

**TOWN OF ZEBULON
JOINT PUBLIC HEARING AGENDA
BOARD OF COMMISSIONERS AND PLANNING BOARD
February 10, 2020
7:00 pm**

I. CALL TO ORDER

II. PUBLIC HEARING


- A. QA-2019-1 Quarterly Text Amendments
 - a. Detached Accessory Structures
 - b. Window Signage
 - c. Board of Adjustment/Planning Board
 - d. Chronic Violators Ordinance

III. ADJOURNMENT



STAFF REPORT
Quarterly Text Amendments (QA 2020-01)
Joint Public Hearing, February 10, 2020

Topic: Quarterly Text Amendment 2020-01

Speaker: Michael J. Clark, AICP, CZO, Planning Director
From: Michael J. Clark, AICP, CZO, Planning Director
Prepared by: Michael J. Clark, AICP, CZO, Planning Director
Approved by:  Joseph M. Moore II, PE, Town Manager

Executive Summary:

The Planning Board and Board of Commissioners will consider amendments to revise sections of the Unified Development Ordinance and Code of Ordinances. As a text amendment, this is a Legislative Hearing Request.

Background:

Section 2.2.20 of the Unified Development Ordinance regulates text amendments to the UDO. Staff proposes the following text amendments:

- Section 4.4.7.H: Clarifies maximum square footage of detached accessory structures on residential parcels
- Section 10.2.2.B: Designates the Planning Board as the reviewing agency for the Board of Adjustment duties
- Section 10.4.1.B: Includes Board of Adjustment duties for the Planning Board

A local business owner has requested the following text amendment:

- Table 5.11.9.N.3: Authorizes the Planning Director to consider site-specific conditions (e.g. window position, other signage) when determining allowable window signs.

Chapter 95 of the Code of Ordinances regulates conditions on property within Town limits that may be "dangerous or prejudicial to the public health or safety and to constitute a public nuisance". Staff proposes amending Chapter 95 to address chronic violators of this ordinance and provides clarification on when staff will conduct an inspection.

- Section 95.56: Authorizes the Town to send one notice and follow up with abatement on properties with a repeated pattern of violations within the same calendar year.

Policy Analysis:

These proposed amendments are consistent with the *Vibrant Downtown, Small-Town Life, and Growing Smart* Focus Areas and Goals of the **Town of Zebulon: Vision 2030 Strategic Plan.**

Fiscal Analysis:

The proposed amendments will create a more efficient administration of the Unified Development Ordinance and Code of Ordinances

Discussion:

The discussion before the Boards is whether to amend the UDO and create Section 95.56 of the Town of Zebulon Code of Ordinances.



STAFF REPORT
Quarterly Text Amendments (QA 2020-01)
Joint Public Hearing, February 10, 2020

Staff Recommendation:

Following the joint public hearing, Staff recommends forwarding the proposed amendments for deliberation to the Planning Board.

Staff recommends approval of the proposed amendments to sections 4.4.7.H, 10.2.1, 10.4.1, and 5.11.9.N.3 UDO and approval of Section 95.56 of the Town of Zebulon Code of Ordinances. The following motion and consistency statement may be used:

I hereby make a motion to approve/deny the proposed text amendments to sections 4.4.7H, 5.11.9.N.3, 10.2.2.B, 10.4.1.B, of the Unified Development Ordinance and the adoption of Section 95.56 of the Code of Ordinances as presented at the February 10, 2020 Joint Public Hearing, finding that the proposed requests are consistent with the Comprehensive Master Plan and the goal statements of the 2030 Strategic Plan as adopted by the Town of Zebulon.

Attachments:

1. UDO Section 4.4.7.H (Detached Accessory Structures)
2. UDO Section 5.11.9.N.3 (Window Signs)
3. UDO Section 10.2.2.B (Board of Adjustment)
4. UDO Section 10.4.1.B (Planning Board)
5. Code of Ordinances Section 95 (Chronic Violators)
6. Joint Public Hearing Notification
7. Application for sign text amendment

ARTICLE 4: USES

4.4. Accessory Uses

4.4.7. Standards for Specific Accessory Uses

or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.

2. If an ATM is designed for use by customers in their vehicles, it shall comply with the accessory use standards (including districts where permitted) in Section 4.4.7.H, Drive Through.
3. The overall character of an automated teller machine in terms of materials, colors, and architectural character shall be compatible with that of the principal structure.

E. BUS SHELTER

Nothing shall limit the placement of a bus shelter within a required yard or setback, provided it shall:

1. Maintain a maximum size or floor area of 100 square feet or less;
2. A height of 15 feet or less;
3. Be located outside any required sight distance triangles; and
4. Maintain a minimum distance of five feet from a street right-of-way.

F. CHILD CARE, INCIDENTAL

An incidental child care or home day care for three or more children is permitted as accessory to an occupied residential dwelling unit if it complies with Article 7 of Chapter 110 of the North Carolina General Statutes, and the following standards:

1. Care is provided within a principal dwelling unit.
2. The maximum number of children receiving child care in the use at any given moment does not exceed six (provision of day care services for more than six children at any given moment is treated as a day care center by this Ordinance, and requires licensure from the State as a day care center).
3. It complies with all applicable home occupation requirements, except the gross floor area limitation, which may be exceeded.
4. It is licensed by the State of North Carolina and complies with all applicable State requirements.

G. CLUSTER BOX UNIT

Cluster box units shall comply with the standards of the United States Postal Service and the relevant standards in the Town's Standard Details and Specifications.

H. DETACHED ACCESSORY STRUCTURES

Detached accessory structures that are accessory to residential uses shall comply with the following standards unless otherwise specified by this Ordinance:

1. All detached accessory structures shall be located on the same parcel as the principal structure.
2. Detached accessory structures located on a parcel of two acres or less shall not exceed the height of the principal structure.
3. A total square footage for all detached accessory structures shall not exceed 35 percent of the total amount of finished floor area in the principal structure for a lot 2 acres or less.
4. The total square footage of all detached accessory structures located on the lot may increase by 5 percent for each acre over 2 acres.
5. Detached Accessory structures on lots greater than 10 acres shall not be subject to these size limitations.

H.I. DRIVE THROUGH

Drive-through facilities shall comply with the following standards:

1. Outdoor speakers associated with a drive-through shall be at least 50 feet from any lot with a residential zoning district designation.
2. Drive-through windows, menus, or order boxes shall not be located on the front façade of the building they serve.
3. Drive-through facilities shall be designed so as not to obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between the building entrance and customer parking spaces.
4. Canopies or other features installed over a drive through window shall maintain common roof lines and materials with the principal structure

H.J. ELECTRIC VEHICLE CHARGING STATION

ARTICLE 5: DEVELOPMENT STANDARDS

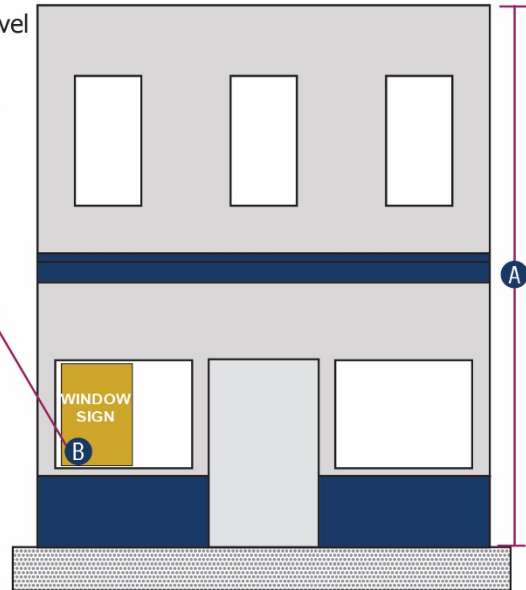
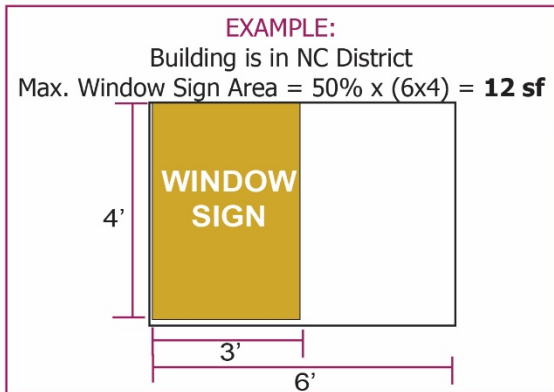
TABLE 5.11.9: SIGN STANDARDS BY SIGN TYPE

N. WINDOW SIGNS



LEGEND

- A** Max. Height: Second Story or 25' Above Ground Level
- B** Max. Sign Face Area:
 DTP & DTC Districts = 25% of Window or Door
 All Other Districts = 50% of Window or Door



1. DEFINITION
 A sign affixed to or visible through the surface of a window or glass door that is intended to be visible to the public from outside the building. Signs painted on glass and etched or frosted glass that includes text or symbols shall be considered as a window sign. Signs not visible from off-site areas are exempted from these standards. Signs mounted to a building's exterior wall are "wall" signs.

2. WHERE PERMITTED	Residential	OI	NC	GC & HC	DTC & DTP	LI, CI, HI
	No	Yes	Yes	Yes	Yes	Yes

3. DIMENSIONAL STANDARDS

Maximum Number of Window Signs Per Development	No limit, subject to the maximum sign face area standards	
Maximum Mounting Height	Window signs are not permitted above the second story or higher than 25 feet above ground level	
Maximum Sign Face Area [1]	DTP & DTC districts	25% of the outer extent of any single window or door [2][3]
	All other districts	40% of the outer extent of any single window or door [2]

NOTES:
 [1] Groups of multiple windows or doors within six inches of one another on the same building façade shall be considered as one window or door for the purposes of sign face area calculation.
 [2] Window signs shall not be located or configured in ways that prevent patrons operating doors safely.

ARTICLE 5: DEVELOPMENT STANDARDS

5.11. Signage

5.11.9. Sign Standards by Sign Type

[3] The Planning Director may allow for the maximum sign area to be up to 25% of the cumulative surface area of all the windows on the face of a wall if there are no other signs located on that wall and if the positioning of the window to which the window signs are attached do not accomplish the transparency intent.

4. ADDITIONAL STANDARDS

a. Window signs may not be externally illuminated.

b. Material used to block views into a vacant building (such as brown paper) is not considered to be a window sign.

c. Blinds, shades, or curtains bearing symbols or text that is visible from off-site areas shall be considered to be a window sign subject to these standards.

d. Signage may be subject to additional standards identified in Section 3.8.3, Gateway Corridor Overlay (GCO) District.

10: REVIEWING AGENCIES

10.1. OVERVIEW

As identified in [Article 2: Procedures](#), the following review authorities have powers and responsibilities for administering this Ordinance, especially with regard to procedures related to development applications.

- 10.1.1. Board of Adjustment (BOA);
- 10.1.2. Board of Commissioners (BOC);
- 10.1.3. Planning Board;
- 10.1.4. Technical Review Committee (TRC); and
- 10.1.5. Town staff, comprised of the Building Inspector, Planning Director, and Town Manager.

10.2. BOARD OF ADJUSTMENT (BOA)

The Board of Adjustment is hereby established in accordance with Section 160A-388 of the North Carolina General Statutes. The BOA shall have the following powers and duties, composition, and rules of procedure under this Ordinance:

10.2.1. POWERS AND DUTIES

A. APPLICATION REVIEW AND DECISION

To review and decide applications for:

1. Appeals of decisions by town staff members deciding applications under this Ordinance; and
2. Variances.

B. OTHER POWERS AND DUTIES

To exercise other powers and authority provided to it by the Board of Commissioners, this Ordinance, or state law.

C. WATERSHED REVIEW BOARD

The Board of Adjustment shall serve as the Watershed Review Board and review and decide variance requests from the watershed protection standards in accordance with [Section 2.2.21, Variance](#).

10.2.2. COMPOSITION

A. DUTIES ASSIGNED

[The Planning Board as established in Section 10.4, Planning Board, shall serve as the Board of Adjustment.](#)

A.B. MEMBERSHIP

The BOA shall consist of five regular members.

B.C. RESIDENCE LOCATION AND APPOINTMENT

1. Four members shall be citizens and residents of the town and shall be appointed by the Town of Zebulon Board of Commissioners;
2. One member shall be a citizen of Wake County and reside outside the town but within the extraterritorial jurisdiction boundaries of the town and shall be appointed by the Board of Commissioners of Wake County.
 - a. If despite good faith efforts, enough residents of the extra territorial planning area cannot be found to fill the seats reserved for residents of the area, then the Wake County Board of Commissioners may appoint other residents of the county (including residents of the town) to fill these seats.
 - b. If the county Board of Commissioners fails to make these appointments within 90 days after receiving a resolution from the town Board of Commissioners requesting that they be made, the town Board of Commissioners may make them.

ARTICLE 10: REVIEWING AGENCIES

10.4. Planning Board

10.4. PLANNING BOARD

The Planning Board is hereby established in accordance with Section 160A-361 of the North Carolina General Statutes. The Planning Board shall have the following powers and duties, composition, and rules of procedure under this Ordinance:

10.4.1. POWERS AND DUTIES**A. RECOMMENDATION AUTHORITY**

To make recommendations to the Board of Commissioners on the following applications:

1. Comprehensive Plan Amendments;
2. Development Agreements;
3. Planned Developments;
4. Special Use Permit concept plans;
5. UDO Text Amendments; and
6. Zoning Map Amendments.

B. OTHER POWERS AND DUTIES

The Planning Board shall have the following other powers and duties:

1. To make studies of the town's planning jurisdiction and surrounding areas;
2. To determine objectives to be sought in the development of the town;
3. To prepare and adopt plans for achieving these objectives;
4. To develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans that the Board of Commissioners may direct;
5. To advise the Board of Commissioners concerning the use and amendment of means for carrying out plans;
6. To exercise any functions in the administration and enforcement of various means for carrying out plans that the Board of Commissioners may direct;
7. To perform any other related duties that the Board of Commissioners may direct;
8. To conduct such public meetings as may be required to gather information necessary for the drafting, establishment, and maintenance of adopted or proposed plans and before recommending any such plans to the Board of Commissioners; and
9. To promote public interest in and an understanding of its recommendations, and to that end, publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.

10. To serve as the Board of Adjustment in accordance with Section 10.2, Board of Adjustment.

10.4.2. COMPOSITION**A. MEMBERSHIP**

The Planning Board shall consist of seven members.

B. RESIDENCE LOCATION AND APPOINTMENT

1. Four members shall be citizens and residents of the town and shall be appointed by the town of Zebulon Board of Commissioners;
2. Three members shall be citizens of Wake County and reside outside the town but within the extraterritorial jurisdiction boundaries of the town and shall be appointed by the Board of Commissioners of Wake County.
 - a. If despite good faith efforts, enough residents of the extra territorial planning area cannot be found to fill the seats reserved for residents of the area, then the Wake County Board of Commissioners may appoint other residents of the county (including residents of the town) to fill these seats.
 - b. If the County Board of Commissioners fails to make these appointments within 90 days after receiving a resolution from the Board of Commissioners of the town requesting that they be made, the Board of Commissioners of the town may make them.

PUBLIC NUISANCE TO HEALTH AND SAFETY

§ 95.50 INVESTIGATION.

The Town Manager or ~~his or her~~their designee, shall conduct an inspection of any property if there is reasonable suspicion of the existence of any conditions defined as a public nuisance, to determine if a violation is present and take appropriate action in accordance with this Chapter. ~~upon written signed notice from any person of the existence of any of the conditions defined as a public nuisance to health and safety, shall cause to be made by the appropriate federal, state, county or local official the investigation as may be necessary to determine whether, in fact, conditions exist as to constitute a public nuisance.~~

(Ord. 2005-15, passed 11-1-2004)

§ 95.51 NOTIFICATION.

(A) Upon a determination that conditions constituting a public nuisance exist, the Town Manager or ~~his or her~~their designee shall notify in writing the owner, occupant or person in possession of the premises in question of the conditions constituting the public nuisance.

(B) He or she shall order the prompt abatement thereof within 15 days from the receipt of the written notice.

(Ord. 2005-15, passed 11-1-2004) Penalty, see § 10.99

Statutory reference:

Municipality's authority to order abatement of public nuisances, see G.S. § 160A-193

§ 95.52 REMOVAL BY TOWN.

(A) If any person, having been ordered to abate a public nuisance, fails, neglects, or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of the order, the Town Manager shall cause the condition to be removed or otherwise remedied by having employees of the town go on the premises and remove or otherwise abate the nuisance under the supervision of an officer or employee designated by the Town Manager.

(B) Any person who has been ordered to abate a public nuisance may within the time allowed by this chapter request the town in writing to remove the condition, the costs of which shall be paid by the person making the request.

(Ord. 2005-15, passed 11-1-2004) Penalty, see § 10.99

§ 95.53 CHARGE FOR REMOVAL.

The actual costs incurred by the town in removing or otherwise remedying a public nuisance shall be charged to the owner of the lot or parcel of land, and it shall be the duty of the Town Manager or his or her designee to mail a statement of the charges to the owner or other person in possession of the premises with instructions that the charges are due and payable within 30 days from the receipt thereof.

(Ord. 2005-15, passed 11-1-2004)

§ 95.54 LIEN FOR COSTS.

In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in § 95.53, the charges shall become a lien on the land or premises where the public nuisance existed as provided in G.S. § 160A-193 and shall be collected as provided by the General Statutes of the state and the Town of Zebulon code of ordinances.

(Ord. 2005-15, passed 11-1-2004)

§ 95.55 REMEDY NOT EXCLUSIVE.

(A) The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under the law for the abatement of public nuisances.

(B) This chapter shall not prevent the town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in G.S. § 14-4.

(Ord. 2005-15, passed 11-1-2004)

95.56 CHRONIC VIOLATORS

(A) A chronic violator shall be defined as a person who owns property whereupon, in the previous calendar year, the Town of Zebulon gave notice of violation at least three times under any provision of the Town's public nuisance ordinance.

(B) The Town of Zebulon may notify a chronic violator of the Town's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the Town will, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes.

(C) The notice shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.

Statutory reference:

Municipality's authority to remedy a nuisance, see G.S. § 160A-200.1.



Town of Zebulon

The Town of Friendly People

Notice of Public Hearing

Notice is hereby given pursuant to the provisions of Section 2.2.20 of the Unified Development Ordinance of the Town of Zebulon that a joint public hearing will be held on **February 10, 2020 at 7:00 PM**. The hearing will be held at the **Zebulon Municipal Complex, 1003 N. Arendell Ave.**, and will be conducted by the Board of Commissioners of the Town of Zebulon and the Zebulon Planning Board sitting jointly for the purpose of considering the following items:

QA-2020-01 A request by the Town of Zebulon to amend the following:

- Section 4.4.7, To clarify maximum square footage of detached accessory structures on residential parcels
- Section 10.2.2. to designate the Planning Board as the reviewing agency for the Board of Adjustment duties
- Section 10.4.1. to include the Board of Adjustment duties for the Planning Board
- Table 5.11.9.N.3, to include a footnote allows the Planning Director authority to use the entire window area to calculate the 25% allotment for window signs subject to specific conditions.

Notice is also hereby given for an amendment to Chapter 95 of the Town of Zebulon Code of Ordinances to establish correction periods, penalties, fine, and other measures for chronic violators to the Code of Ordinances.

Interested resident citizens are encouraged to attend and be heard. Maps and other relevant information pertaining to these matters are available at the Zebulon Town Hall and are filed with the Planning Department.

WW 1/31/2020 & 2/7/2020

FIRE DEPARTMENT
113 E. Vance Street
Zebulon, NC 27597
(919) 269-6487
Facsimile (919) 269-2618

POLICE DEPARTMENT
1001 N. Arendell Avenue
Zebulon, NC 27597
(919) 269-7455
Facsimile (919) 269-0312

TOWN HALL
1003 N. Arendell Avenue
Zebulon, NC 27597
(919) 269-7455
Facsimile (919) 269-6200

PUBLIC WORKS DEPARTMENT
450 E. Horton Street
Zebulon, NC 27597
(919) 269-5285
Facsimile (919) 269-2617



APPLICATION FOR
UDO TEXT AMENDMENT

PART 1. DESCRIPTION OF REQUEST		
UDO Section to be amended: Amendment 5.11.9		
Reason for Proposed Text Amendment: allow flexibility per sign regulations		
Proposed Text: Allow the staff the freedom to require that the total surface of all of the windows signs should not exceed 25% of windows on one particular side.		

PART 2. APPLICANT/AGENT INFORMATION		
Name of Applicant/Agent: Simply Blush Bridal / Tracy Alford, Amy Turner, Brian Bullock		
Street Address of Applicant/Agent: 100 E Vance St.		
City: Zebulon	State: NC	Zip Code: 27597
Email of Applicant/Agent: sayyes@simplyblushbridal.com	Telephone Number of Applicant/Agent: 919.646.0020	Fax Number of Applicant/Agent: N/A

I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.

Signature of Applicant: Tracy R. Alford Amy Turner Brian Bullock	Print Name: Tracy R. Alford Amy Turner Brian Bullock (BLDG OWNER)	Date: 1/13/2020 1/13/2020 1/13/2020
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APPLICATION FOR UDO TEXT AMENDMENT

LEGISLATIVE CONSIDERATIONS - ZONING MAP AMENDMENT

A UDO Text Amendment is a legislative process and subject to applicable review standards as set forth in Section 2.2.20.G of the UDO. Please note that the Planning Board and Board of Commissioners will be reviewing the proposed request based on all potential uses and activities that would be permitted within the subject request. Please provide detailed response on how the proposed rezoning request addresses each of these standards:

1) Please provide details on how the proposed amendment advances the public health, safety, or welfare.

It allows for additional signage and protection options.

2) Please provide details on how the proposed amendment is consistent with the Town's adopted policy guidance.

Consistent with 2030 strategic plan for a vibrant downtown.

3) Please provide details on how the proposed amendment is not in conflict with any provision of this Ordinance or the Town Code of Ordinances

Proposed amendment will allow for flexibility while remaining consistent with intent of regulations.

4) Please provide details if the proposed amendment is required by changed conditions.

N/A

5) Please demonstrate how the proposed amendment addresses a demonstrated community need;

additional flexibility for signage for different types of building designs.



APPLICATION FOR
UDO TEXT AMENDMENT

6) Please provide details on how the proposed amendment addresses an unforeseen matter not present when the Ordinance was adopted;

orientation of the windows. The location of these windows are not visible from normal height of eye.

7) Please provide details on how the proposed amendment is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the Town

allows for sign flexibility

8) Please provide details on how the proposed amendment would result in a logical and orderly development pattern;

address unique situations on window placement.

9) Please provide details on how the proposed request addresses other factors determined to be relevant by the Board of Commissioners;

N/A

10) Please provide details on how the proposed request would not result in significantly adverse impacts on the natural environment, including water, air, noise, stormwater management, wildlife, vegetation, and the natural functioning of the environment.

N/A