In cases where an existing building is expanded or enlarged by 25 percent or less of its gross floor area as it existed on the effective date of the ordinance establishing the MX district, the expansion of the building shall either maintain the current appearance of the existing building or comply with the standards in Section 3.5.7 C.3, Building Standards.
- (b) In cases where an existing building is expanded or enlarged by more than 25 percent of its gross floor area as it existed on the effective date of the ordinance establishing the MX district, the portion of the front and side building facades associated with

the expansion or enlargement shall comply with the standards in Section 3.5.7 C.3, Building Standards.

- (c) In cases where a building existing on the effective date of the ordinance establishing the MX district, does not comply with the minimum and maximum street setbacks, the building may be enlarged or expanded without complying with ~~any~~ applicable ~~minimum and~~ maximum street setback requirements.

(d) In cases where the exterior of an existing building is altered, the alterations shall conform to the standards of this section, to the maximum extent practicable. Alterations shall not include the removing, filling-in, or placing a false facade over an existing window, or any other physical changes to obstruct the window.

2. Site Standards

(a) Building Orientation

- (1) Single-building developments shall be oriented so that the ~~primary front~~ facade faces the street from which the building derives its street address.
- (2) ~~Front building facades located between the minimum and maximum street setbacks shall be oriented to be parallel with the abutting street right-of-way.~~ **For all new buildings subject to a maximum street setback, at least 60% of the front building facade shall be located parallel to and within the required setbacks.**
- (3) Group developments shall configure building walls to frame and enclose the corners of street intersections or entry points into the development, a central pedestrian access corridor within the development site, or other site amenities on at least 3 sides.

(b) Exemption from Maximum Setback

Uses that provide a civic space are exempt from the maximum setback requirement, provided the civic space meets the following requirements:

- (1) The civic space shall be between the front of the principal building and the street;**
- (2) The area shall not be used for parking or loading, exclusive of valet parking and passenger loading;**
- (3) The area shall have landscaping that covers a minimum of 10 percent of the area;**
- (4) It may include pedestrian amenities which include but are not limited to: seating, outdoor play areas, bicycle racks, kiosks, water features, public art, freestanding structures such as a clock tower, or similar amenities;**
- (5) A decorative fence, a hedgerow, or a combination thereof may be provided to provide a boundary between the civic space and the street right-of-way. If provided, the boundary treatment shall meet the following requirements:**
- (i) Walls and fences are limited to a maximum of 4 feet in height. Decorative fences include, but are not limited to: wrought iron, architectural metal, or other transparent decorative fence. Chain-link fencing is prohibited.**

(ii) Hedges used to establish this boundary shall be a minimum height of 18 inches at planting and shall be maintained at a height between 3 and 4 feet at maturity.

(b)(c) Drive-Throughs

Drive-through lanes and windows are prohibited.

(e)(d) Fences

Fences shall comply with the standards in Section 5.11, Fences, as well as the following:

- (1) Chain link, ~~chain-link panel, slat weave~~, barbed wire fencing, and plain concrete block shall only be permitted behind the rear building line of the principal building and shall not be located within 40 feet of the right-of-way of a public street (excluding alleys).
- (2) Chain link, ~~chain-link panel, slat weave and~~ barbed wire fencing, and plain concrete block walls shall only be permitted along the rear lot line of lots without a principal building.
- (3) Fences located between the minimum and maximum street setback shall be limited to 4 feet in height or less and may not be fully opaque.
- (4) Fences shall be provided along all lot lines that abut a residential zoning district and shall be opaque to a height 6 feet above grade level.

(d)(e) 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.

(e)(f) Off-Street Loading

If provided, loading areas shall not be ~~located to the rear~~ on the front facade of the principal building and shall be screened in accordance with Section 5.6, Screening.

(f)(g) Outdoor Storage

Outdoor storage of materials, supplies, products, or equipment is prohibited. Nothing shall prohibit the outdoor display of merchandise for sale in accordance with Section 4.4.5.K, Outdoor Display.

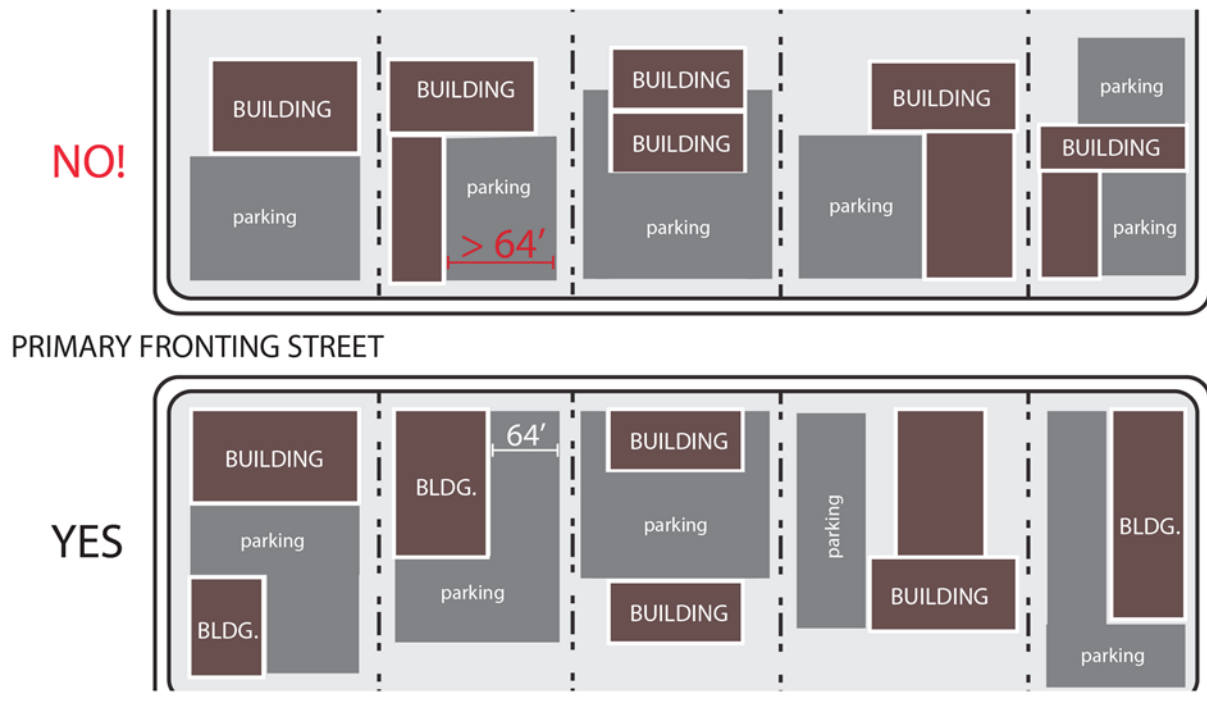
(g)(h) Off-Street Parking

Off-Street Parking Off-Street parking is not required, but when provided, development in the MX district shall comply with the following standards (see Figure 3.5.7.C.2, Parking Lot Configuration) in addition to the applicable standards in Section 5.4, Off-Street Parking and Loading:
~~**In addition to the applicable standards in Section 5.4, Off-Street Parking and Loading, development in the MX district shall comply with the following standards (see Figure 3.5.7.C.2, Parking Lot Configuration):**~~

- (1) Off-street parking areas shall not be located between the front building line and the street it faces.
- (2) Off-street parking areas on corner lots shall not contiguously front more than 1 street.

- (3) When located ~~to along~~ the side of a building, ~~off-street parking spaces vehicular use areas~~ shall not occupy more than 64 linear feet in width as measured along the lot's street frontage.
- ~~(4) Residential uses located within a mixed-use building are exempted from the off-street parking requirements in Table 5.4.4.B, Minimum Off-Street Parking Standards.~~

FIGURE 3.5.7.C.2, PARKING LOT CONFIGURATION



~~(h)~~(i) Sidewalks

~~In cases where development proposes new streets or applies to all lots along an existing block face, S~~sidewalks shall comply with the standards in Section 5.9, Sidewalks, as well as the following:

- (1) Sidewalks shall be located on both sides of all streets except alleys.
- (2) Sidewalks shall be located at the back of the curb and shall maintain a minimum width of at least ~~8~~ **12** feet or up to the existing building line when less than 12 feet. A width of 12 feet is strongly encouraged.
- (3) Sidewalks may include street tree plantings, street furnishings and sidewalk cafes in accordance with applicable City Codes.

~~Sidewalks shall be configured into 2 zones of at least 4 feet each. The zone closest to the street is intended to accommodate street tree plantings and street furnishings, while the zone closest to building facades is intended for the clear unobstructed movement of pedestrians. Sidewalk dining is encouraged provided it does not encroach into the zone intended for movement of pedestrians.~~

- (4) Sidewalks shall be configured to provide a smooth transition in width between new sidewalks and connections to established sidewalks of a lesser width.

(i)(i) Accessory Buildings

- (1) Accessory buildings shall be located behind the rear building line of the principal building they serve, ~~or located internally in a group development. In no instance shall an accessory building be located between a primary building facade and the street it faces.~~

- ~~(2) Accessory buildings and structures should be similar in materials and architectural style to a principal building.~~

- (2) For group developments, accessory buildings can be located internally to the development. In no instance, shall an accessory building be located between a front building line that is established by a principal building and the street the principal building faces.**

- (3) Multi-family residential and nonresidential accessory buildings and structures should be similar in materials and architectural style to a principal building.**

(j)(k) Group Developments

Additional principal buildings may be built on a site beyond the maximum street setback if there is at least 1 principal building located on the site with a front facade that complies with the street setback requirements and covers a minimum of 50 percent of the lot width.

3. Building Standards

The following standards are applied to all multi-family residential and nonresidential buildings; **except for locally or nationally designated individual historic structures, and contributing structures within a locally or nationally designated historic district, provided such structures comply with the Secretary of Interior's Standards for Rehabilitation or are issued a Certificate of Appropriateness, as applicable:**

(a) Facade Articulation

- (1) Front and side building facades shall include at least 2 or more of the following features at least every 15 feet **measured horizontally and vertically per floor:**

- (i) Recessed **entryways or display windows;**

- ~~(ii) Offset surfaces, niches, insets, projections, or bas-relief with a minimum depth of four inches;~~

- (ii) Display windows;**

- ~~(iii) Window indentations that incorporate a differing building material, texture, or color, along with an awning or overhang; Window indentations (such as but not limited to double-hung, stationary, or casement windows) that are regularly spaced and that incorporate a differing building material, texture, color, awnings, window hoods, or canopies. This shall not include a glass curtain wall or flush mounted glass.~~

- (iv) Offset surfaces, niches, insets, projections, or bas-relief with a minimum depth of 4 inches;**

- ~~(iv)(v)~~ Differentiated piers, columns, or pilasters;

- ~~(v)(vi)~~ Pedestrian entrances;

- ~~(vi)~~(vii) Textured materials **(such as but not limited to brick or stone);**
 - ~~(vii)~~(viii) Roofline changes, coupled with correspondingly aligned wall offset or facade material changes, changes in the roof planes, or changes in the height of a parapet wall; or
 - ~~(viii)~~(ix) Changes in wall plane (such as projections or recesses).
 - (2) Building facades facing a street should achieve vertical orientation by using regularly spaced vertically oriented windows and doors, in conjunction with features such as: ~~roof line~~ **roofline**/parapet variations, window hoods, material changes, columns, pilasters, posts, awnings, canopies, stoops, or facade offsets, to create vertically oriented bays, or divisions of space that are approximately 30 feet wide or less. The rhythm within a building facade should be maintained by making each vertically oriented bay the same width.
 - (3) Buildings of 2 or more stories are encouraged to have front facades with a clear and distinct base (ground floor), middle, and top (often defined by a decorative cornice). Features such as an increased ground floor height (including a transom window), the use of a frieze, string course or storefront cornice, a bulkhead or kick plate, and differentiated building materials or coloration are similarly encouraged.
 - ~~(4) Buildings with flat roofs or a roof with a pitch of 3/12 or less shall include a parapet wall on the front and side of sufficient height to screen all roof-mounted equipment and should be topped with a 3-dimensional cornice that provides architectural detail.~~
- (b) Facade Materials
- (1) Where 2 or more materials are proposed to be combined on a facade, the heavier and more massive elements should be located below the lighter elements (e.g., brick shall be located below stucco). ~~It is acceptable to provide the heavier material as a detail on the corner of a building or along cornices or windows. Heavier materials may also be placed as a detail on the corner of a building or along cornices or windows.~~
 - (2) Primary facade materials ~~shall~~ **should** not change at outside corners, and ~~shall~~ **should** continue around the corner to a logical point of conclusion such as a change in facade plane.
 - ~~(3) Smooth face concrete block shall not be used on a building facade visible from a street.~~
 - ~~(4) Field colors for the main body of a building shall be non-reflective. Metallic or fluorescent paint colors are prohibited.~~
 - (3) Exterior building materials shall be continued to the finished grade on any elevation.**
 - (4) Building facades utilizing smooth-faced concrete block, or unfinished or untreated tilt-up concrete panels, shall be limited to building facades not visible from public streets as seen from the public right-of-way at a height of 6 feet.**

(c) Facade Transparency

- (1) ~~The Front~~ building facades facing a street shall maintain non-reflective, transparent windows on at least ~~50~~ 35 percent of the facade area between 2 and 8 feet above average grade.

~~(2) Upper stories on front and side facades facing a street shall maintain non-reflective, transparent windows on at least 20 percent of the upper story facade area.~~

(2) Ground level side facades facing a street shall maintain non-reflective, transparent windows on at least 20 percent of the facade area between 2 and 8 feet of the floor.

~~(2)(3)~~ Upper stories on front and side facades facing a street shall maintain non-reflective, transparent windows on at least 20 percent of the upper story facade area per floor as measured between 2 and 8 feet.

~~(3)(4) Residential buildings, locally or nationally designated historic buildings, civic uses, contributing structures within a historic district, civic uses, and institutional uses~~ Civic, religious institution, and utilities use categories are exempt from these transparency requirements.

~~(4)(5)~~ If the transparency requirements cannot be met due to internal configuration of the building, ~~the location of gasoline pumps to the rear of the building,~~ or other conflicting standards of this district, an alternative design ~~that meets the intent can submitted for review by the Planning and Development Director.~~ shall be approved by the Planning and Development Director that meets the purpose and intent of these facade transparency standards through the use of, for example, enclosed window wells supplemented with awnings, false storefront windows, and similar building wall fenestration techniques. Figure 3.5.7.C.3, Facade Transparency Alternatives, below shows some alternative designs that meet the intent of this standard.

FIGURE 3.5.7.C.3, FACADE TRANSPARENCY ALTERNATIVES



(d) Primary Entrance

- (1) Except for corner buildings, the primary entrance of a building shall face the street from which the building derives its street address.
- (2) Primary entrances on corner buildings may be located ~~on to face~~ the corner.
- (3) The primary entrance shall be distinguishable from the balance of the front facade through the use of one or more of any of the following or other similar features:
 - (i) Projecting or recessed entry;
 - (ii) Transom or sidelight windows;
 - (iii) Pediments, columns, or other vertical features; or
 - (iv) Marquees, arcades, or overhangs.

(e) Roof-Mounted Equipment

- (1) Flat roofs shall incorporate parapet walls ~~with 3-dimensional cornice treatments~~ designed to screen the roof and roof-mounted equipment from view from the primary street fronting the building, ~~to the maximum extent practicable. All the parapet walls visible from a street shall be finished and be the same or similar in color and material to the building and any abutting side streets as seen from the public right-of-way at a height of 6 feet. The parapet wall should be finished in the same or similar material and color as the building.~~
- (2) For sloped roofs, ~~roof-mounted~~ equipment and other roof penetrations should be located and screened to have a minimal visual impact as seen from the ~~street or existing residential uses~~ public right-of-way at a height of 6 feet.
- (3) 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) Green roofs, which use vegetation to improve stormwater quality and reduce runoff, are ~~permitted as an alternative to the roof forms described in this subsection~~ exempt from the screening requirements described in this subsection.

(f) Service or Vehicular Bays

- (1) Service or vehicular bays and their doors shall not be located so as to face the primary fronting street if the door is located within 50 feet of the primary fronting street right-of-way.
- ~~(2) Public safety facilities are exempt from this requirement.~~
- (2) Other than the primary fronting street, all service or vehicular bay doors that face a street and are within 50 feet of the street right-of-way shall use the same or a similar color as the building so as to blend it in with the building they serve, to the maximum extent practicable.

~~4. Multi-family Residential Uses~~

~~In addition to the standards in Section 4.3.2 B.5, Multi-Family Dwelling, multi-family development shall comply with the following standards:~~

- ~~(a) The finished floor of the ground floor shall be at least 3 feet above the grade of the adjacent street or sidewalk unless the unit is intended for occupancy by persons~~

- ~~with physical disabilities, or subject to an administrative adjustment (see Section 2.5.2, Administrative Adjustment).~~
- ~~(b) Vehicular access to an individual unit shall occur from a common drive or public alley that provides access to the units in the development.~~
- ~~(c) A garage may be located at grade, if it is located at the rear of the building or in a detached structure.~~

SECTION 3.

Amend Section 3.5.7.D Specific Standards for the MX-W District as follows:

Section 3.5.7.D Specific Standards for the MX-W District

1. Applicability

The Mixed-Use Washington Street district was established on March 31, 2008 in accordance with the *Core City Plan* and the Washington Drive District Plan. **In addition to Section 3.5.7.C General Standards for All MX Districts, the** standards in this section apply to all lands within the MX-W district on the Official Zoning Map.

2. Dimensional Requirements

The dimensional requirements in Table 3.5.7.D, Dimensional Requirements in MX-W District, shall apply to all development in the MX-W district.

TABLE 3.5.7.D, DIMENSIONAL REQUIREMENTS IN THE MX-W DISTRICT

REQUIREMENT		STANDARD
Maximum Density (units/acre)		n/a
Minimum Lot Area (square feet)		n/a
Minimum Lot Width [1]		n/a
Minimum Street Setback (feet)		<u>0</u> , 12 from back of curb <u>[2]</u>
Maximum Street Setback (feet) <u>[3][4]</u>		15
Minimum Side and Rear Setback (feet)	Adjacent to Residential District	10
	Adjacent to a Nonresidential District	0/5 <u>[2][5]</u>
Maximum Building Height (feet)		50

NOTES:

[1] All development shall comply with the City's Driveway Ordinance requirements.

[2] All buildings shall be at least 12 feet from the back of curb.

[3] For all new buildings subject to a maximum street setback, at least 60% of the front building facade shall be located parallel to and within the required setbacks.

[4] Buildings are exempt from the maximum street setback, if they provide a civic space (see Section 3.5.7.C.2(b) Exemption from Maximum Setback).

[2] [5] No setback is required, but if provided, shall be at least 5 feet.

SECTION 4.

Add new Section 3.5.7.E Specific Standards for the MX-D District to read as follows:

Section 3.5.7.E Specific Standards for the MX-D District

1. Applicability

The Mixed-Use Downtown district was established on November 20, 2017 in accordance with the High Point Downtown Mixed-Use Area Plan. In addition to Section 3.5.7.C General Standards for All MX Districts, the standards in this section apply to all lands within the MX-D district on the Official Zoning Map.

2. Dimensional Requirements

The dimensional requirements in Table 3.5.7.E, Dimensional Requirements in the MX-D District, shall apply to all development in the MX-D district.

<u>TABLE 3.5.7.E, DIMENSIONAL REQUIREMENTS IN THE MX-D DISTRICT</u>		
<u>REQUIREMENT</u>		<u>STANDARD</u>
<u>Maximum Density (units/acre)</u>		<u>n/a</u>
<u>Minimum Lot Area (square feet)</u>		<u>n/a</u>
<u>Minimum Lot Width (feet) [1]</u>		<u>n/a</u>
<u>Minimum Street Setback (feet)</u>		<u>0, 12 from back of curb [2]</u>
<u>Maximum Street Setback (Elm and Main Street Only) [3] [4]</u>		<u>20</u>
<u>Minimum Side and Rear Setback (feet)</u>	<u>Adjacent to Residential District</u>	<u>10</u>
	<u>Adjacent to Nonresidential District</u>	<u>0/5 [5]</u>
<u>Maximum Building Height (feet)</u>		<u>n/a</u>
<p><u>[1] All development shall comply with the City's Driveway Ordinance requirements.</u></p> <p><u>[2] All buildings shall be at least 12 feet from the back of curb.</u></p> <p><u>[3] For all new buildings subject to a maximum street setback, at least 60% of the front building facade shall be located parallel to and within the required setbacks.</u></p> <p><u>[4] Buildings are exempt from the maximum street setback, if they provide a civic space (see Section 3.5.7.C.2(b) Exemption from Maximum Setback).</u></p> <p><u>[5] No setback is required, but if provided, it shall be at least 5 feet.</u></p>		

3. Service or Vehicular Bays

No service or vehicular bay doors shall face Elm Street or Main Street.

SECTION 5.

Amend Table 4.1.9 Principal Use Table as follows:

USE TYPE	R-3	R-5	R-7	RM-5	RM-16	RM-26	TO	OI	LB	GB	RC	CB	EC	LI	HI	AGR	I	PNR	MS	MX	Additional Standards
Other post-secondary educational										P	P	P	P	P			P		P	<u>P</u>	4.3.3 C.1
Medical care facility, major								P		P	P	P	P	P			P			<u>P</u>	
Personal service, major									P	P	P	P		P*					P	<u>P</u>	4.3.4 D.1
Microbrewery, microdistillery, or microwinery										P		P		P	P	P			P	<u>P</u>	
Market Showroom										<u>P</u>		P		<u>P</u>							4.3.5 E.1

SECTION 6.

Amend Use Standards Section 4.3.5.E.1. Market Showroom as follows:

1. Market Showroom

A market showroom use shall comply with the following standards:

(a) General Exterior Product Display

Exterior product display shall:

- (1) Not take place within the right-of-way,
- (2) Not exceed 2,500 square feet per lot,
- (3) Consist of products from the same vendor or company that owns or leases space within the building, and
- (4) Not be displayed earlier than 2 weeks prior to the official opening of the market, and be removed within 2 weeks of the official end of the market.

(b) In the CB District Structure

- (1) A market showroom shall be located:
 - (i) In a permanent building, or
 - (ii) In a combination of permanent buildings and a membrane structure located on the same lot, or
 - (iii) Entirely in 1 or more membrane structures on the same lot, only if a building permit for a permanent building has been issued.
- (2) If a membrane structure is used as part of a market showroom, it shall:

- (i) Be located on the same lot as a market showroom;
- (ii) Be enclosed on all sides; and
- (iii) Not be in place for more than 120 days in a calendar year.

~~(c) In the GB and LI Districts~~

~~A market showroom shall be:~~

- ~~(1) Located in a permanent building. The use of a membrane structure is prohibited.~~
- ~~(2) No more than 1,000 feet from the boundary of the CB district.~~

SECTION 7.

Amend Off-Street Parking and Loading Section 5.4.3 Exemptions as follows:

A. **CB and MX** Districts

Development on land within the CB **and MX** districts shall comply with the requirements of this section, except that it is exempt from the minimum off-street parking requirements of Table 5.4.4.B, Minimum Off-Street Parking Standards.

SECTION 8.

Amend Landscaping Section 5.5.3 Exemptions as follows:

C. Development in the CB and the MX-~~W~~ districts, except for parking areas;

SECTION 9.

Amend Screening Section 5.6.3 Exemptions as follows:

A. Heavy industrial (HI) District

Solid waste collection, loading facilities, and ground-based mechanical equipment in the HI district are exempted from the requirements of this section, unless the structure or equipment is within 100 feet of a lot with an existing residential use.

B. Loading Docks

- 1. Loading docks and loading bays in the CB **and MX** districts are exempted from the requirements of this section.
- 2. Loading docks and loading bays in the LI district that face an industrial street are exempted from the requirements of this section.

SECTION 10.

Amend Signage Table 5.7.8.B Requirements for a Sign Not Requiring a Sign Permit as follows:

TABLE 5.7.8.B: REQUIREMENTS FOR A SIGN NOT REQUIRING A SIGN PERMIT					
SIGN TYPE	NUMBER PERMITTED	AREA (SQ. FT.)	SETBACK (FEET)	MAXIMUM HEIGHT (FEET)	ILLUMINATION
A-Frame in CB <u>and MX</u> districts, and MS district (sub-district B)	1/building entrance	6	R/W	3	

SECTION 11.

Amend Nonconforming Uses Section 8.2.3.A. Standards Applied to Market Showrooms as follows:

2. Cessation

(a) General

- (1) If a nonconforming market showroom use ceases operation for a continuous period of more than ~~2 years~~ 1 year, any subsequent use of land shall be a use permitted in the district.
- (2) The landowner shall demonstrate that the nonconforming use has not ceased for a continuous period of more than ~~2 years~~ 1 year to maintain its nonconforming status.

SECTION 12.

Amend CB District Section 3.4.8.B. Dimensional Standards as follows:

B. DIMENSIONAL STANDARDS			
STANDARD		REFERENCE #	ALL USES
Maximum Density (units/acre)			n/a
Minimum Lot Area (square feet)		①	n/a
Minimum Lot Width (feet)	Interior lot	②	n/a
	Corner lot	③	n/a
Minimum Street Setback (feet)		④	<u>0</u> , 10 from back of curb <u>[1]</u>
Maximum Street Setback (Main Street Only) [1] [2] <u>[3]</u>			20
Minimum Perimeter Setback (feet)			0/5 [3] <u>[4]</u>
Maximum Building Height (feet)		⑦	n/a
<p><u>[1] All buildings shall be at least 10 from the back of the curb.</u></p> <p><u>[1] [2] At least 60 percent of the front building facade of buildings facing Main Street that are built after June 5, 2017, or the effective date of the district upon the land, shall be located between the minimum and maximum street setbacks. For all new buildings subject to a maximum street setback, at least 60% of the front building facade shall be located parallel to and within the required setbacks.</u></p> <p><u>[2] [3] Buildings are exempt from the maximum street setback, if they provide a civic space (see Section 3.4.8.G.2(b) Exemption from Maximum Setback).</u></p> <p><u>[3] [4] No setback is required, but if provided, it shall be at least 5 feet.</u></p>			

SECTION 13.

Amend CB District Section 3.4.8.G.2(a) Main Street Building Orientation as follows:

(a) ~~Main Street~~ Building Orientation

~~Front building facades located between the minimum and maximum street setbacks along Main Street shall be oriented to be parallel with the Main Street right-of-way. For all new buildings subject to a maximum street setback, at least 60% of the front building facade shall be located parallel to and within the required setbacks.~~

SECTION 14.

Amend CB District Section 3.4.8.G.2(g) Accessory Buildings as follows:

(3) Multi-family residential and nonresidential accessory building facades ~~shall~~ should use the same materials as the principal building they serve.

SECTION 15.

Amend CB District Section 3.4.8.G.3(c) Facade Transparency as follows:

(c) Facade Transparency

(1) ~~The Front building facades~~ facing a street shall maintain non-reflective, transparent windows on at least 35 percent of the facade area between 2 and 8 feet above average grade.

(2) Ground level side facades facing a street shall maintain non-reflective, transparent windows on at least 20 percent of the facade area between 2 and 8 feet of the floor.

(3) Upper stories on front and side facades facing a street shall maintain ~~non-reflective, transparent~~ windows on at least 20 percent of the upper story facade area per floor as measured between 2 and 8 feet. The window glazing may be opaque.

(4) Civic, religious institution, and utilities use categories are exempt from these transparency requirements.

SECTION 16.

Amend MS District Section 3.5.6.B. Dimensional Standards as follows:

B. DIMENSIONAL STANDARDS						
STANDARD			SUB-DISTRICT A	SUB-DISTRICT B	SUB-DISTRICT C	SUB-DISTRICT D
Maximum Density (units/acre)			26 [1]			
Minimum Lot Area (square feet)		❶	6,000	4,000		6,000
Minimum Lot Width (feet) [2]	Interior lot	❷	60	40		60
	Corner lot	❸				

Minimum Street Setback (feet)) [3]	4	5, <u>10 from back of curb</u> [3]	0, <u>10 from back of curb</u> [3]	5, <u>10 from back of curb</u> [3]
Maximum Street Setback (feet) <u>(Main Street Only)</u> [4] [5] [6]	5	25	20	25
Minimum Interior Setback (feet)	6	0/5 [7] [6]		
Maximum Building Height (feet)	7	n/a [8] [7]		

[1] Mixed-use development is subject to the maximum density standards.
 [2] All development shall comply with the City's Driveway Ordinance requirements.
 [3] All buildings shall be at least 10 feet from the back of the curb.
~~[4] Applied only to lot lines abutting Main Street.~~
~~[5] [4] At least 60 percent of the front building facade of buildings facing Main Street built after March 31, 2008 shall be located between the minimum and maximum street setbacks. For all new buildings subject to a maximum street setback, at least 60% of the front building facade shall be located parallel to and within the required setbacks.~~
~~[6] [5] Institutional uses (see Table 4.1.9, Principal Use Table) are not subject to the maximum street setbacks along Main Street. Buildings are exempt from the maximum street setback, if they provide a civic space (see section 3.5.6.G.3.(b) Exemption from Maximum Setback).~~
~~[7] [6] Buildings shall be setback at least 10 feet from lot lines abutting a residential district.~~
~~[8] [7] When a perimeter setback abuts a single-family residential district, the setback shall be increased by 1 foot for each foot in height beyond 50 feet up to 80 feet.~~

SECTION 17.

Amend MS District Section 3.5.6.G.2. Building Compliance Due to Expansion as follows:

2. Building Compliance due to Expansion or Alteration

- (a) In cases where an existing building is expanded or enlarged by 25 percent or less of its gross floor area as it existed on March 31, 2008, the expansion of the building shall either maintain the current appearance of the existing building or comply with the standards in Section 3.5.6 G.4, Building Standards.
- (b) In cases where an existing building is expanded or enlarged by more than 25 percent of its gross floor area as it existed on March 31, 2008, the portion of the front and side building facades associated with the expansion or enlargement shall comply with the standards in Section 3.5.6 G.4, Building Standards.
- (c) In cases where a building existing on March 31, 2008, does not comply with the minimum and maximum street setbacks, the building may be enlarged or expanded without complying with applicable ~~minimum and~~ maximum street setback requirements.
- (d) In cases where the exterior of an existing building is altered, the alterations shall conform to the standards of this section, to the maximum extent practicable.**

Alterations shall not include the removing, filling-in, or placing a false facade over an existing window, or any other physical changes to obstruct the window.

SECTION 18.

Amend MS District Section 3.5.6.G.3.(a) Building Orientation and (b) Exemption from Maximum Setback as follows:

(a) Building Orientation

~~Front building facades located between the minimum and maximum street setbacks along Main Street shall be oriented to be parallel with the Main Street right-of-way.~~

(1) Single-building developments shall be oriented so that the front facade faces the street from which the building derives its street address.

(2) For all new buildings subject to a maximum street setback, at least 60% of the front building facade shall be located parallel to and within the required setbacks.

(3) Group developments shall configure building walls to frame and enclose the corners of street intersections or entry points into the development, a central pedestrian access corridor within the development site, or other site amenities on at least 3 sides.

(b) Exemption from Maximum Setback

~~Uses that are allowed within the Civic, Education, and Religious Institution Use Categories are not required to comply with the maximum setback. In cases where the setback exceeds the maximum, then the use shall provide a civic space meeting the following requirements:~~

Uses that provide a civic space are exempt from the maximum setback requirement, provided the civic space meets the following requirements:

(1) The civic space shall be between the front of the principal building and Main Street or other primary fronting the street;

~~**(2) The area shall not be used for parking or loading and shall have landscaping that covers a minimum of 10 percent of the area;**~~

(2) The area shall not be used for parking or loading, exclusive of valet parking and passenger loading;

(3) The area shall have landscaping that covers a minimum of 10 percent of the area;

~~**(3)(4)**~~ **It may include pedestrian amenities which include but are not limited to: seating, outdoor play areas, bicycle racks, kiosks, water features, public art, freestanding structures such as a clock tower, or similar amenities;**

~~**(4)(5)**~~ **A decorative fence, a hedgerow, or a combination thereof may be provided along Main Street (or other primary fronting street) to provide a boundary between the civic space and the street right-of-way. If provided, the boundary treatment shall meet the following requirements:**

(i) Walls and fences are limited to a maximum of 4 feet in height. Decorative fences include, but are not limited to: split rail, wrought iron, architectural metal, or other transparent decorative fence. Chain-link fencing is prohibited.

- (ii) Hedges used to establish this boundary shall be a minimum height of 18 inches at planting and shall be maintained at a height between 3 and 4 feet at maturity.

SECTION 19.

Amend MS District Section 3.5.6.G.3.(e) Fences as follows:

(e) Fences

Fences shall comply with the standards in Section 5.11, Fences, as well as the following:

- (1) Chain link, ~~chain-link panel, slat weave~~, barbed wire fencing, and plain concrete block shall only be permitted behind the rear building line of the principal building and shall not be located within 40 feet of the right-of-way of a public street (excluding alleys).
- (2) Chain link, ~~chain-link panel, slat weave and~~ barbed wire fencing, ~~as well as and~~ plain concrete block walls shall only be permitted along the rear lot line of lots without a principal building.
- (3) Fences located between the minimum and maximum street setback shall be limited to 4 feet in height or less and may not be fully opaque.
- (4) Fences shall be provided along all lot lines that abut a residential zoning district and be opaque to a height 6 feet above grade level.

SECTION 20.

Amend MS District Section 3.5.6.G.3.(h) Off-Street Loading as follows:

(h) Off-Street Loading

If provided, loading areas shall not be ~~located to the rear~~ on the front facade of the principal building and shall be screened in accordance with Section 5.6, Screening.

SECTION 21.

Amend MS District Section 3.5.6.G.3.(l) Accessory Buildings as follows:

(l) Accessory Buildings

- (1) Accessory buildings shall be located behind the rear building line of the principal building they serve, ~~or located internally in a group development. In no instance shall an accessory building be located between a primary building facade and the street it faces.~~
- ~~(2) Accessory buildings and structures should be similar in materials and architectural style to a principal building.~~
- (2) For group developments, accessory buildings can be located internally to the development. In no instance, shall an accessory building be located between a front building line that is established by a principal building and the street the principal building faces.
- (3) Multi-family residential and nonresidential accessory buildings and structures should be similar in materials and architectural style to a principal building.

SECTION 22.

Amend MS District Section 3.5.6.G.4. Building Standards as follows:

4. Building Standards

The following standards are applied to all multi-family residential and nonresidential buildings; **except for locally or nationally designated individual historic structures, and contributing structures within a locally or nationally designated historic district, provided such structures comply with the Secretary of Interior's Standards for Rehabilitation or are issued a Certificate of Appropriateness, as applicable:**

(a) Facade Articulation

(1) Front and side building facades shall include at least 2 or more of the following features at least every 15 feet **measured horizontally and vertically per floor:**

(i) Recessed ~~entryways or display windows;~~

~~(ii) Offset surfaces, niches, insets, projections, or bas-relief with a minimum depth of 4 inches;~~

(ii) Display windows

~~(iii) Window indentations that incorporate a differing building material, texture, or color, along with an awning or overhang~~ **Window indentations (such as but not limited to double-hung, stationary, or casement windows) that are regularly spaced and that incorporate a differing building material, texture, color, awnings, window hoods, or canopies. This shall not include a glass curtain wall or flush mounted glass;**

(iv) Offset surfaces, niches, insets, projections, or bas-relief with a minimum depth of 4 inches;

~~(iv)~~**(v) Differentiated piers, columns, or pilasters;**

~~(v)~~**(vi) Pedestrian entrances;**

~~(vi)~~ **(vii) Textured materials (such as but not limited to brick or stone);**

~~(vii)~~ **(viii) Roofline changes, coupled with correspondingly aligned wall offset or facade material changes, changes in the roof planes, or changes in the height of a parapet wall; or**

~~(viii)~~**(ix) Changes in wall plane (such as projections or recesses).**

(2) Building facades facing a street should achieve vertical orientation by using regularly spaced vertically oriented windows and doors, in conjunction with features such as: ~~roof-line~~ **roofline**/parapet variations, window hoods, material changes, columns, pilasters, posts, awnings, canopies, stoops, or facade offsets, to create vertically oriented bays, or divisions of space that are approximately 30 feet wide or less. The rhythm within a building facade should be maintained by making each vertically oriented bay the same width.

(3) Buildings of 2 or more stories are encouraged to have front facades that have a clear and distinct base (ground floor), middle, and top (often defined by a decorative cornice). Features such as an increased ground floor height (including a transom window), the use of a frieze, string course or storefront cornice, a

bulkhead or kick plate, and differentiated building materials or coloration are similarly encouraged.

~~(4) Buildings with flat roofs or a roof with a pitch of 3/12 or less shall include a parapet wall on the front and side of sufficient height to screen all roof-mounted equipment and should be topped with a 3-dimensional cornice that provides architectural detail.~~

(b) Facade Materials

(1) Where 2 or more materials are proposed to be combined on a facade, the heavier and more massive elements should be located below the lighter elements (e.g., brick shall be located below stucco). ~~It is acceptable to provide the heavier material as a detail on the corner of a building or along cornices or windows.~~ Heavier materials may also be placed as a detail on the corner of a building or along cornices or windows.

(2) Primary facade materials ~~shall~~ should not change at outside corners, and shall continue around the corner to a logical point of conclusion such as a change in facade plane.

~~(3) Smooth face concrete block shall not be used on a building facade visible from a street.~~

~~(4) Field colors for the main body of a building shall be non-reflective.~~

(3) Exterior building materials shall be continued to the finished grade on any elevation.

(4) Building facades utilizing smooth-faced concrete block, or unfinished or untreated tilt-up concrete panels, shall be limited to building facades not visible from public streets as seen from the public right-of-way at a height of 6 feet.

(c) Facade Transparency

(1) ~~The~~ Front building facades facing a street shall maintain non-reflective, transparent windows on at least 50 percent of the facade area between 2 and 8 feet above average grade.

~~(2) Upper stories on front and side facades facing a street shall maintain non-reflective, transparent windows on at least 20 percent of the upper story facade area.~~

(2) Ground level side facades facing a street shall maintain non-reflective, transparent windows on at least 20 percent of the facade area between 2 and 8 feet of the floor.

~~(2)(3)~~ Upper stories on front and side facades facing a street shall maintain non-reflective, transparent windows on at least 20 percent of the upper story facade area per floor as measured between 2 and 8 feet.

~~(3)(4) Residential buildings, locally or nationally designated historic buildings, contributing structures within a historic district, civic uses, and institutional uses~~ Civic, religious institution, and utilities use categories are exempt from these transparency requirements.

- (4)(5) If the transparency requirements cannot be met due to internal configuration of the building, the location of gasoline pumps to the rear of the building, or other conflicting standards of this district, an alternative design shall be approved by the Planning and Development Director that meets the purpose and intent of these facade transparency standards through the use of, for example, ~~opaque glass,~~ enclosed window wells supplemented with awnings, false storefront windows, and similar building wall fenestration techniques. Figure 3.5.6.G.4, Facade Transparency Alternatives, below shows some alternative designs that comply with the purpose and intent of this standard.

FIGURE 3.5.6.G.4, FACADE TRANSPARENCY ALTERNATIVES



(d) Main Street Entrance

- (1) Every building on Main Street shall have an entrance that faces the Main Street right-of-way.
- (2) A Main Street entrance on corner buildings may be located ~~on to face~~ the corner.
- (3) A Main Street entrance shall be distinguishable from the balance of the front facade through the use of one or more of any of the following or other similar features:
 - (i) Projecting or recessed entry;
 - (ii) Transom or sidelight windows;
 - (iii) Pediments, columns, or other vertical features; or
 - (iv) Marquees, arcades, or overhangs.
- (4) Buildings on lots without a frontage on Main Street shall comply with the standards of this subsection for the street they face.

(e) Roof Mounted Equipment

- (1) Flat roofs shall incorporate parapet walls ~~with 3-dimensional cornice treatments designed to screen the roof and roof-mounted equipment from view from the primary street fronting the building, to the maximum extent practicable. All parapet walls visible from a street shall be finished and be the same or similar in color and material to the building, and any abutting side streets as seen from~~

the public right-of-way at a height of 6 feet. The parapet wall should be finished in the same or similar material and color as the building.

- (2) For sloped roofs, ~~roof-mounted~~ equipment and other roof penetrations should be located and screened to have a minimal visual impact as seen from ~~the street or existing adjacent~~ residential uses **and the public right-of-way at a height of 6 feet.**
- (3) 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) Green roofs, which use vegetation to improve stormwater quality and reduce runoff, are ~~permitted as an alternative to the roof forms described in this subsection~~ **exempt from the screening requirements described in this subsection.**
- (f) Service or Vehicular Bays
 - (1) Service or vehicular bays and their doors shall not be located so as to face Main Street (or the primary fronting street for properties located off of Main Street) if ~~such~~ the door is located within 50 feet of the street right-of-way.
 - ~~(2) Public safety facilities are exempt from this requirement.~~
 - (2) Other than the primary fronting street, all service or vehicular bay doors that face a street and are within 50 feet of the street right-of-way shall use the same or a similar color as the building so as to blend it in with the building they serve, to the maximum extent practicable.**

SECTION 23.

Delete MS District Section 3.5.6.G.6. Multi-family Residential Uses:

6. Multi-family Residential Uses

~~In addition to the standards in Section 4.3.2 B.5, Multi-Family Dwelling, multi-family development shall comply with the following standards.~~

- ~~(a) The finished floor of the ground floor shall be at least 3 feet above the grade of the adjacent street or sidewalk unless the unit is intended for occupancy by persons with physical disabilities, or subject to an administrative adjustment (see Section 2.5.2, Administrative Adjustment).~~
- ~~(b) Vehicular access to an individual unit shall occur from a common drive or public alley that provides access to the units in the development.~~
- ~~(c) A garage may be located at grade, if it is located at the rear of the building or in a detached structure.~~

SECTION 24.

That Section 6 of Ordinance No. 7202/16-26 adopted on May 16, 2016 that pertains to the property owner option to use the previous Development Ordinance until December 31, 2017 instead of the Development Ordinance that went into effect on January 1, 2017 shall not apply to applications submitted for a permit or a land development plan for property located in the

Mixed-Use (MX) and Central Business (CB) Districts on or after November 21, 2017; thereby, all approved permits and land development plans in those districts must adhere to the Development Ordinance adopted on May 16, 2016, as subsequently amended.

SECTION 25.

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 26.

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

SECTION 27.

This ordinance shall become effective upon adoption.

Adopted by the City Council
City of High Point, North Carolina
The 20th day of November, 2017
Lisa B. Vierling, City Clerk