

P14-17
PENDING ORDINANCE TEXT AND MAP AMENDMENT

County Zoning Ordinance
Coliseum Tourism Overlay District (CTOD) and Billboards

PROPOSED TEXT CHANGED ON MARCH 25, 2014

CURRENT MEETING INFORMATION:

Cumberland County Board of Commissioners, Tuesday, April 22, 2014 at 6:45 pm,
Commissioners' Hearing Room, Room # 118 (Main Courthouse), 117 Dick Street,
Fayetteville

CASE HEADING:

P14-17. REVISIONS AND AMENDMENTS TO THE CUMBERLAND COUNTY ZONING ORDINANCE BY ADOPTION AND ESTABLISHMENT OF A COLISEUM TOURISM OVERLAY DISTRICT (CTOD) AMENDING THE COUNTY ZONING MAP, CREATING THE OVERLAY DISTRICT LAYER ON 327.98+/- ACRES GENERALLY BOUNDED BY US HWY 301 (GILLESPIE STREET), SR 2283 (EAST MOUNTAIN DRIVE), SR 1007 (OWEN DRIVE) AND NC HWY 87 (MARTIN LUTHER KING JR FREEWAY); AND AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS SECTION 203 DEFINITION OF SPECIFIC TERMS AND WORDS, SPECIFICALLY DEFINING THE TERMS *HOTEL* AND *MOTEL*; AMENDING AND CREATING ARTICLE III ZONING DISTRICTS SECTION 308.1. OVERLAY DISTRICTS, SUB-SECTION B, TO BE ENTITLED *COLISEUM TOURISM OVERLAY DISTRICT (CTOD)*; ARTICLE VIII.I OVERLAY DISTRICTS, SECTION 8.102, ENTITLED *COLISEUM TOURISM OVERLAY DISTRICT (CTOD)*; AND AMENDING ARTICLE XIII SIGN REGULATIONS, SECTION 1307. BILLBOARDS (OFF-PREMISES SIGNS), SUB-SECTION A. GENERAL PROVISIONS, PARAGRAPH 1.

ADDITIONAL INFORMATION:

Complete text and map is attached with the recommended changes from the Joint Planning Board included – see second paragraph below.

On March 6, 2014, the County Commissioners' Policy Committee has considered this text amendment and recommends that the proposal be set for public hearing.

On March 18, 2014 the Joint Planning Board considered the recommended text and map amendment. After taking public comment, the Planning Board recommended approval of the amendment subject to the Dogwood Acres subdivision being removed from the proposed district and that rather than prohibit outdoor storage areas, the text be changed to read "screened from view from any street and all adjacent properties."

On March 25, 2014 the Civic Center Commission reconsidered the proposed amendment and recommended that billboards be allowed within the district with certain restrictions.

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P14-17
Cumberland County Zoning Ordinance Text Amendment
(Coliseum Tourism Overlay District and Billboards)

AMEND Article II Interpretations, Calculations, and Definitions; Section 203. Definition of Specific Terms and Words by INSERTING the terms *Hotel* and *Motel* with definitions as follows:

ARTICLE II
INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS

SECTION 203. DEFINITION OF SPECIFIC TERMS AND WORDS.

Hotel: An establishment which provides compensated lodging on a short-term basis with access to units from interior lobbies or hallways, and provides numerous amenities intended to increase guests' lodging satisfaction.

Motel: An establishment that provides short-term and long-term lodging for compensation, usually with less guest amenities than a hotel, has independent exterior entrances/exits to each unit from the off-street parking area and is typically one or two stories.

AMEND Article III Zoning Districts, Section 308.1. Overlay Districts by ESTABLISHING sub-section "B" to be entitled: *Coliseum Tourism Overlay District (CTOD)*, with contents to read as follows:

ARTICLE III
ZONING DISTRICTS

SECTION 308.1. OVERLAY DISTRICTS.

B. ~~Reserved for future use~~ Coliseum Tourism Overlay District (CTOD). The primary purpose of this district is to ensure development within the district boundary is compatible with the objective of promoting the Crown Coliseum Complex and establishing the image as a contemporary, vibrant retail area that is harmonious with the complex events. Ensuring that new construction and re-development is oriented to serving the users of the coliseum complex, particularly the traveling public, the economic well being of the county will be maximized.

C. Reserved for future use.

AMEND Article VIII.I Overlay Districts, by CREATING Section 8.102. to be entitled: *Coliseum Tourism Overlay District (CTOD)*, with contents to read as follows:

**ARTICLE VIII.I
OVERLAY DISTRICTS**

SECTION 8.102. COLISEUM-TOURISM OVERLAY DISTRICT (CTOD).

A. Applicability. The provisions of this section shall apply to the proposed development and any re-development of properties within the Coliseum-Tourism Overlay District, including any addition, remodeling, relocation or construction requiring a zoning or building permit. In the event there is a conflict between the requirements of provisions of this ordinance and this overlay district, the overlay provisions shall prevail.

B. Coliseum-Tourism Overlay District Map. The boundary of the CTOD is established as a layer on the *Official Zoning Map, Cumberland County North Carolina* in digital format and is hereby adopted and made a part of the provisions of this section as if the map itself were contained herein – see Appendix 3 for informational sketch maps.

C. Land Uses.

1. *Principal Uses.* All new uses of property and any change in an existing use shall first require approval of a Conditional Zoning application subject to the provisions of Article V prior to commencement of the proposed or change in use. To ensure the primary objective of the district is attained and not including officially sanctioned government events, land uses within the district are limited to the following:

a. Alcoholic Beverage Control Sales;

b. Apparel and Accessory Sales;

c. Assemblies, Community, Assembly Hall, Armory, Stadium, Coliseum, Community Center, Fairgrounds, and similar uses;

d. Banks, Savings and Loan Company and Other Financial Activities;

[Highlighted area – sub-section “e” below indicate a change recommended by the Civic Center Commission on 3-25-14.]

e. Billboards in compliance with Sec 1307 except that any proposed billboard located within the CTOD shall be no closer than 1,000 feet to an existing billboard regardless where the existing billboard is located;

f. Books & Printed Matter Sales, not including those regulated by Section 924;

g. Convenience Retail with Gasoline Sales, including drive through motor vehicle washing;

h. Dry Cleaning/Laundry, self service;

i. Farmers' Market;

j. Flower Shop;

k. Hotel, except as regulated by Section 924;

l. Motor Vehicle Rentals;

m. Office Use – with no on-premises stock or goods for sale to the general public and the operations and services of which are customarily conducted and concluded by means of written, verbal or mechanically reproduced communications material;

n. Public/Community Utility Stations/Sub-stations;

o. Recreation/Amusement Indoor (Section 920) conducted inside building for profit, not otherwise listed and not regulated by Section 924;

p. Recreation or Amusement Public/Private (Section 920) not operated as a business for profit including playgrounds, neighborhood center buildings, parks, museums, swimming pools, and similar uses, and not regulated by Section 924;

q. Restaurant, operated as commercial enterprise, not including those regulated by Section 924;

r. Swimming Pools, incidental to a principal use (Section 1002.C);

s. Veterinarian.

2. Accessory, Ancillary and Incidental Uses. In conjunction with the above allowed principal uses as listed in sub-section 1,

a. Permanent outdoor sales and displays shall be permitted only within a physically defined area that is delineated on the site plan as approved by the Board of Commissioners, and all physical improvements defining the sales/display area shall be constructed of materials comparable to the primary

building(s) on site – this provision shall not apply to a farmers’ market, see Section 907.1 for specific regulations pertaining to farmers’ markets;

b. Outdoor storage shall be completely screened from view from any street and all adjacent properties in accordance with Section 1102.G prohibited within this district; [Highlight indicates change recommended by PB, 3-18-14]

c. Temporary or promotional events conducted outside must have the prior approval of the Planning & Inspections Director, or the director’s designee;

3. *Nonconformities.* To ensure the primary objective of the district is attained, strict implementation of the below provisions regulating nonconformities within the district is paramount. For purposes of this section, permissible repair is defined as those repairs, not replacement, that are limited to routine or ordinary maintenance and which would not result in the extension of the normal life of the structure. Impermissible replacement is defined as maintenance, construction or re-construction of a nonconforming structure or part thereof or structure housing a nonconforming use within the district that is damaged by fire, storm or other causes including natural deterioration to an extent exceeding 40 percent of the structure’s reproducible value or its bulk (including foundations)

a. All nonconforming uses not carried on within a structure, except those which are specifically allowed as an accessory, ancillary or incidental to an allowed use subject to the provisions of this section, shall be discontinued within one calendar year from the effective date of this ordinance, regardless whether or not the nonconforming use status applies to structure(s) and premises in combination with the nonconforming outdoor use – any subsequent use of the land and structures placed thereon shall conform to the provisions of this section.

b. A nonconforming use may not be changed or expanded, or resumed if the nonconforming use has ceased for a period of 180 calendar days within the district.

c. Any structure that is nonconforming due to noncompliance with dimensional requirements, but which houses an allowed use within the district may continue provided that its nonconformity is not increased, except where specifically approved by the County Board of Commissioners, and provided that prior to any upgrades to any nonconforming structure housing an allowed use beyond permissible repairs, the minimum landscaping and pedestrian improvements are implemented on the site.

d. Owners of properties within the district shall not allow for the impermissible replacement of any nonconforming structure located inside the district unless specifically approved by the County Board of Commissioners.

D. Site Design/Site Layout.

1. *Yard Setbacks.* The lot and yard setback provisions of Article XI as applied to the C2(P) district shall apply to properties fronting on Gillespie Street (US HWY 301/I-95 Bus) and Owen Drive (SR 1007), except that for proposed buildings with a height of greater than 25 feet, the front yard setback shall be a minimum distance equaling twice the building height. For developments along all other streets, regardless whether public or private and including new or proposed streets, the yard setbacks shall be as follows:

a. Minimum of 35 feet from each street right-of-way/property line for the front yard setbacks, except that for structures more than 25 feet in height, the front yard setback shall be a minimum distance equaling twice the height of the building;

b. Minimum of 15 feet from a side or rear property line where the adjacent property is also within the district or zoned for non-residential use; and

c. Minimum of 30 feet from a side or rear property line where the adjacent property is zoned residential.

In the event development is proposed for a property without direct frontage on a public or approved private street, the yard setbacks as requested by the developer must afford public safety and be delineated on the site plan. In addition, the plan for ingress/egress must clearly be shown on the site plan, addressed in the application and the requisite easements provided to the Code Enforcement Manager at the time of permit application.

2. *Off-Street Parking, Loading and Drives.* Off-street parking and loading shall be provided as required by Article XII; however, all required parking shall be surfaced with asphalt, concrete or pervious material and shall be maintained in proper repair. Interconnectivity between parcels within the district is mandatory and shall be included on the site plan indicating the location and width of the proposed interconnecting drive areas along with all driveways to the street right-of-way.

3. *Signs.* Signage shall be allowed in the district consistent with the provisions for the C1(P) zoning district, to include all related regulations of Article XIII, except that the maximum height of any freestanding sign shall be 25 feet within the overlay district.

4. *Buffers.* The provisions of Section 1102.G shall apply along the periphery of every developed lot within the district that is also adjacent to a residentially-zoned property.

5. *Dumpster and Utility Screening.* All dumpster and utility areas shall be located on concrete pads and screened on a minimum of three sides with a solid

fence between the dumpster or utility and complimented with vegetative plantings.

6. *Fencing.* Any fencing proposed must be specifically identified as to type and location on the site plan; if not included on the plan, the permit for said fence shall be denied – this provision includes open fences as well as solid.

7. *Landscaping.* Landscaping shall be provided in accordance with the provisions of Section 1102.N, except that for the streetscape landscaping a minimum of four small ornamental trees per 50 linear feet of street frontage shall be required. Healthy existing large shade trees may be utilized for calculation of landscaping compliance in lieu of the ornamental streetscape trees only if they are in the appropriate area on the subject lot and a minimum of eight inch caliper. The developer is strongly encouraged to retain as many existing trees of significant stature as possible.

8. *Stormwater Utility Structures.* Any stormwater utility structure proposed within the front yard or within view from the public or private street shall be integrated into the proposed project design and aesthetically pleasing. The burden shall be on the developer to address the stormwater utility structure aesthetic design plans proposed within the application or on the site plan.

9. *Underground Utilities.* All utilities shall be located underground except where specifically prohibited by the utility provider.

10. *Other Regulations.* The developer/property owner shall ensure compliance with all applicable Federal, State and local regulations.

AMEND Article XIII Sign Regulations, Section 1307. Billboards (Off-Premises Signs), sub-section A. General Provisions, paragraph 1 as indicated below:

ARTICLE XIII SIGN REGULATIONS

SECTION 1307. BILLBOARDS (OFF-PREMISES SIGNS)

In addition to other applicable standards contained within this article, the following provisions shall apply to all billboards:

A. General Provisions.

1. Billboards shall be allowed only along rights-of-way with full-control or limited control of access, such as freeways and major thoroughfares, except that billboards shall be prohibited within 1,000 feet of either side of the right-of-way of the following:

a. US Highway 301 (South Eastern Boulevard/Gillespie Street) from NC Highway 87 (Martin Luther King Jr Freeway) south to SR 2286 (Seven Mountain Drive); and

b. Reserved for future use.

2. Billboards shall not face or be oriented toward any adjoining or abutting residentially-zoned or residentially-used property and shall not be located within 200 feet of a residential zoning district boundary line;

(Amd. 02-19-08)

3. Billboards shall not exceed a sign height of 35 feet;

4. All billboards are considered as a principal use of property, not accessory, and shall be allowed in the C(P) Planned Commercial District, upon approval of a Special Use Permit (Section 1606), and M(P) Planned Industrial District, upon approval of the site plan (Article XIV) as a permitted use, provided that the dimensional criteria outlined below is complied with;

(Amd. 01-19-10)

5. All Federal, State, and other local regulations shall be complied with and

(Amd. 01-19-10)

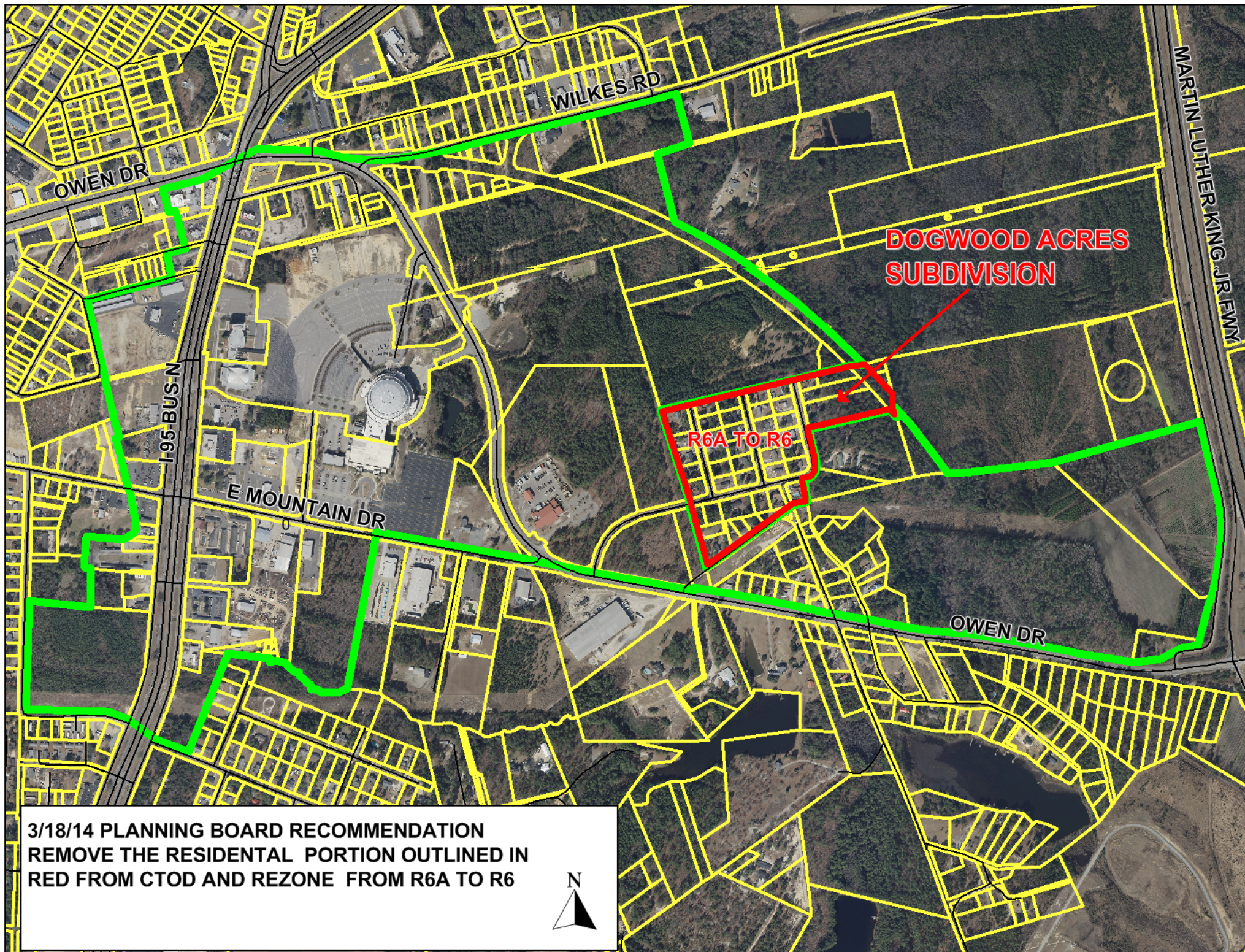
6. Billboards are exempt from the landscaping and buffering provisions of this ordinance.

(Amd. 01-19-10)

B. Dimensional Criteria by District.

1. C(P) Planned Commercial Districts. Billboards constructed and located in this zoning district shall have a maximum sign area of 500 square feet and shall be located at least 50 feet from a street right-of-way line; five feet from any property line not a right-of-way line; 50 feet from any other freestanding sign, building or structure on the same lot; and be a minimum of 500 feet from another billboard.

2. M(P) Planned Industrial District. Billboards constructed and located in this zoning district shall have a maximum sign area of 700 square feet and shall be located at least 50 feet from a street right-of-way line; five feet from a property line, not a of-way line; 50 feet from any other freestanding sign, building or structure on the same lot; and be a minimum of 500 feet from another billboard.



**3/18/14 PLANNING BOARD RECOMMENDATION
REMOVE THE RESIDENTIAL PORTION OUTLINED IN
RED FROM CTOD AND REZONE FROM R6A TO R6**

