

(PROPOSED)
AGENDA
SPECIAL CALL MEETING OF THE
SUMMERFIELD ZONING BOARD
SUMMERFIELD TOWN HALL
March 26, 2012

- 1. CALL TO ORDER**
- 2. INTRODUCTIONS**
- 3. CONSENT AGENDA**
 - (A) Approval of Agenda**
 - (B) Approval of Minutes from November 28, 2011, January 23, 2012 and February 6, 2012 meetings.**
- 4. OLD BUSINESS:**
 - (A) Status of Equestrian Use Legislation**
- 5. NEW BUSINESS:**
 - (A) Review of Development Ordinance changes**
 - (B) Trail Planning Update**
- 6. OTHER BUSINESS:**
 - (A) Updates from committee members:**
 - A. Guilford County Open Space Committee**
 - (B) Updates from Town Planner – meeting space conflict for June meeting**
- 7. ADJOURN**

**MINUTES OF THE
SUMMERFIELD ZONING BOARD SPECIAL CALL MEETING
SUMMERFIELD COMMUNITY CENTER
February 6, 2012**

1. The meeting was called to order at 7:00 by Chair Nancy Hess.

2. INTRODUCTIONS:

Nancy Hess, Chair
Dick Feulner, Vice Chair
Trudy Whitacre
Kathy Rooney

Jeff Davis
Scott Henson
Will Rozelle for Town Attorney
Carrie Spencer, Interim Town Planner

3. CONSENT AGENDA

Feulner made a motion to approve the agenda with 3B continued to the next meeting, Davis seconded, and it passed unanimously.

4. OLD BUSINESS: Staff request to classify uses not listed in Permitted Use Schedule

There was discussion in support of small businesses and offering opportunities to help them survive. Spencer suggested a drive through coffee kiosk seems to be an accessory use to the primary use of the shopping center. The use seems most like a restaurant with drive through and the Shrimp Connection seems most like outdoor sales as an accessory use to that shopping center. The Board agreed, but discussed several standards that they would like to see included in the ordinance.

The board decided to review the uses again in 6 months after the new ordinance is adopted and highway changes are begun.

5. NEW BUSINESS: Consider Equestrian Facility Use Standards

Spencer explained that there is not a definition for Equestrian Facilities in the ordinance, but staff has been using guidelines that say an Equestrian Facility has over 10 horses, many people in attendance to watch shows, many people employed, and there are safety and ADA considerations.

Flor White, owner of Fiore Farms Equestrian Facility, described her facility and building code requirements she had to satisfy. She proposes maintaining safety but keeping a rational approach that could be achieved through the appointment of a small committee.

The Board agreed that since the use is open to the public there is a need to protect public safety and they do not consider an Equestrian Facility to be a farm as it is not a private venture.

Feulner made a motion to encourage Council not to allow a rule that would allow Equestrian Facilities to be exempted from building code: They are not the same as a farm and should not be exempted as farm use since they are open to the public and should be subject to all applicable safety and building codes. He added that Summerfield citizen's deserve protection and should not be exempted from safety standards. The motion was seconded by Henson and passed unanimously.

6. OTHER BUSINESS

Spencer asked the Zoning Board to review the proposed 2035 Long Range Transportation Plan. Feulner made a motion to remove item 1B and change "sidewalk" to Bi-Ped along Summerfield Rd. Hess seconded and the motion passed unanimously.

Spencer asked the Board to postpone sign ordinance rewrite due to staffing constraints. She will forward the ordinance for any Board members who wish to review it in the meantime.

There will not be another meeting in February.

7. ADJOURN

Rooney made a motion to adjourn, Feulner seconded, and the meeting adjourned at 9:00.

Nancy Hess, Chair

Carrie Spencer, Clerk to the Board

MEMO



To: Summerfield Zoning Board
From: Carrie Spencer, Interim Summerfield Town Planner
RE: Development Ordinance
Date: March 20, 2012

The Development Ordinance Advisory Group has completed much of its work on the proposed replacement of the Summerfield Development Ordinance. Of the 11 articles in the ordinance, the Group has completed review of Articles 1,2,3,6,7,8 and all but one small piece of Article 4 (max building sizes in some districts).

- They are currently reviewing Article 5 (Specific Development Standards) and Article 11 (Definitions).
- The other 2 remaining articles should require much less review time: Article 10 (Code Enforcement) requires no substantive change, other than an update of the civil penalty dollar amounts. Article 9 (Environmental Regulations) contains many pages of mostly boilerplate language required by the State such as floodplain regulations, Jordan Lake stream buffering rules, and watershed protection standards.

Key differences between the current and proposed ordinances are:

- Revised Table of Contents (copy enclosed)
- Better organization. Example: General and Specific development standards will stand apart for easier reference and to avoid repetition from one article to another.
- Colors and shades make it easier to find and comprehend sections of the ordinance.
- Definitions are more concise and no longer include standards that belong within applicable Articles.
- Submittal requirements are clearer for applicants.
- The ordinance will reference an “Administrative Manual” to include forms and bulletins that can change without text amendments.
- Charts and Tables are easier to understand.
- “Base” zoning districts are now categorized into Agricultural, Residential, Business, and Public/Institutional districts.
- “Open Space” zoning districts include OSRD and a new OSMU District– Open Space Mixed Use.
- The Permitted Use Table follows suite to match zoning categories, making it easier to understand. A system of categorizing uses is included.
- Several new uses are included to address changes in property needs since the current ordinance was adopted such as Farmers Markets, Internet Casinos, and long term temporary uses.
- Sidewalk and Trails, as well as Open Space priorities, are integrated into the proposed ordinance. An example is the addition of roadside buffer requirements for development.
- The Environmental Regulation will be revised to reflect Guilford County’s updated ordinances and current regulatory requirements such as The Jordan Lake Rules.

- Sections and references applicable to Guilford County but not the Town are deleted when appropriate.
- The Zoning Board is renamed to the Planning Board to reflect a broader role for the Board in planning for the future of the town.
- All issues requiring a variance or appeal of an administrative decision by staff will go to the Board of Adjustment so that all “quasi-judicial” type hearings are decided by the same Board.
- Place holders will allow revision to areas not scheduled for completion before the committee is finished such as Signage and Jordan Lake Rules for New Development. Place holders will also wait for a decision on recommendations made by the Summerfield Rd Area Plan for two new overlay areas: SHDNC – Summerfield Historic District Neighborhood Conservation Overlay and SRNDS – Summerfield Road Non-Residential Development Standards Overlay.

Enclosed:

Comparison of Table of Contents Current and Proposed Development Ordinances

Proposed Annotated Table of Contents

Outline: Proposed Summerfield Ordinance Text Amendments with Zoning Board comments

Minutes from 2009 Zoning Board meetings where text amendments were on the agenda

Comparison of Table of Contents Current and Proposed Development Ordinances

Current Ordinance

Article 1 Purpose and Authority

Article 2 Definitions

Article 3 Permits and Procedures

Article 4 Zoning

Article 5 Subdivision Procedures & Standards

Article 6 Development Standards

Article 7 Environmental Regulations

Article 8 Enforcement

Article 9 Administration

Proposed Ordinance

Article 1 General Provisions

Article 2 Administration

Article 3 Permits and Procedures

Article 4 Zoning Districts & Use Table

Article 5 Use-Specific Standards

Article 6 General Development Standards

Article 7 Subdivision Standards

Article 8 Nonconformities

Article 9 Environmental Regulations

Article 10 Enforcement

Article 11 Definitions

ANNOTATED TABLE OF CONTENTS

PROPOSED SUMMERFIELD DEVELOPMENT ORDINANCE

The following is a proposed table of contents with a summary of the scope of each of the articles.

Article 1. General Provisions

Includes a short title and references authority from the State; Provides the general purpose and intent of the Town Council in establishing the DO; Sets out who is subject to the DO; Identifies Town-adopted plans that serve as policy guides to administration of the DO; Clarifies that the stricter provision applies if DO provisions conflict with other regulations; Incorporates by reference the Official Zoning Map; Establishes rules governing the rights of development approved under previous ordinances and pending development applications submitted before the effective date of the new DO; References processes for vesting of development rights and; Provides a severability provision in the event that any portion of the ordinance should be found invalid.

Article 2. Administration of the Ordinance

Identifies and clarifies the roles of the Town Council, Planning Board, Board of Adjustment; and Town Manager and Staff as to their responsibilities for review and decision-making on development applications. Where relevant and appropriate, the article also outlines the procedural rules governing the various review bodies in terms of their appointments, terms and operating procedures.

Article 3. Permits and Procedures

Establishes review procedures and review standards for each of several specific development applications and types. These may include, for example: Map Amendments (Rezoning), Text Amendments, Planned Developments, Conditional Rezoning, Site Plans, Subdivisions, Special Use Permits, Clear-Cutting Permits, Temporary Use Permits, Sign Permits, Building Permits, Certificates of Occupancy, Variances, Subdivision Waivers, Administrative Adjustments, Interpretations, Appeals, and Vested Rights Certificates. Identifies who may submit applications and requires that applications be complete. Describes how each type of permit application is reviewed and approved or disapproved.

Article 4. Zoning Districts and Permitted Use Table

Formally establishes the various zoning districts that are available for application in the Town. Includes a brief description of the intent of each district. Sets forth area, density, and height table(s) for lots and buildings, exceptions to area and height standards, etc. for each zoning district. Districts may include, for example, general zoning districts (residential, commercial, industrial, etc.), conditional use zoning districts (rezoning conditioned upon a specified use and site plan), as well as overlay zoning areas (floodprone areas, special highway corridors, watershed areas, etc.). Creates an official zoning map upon which the districts are drawn. Includes a single unified use table for all the zoning districts in the Ordinance. The permitted use table is organized to clearly show which uses are allowed or prohibited in a zoning district, and if any additional use-specific standards apply to a particular use.

Article 5. Use-Specific Standards

Includes a collection of special regulations for particular uses. These standards may address a broad spectrum of individual uses, for example: day care centers, home occupations, adult-oriented establishments, batting cages, veterinary clinics, etc. Also includes special guidelines and standards for (1) Accessory Uses and Structures and for (2) Temporary Uses and Events. Accessory Uses include, for example: garage apartments, mother-in-law suites, storage buildings, billboards, etc. Temporary uses include, for example: circuses and/or carnivals, evangelistic and religious related gatherings, outdoor bazaars and cookouts, open lot sales for Christmas trees, contractors offices and/or construction sheds, etc.

Article 6. General Development Standards

Includes development and design standards that “set the bar” for nearly all typical development forms in Summerfield. Included are design standards that address, for example: Off-Street Parking, Loading, and Circulation; Sidewalks, Bikeways and Greenways; Landscaping and Tree Protection; Lighting Standards, Open Space Standards; Fences and Walls; Single-Family Design Standards; Multi-Family Design Standards; Retail Design Standards, Transitional Standards, (nonresidential development sharing a boundary with single-family), and Signage.

Article 7. Subdivision Standards

Describes the purpose and intent of subdivision regulations, their applicability, and requirements for public improvements. Specifies homeowners' association requirements. Sets forth subdivision design standards such as: standards for access to lots and streets, block lengths, sidewalks, layout of new streets with surrounding streets and with topography, street and right of way widths, intersection design, utilities, and drainage requirements. Addresses requirements for open space preservation. Spells out performance and maintenance guarantees.

Article 8. Nonconformities

Discusses how the DO treats various types of non-conforming situations including, for example: non-conforming lots, non-conforming uses, non-conforming buildings or structures, non-conforming signs (including billboards), non-conforming projects, etc. Provides specific criteria for the extension, enlargement and replacement of non-conforming situations. Provides criteria for changes in kind of nonconforming use and sets forth provisions for abandonment and discontinuance of non-conforming situations. Provides authority for any legally established nonconformities to continue in operation.

Article 9. Environmental Regulations

This article serves as a holding place for a variety of significant environmental regulations adopted and enforced by the Town as required by State and Federal authorities. Included in this article are standards, requirements and procedures for *water supply watershed districts, general watershed areas, watershed critical areas, wetlands, steep slopes, soil erosion and sedimentation control, and flood damage prevention*. Also included will be the newly promulgated *Jordan Lake Watershed Rules, providing for buffers along streams*.

Article 10. Enforcement

Outlines the procedures that the Town is to follow when a complaint is filed or a violation of the ordinance is discovered. Establishes that compliance with all provisions of the DO is required; spells out what actions result in violation of the DO; details who is responsible for enforcement, specifies the handling of complaints, investigating and determining violations, notifying violators, and initiating remedies and penalties; spells out a variety of remedies (Stop Work Orders, Permit Revocations, Injunctions, Abatement Orders, etc.) and penalties (criminal and civil) that can be used against violators and establishes that remedies and penalties are cumulative.

Article 11. Definitions

Includes general rules for interpreting words used in the ordinance, and sets forth definitions of all words used in the ordinance having specialized meaning. Examples may include: convenience food store, family, handicapped person, home occupation, manufactured home, principle use, conditional use, etc. Covers delegation of authority. Also discusses how time is to be calculated, and sets forth rules of measurement for such things as height, setback, width, etc.

**PROPOSED SUMMERFIELD ORDINANCE TEXT AMENDMENTS FROM 2009 ZONING
BOARD MEETINGS
(Zoning Board comments incorporated)**

III. Permits & Procedures:

3-3.1 (A) add requirement for applicant to prove ownership/agency with CU rezoning requests *e.g. Summer Oaks*

3-11 Review erosion control standards for commercial site plans *e.g. master development plan for erosion control at Hoskins House*

IV. Zoning:

4-2 How to apply “overall gross density” calculation of .73 units per acre

4-2.2 Conditional Use Districts. Review legal issues *e.g. when changes to the conditions change the district.*

4-3.1 Permitted Use Schedule

Add permitted uses for Farmer’s Market vs. Road side stand

SUP and add development standards

Review uses that address more than one family *e.g. group home/family care*

Add permitted use for Day Spa

Uses currently in the Permitted Use Schedule:

Barber Shop, Beauty Shop

Permitted in NB, LB, GB, HB, SC, CP, LI

Massage Parlor, Adult

Permitted in GB with Design Standards

Gift or Card Shop

Permitted in TCD-M, NB, LB, GB, HBSC

4-5.1 (B) 600 sf building too large to be allowed within 5 foot setback? - *research typical HOA covenants*

4-5.2 (A) BOA requests leniency for accessory structures on larger lots. Use AG min lot size as standard, allow accessory str. to be in front of principal structure for lots min. 120,000 sf

4-10.3 and 2-1 Revise definition of multifamily including various types. Consider “by right” –vs- permitted use with development standards (separate overlay/SUP/dev standards) – *include in review of Conditional Use district*

4-11.1 Scenic Corridor max building height and square footage

V. Subdivisions:

5-9 Review Open Space language to add enforceability - (*see outline last page*)

5-12.1 Remand Subdivision Waiver approval authority to BOA

5-13.3(G) Review private roads - ordinance says curb & gutter for public utilities

VI. Development Standards:

6-1 Revise sign ordinance (cross reference all places where signs are addressed)

6-2 Commercial parking requirements

6-2.4 (3) More relaxed paving standards for historic/low impact commercial *e.g. Omega Creations – watershed issues?*

6-3 Restrict driveways/paving from required landscape buffers. allow 10 foot setback for driveways when landscape buffer restricted by lot limitations or gov't permitting. Create new landscape buffer standard eg alternate plan to be approved by planning department

6-4 Add development standards for
Farmer's Markets vs. Road side stands
Family care Home

6-4.3(D)(3)a) Revise accessory dwelling units in AG to be more permissive. Replace multiplier with min. lot size 120,000 sf. Strike reference to manufactured dwelling, permit above garage dwellings

6-6 Revise Lighting Ordinance

VII. Environmental Ordinance

7-1 Review Watershed ordinance

Standards for pervious pavement and if allowed to reduce calculation of built upon area
Allow/encourage rain gardens

7-1.11 Remand approval authority watershed modification requests to BOA

5-13 or 3-11 Sidewalks along public streets –vs- DOT requirements *Summerfield Rd Town Core standards*

Unified developments
Subdivision
Shared use areas

Required agreements

OPEN SPACE ENFORCEMENT

Consider placing conservation easements over all Open Space
Develop language for plats and/or HOA documents:
right of public inspection
restrictions

Require access easements to allow public inspection

Offer options for Open Space dedication:

HOA

Approved Governmental entity

Approved private entity e.g. land conservancy

Offer options for Open Space recording:

Easements on individual private lots

Restrictions recorded by deed and plat

Enforcement by ?

Separate lots

HOA owned and enforced

Restrictions recorded in HOA covenants and by plat

Do we allow Open Space to be recorded as easements on individual private lots?

Do we need to require HOA's for all Open Space regardless easement –vs- separate lot ?

Do we allow Open Space easements to be included in min lot size calculation ?

Do we allow utility easements to be included in Open Space (they are subject to disturbance)

ADDITIONS

Include tree cutting ordinance, suggest assigning economic value by species

Include design standards for architectural review of new commercial sites

Write ordinance for I73 corridor

Create standards for POD storage units

Create PUD Ordinance

Require and define master development plan for non-residential rezoning – Group Developments

Establish environmental inventory checklist

Require developers to post bonds for roads until they are taken over by state

Require rezoning applicant to state how proposal meets (existing planning documents)

Require plans to be submitted in digital format when feasible

Reference fee schedule in ordinance

ERRORS AND OMISSIONS

Page numbering throughout

Typos throughout

Missing sketches throughout

Replace “rezoning” with “map amendment” throughout

Make corrections to references within ordinance

page references in Art 2 definition index

references to sketches and diagrams

Turkey Shoots: Development Standards require SUP, change to “S” in perm. use sch.

File interpretations

eg: Day Spa as Beauty Shop-vs-medical use

EXCERPTS FROM ZONING BOARD MEETING MINUTES WHERE TEXT AMENDMENTS WERE ON THE AGENDA

July 29, 2009 In attendance: Nancy, Dick, Ken, Trudy, Rich, Michael Brandt, Will Rozell, Carrie Spencer (Clerk), and Carrie Reeves

6. OTHER BUSINESS

Mr. Brandt stated that staff has been collecting several text amendments from BOA, staff, public, council, etc. We were going to wait until the completion of the Comp Plan to do the amendments, but thought it good to work on some of the procedural ones in the meantime. He asked the board to rank those that they want staff to tackle, and staff will bring more details about them to the next meeting for discussion. Board members had the following discussion:

- Open space as part of a private individual's lot, and clarifies the idea of conservation easement –vs. - open space.
- Utility rights of way as open space since those areas would be disturbed.
- Determination of the allowance of billboards.
- Standards for impervious surface outside the watershed and runoff i.e. release rates onto other properties. Mr. Brandt stated that, with Jordon Lake Rules, all of Summerfield will be in a watershed. He added that he believes we have to have a plan to satisfy the rules by 2010.
- Design standards for new commercial plans
- Allowances for POD storage units (although we haven't received too many complaints lately)
- Watershed issues regarding Jordon Lake rules. We should get support from the Council of Governments. They have passed the rules and we need to review the watershed ordinance to incorporate them. It was proposed that new projects be bonded to satisfy the rules.
- Unified development standards
- For attached dwellings - Require that entire structure be completed before any one unit can be occupied.
- Enforcement of open space and conservation easements. Suggest including clearly in HOA Covenants and charging fines to homeowners associations. Mr. Brandt suggested that a small staff makes it difficult to enforce.
- Tree ordinance that included an economic value placed on various tree species.

Mr. Lovett asked to address credits for green development such as storm water collection devices.

Mr. Brandt stated that some jurisdictions will allow discounts on permits or fast track approval for LEED certified development but Summerfield does not charge enough for permits for that approach. Mr. Brandt also stated that a good incentive to get someone to do something is to require it. Mr. Rozell suggested we have strict guidelines in offering incentives to ensure that allowances are offered fairly.

August 24, 2009 In attendance: Nancy, Dick, Trudy, Rich, Michael Brandt, Blair Carr, Carrie Spencer (Clerk), Kathy

3. OTHER BUSINESS:

A. Discussion of ordinance text amendments

Comments from Mr. Dunham were distributed to the board in his absence.

Ms. Whitacre asked the board to consider instating a public hearing requirement for subdivision waiver requests. Mr. Brandt explained why subdivision waivers are currently not public hearing matters: Our ordinance is a prescriptive ordinance, which establishes rules that must be followed

(including specific subdivision standards). Since the ordinance cannot predict all potential requests, it has provisions for waivers and variances. It is not a public process since the ordinance already represents public opinion. With a waiver, the public good becomes the responsibility of the zoning board, who must decide if the waiver is in keeping with the ordinance. The public is generally not versed in the ordinance and it is difficult during a hearing to focus public discussion on the technical merit of the request.

At a Board of Adjustment hearing; expert testimony can be applied to the process, which is an opportunity for participants to interpret the ordinance and answer the questions necessary to satisfy the waiver.

In answer to a question, Brandt stated that the BOA is more appropriate for a quasi-judicial hearing because they receive specific training in quasi-judicial procedure.

It was suggested that the zoning board has more background and history with watershed modifications. Brandt remarked that board members can change, and the BOA will get the training they need to address any cases they would see. He asked the board to consider each board's function: The zoning board is concerned with overall land development while the BOA sits in judgment of specific actions and situations which the ordinance does not always cover.

It was suggested that watershed modifications are tied to overall development and therefore represent a broader issue. Brandt suggested that if you always get the same request for a waiver, there's probably something wrong with the ordinance. He offered the example of the many requests to waive the requirement for a single easement serving a single lot, and suggested that it may be better to change the ordinance to allow it as long as certain criteria are met. He added that five or six years ago the requirements for a minor watershed modification were stepped up to be more like major modification requests and that maybe those requirements should be reviewed when the ordinance is under revision for Jordon Lake Rules.

Brandt asked the board what good a public hearing would do if the zoning board can't do anything with the information. It was suggested that the hearing would reveal details about the character and type of community surrounding a waiver request. It was alternately suggested that all those issues should be addressed when a property is rezoned.

Brandt read Article 7-1.11: findings required for watershed modifications as an example of the process to test standards. Ms. Carr suggested that the burden of proof of the standard is on the neighbor, who must provide facts that support required criteria. Brandt suggested that many of the potential facts that neighbors want to bring out are not germane to the waiver. He added that if there are issues the board feels are important to all properties under consideration for waivers, such as changing the character of a neighborhood or causing pollution, then those issues should become a requirement for waiver approval.

It was suggested that the stricter nature of the BOA would make it better suited to satisfy concerns about public input.

It was suggested that since the zoning board influences the writing of the ordinance, they are best suited to know the intent of the ordinance. Ms. Carr pointed out that the BOA also has experience since they must interpret the intent and spirit of the ordinance for every case they hear, and they decide cases the zoning board does not see.

There was a question as to whether the zoning board can look at a case first, and then recommend it to BOA if appropriate. Brandt stated that if the zoning board is reviewing every case to ensure certain information is covered, they are acting as staff. In answer to another question, Brandt stated that the zoning board would not be able to remand just certain cases to the BOA or Town Council.

Ms. Carr reminded the board that the zoning board cannot be sued as a body, while the BOA can be sued as a body.

Ms. Carr informed the board that BOA cases are posted and noticed, with direct notice to adjacent neighbors.

It was suggested that a person's feelings about an issue should not be pertinent, but that decisions should be based on fact.

Brandt was asked about subdivision cases that included a waiver, and he stated that either a decision would have to be made about the waiver first, or the subdivision would be looked at first with a decision contingent upon the waiver. He was asked about waivers as part of rezoning cases, and stated that a rezoning request asks if a location is appropriate to a requested use and size. Modification requests ask a separate specific question. He suggested that if it is known that a waiver or modification will be required, the zoning board can approve a rezoning conditioned upon BOA's approval of the waiver or modification.

Brandt suggested that the ordinance required by the Jordon Lake Rules can establish alternative best practice criteria to meet the intent of watershed standards.

In answer to a question, Brandt stated that the BOA would be trained in watershed modifications if they will hear those cases. He also reminded the board that the town has engineer's expertise to help.

The following direction (in italics) was given to staff for changes to text amendments:

Subdivision

WHAT: Require that entire attached dwelling structure be completed before any one unit can be occupied

WHY: *to avoid people living in incomplete structures.*

HOW TO GET THERE:

Address the question of enforcement through a building inspector such as withholding Certificate of Occupancy until all units are completed.

Consider bonding the rest of the structure that is attached but not yet completed.

Other subdivision:

Bond the completion of subdivision roads to NCDOT standards.

BOA Requests

WHAT: Change ordinance for accessory structures on larger lots (4-5.2 (A))

WHY: to allow more leniency where current ordinance is impractical to the nature of the property

HOW TO GET THERE:

Use AG min lot size as standard,

Allow accessory structure to be in front of principal structure for lots with a min. 120,000 sf

Require design standards similar to the primary building OR require buffering with landscaping setbacks

WHAT: Remand Subdivision Waiver approval authority to BOA (5-12.1)

WHY: because of the quasi-judicial nature of the process

HOW TO GET THERE:

Change the ordinance to make BOA the approval authority for subdivision waivers.

September 28, 2009 In attendance: Nancy, Dick, Ken, Trudy, Rich, Michael Brandt, Carrie Spencer (Clerk), Kathy

4. OLD BUSINESS:

A. Discussion of ordinance text amendments (continued from August 28, 2009)

Mr. Brandt asked the board to review the sign ordinance to keep up with changes in the town. He asked if the board thought changes to the sign ordinance would conflict with the work of the ongoing Comprehensive Plan, and board members who are also on the committee agreed that it would be a good idea to be proactive about sign discussion.

It was suggested that the group think about what their final goal is in considering changes to the sign ordinance. Mr. Dunham spoke of his experience with a sign ordinance revision and suggested that there are several approaches to establishing standards for sign ordinance which include size of sign, type of sign, size of lot, and definitions of signs and flags.

Mr. Brandt asked the board if the 50 sf sign limit we have for our scenic corridors is reasonable for businesses in multi-tenant buildings who must share the sign. He stated that our ordinance is weak in addressing the allowance of sign types. He added that we can get better at enforcing the ordinance when it has more clarity.

It was suggested that the board think of towns with good signage, and look into their ordinances. It was suggested that Hilton Head has attractive, uniform signs, although they are hard to read until you are accustomed to them. The board needs to consider if signs are for passersby or for the community, and take into account the need for more sign visibility once Hwy 220 is widened. The monument sign at Walgreens was introduced as an example. It is considered to be unattractive even though it meets the height restrictions of the ordinance, since the height restriction is measured from the roadway and not ground level there.

Mr. Brandt stated that the ordinance does have restrictions for wall signs as a percentage of the wall area. When suggesting that the town adopt a standard sign design it was suggested that businesses will object to restrictions against using their logos. It was suggested that red brick is a tradition in the area and would be good to include in ordinance standards. It was suggested that, from a traveler's perspective, too much uniformity would make signs difficult to read and make it difficult to discern what the businesses are. It was suggested that it would be good to see consistency for multi-tenant buildings, and that sign plans should be integrated into the architectural approval process. Mr. Brandt stated that it was difficult to get a signage plan for the whole building at the Old Battleground Shopping Center (Hwy 220 and Auburn Rd.), but they do have a plan that includes a logo, title, and line of text. That plan didn't work the same for everyone, however, as businesses use titles and logos differently in their advertising.

It was suggested that we have a "per business" square footage allowance to ensure each business gets an equal part of a monument sign. It was alternately suggested that businesses will abuse that rule by doubling up on sign space such as for the Big Lots shopping center on Battleground Ave. It was suggested that the ordinance could dictate the size of sign in relation to the size of tenant. Mr. Brandt listed the shopping centers currently in Summerfield: Summerfield Village, Hillsdale Village, Summerfield Renaissance Center, Old Battleground Shopping Center, and Summerfield Square (old Food Lion with Dollar General).

Mr. Brandt told the board that Oak Ridge also has a 50 sf sign limit. The shopping center at Hwy 150 and Hwy 68 is limited to a sign of that size, and businesses have to take turns rotating their signs to satisfy that requirement. That restriction is extremely cumbersome for the businesses there.

There was discussion about consistency in lettering font and size. It was agreed that signage be aesthetically pleasing. It was suggested that if we give businesses a specific and uniform space to fill, they can have individual lettering and designs to fill it.

It was suggested that if our sign ordinance is too strict, it could discourage businesses from locating here.

Mr. Brandt stated that governmental signs follow a color pattern of brown for parks, blue for services, green for town boundaries etc., and white signs with black lettering for regulatory signs.

Mr. Brandt stated that the NCDOT plans to install fencing to define their right of way with the widening of Hwy 220. He pointed out places where the DOT has installed right of way fencing such as Proximity Hotel along Wendover, and Bryan Blvd. Ms. Hess stated that she recently observed very attractive right of way fencing along the main roads in England, made of low concrete posts connected by rails. It was suggested that if the DOT will install fencing that is not like all the other towns in the state, it would set Summerfield apart as a unique and attractive town.

Mr. Brandt asked the boards' thoughts on banners, and where and how they should be used. The board agreed that banners should be temporary, permitted for up to 30 days. It was suggested that every business should get a grand opening banner regardless of how many tenants on the same property. It was agreed that each property, including individual subdivided properties in a group development, should be allowed 3 temporary banners per year (following the standard of the number of temporary events currently allowed). It was suggested that we regulate the number of banners by the building rather than by the tenant. It was suggested that the number of banners be tied to the amount of road frontage.

Mr. Brandt read the ordinance for temporary signs, and for various sign types. He mentioned that the small signs often used to advertise (everything from flu shots to contractors) are not allowed. He added that the current ordinance only allows signs on the same property they advertise. Real estate signs, for example, are restricted only to the properties they are advertising. Mr. Brandt stated that the large realtor sign and the Red Dog sign, both on Hwy 220, are not allowed. He suggested that subdivision signs could be allowed to include an option to add a removable "home for sale" sign to replace individual signs at subdivision entrances. It was pointed out that, in today's market, "home for sale" signs are not temporary.

It was suggested that the ordinance include language to prohibit any sign types "not otherwise specified" to cover signs not mentioned in the ordinance.

It was suggested that flag poles be limited in size and number to prevent the use of unreasonably large flags which are currently exempt from the ordinance. The board generally agreed on a maximum height equal to the height of a one or two story building plus 10 feet above roof peak or top of facade, not to exceed 40 feet.

It was suggested the ordinance include restrictions for PODS. Mr. Brandt stated that the planning community generally agrees that PODS can't be in the street, and that they can only be there for 30 days. He added that there is also a problem with people using them to store materials to operate businesses. He suggested that we educate the POD companies on the town's restrictions and consider charge the POD companies for violations since they own them. He stated that staff will look into writing a POD ordinance