



## PUBLIC INFORMATION

ITEM NO. 9.

**DATE OF REQUEST:** December 14, 2009

**REQUESTED BY:** Patrick T. Davenport, Planning and Community Development Director

**SHORT TITLE:** Discussion of Highway 17 Overlay District-Zoning Text and Map Amendments

**BACKGROUND:** During the November 16, 2009 Board of County Commissioner's meeting the Board confirmed its original intent to develop and implement a Highway 17 Overlay District for the US 17 corridor, and asked staff to proceed with implementing the Highway 17 Overlay District Committee's recommendations into the current zoning ordinance. The Board noted that it would later be incorporated as a section of the new UDO under development once it was on the table for adoption. The Planning Board discussed the Overlay District Committee's recommendations on December 1, and a summary of those discussions are attached. Also attached is a draft text ordinance, a staff analysis of the draft ordinance, a list of new definitions needed to supplement the text ordinance, and a map of the proposed Overlay District.

As currently proposed, the Overlay District will affect approximately 1,800 parcels but the actual affected parcel count could vary depending upon the final width and length proposed for the Overlay District. Staff estimates the required notification and legal expense will cost between \$2,000-\$6,000 depending upon the selected width and length of the District, notification procedure (as determined by the Attorney in compliance with state statutes and the zoning ordinance), and which newspaper(s) will be used for the legal advertisements.

Staff is requesting that the Board of Commissioners review the draft Overlay District ordinance and provide input and recommendations on the proposal as it moves forward in the process. The Overlay District can be approved as early as March 15, 2010. The 2010 UDO project is still on schedule to be approved by July 1, 2010.

**(US Hwy 17 Overlay Zoning District: Committee Recommendation)**

**TO BE INSERTED AS SECTION 8.9 IN CURRENT ZONING ORDINANCE**

**8.9 U.S. Highway 17 Corridor Overlay District**

**A. Purpose**

Major thoroughfares have unique traffic management needs, development pressures, and aesthetic characteristics that require the establishment of additional development standards to meet the County's goals and fulfill the purpose of this ordinance. The intent of the overlay district is to require development along the corridor that is aesthetically consistent, responsive to development pressures, and proportional to the area's traffic management issues. The overlay district shall apply the following standards:

**B. Applicability**

The US Highway 17 Corridor Overlay District shall contain property extending 1000 feet on each side of the US Highway 17 rights of way. This overlay covers all portions of US Highway 17 within Pender County. If property is split by this boundary, the entire property is subject to these overlay standards. The base underlying zoning district standards apply in addition to these overlay district standards. Should there be a conflict between the base underlying zoning district and the overlay district; the more stringent standards shall apply. Single family residential and two family residential are exempt from these standards.

**1. Utilities**

- a) All new utility lines, including but not limited to electric, telephone and TV cable shall be placed underground.
- b) All ground mounted mechanical equipment shall be screened from view from the designated highway by the use of walls, fences, or landscaping.
- c) All rooftop mechanical equipment shall be screened from the line of sight of public and private rights of way, private roads, and public sidewalks.

**2. Service, Loading, & Equipment Storage Areas**

- a) Service areas, including storage, special equipment, maintenance, and loading areas, shall be screened with landscaping and or architectural treatment so as not to be visible from the primary highway.
- b) If shopping carts are utilized on the property, they shall be located inside the building or shall be screened from the public view. Shopping cart return areas for the public use are allowed in the parking lot areas.
- c) Refuse containers, recycling facilities, trash compactors and the like shall be enclosed in a building material that matches the structure or is visually compatible with the structure. Public views of these areas should be limited.

**3. Architectural Standards**

- a) Nonresidential structures shall create a façade designed to reduce massive building scale and eliminate solid monolithic wall appearance. Façade modules shall be incorporated into the building architectural and shall be consistent with the architectural styling and scale that is historically found within an upscale community. This may be accomplished through building scale, materials, and forms, all of which may be embodied in architecture which is contemporary as well as traditional. Architectural plans shall be submitted with a site plan.
- b) Primary Facades - Nonresidential structures shall incorporate individual façade modules along the primary façade. Each façade module shall contain a minimum of five architectural elements. At least two of the architectural elements shall be unique and cannot be replicated along the remaining length of the primary façade. A minor material

may not exceed fifteen percent of the façade module. Each façade module shall contain at least two approved architectural materials. No single approved architectural material may cover greater than sixty percent of the façade module area. Only one approved architectural material may be reused on any immediately adjacent façade module.

- c) Secondary Facades - Nonresidential structures shall incorporate individual façade modules along fifty percent of the secondary façade. All façade modules within the secondary façade shall be evenly distributed and spaced along the entire length of the secondary façade. Developers may choose to eliminate façade modules on the secondary façade entirely if the façade is screened from view of the public street by means of a screening device of vegetations and or a wall/fence complimentary to the architectural design of the building. Each secondary façade module shall contain a minimum of five architectural elements. At least two of the architectural elements shall be unique and cannot be replicated along the remaining length of the secondary façade. Each secondary façade module shall contain at least two approved architectural materials. No single approved material may cover greater than sixty percent of the façade module area. Only one approved architectural material may be reused on any immediately adjacent façade module.
- d) All accessory buildings shall be of materials that are visually compatible in appearance with the principal structure.

#### 4. Signage

In addition to the base signage requirements, the following standards shall apply in the overlay district:

- a) Each parcel shall have an overall sign plan which reflects a consistent style and specify the size and color scheme for proposed signage.
- b) Materials used in signs and their support structures shall reflect the building served by the sign.
- c) Sign colors shall be harmonious with the building which they serve.
- d) Outdoor advertising, billboards, off premises signage are not allowed in the overlay district.
- e) Freestanding signs have a maximum height of 15 feet.
- f) All Freestanding signs shall be consistent with and complimentary to the architectural styling of the building. The pole or support structure of all freestanding signs shall be landscaped with evergreen plant material that obscures the pole or support structure to within three feet of the signage display area upon maturity.
- g) All wall signage areas shall be consistent with and complimentary to the architectural styling of the building. Signage areas shall be clearly delineated on the building elevation plans and or renderings.

**Hwy 17 Overlay Text and Map Amendment**  
**Some Issues and Options for Consideration Regarding the Original Ordinance Draft**

- **8.9A: Purpose**
  - The “underlying” zoning district regulations also apply to the Overlay District.
    - When the regulations conflict, the most strict requirements apply
  - Ordinance amendment-compliance with current 2005 CAMA Land Use Plan
    - NC State Codes recommend, but does not *require* zoning ordinances to be compliant with the Land Use Plan
    - Current 2005 CAMA Land Use Plan does not contain any supporting policy statements
- **8.9 B: Applicability**
  - Applies to parcels within 1,000’ edge of right of way County line to County line
    - Options:
      - May increase or decrease width or length of District
      - Or measure from centerline other preferred distances
  - Applies to entire parcel if split by the Overlay district boundary
  - Applies to all structures and accessory structures with the exception of single family residences and duplexes
    - Options
      - Exemptions for institutional buildings (non profits, churches, etc.)
      - Exemptions for all other residential structures (townhouses, multifamily etc.)
      - Apply only to commercial/retail and office buildings
        - Exempt warehouses, storage buildings; industry
        - Exempt accessory structures (gas station canopies, accessory storage buildings)
      - Apply to structures of minimum size
        - Options
          - i.e. 15,000 sq ft; 60,000 sq. ft. (“Big Box”)
  - Non conforming requirements applies to all structures when:
    - Options
      - Change of use (i.e. office changes to retail)
      - Any structure is abandoned for more than 6 months (what our current ordinance requires per Section 12)
      - Any structure is expanded (i.e. >50%)
      - Exempt for all change of uses (applies only to new construction)

- **8.9B(1) Utilities**
  - **Section a):**
    - All utilities are required to be placed underground, even services drops
      - Option
        - Exempt transmission and distribution lines
- **8.9B(3) Architectural standards**
  - **Section a)**
    - Reduces massive building scale and eliminate solid monolithic wall appearance
      - This section needs to be better defined for intent to provide direction on compliance
        - Options
          - Use building undulations over certain linear footage
          - Use height variations
          - Avoiding monolithic wall appearances
            - Needs definition for standards
        - Architectural plans shall be submitted with a site plan
          - Option
            - Require a licensed architect seal on the plans
            - Allow sketch renderings by any applicant
      - The term: “upscale community”
        - Needs definition or clarity
    - **Section b) Primary Façades (new definition added)**
      - Quantity of architectural elements
        - Current ordinance requires 5 different elements out of 10 separate options (see definition for “Architectural Element”)
          - Options
            - Use more or less elements
      - Quality of architectural elements
        - Minor materials are allowed up to 15% including vinyl, metal siding;
        - No single approved architectural material may cover greater than sixty percent of the façade module area

- **Section c) Secondary facades (new definition added)**
  - Developers may choose to eliminate façade modules on the secondary façade entirely if the façade is screened from view of the public street by means of a screening device of vegetations and or a wall/fence complimentary to the architectural design of the building.
    - If vegetative screening is used, needs standards for planting requirements i.e. Vegetative screening standards at time of planting or at time of maturity
- **8.9B(4) Signage**
  - **Section a)**
    - Each parcel shall have an overall sign plan which reflects a consistent style and specify the size and color scheme for proposed signage.
      - This would have to be consistent with the architectural modules used and varies from site to site.
  - **Section b)** Materials used in signs and their support structures shall *reflect* the building served by the sign.
    - The term “reflect” could be revised to: “be consistent with the architectural façade modules” which will provide additional clarity
  - **Section c)** Sign colors shall be harmonious with the building which they serve.
    - This section is subjective and should be clarified
  - **Section e)** Freestanding signs have a maximum height of 15 feet.
    - This requirement is more restrictive than the general ordinance requirements of 30’ height restriction in the B-2 District (Section 16.8)
  - **Section f)** All Freestanding signs shall be consistent with and complimentary to the architectural styling of the building. The pole or support structure of all freestanding signs shall be landscaped with evergreen plant material that obscures the pole or support structure to within three feet of the signage display area upon maturity.
    - This would require screening from all views, therefore plantings would surround the sign support structure
    - Option
      - Or only require screening from the Corridor
  - **Section g)** All wall signage areas shall be consistent with and complimentary to the architectural styling of the building.
    - This section is subjective and needs to be clarified

## NEW DEFINITIONS PROPOSED TO COMPLIMENT OVERLAY ORDINANCE

### 1) Approved Architectural Material

The structural or applied surface component of a façade including brick, rock, tinted or textured concrete masonry units, wood plank, fiber cement siding, precast concrete, tilt up concrete, shakes, split faced block, marble or simulated substitute. All materials shall be of a high quality. Vinyl and metal siding may be used as a minor material of the building façade.

- This is an approved materials list
- The “minor material” used in this definition is further defined in definition #8 below

### 2) Architectural Element

A façade module feature that is applied, inserted, incorporated or constructed into or upon the primary or secondary façade including real or faux windows, real or faux doors, awnings, gables, parapets, porticos, porte cocheres, arcades, arches, cupolas, columns, roof lines, material projections, recesses, cornices, etc.

### 3) Façade

The visible exterior portion of a building wall which extends from the ground to the top of the wall or roof line.

### 4) Façade, Primary

The façade containing the highest number of customer’s entrances.

### 5) Façade, Secondary

A façade which is designed to be viewed from a public street but is not the primary façade.

### 6) Façade, Other

Any façade which is not considered a primary or secondary façade.

### 7) Façade, Module

A sixty foot or shorter horizontal section of façade containing a minimum of five unique architectural elements.

### 8) Minor Material

An architectural material that is described as being lesser, as in size, extent, or importance. A minor material may not exceed fifteen percent of a façade module.

- Siding such as vinyl and metal or other materials not specifically mentioned in Approved Architectural Materials as defined in #1 above would be permitted as a minor material

## US HWY 17 CORRIDOR OVERLAY ZONING DISTRICT

### **PLANNING BOARD RECOMMENDATION FROM 12/01/09 MEETING**

To be inserted as Section §8.9 in current zoning ordinance

#### §8.9 U.S. Highway 17 Corridor Overlay District

##### A. Purpose

Major thoroughfares have unique traffic management needs, development pressures, and aesthetic characteristics that require the establishment of additional development standards to meet the County's goals and fulfill the purpose of this ordinance. The intent of the overlay district is to require development along the corridor that is aesthetically consistent, responsive to development pressures, and proportional to the area's traffic management issues. The overlay district shall apply the following standards:

##### B. Applicability

The US Highway 17 Corridor Overlay District shall contain property extending 1000 feet from the Centerline of US Highway 17. This overlay covers all portions of US Highway 17 within Pender County. If property is split by this boundary, the entire property is subject to these overlay standards. The base underlying zoning district standards apply in addition to these overlay district standards. Should there be a conflict between the base underlying zoning district and the overlay district; the more stringent standards shall apply.

The US Highway 17 Corridor Overlay District shall apply to new construction, with building size of greater than 15,000 square feet or building expansion greater than fifty percent (50%) of the total square footage in excess of 15,000 square feet.

The following structures shall be exempt from these standards:

- i. All residential dwellings
  - ii. Accessory structures, as defined in Section 2, less than 600 square feet
  - iii. Light Industrial structures EXCEPT, Warehouses and Mini-Storage/Mini-Warehouses
  - iv. Non-Profit Organizations and Institutional
1. Utilities
    - a) All ground mounted mechanical equipment including but not limited to HVAC and air compressors shall be screened from view from the "Corridor" by the use of walls, fences, or landscaping.
    - b) All rooftop mechanical equipment shall be screened from "Corridor".
  2. Service, Loading, & Equipment Storage Areas
    - a) Service areas, including storage, special equipment, maintenance, and loading areas, shall be screened with landscaping and or architectural treatment so as not to be visible from the primary highway.
    - b) If shopping carts are utilized on the property, they shall be located inside the building or shall be screened from the public view. Shopping cart return areas for the public use are allowed in the parking lot areas.
    - c) Refuse containers, recycling facilities, trash compactors and the like shall be enclosed in a building material that matches the structure or is visually compatible with the structure. Public views of these areas should be limited.

### 3. Architectural Standards

- a) Nonresidential structures shall create a façade designed to reduce massive building scale and eliminate solid monolithic wall appearance. Façade modules shall be incorporated into the building architecture. This may be accomplished through building scale, materials, and forms, all of which may be embodied in architecture which is contemporary as well as traditional. Architectural rendering(s) shall be submitted with a site plan.
- b) Primary Facades - Nonresidential structures shall incorporate individual façade modules along the primary façade. Each façade module shall contain a minimum of five architectural elements. At least two of the architectural elements shall be unique and cannot be replicated along the remaining length of the primary façade. A minor material may not exceed fifteen percent of the façade module. Each façade module shall contain at least two approved architectural materials. No single approved architectural material may cover greater than sixty percent of the façade module area. Only one approved architectural material may be reused on any immediately adjacent façade module.
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- d) All accessory buildings shall be of materials that are visually compatible in appearance with the principal structure.

### 4. Signage

In addition to the base signage requirements, the following standards shall apply in the overlay district:

- a) A Sign Plan shall be submitted with the site plan
- b) Materials used in signs and their support structures shall reflect the building served by the sign.
- c) The pole or support structure of all freestanding signs shall be landscaped with evergreen plant material that obscures the pole or support structure to within three feet of the signage display area upon maturity.

## NEW DEFINITIONS PROPOSED TO COMPLIMENT OVERLAY ORDINANCE

### Definitions to be added to Section 2

#### 1) Approved Architectural Material

The structural or applied surface component of a façade including brick, rock, tinted or textured concrete masonry units, wood plank, fiber cement siding, precast concrete, tilt up concrete, shakes, split faced block, marble or simulated substitute. All materials shall be of a high quality. Vinyl and metal siding may be used as a minor material of the building façade.

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- Siding such as vinyl and metal or other materials not specifically mentioned in Approved Architectural Materials as defined in #1 above would be permitted as a minor material

## Planning Board Changes

- The physical description of the Overlay area was changed from 1000 feet from either side of the Right-of-way (ROW) to 1000 feet from the Centerline of Highway 17
- Standards would only apply to:
  - New Construction with a structure greater than 15,000 square feet
  - Expansion of existing structures greater than fifty percent (50%) of the total square footage in excess of 15,000 square feet.
  - Exempt structures include all residential, institutional, non-profits, and light industrial with the exception of warehouses and mini-storage.
- HVAC, air compressors and mechanical equipment will not be visible from Hwy 17 either on the ground or roof.
- Removed the “historically found in upscale communities”
- Combined the “monolithic wall” sentence to allow subjectivity
- All artist “renderings” to be submitted with site plan
- Add the term “Licensed Design Professional”
- Element to included the listed 10 but not be limited to those 10
- Add the vinyl “Cedar shakes” and “Hardy Shakes” to the materials ??
- Sign Plan submitted on/with site plan
- Signs to follow existing sign section ( Section 16)
- Scratch the words harmonious, color consistency, complementary (Spelling)