Agenda Item 3b

ZONING AMENDMENT STAFF REPORT

Hearing Date: NA

Case File #: RZ-16-02

General Description: Modify the zoning classification for parcels located within the Gateway Overlay District.

☒ Town Initiated

☐ Citizen Initiated

Applicant(s): Town of Sunset Beach

APPLICATION OVERVIEW:

The Sunset Beach Planning & Inspections Department has initiated an application, at the direction of the Planning Board, to amend the Town's Zoning Map to include the Gateway Overlay District. This district is intended to protect and preserve the visual appearance of gateways into the Town and to promote traffic safety in those areas of the Town that are especially prone to heavy traffic.

The Gateway Corridor Overlay District is a district that supplements the underlying zoning district established on the site. In addition to the requirements of the underlying zoning district(s), the requirements apply to all new construction, additions, alterations, or expansions to existing buildings, parking lots or vehicular storage areas.

At the duly held meeting on December 5th, 2016, Town Council unanimously approved the zoning text amendment containing the language and provisions for administration of the Gateway Overlay District. Because the Overlay District also includes a modification to the Town's Zoning Map, a zoning map amendment must also take place. It is common practice to adopt ordinance language pertaining to a zoning map amendment prior to enacting the zoning map amendment itself.

The ordinance language applicable to the Gateway Overlay District follows.

SECTION 6.07 OVERLAY ZONING DISTRICT DEVELOPMENT STANDARDS

(A) *Gateway Corridor Overlay District.*

1. General Requirements.

The following general requirements apply to the Gateway Corridor Overlay District:

a. The Gateway Corridor Overlay District is a district that supplements the underlying zoning district established on the site. In addition to the requirements of the underlying zoning district(s), the requirements herein shall apply to all new construction, additions, alterations, or expansions to existing buildings, parking lots or vehicular storage areas, as expressed herein.
b. All uses permitted in the underlying zoning districts are allowed as regulated by said districts, unless explicitly expressed herein.
c. The specific development requirements of the Gateway Corridor Overlay District shall apply uniformly to all buildings on parcels that lie, in whole or in part, within the overlay.
d. In case of conflict with the regulations of the underlying zoning district within the Unified Development Ordinance and these requirements, the requirements of this overlay shall govern.

2. Applicability.

The Gateway Corridor Overlay District standards shall apply to all buildings on lots or open uses of land constructed, reconstructed, or established whereby the lot either fronts directly onto the corridor or to buildings within 300 ft. of the centerline of Highway 904 and Sunset Blvd; whichever is less. The boundary of the overlay shall begin at the intersection of Old Georgetown Rd. and NC Highway 904, running southward along Highway 904 to the intersection of NC Highway 904 and Sunset Blvd., then running West along Sunset Blvd., terminating at the Intercostal Waterway; as depicted on the Official Zoning Map of the Town of Sunset Beach.

1. Exemptions.

The Gateway Corridor Overlay District design standards shall not apply to:

a. Single-family and duplex dwellings;
b. Development within the Mixed-Use District (MUD);
c. Churches or other places of religious assembly as a principle use on their own lot; and
d. Golf courses and golf driving ranges.
e. Those buildings existing on the effective date of the establishment of this overlay whose improvements do not exceed 50% of the structure's tax value of a 5,000 sf or less structure or do not exceed 25% of the structure's tax value of a structure greater than 5,000 sf. Tax values shall be based upon those provided by the Brunswick County Assessor's office.
f. Those projects that have an approved Site Specific Development Plan in compliance with the Unified Development Ordinance.

4. Expansion of Existing Uses.

Those buildings whose improvements exceed 50% of the structure's tax value of a 5,000 sf or less structure or exceed 25% of the structure's tax value of a structure greater than 5,000 sf (tax values shall be based upon those provided by the Brunswick County Assessor's office) after the effective date of this overlay, the following requirements shall be met:

a. Required street planting yards shall be provided. In locations where the entire width of the required planting yard cannot be provided due to existing development, planting yards shall be provided to the extent possible, with no reduction in the size or numbers of required plantings.
b. The expanded portion only of any new parking lot or vehicular storage area shall meet the full landscaping and screening requirements for parking and vehicular surface areas.
c. Nonconforming signage shall comply with the Unified Development Ordinance.
d. A pedestrian path shall be required to be constructed in accordance with Section 6.07 (5)(C)(3) of this ordinance.

5. Use and Design Standards.

(A) Landscaping and Screening Requirements: Landscaping and screening shall be in planted in accordance with the requirements in Article 10 of the Unified Development Ordinance (UDO).

However, the permitted tree types shall be limited to the following:

Botanical Name	Common Name
Larger Trees and Shade Trees	
Magnolia Grandiflora	Southern Magnolia
Sabal Palmetto	Sabal Palm
Quercus Phellos	Willow Oak
Quercus Virginiana	Live Oak
Taxodium Distichum	Bald Cypress
Acer Rubrum	Red Maple
Quereus Falcata	Southern Red Oak
Juniperus Virginiana	Southern Red Cedar
Pinus Glabra	Spruce Pine
Understory Trees	
Cerci Canadensis	Redbud
Cornus Florida	Flowering Dogwood
Ilex "Nellie Stevens"	Nellie Stevens Holly
Ilex Opaca	American Holly
Lagerstroemia Hybrids	Crape Myrtle Hybrids
Magnolia Soulangiana	Saucer Magnolia
Magnolia Virginiana	Sweet Bay Magnolia
Prunus Caroliniana	Carolina Cherry

Acer Palmatum	Japanese Maple
Eriobotrya Japonica	Loquat
Prunus Serrulata	Japanese Flowering Cherry
Aesculus Pavia	Red Buckeye

(B) Parking and Loading Areas:

(1) Parking in the front of the building shall be limited to no more than 2 rows of parking parallel to the front façade of the principle building.

(2) Bicycle racks shall be required.

a. A minimum of 3 bicycle parking spaces shall be provided. In addition to the required number bicycle rack spaces, spaces shall be provided at a rate of 1 bicycle space for every 20 required parking spaces; up to a maximum of 6 bicycle spaces. In the instance of a resulting fraction in calculation, the number shall be rounded up to the next applicable number.

(C) Access Management:

(1) Driveway access for individual lots shall be limited to shared driveways at a minimum rate of one (1) driveway per two (2) lots to avoid multiple driveway cuts. Individual driveway accesses may be allowed at the discretion of the Planning Board when site conditions relative to topography, avoiding utility infrastructure, or other clearly identifiable safety conditions are present.

(2) Cross access lanes shall be provided to neighboring properties to ensure access without the need to re-enter the road system. The Planning Board may waive or modify this requirement when site conditions relative to topography, avoiding utility infrastructure, or other clearly identifiable safety conditions are present.

(3) A pedestrian path shall be required to be constructed along the entire frontage of the subject property where the development is occurring. The path shall be constructed to a minimum width of 5 ft. and to the specifications established for sidewalk construction found in Chapter 98 of the Town Code.

(D) Lighting:

(1) For all lots with an existing or proposed cumulative building square footage of less than 25,000 sq. ft., all parking lot lighting shall be limited to a maximum height of 25 ft. Where possible, light poles shall be selected so they are consistent with existing lighting fixtures within the overlay district. Such lighting should be selected as a Brunswick Electric Membership Corporation (BEMC) specialty fixture comparable with the image contained within this section. The Planning Board may apply discretion in selection of any lighting fixtures.

(2) Decorative pathway lighting shall be provided for all pedestrian paths required by this overlay. Such lighting may include landscaping or bollard lighting to allow for adequate illumination of the path during night hours.

(E) Convenience Stores with Fuel Pumps and Gasoline Service Stations:

(1) Buildings: Convenience store and gasoline service station buildings shall comply with the following standards:

a. Buildings shall have hip or gable roofs with earth colors. Flat roofs are prohibited;

b. Buildings shall be constructed with earth tone brick or with masonry which is painted with natural earth tones.

(2) Canopies:

a. The maximum area of signage affixed to each side of a canopy shall not exceed 20 square feet or 25 percent of the canopy fascia, whichever is less

b. Canopy columns shall be finished with either brick or masonry that is consistent with the principal building material.

(3) Landscape boulders or other decorative devices shall be used near driveway entrances in lieu of steel bollards. However, bollards may be used to protect fuel pump islands.

(4) Fuel pricing signs shall display only the name, trademark, registered logo or vehicular fuel product and prices

(F) Architecture:

(1) Primary building facades within the corridor overlay shall be finished with at least 80% of one or more of the following materials:

a. Brick and brick veneer;
b. Stone, stone veneer, and cultured stone;
c. Precast or field-poured tilt concrete panels with texture and architectural detailing;
d. Stucco with architectural detailing;
e. Cementous siding;
f. Wood and wood materials designed and intended for use as exterior finish material;
g. Tilt wall panels;
h. Split-faced Concrete Masonry Units (CMU);

i. Other materials approved by the Planning Board consistent with the purpose of these standards.

(2) Corrugated metal or vinyl siding used as a primary siding material is prohibited. However, such siding may be used for secondary trim and architectural accent materials not included in the principle façade calculation as outline in F(1) above.
(3) No awnings or canopy fascia shall be internally lit.
(4) Exposed neon tubing or other similar lighting shall not be allowed as exterior building treatments.

(5) Applicants are required to submit color renderings, color elevation drawings, or color photographs with the site plan or to place a note on the site plan indicating that compliance with this section shall be achieved and approved by the Planning and Inspections Director prior to installation.

(G) Color

1. Building and roof colors shall consist of earth tone colors. Primary colors or bright colors shall be limited to trim and signage. Day glow or neon colors shall be prohibited. This standard shall apply at any time a building is refaced, repainted, or when the exterior color of the applicable wall is substantially changed by more than 50%.
2. Applicants are required to submit color renderings, color elevation drawings, or color photographs with the site plan or to place a note on the site plan indicating that compliance with this section shall be achieved and approved by the Planning and Inspections Director prior to installation.
3. The overall exterior color scheme must be selected to be harmonious with the neighborhood and blend with the natural surroundings of the site. Earth tones must be chosen as the predominant colors. Colors shall not be used to cause the structure to stand out from others or its background. Consideration must be given to the compatibility of colors with those existing in the vicinity. The size of the structure and the amount of shading it will receive are also factors in the selection of colors. Colors that may be approved on sites with good tree coverage providing adequate shading may not be approved on a site with inadequate shading. An example earth tone color palate is provided herein.

4. Color Hue. Any accent colors shall be of analogous tints, shades, or tones that are low in intensity or brightness. Primary, secondary, and highly saturated, bright tertiary colors should be avoided. Accent colors may only be approved for very limited use where appropriate to highlight a feature of the design or provide visual interest. A small area of brighter color may be appropriate to emphasize an architectural detail but would not be approved for a larger area. The number of such colors shall be limited and must be compatible within the overall color scheme.

5. Contrast. Exterior color schemes must avoid placing together colors with values that are highly contrasting. Subtle levels of contrast are desirable to emphasize architectural elements or to provide visual interest. A slightly darker wall color on the bottom story of a two-story structure may help reduce the visual height of the building. The use of black, white or off-white is typically avoided and may be approved only for very limited use where a high level of contrast is warranted.

6. Signage. Signage shall be in accordance with the following requirements. In case of conflict with the signage provisions of the underlying zoning districts, the stricter standard shall apply.

(1) Prohibited signs: In addition to signage prohibited by the Unified Development Ordinance, the following signs shall be prohibited in the corridor overlay:

a. Signs containing exposed neon tubing, but not including those attached to or displayed within a window.

STAFF COMMENTARY

Per Town regulations and NCGS §160A-384, certain procedures are required for zoning map amendment requests. The following provisions are applicable to this request.

SECTION 4.01 AMENDMENT/REZONING PROCEDURES
(C)Action by the Planning Board.

(3) The Planning Board shall advise and comment on whether the proposed text amendment or map amendment is consistent with the adopted comprehensive plan and any other applicable officially adopted plans. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Town Council.

(D) Action by the Town Council.

(2) Recommendations of Planning Board. Before an item is placed on the consent agenda to schedule a public hearing, the Planning Board's recommendation on each proposed zoning amendment must be determined. If no recommendation is received from the Planning Board within sixty (60) days from the date when submitted to the Planning Board, the petitioner may take the proposal to the Town Council without a recommendation from the Planning Board. The Town Council, at the close of public hearing, may defer taking lawful action on the proposed amendment until it has sufficient time to consider any new evidence or suggestions presented at the public hearing.

(a) No member of the Town Council shall vote on any zoning map amendment or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

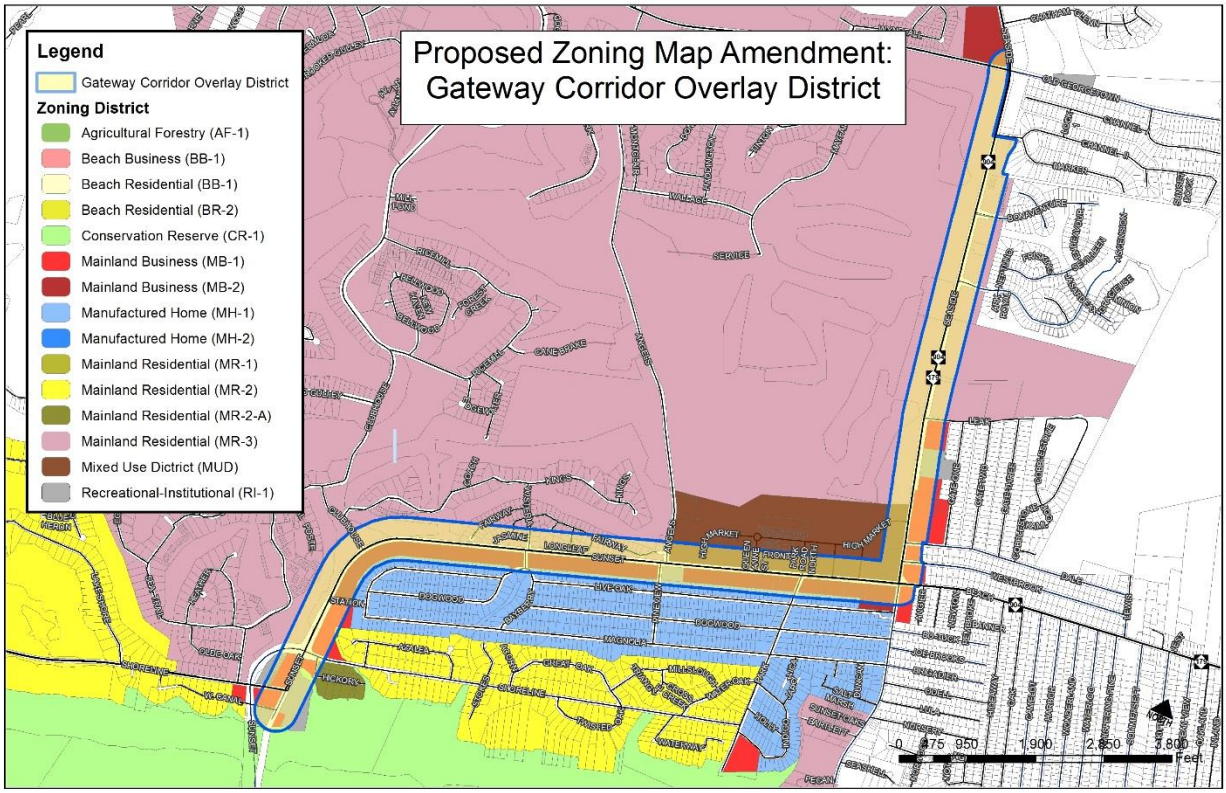
(b) Prior to adopting or rejecting any zoning amendment, the Town Council shall adopt a statement describing whether the action is consistent with the adopted comprehensive plan and any other applicable officially adopted plans and explaining why the Council considers the action taken to be reasonable and in the public interest.

(c) The Town Council shall adopt a statement of reasonableness for all small scale rezonings as defined by the North Carolina General Statutes.

(4) Statement of Consistency. Prior to adopting or rejecting any zoning amendment, the Town Council shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Council considers the action taken to be reasonable and in the public interest. This statement is not subject to judicial review.

PROPOSAL

The Gateway Corridor Overlay District standards shall apply to all buildings on lots or open uses of land constructed, reconstructed, or established whereby the lot either fronts directly onto the corridor or to buildings within 300 ft. of the centerline of Highway 904 and Sunset Blvd; whichever is less. The boundary of the overlay shall begin at the intersection of Old Georgetown Rd. and NC Highway 904, running southward along Highway 904 to the intersection of NC Highway 904 and Sunset Blvd., then running West along Sunset Blvd., terminating at the Intercostal Waterway.



Boundary Description

The proposed rezoning shall include all applicable parcels of land located partially or wholly within the Gateway Overlay District Boundary. The boundary of the overlay shall begin at the intersection of Old Georgetown Rd. and NC Highway 904, running southward along Highway 904 to the intersection of NC Highway 904 and Sunset Blvd., then running West along Sunset Blvd., terminating at the Intercostal Waterway. For certainty of description, each parcel applicable to the rezoning is contained herein.

PIN	PARCEL ID	PIN	PARCEL ID
105511554285	2420000609	105517127281	256CC015
105511554354	2420000601	105517126126	256CC018
105514335451	2420000928	105517125164	256CC019
105511563124	2420000617	105517124150	256CC021
105515531366	242MH017	105517124009	256CC022
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105513124645	242OA087	105513126891	242OA073
105513120606	242OA093	105514324747	242NA016
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Agenda Item 3b

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Agenda Item 3b

PIN	PARCEL ID	PIN	PARCEL ID
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105506488332	2420000103		
105515538732	242MA084		
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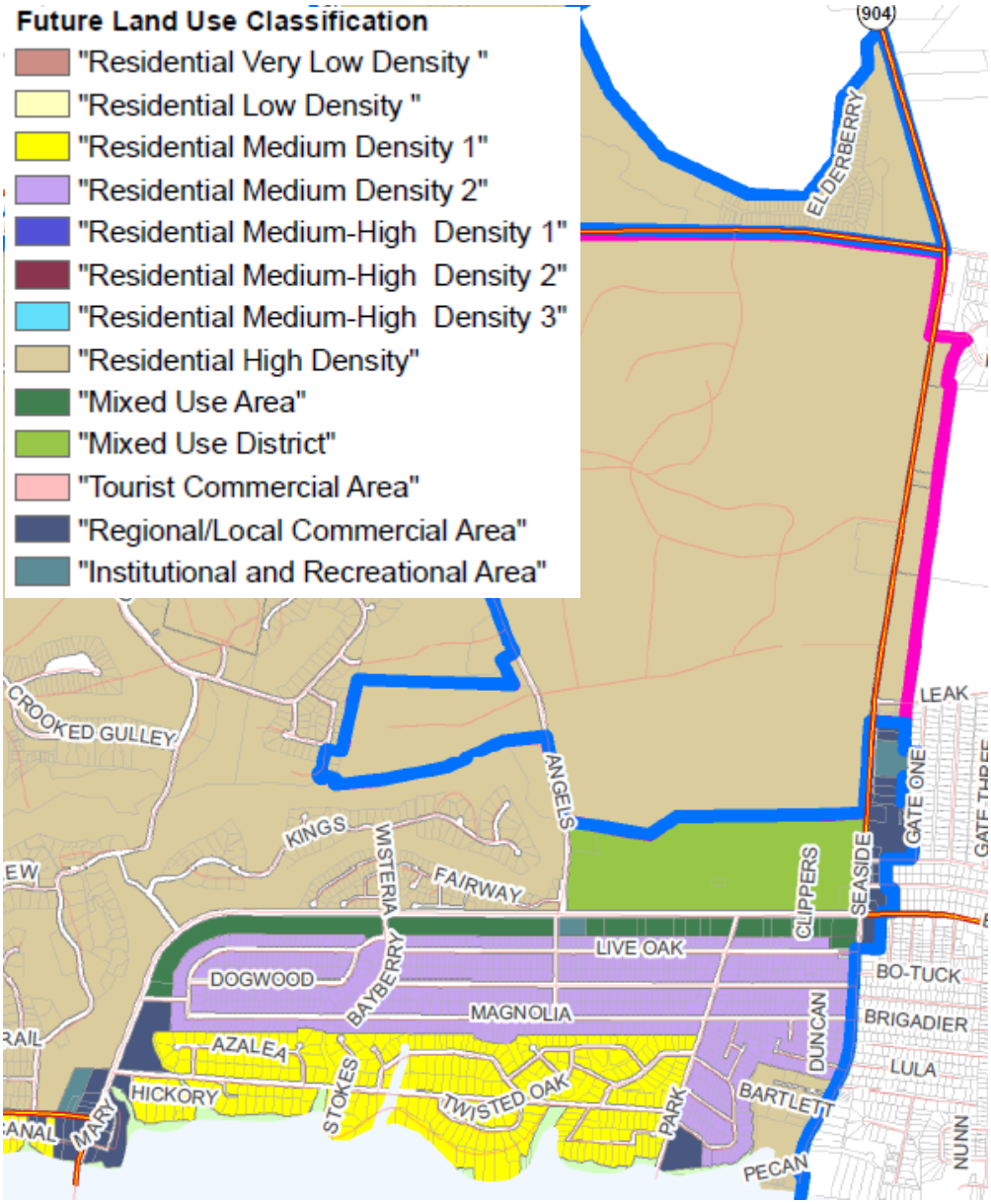
Consistency with the adopted Comprehensive Plan.

The proposed zoning map amendment is consistent with 2010 Comprehensive Plan. While the Future Land Use designation of the area proposed for rezoning does not specifically identify an overlay district, policy within the plan does refer to the enhancement of landscaping and signage for appearance purposes. In effect, the overlay district is intended to enhance the visual appearance of development within the defined boundaries.

2010 Comprehensive Plan – Future Land Use Classification Map



Update: 1-11-17: The UDO Administrator hereby certifies to the Planning Board that the appropriate notices required for action on the zoning map amendment have been satisfied.

PLANNING BOARD SUMMARY

Action:

(A) __X___ The Planning Board hereby recommends approval of the proposed zoning map amendment to the Town's Official Zoning Map and finds that it is (i) consistent with Policy 20 (D) of the Town's comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) stating that "The appearance of commercial development will be enhanced by the enforcement of stricter sign and landscaping regulations," and finds (ii) that it is in the public interest because it will support official Town policy/agreements to "maintain small town charm, appearance, and atmosphere."

(B) _____ The Planning Board hereby recommends denial of the proposed amendment to the Unified Development Ordinance and finds that (i) it is not consistent with the Town's comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) and/or (ii) it is not in the public interests for the following reasons: _____.

Recommend Approval (A)__X__ Recommend Denial (B)_____
(For__5___ Against___0___ Abstained___0___)

Commentary:

[UPDATE for 01-19-17] The Planning Board hereby recommends approval of the proposed zoning map amendment.

TOWN COUNCIL SUMMARY

Action:

(C) _____ The Town Council hereby adopts the proposed zoning map amendment to the Town's Official Zoning Map and finds that it is (i) consistent with Policy 20 (D) of the Town's comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) stating that "The appearance of commercial development will be enhanced by the enforcement of stricter sign and landscaping regulations," and finds (ii) that it is in the public interest because it will support official Town policy/agreements to "maintain small town charm, appearance, and atmosphere."

(D) _____ The Town Council hereby denies the proposed zoning map amendment to the to the Town's Official Zoning Map and finds that (i) it is not consistent with the Town's comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) and/or (ii) it is not in the public interests for the following reasons: _____.

Adopted _____ Denied _____

(For_____ Against_____ Abstained_____)

Commentary:

During the February 6, 2017 Meeting, the Town Council accepted the Planning Board recommendation and scheduled a Public Hearing for March 6, 2017 at 7:00 pm.