

**JACKSONVILLE PLANNING BOARD
REGULAR MEETING AGENDA
August 10, 2009, 6 P.M.**

**COUNCIL CHAMBERS
JACKSONVILLE CITY HALL**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

APPROVAL OF THE AGENDA

REVIEW OF THE MINUTES – Regular Meeting – July 13, 2009

CITY COUNCIL UPDATE – Councilman Michael Lazzara

OLD BUSINESS

None

NEW BUSINESS

Zoning Text Amendment

1. Zoning Text Amendment to Section 109 Sign Regulations – Coastal Carolina
Community College

OTHER BUSINESS

Development Review Report – Reginald Goodson

ADJOURNMENT

DRAFT
JACKSONVILLE PLANNING BOARD MINUTES
July 13, 2009, 6:00 p.m.

To: The Honorable Mayor and City Council:

The regularly scheduled Jacksonville Planning Board meeting was called to order by Chairman-Doug Lesan at 6:00 p.m. on Monday, July 13, 2009 in Council Chambers at Jacksonville City Hall. Theresa VanderVere led the Board in reciting the Pledge of Allegiance. Homer Spring gave the invocation. The following were in attendance:

Planning Board Members Present

Dr. Doug Lesan, Chairman
Sandra Wyrick, Vice-Chairwoman
Robert Warden
Homer Spring
Theresa VanderVere
Pauline K. Joos, ETJ representative
Thomasine Moore

City Staff

Ryan King, Planning Administrator
Ednasha McCray, Senior Planner
Debbie Jefferson, Administrative Assistant

Planning Board Members Absent

Danny Williams
Chuck Quinn

Shadow Leadership Members Present

City Council Liaison Absent

Councilman Michael Lazzara

Shadow Leadership Members Absent

APPROVAL OF AGENDA

Chairman Doug Lesan asked for a motion to approve the agenda. Pauline Joos made a motion and Homer Spring seconded the motion that carried by unanimous vote of the Board members present.

REVIEW OF MINUTES

Chairman Doug Lesan asked for a motion to approve the minutes of the June 8, 2009 meeting. Homer Spring made a motion to approve the minutes. The motion was seconded by Theresa VanderVere. The motion carried by unanimous vote of the Board members present.

CITY COUNCIL UPDATE

Mr. King requested to present the update at the end of the meeting

OLD BUSINESS –

Rezoning

1. Carl and Jane Sutton – Rezoning from RA-20 to CU B-1 – Lake Drive

Ms. Ednasha McCray presented the item. Carl and Jane Sutton have submitted a request to rezone 6.81 acres from Residential/Agricultural 20 (RA-20) to Business 1 (B-1). The subject parcel is located within the City's Extraterritorial Jurisdiction (ETJ), adjacent to Lake Drive.

Staff has not been presented with any evidence demonstrating that the proposed rezoning is unreasonable or inconsistent with the existing comprehensive plans, and therefore found that the request is consistent with the adopted Growth Management Plan.

The undeveloped parcel proposed for rezoning is located adjacent to Lake Drive, within the City's Extraterritorial Jurisdiction (ETJ). The parcel is bordered to the north by undeveloped land, zoned Business 1 (B-1); to the east, across Lake Drive, by mobile homes and single family dwellings zoned Residential Multi-Family 5 (RM-5); to the south by undeveloped property and single family dwellings, zoned Residential/Agricultural 20 (RA-20); and to the west by single family dwellings and a small farm, zoned Residential/Agricultural 20 (RA-20).

Staff recommends that Planning Board recommend approval of the rezoning request based on findings of facts A-D being found in the affirmative and that the proposed rezoning advances the public interest. In addition, in front of you at the dais is a letter of opposition received by Staff for the rezoning, from Marilyn Elliott. She is a property owner directly to the South of the subject parcel. She is requesting that if the rezoning request is approved that Planning Board require the owner of the parcel to maintain a natural barrier of trees or shrubs and erect a fence separating her property from any apartment and or storage facility that is built on the parcel.

Staff and the owners, as well as the representative for the applicant, are here to answer any questions you have.

Ms. Moore asked where the parcel was located.

Ms. McCray replied showing on the power point.

Ms. Moore asked if there had been a traffic study done.

Ms. McCray and Mr. Ryan King replied yes. There has been a Traffic Impact Analysis completed for the overall development of this property as a whole which also includes the property to the North. Ms. Moore asked about the Traffic Study results.

Mr. King replied that this particular case is geared up for the specific development plans and is discussed in greater detail with development plans themselves. We can require TIA with a rezoning request when they meet certain thresholds; however we have tended to delay that until the development plans are submitted since it is more specific to a proposed development. That is

why it is more discussion about it with your next agenda item than with your overall rezoning.

Mr. Spring expressed his concern that whenever a parcel of land as this, where the B-1 development abuts into the existing RA-20. He stated that he was aware of the thought process behind having this land zoned the same as B-1 to create a continuous development, in order for this large parcel of land to fit into the same development.

Mr. King replied that was correct, and that in addition, the proposed use that is in item number two, is not allowed in the RA-20 zone. He stated that there are development plans that were submitted for review and approval and that it is clear what they are intending to do. Provided the developer goes through with the proposed development, you will see multifamily go on this track of land should it be zoned B-1.

Mr. Spring asked if we are going to rezone this B-1 and know we want to put residential buildings there, don't we have a residential zoning that fits putting the residents there? If we don't, then residential zoning codes are not flexible enough. Is that what is happening here?

Mr. King replied no. The Townhouses, Condominiums, and Apartment (TCA) zone allows multifamily within them. There is a density maximum in the TCA Zoning district up to 16 units per acre in the standard TCA. With a Special Use Permit they can go up to 25. In this case, the property has already been zoned to the North because they were looking at doing a Hotel development and it changed to a Mini Storage development and that is not allowed in the TCA zoning district. They rezoned the property to the North to B-1. They have since requested this be rezoned so they can do some additional phases of development on this tract of land. Instead of going TCA on this zoning district they have clumped it together with the B-1 to the North.

Mr. King continued that we have had this discussion with our UDO committee about whether multifamily should be allowed with the Corridor Commercial (CC) district or the B-1 of the commercial districts. There are some pros and cons to leaving them in there. As proposed from seeing the use table as currently proposed there will still be multifamily allowed within those districts. When the zoning text amendment came up a while back, Staff had recommended pulling the residential out of the commercial zones. That part was not approved by Council. I think you will continue to see multifamily allowed within the commercial zoning districts.

Mr. Warden asked that if there is a limit on density per acre in B-1, how does that differ from TCA?

Mr. King replied currently there is no density.

Mr. Warden replied since there is no density that is another reason why the developers want to go B-1 verses TCA, because you lift the cap on density.

Mr. King replied it is pretty much specified in Section 73 of the Zoning Ordinance. There is no cap on density. It's basically capped on how much you can park. If you can provide enough parking spaces on site, you can put as many units on that tract of land you can fit.

Mr. Spring reminded everyone that regardless of what they say they will do with this parcel of land, if it is zoned B-1, someone can sell this land tomorrow or later if it's undeveloped. If it's rezoned B-1, it is allowed all the uses of B-1 unless we put conditions on it.

Ms. McCray replied that is correct but to keep in mind the B-1 zoning is consistent with the Long Range Future Land Use recommendations for the parcel, which are Regional Commercial and Offices uses. Regardless of the multifamily uses they are proposing, commercial uses are allowed under Regional Commercial and Office Land Use recommendations.

Mr. Spring asked if this were zoned B-1 and a business came in, would this be consistent.

Ms. McCray replied it would be consistent.

Mr. Spring replied there are regulations on the buffering that would have to exist between this B-1 and the single family dwellings.

Ms. McCray replied that was correct.

Mr. Warden replied there is a push effect to more intensely develop areas and increase the density so we don't put a strain on the fire, water, sewer and police. Being this close to the main gate at Camp Lejeune it's attractive for apartments at this point. I do like how they put the mini storage up against the railroad and not against the residential side.

Mr. Warden made a motion that we approve the rezoning request based on findings of facts A-D being found in the affirmative and that the proposed rezoning does advanced the public interest. Co-Chairman Sandra Wyrick seconded the motion. Two for (Warden and Wyrick). Four against (Spring, Joos, Moore and Vandervere). Request is denied.

Mr. Spring replied this will go before the City Council regardless.

Mr. King replied yes and that the Planning Board is a recommending body. This will be forwarded to City Council with your recommendation and they will conduct a public hearing and consider the request.

Chairman Lesan asked if the next agenda item need to be heard since the zoning request has been denied.

Mr. King replied that you would still need to hear the item and provide a recommendation should the rezoning request be approved at City Council's level. He also stated that the Board needed to look closely at the Findings of Fact as it relates to zoning.

Mr. Warden asked if we denied something like this, do we need a motion on why we are denying and what basis we are denying the rezoning request such as public safety or inconsistency?

Mr. King replied that would add to the recommendation and give City Council further guidance on the Board's concerns as they relate to the merit of the rezoning.

Mr. Spring asked if that was in the form of a motion or would you like a suggestion.

Mr. King replied that it would be preferable in the form of a motion.

Mr. Spring replied that we would have to make a motion to deny the rezoning.

Mr. King replied that there should be a motion to deny the rezoning based on the findings this Board finds.

Chairman Lesan suggested the Board revisit Item Number 1 for reasons and a motion to deny the request.

Mr. King advised the Board where to go look for the reference of this item, Attachment A, page 31.

Mr. Spring made a motion to deny the rezoning request based on the findings of fact of letter C & D being in the negative. Motion was seconded by Ms. VanderVere. Four in favor (Spring, Joos, VanderVere and Moore) two oppose (Warden and Co-Chair Wyrick). Motion passes, request for rezoning from RA-20 – B-1 has been denied.

Special Use Permits and Site Plans

1. Liberty Point at Piney Green, LLC – Adjacent to Piney Green Road and Lake Drive –

Mr. King stated that this agenda item (#2) will be forwarded to City Council as done with a lot of these types of requests where one of the conditions is that a previous agenda item must be considered and action taken before this request can be determined. If it goes to City Council in the first meeting in August and the rezoning is denied then they would not hear the second part. Since you are a recommending body I think we need to go ahead and move it forward one way or the other. That is why I think it is best we move forward this way.

Ms. Moore made a motion to deny the Special Use Permit and Site Plan based on finding fact B being found in the negative. It was seconded by Ms. Joos.

Mr. Spring asked that before we vote on this he would like to know if this board finds that everything in here is fine except for the rezoning. Once City Council hears the rezoning they may say OK, then we've at least look at it. I think if we don't at least look at it we won't have done ourselves any good.

Mr. King replied he thinks that is some good points especially if Council were to rezone it. At that point you will have already recommended denial on both and then they will consider it based on what they have that night. Should the rezoning get approved, the layout, design or any other concerns that the Planning Board may have with the project you can forward along to Council. You have recommended denial based on this, this and this were of concern to the Board should the rezoning get passed by City Council.

Chairman Lesan responds if we are going to talk about this, there has been a motion and second to deny the special use permit and site plan. Let's go ahead and vote on that motion. My suggestion is we pass that motion that has been presented by Ms. Moore so we can discuss this and make some recommendation and come up with something as Mr. King has suggested so we can present that to City Council.

Mr. King replied there is a motion and a second, you can call a discussion. Chairman Lesan asked for any discussion. Ms. VanderVere asked if the storage units will be strictly used for this apartment complex or would they be open to people not living in that area causing more traffic. Mr. King replied these units will be open to the public. They are not just for the apartment project. Mr. King replied the TIA has considered both uses.

Mr. Warden replied most of the traffic would be Piney Green access along a little corridor road rather than through residential area. Mr. King replied Ms. Lauren Triebert with Martin, Alexiou, and Bryson (MAB) is here on behalf of the City's On Call Engineer MAB, so if there are any specific questions as it relates to Transportation Impact Analysis (TIA) she will be here to answer those questions.

Mr. Spring asked what kind of buffer would there be between the single family dwellings to the south and the proposed development? Mr. King replied there is a type A buffer required multi-family and single family but if it's vacant undeveloped there wouldn't be any buffer. I'm presenting this tonight on behalf of Mr. Ouellette who is on vacation. From what I understand I have to assume it was reviewed to ensure that it is complying with Section 115. I did not personally review the plan. Mr. Spring asked so how much room is there between that blue line (visual display). Mr. Warden replied I guess I wouldn't necessarily put since it still is RA-20, based on the denial. Type A is a 30 foot. Mr. King replied Type A is 20. Ms. VanderVere asked that area you drew does not include the area they want rezoned does it. Mr. King replied that is correct I apologize the area would follow this area here (visual display)

Chairman Lesan asked if this project is dependent upon the rezoning request. Mr. John Pierce replied the only use we were going to put in this southern area at this time is an access road out to Lake Street. The project you are looking at now is probably B-1 zoned. We will be constructing an access road on our site plan and a storm water pond. At this point in time we are not proposing any buildings but if successful rezoned there will some buildings proposed in the future.

Chairman Lesan replied that the site plan we just looked at is it dependent upon the rezoning request or that other piece of property. Mr. Pierce replied the site plan that we are looking at now I don't think it's a problem putting an access road through RA, but that may be considered to be a problem. The only thing we are doing is putting a storm water pond and an access road and set on a piece of property we are proposing to rezone at this point.

Mr. King replied the bigger question is, are they seeking a Special Use Permit approval for this property and this property at this time with the application that is before you on agenda item # 2. I believe the acreage is for both tracts. Chairman Lesan replied that answers my question because

all I see is one developer and all the apartments and then I see down here is the next phase. Mr. King replied that is correct. Mr. Pierce replied which would require a future plan to be approved for electronic and what we are proposing to shut down is on the existing B-1 zoned property, we have had the TIA's, and we do comply with the Growth Management and the Future Land Use Plan and we've met and satisfied all the conditions of the TIA and all the Planning Staff in the conditions we are agreeable to. So I think we meet all the local ordinances and requirements on this piece of property we are proposing to develop.

Mr. Spring stated that at some later time or the next City Council meeting if the bottom area was rezoned B-1 and you wanted to build dwellings there you would come back with another Site Plan and we would then get to address the type buffering between that area or is that something spell out already.

Mr. King replied that is correct you would see this development again. The only question I have is the application for one and two or is it just one. Mr. Pierce replied in actuality the only thing we are showing on two is access road going to Lake Street and storm water pond.

Chairman Lesan replied didn't you say the total acreage makes up one and two. Mr. King replied that this development will be constructed on two parcels and a portion of a third. If the special use permit boundary is for the entire tract, then there would not be a subsequent public hearing, it would be all wrapped up with this one project. Based on the acreage I would guess this is one and the site plan would come back before you and City Council to put dwellings on the southern portion, but it will require a public hearing. This site plan is contingent upon the rezoning taking place. Since the Planning Board has recommended denial of this and if you want to recommend approval of just this that keeps it separate, we can forward that to City Council as well. It no longer interlinks with one another other than there is an access drive that's shown going through there. That access road does not get installed until phase four. Phase four is down here so that road will not be connected to Lake Drive unless the rezoning is approved and development plans come forward with the additional phases. In order to make an executive decision at this point, my comment would be that if the Board has a desire to recommend approval of this project that it be limited to that boundary only. I do not know what the acreage of that is by itself.

Chairman Lesan asked if the rezoning gets approved and goes on then it doesn't hold up the developer who wants to move on with the project. Mr. King replied that is correct. Mr. Spring asked that even if we deny this special use permit it's going to go before City Council. Mr. King replied that is correct. Mr. Spring replied we are not going to hold it up by denying it. Mr. King replied right but then the findings of fact B are no longer necessarily relative to the entire project. The current zoning here is already in place. The zoning does allow the use on the northern tract.

Mr. Warden stated that if we've got guidelines and stipulations out there of what a developer has to do in order to develop this piece of property. It's properly zoned, it meets the long range plans that we've taken some time to do, we've got all the zoning ordinances, I don't know how we can deny this project based on what I see tonight. The rezoning is a different subject, but this particular issue I don't see how we can deny it.

Mr. King replied the way this item was applied for was the entire 33 acres. The developer can

say let's split them out to make things easier so we can move forward with the top half while we are working with the other.

Mr. Tom Taft stated that they would be willing to accept if you are willing to grant the approval of the site plan and special use permit for the top portion of the project that meets all the criteria. The problem with not rezoning the Sutton tract is our contract is purchased at four hundred thousand dollars we have that piece of land to put the sewer in. As a developer I don't want to have to pay four hundred thousand for agricultural land. That's my dilemma. I'm struggling with the fact that if you approve the top portion of the project that meets all the criteria. When I go to Council and if they approve it, I still don't have access to sewer. I don't know how I will get access to sewer unless Mr. Sutton decides he wants to sell that to me. I don't want to buy his land at four hundred thousand dollars not knowing what might happen. I do not understand Mr. Spring's objection to rezoning the six acres. If you can tell me what the concern is I may be able to meet that while we are here.

Mr. Spring stated since I made the motion, historically I'm always concerned when B-1 property starts to creep into residential areas. Knowing the history of this land, originally it was outside city limits and it became part of the city limits. I see a big business area getting closer. I know you said you would put houses there, but that doesn't stop the person who buys it from you and then it will be locked in as B-1.

Mr. King replied being that the location of the storm water pond and the sewage pump station, are two intertwined at this point. Mr. Spring asked that if I'm correct, that is permitted in RA-20. Mr. King replied they are. Mr. Taft replied the other thought I had is I would be willing to agree to commit to build a 10ft berm along that property line that you are concerned about that would separate this property from the residential area.

Mr. King replied before you commit to that our slope requirements are three to one. Mr. Taft I'd agree to build a fence, I'm just looking for a solution that satisfies your needs as well as mine.

Ms. VanderVere asked if this particular piece is not rezoned, then the only thing you have planned for that is the access to Lake Street. Mr. Taft replied what would go there is the pump station and if we built the road now we would have to put in the retention pond. As I understand it, if we didn't build the road now we wouldn't have to put the retention pond in but we would have to put the pump station in. Ms. VanderVere asked if you didn't build the road the only access would be off Piney Green Road. Mr. Taft replied there would be two accesses on Piney Green. We eventually want to build that access to Lake.

Chairman Lesan asked if Mr. Taft needed a piece of that parcel for that pump station, that is currently zoned RA-20. Mr. Pierce replied you need it for the access road and the pond. Mr. King replied the application is not conditional use. Mr. Taft replied he would be willing to accept a special use that if it were not residential multi-family construction on the Sutton tract, I would put up the ten foot berm with whatever slope I had to have.

Mr. Warden asked if the special use permit would go with the land or would it go with the site plan. Mr. King replied it goes with the land. Mr. King replied that the Board has recommended

denial of the special use permit and site plan for all of the tracts. Ms. VanderVere asked if all of development can be built without the approval of the rezoning request. Mr. Taft replied it needs to be rezoned for me to be economically justified paying four hundred thousand dollars for agriculture land.

Mr. King replied that with the rezoning they cannot place any conditions on the rezoning request. Mr. Warden replied his question was if we put conditions on a special use, does that go with the site plan or the land itself. Mr. King replied that it goes with the land. You have three parcels. Mr. Warden replied in essence we can only put it on two parcels and not the third because that was denied by the rezoning is that correct. Mr. King replied you can't give a special use permit for multi-family on a RA-20 zone because it's not allowed.

Mr. Taft replied that if the Board decides they want to accomplish this tonight you can rezone the land with the considerations of a special use permit and add that condition to the special use permit. Mr. King replied should the rezoning get approved and Mr. Taft does not develop the property the conditions do not mean a thing.

Mr. Spring replied the rezoning is going before City Council with our recommendation to denial but as they have done in the past or may do in the future there may be things you tell them that may cause them to rezone it the way you want it rezoned. As it pertains to this site plan presentation I don't see where it is not possible. The sewage infrastructure is occurring on a RA-20 zone which is allowed. From that standpoint I don't see where we would deny this special use and site plan.

Mr. King replied the reason why is the use of multi-family on this six acre tract can't be authorized if it's not zoned in a district that allows multi-family. Mr. Taft replied that Mr. Spring is not suggesting that. Mr. King replied the Board needs to specify that you are recommending approval of a special use permit and site plan for the two parcels, 27 acres, only and not the third. Which means when a second phase of this development comes through it will have to go back through the special use permit and site plan application. If that is the desire of the board then that is an option. With the detention pond and the driveway going through there is that permitted in a RA-20 zoning district.

Mr. Spring replied it is permitted. Mr. King responded storm water pond is not specifically listed; it typically considered accessory to the principle structure. Mr. Taft replied I only have to build the storm water reservoir if I put the road in. I'm not going to put the road in; I can't put the road in.

Mr. King replied to go along with that the 27 acres minus the driveway, minus the ponds. The pump station, that's allowed. If the Board wants to do that you are looking at a motion to approve the Special Use Permit and Site Plan with whatever conditions you want to specify for only the 27 acre, which are the two northern parcels, to exclude the pond and roadway which goes out to Lake Street.

Mr. Warden replied we have a motion before us and a second to deny based on "B", I'd like to call the question on that. Two in favor (Joos, Moore) four opposed (Spring, Warden,

Wyrick and VanderVere) the motion has not passed.

Mr. Warden made a motion to approve the Special Use Permit and Site Plan for parcels 1 & 2 only, representing the northern 27 acres, not the denied rezoning portion, based on findings of facts A-G being found in the affirmative and conditioned upon the three use permits and four site plan items identified with the Staff assessment. Not to include the drive or the pond. Mr. Spring seconded the motion. Five for and one against (Moore) motion passes.

Mr. King replied that as a reminder this site will be served by ONWASA so there are still approvals that they will have to get through the water and sewer.

NEW BUSINESS -

M & M Land Development, Inc – Corbin Road/Liberty Drive Tract – Rezoning from R-7 to B-1

Ms. McCray presented M & M Land Development, Inc.'s request to rezone .49 acres from Residential 7 (R-7) to Business 1 (B-1). The parcel is located adjacent to Corbin Street and Liberty Drive.

The undeveloped parcel proposed for rezoning is within the City limits and located adjacent to Corbin Road and Liberty Drive. This parcel is bordered to the north by a narrow piece of undeveloped property, zoned Residential 7 (R-7) and a mobile home park, zoned Residential Multi-Family 5 (RM-5); to the east by a church, zoned Residential 7 (R-7); to the south by undeveloped property, zoned Business-1 (B-1); and to the west by an undeveloped parcel, zoned Business-1 (B-1).

Staff recommends the Planning Board move to approve the rezoning request based on findings of fact A-D being found in the affirmative and that the proposed rezoning advances the public interest.

Vice Chairman Sandra Wyrick made a motion to approve the Rezoning from R-7 to B-1, based on the findings of facts A-D being found in the affirmative and the proposed rezoning does advance the public interest. Ms. Thomasine Moore seconded the motion.

The motion to approve the Rezoning request was approved unanimously by the Board members present.

General Plan Extension – West Fairway Road Development

Mr. King presented the item.

John O. Stevenson has submitted a has submitted a general plan extension request for the division of 32.5 acres into 12 lots adjacent to the extension of West Fairway and Foxhorn Roads.

This request was before the Planning Board and City Council about two years ago. The ordinance states the Planning Board can grant the first General Plan extension which this is. This would give them an extension through July 3, 2011 and if they do not complete the requirements by then the second extension request would be submitted to City Council.

Mr. Warden made a motion to approve the General Plan extension, seconded by Mr. Spring.

The motion to approve the Rezoning request was approved unanimously by the Board members present.

CITY COUNCIL UPDATE

Mr. King presented the following

On June 16th City Council approved the following:

- Jacksonville Commons Elementary School – Site Plan with Approved Special Use Permit
- Special Use Permit – Wynnefield Properties, LLC – apartments on Williamsburg Parkway
- Coastal Carolina Community College – Site Plan with Approved Conditional Use Permit
- Clyde Erwin Elementary School – Site Plan with Approved Special Use Permit

On July 7th City Council approved the following:

- Rezoning on Marine Blvd for Thomas Warren
- Rezoning of the Gables property from B-1 to TCA
- The Gables – Preliminary/General Plan
- Hidden Oaks for Hunters Creek - Preliminary Plan
- Village at the Glen Section II – Preliminary/General Plan, Special Use Permit, Site Plan

OTHER BUSINESS

Mr. King advised the board of Mr. Ouellette's new position with the Community Development Division. He will be missed. We had a new planner to start today his name is Paul Stockwell.

Chairman Lesan asked for a motion to adjourn the meeting. Mr. Warden seconded the motion at 7:01. The motion carried by unanimous vote of the Board members present.

Adopted this 10th day of August, 2009, for the 13th day of July, 2009.

Dr. Doug Lesan, Chairman

ATTEST:

Debbie Jefferson, Administrative Assistant



Request for Planning Board Recommendation

Agenda Item:	1
Date:	8/10/2009

Subject: Zoning Text Amendment – Section 109. Sign Regulations – Colleges and University Signage – Coastal Carolina Community College
Department: Planning & Development Services
Presented by: Ryan King, Planning Administrator

Issue Statement

Coastal Carolina Community College is requesting modifications to Section 109, Sign Regulations of the City’s Zoning Ordinance. These changes will create standards that will provide flexibility and incentives for coordinated, well designed sign systems for large scale collegiate developments.

Staff has discussed the proposed text changes with Clarion Associates. It has been determined that the proposal is consistent with expected provisions that will be proposed to Section 109, Sign Regulations after the UDO is adopted.

Financial Impact

None

Action Needed

Consideration of the Zoning Text Amendment

Recommendation

Staff recommends the Planning Board move to approve the zoning text amendment request.

Approved: City Manager City Attorney

Attachments:

- A Proposed Zoning Text Amendment Ordinance



Staff Assessment

Agenda Item:	1
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Zoning Text Amendment – Section 109. Sign Regulations – Colleges and University Signage
Coastal Carolina Community College

Procedural History

- On July 6, 2009, Coastal Carolina Community College submitted an application requesting the proposed text amendment.
- On August 10, 2009 the Planning Board will provide a recommendation on the proposed Zoning Text Amendment.
- On September 8, 2009 City Council will conduct a public hearing and consider this zoning text amendment.

Stakeholders

- Coastal Carolina Community College – Applicant who requested the proposed Zoning Text Amendment. Believe these changes will advance the public interest by:
 - Increase student safety by providing clear direction to various buildings on campus.
 - Enhance handicapped accessibility by insuring access to the shortest possible route to classrooms.
 - Enhance vehicular safety by providing more clear directions to incoming students, visitors, faculty and staff.
 - Reduce confusion and disorientation of visitors in a large campus environment.
- Smith Sennett Architects – Applicant’s Architect
- DAWA Environmental Graphic Design and Signage – Company that is designing signage for Coastal Carolina Community College
- Coastal Carolina Community College Students – will benefit from the proposed wayfinding signs.

Public Hearing Notification Assessment

“Before adopting, amending, or repealing any ordinance authorized by this Article, the City Council shall hold a public hearing on it. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing.” Notifications in accordance with North Carolina General Statutes have been followed.

Options:

- 1). Recommend approval of the zoning text amendment as proposed. **(RECOMMENDED)**
 - Pros: Would increase student safety by providing clear direction to various buildings on campus. Would enhance handicapped accessibility by insuring access to the shortest possible route to classrooms. Would enhance vehicular safety by providing more clear directions to incoming students, visitors, faculty and staff. Would reduce confusion and disorientation of visitors in a large campus environment. Clarion Associates believes this master sign plan proposal is in line with typical sign plan requirements.
 - Cons: After the UDO is adopted (fall of 2009), Clarion Associates and staff will begin reviewing changes to the current sign regulations. Changes such as these could be considered comprehensively at the same time.

- 2). Defer action on the zoning text amendment.
 - Pros: Would allow staff time to acquire additional background information as requested by City Council.
 - Cons: None

- 3). Deny the zoning text amendment
 - Pros: Would allow changes such as these to be considered comprehensively (review and possible re-write of the sign regulations) at the same time.
 - Cons: Would not provide new standards that would allow the college to move forward in the manner in which they are requesting. Clarion Associates believes this master sign plan proposal is in line with typical sign plan requirements.

ORDINANCE (# 2009-)

AN ORDINANCE AMENDING THE CITY OF JACKSONVILLE ZONING ORDINANCE

BE IT ORDAINED by the Jacksonville City Council that Section 109. Sign Regulations of the City of Jacksonville Zoning Ordinance be amended as follows: ~~Strikethrough~~ indicates the proposed deletion of text while underlining indicates a proposed addition to the text.

Section 109. Sign Regulations

Part A. Purpose

Signs are herein regulated in the interest of promoting traffic safety, safeguarding public health and comfort, facilitating police and fire protection, preventing adverse community appearance and the overcrowding of land, and protecting and promoting the character of the area in which they are located. In general, it is intended that signs of a general commercial nature be prohibited in areas where commercial activities are prohibited and that signs in less restrictive business and industrial areas be regulated to the extent necessary to protect or improve the character of the area and to conserve property values. Further, that because aesthetic value of the total environment does affect economic values of the community, and the unrestricted proliferation of signs can and does detract from the economic value of the community, it is the intent of this chapter to provide limiting controls, where necessary, to preserve or improve and upgrade community scenic, economic, and aesthetic values.

Part B. Permit Required for Signs

- 1) Except as otherwise provided in Part C (Signs Excluded from Regulation) and Part D (Certain Temporary Signs: Permit Exceptions and Additional Regulations), no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this section. Mere repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration.
- 2) If plans submitted for a zoning permit or special-use permit include sign plans in sufficient detail that the permit-issuing authority can determine whether the proposed sign or signs comply with the provisions of this chapter, then issuance of the requested zoning or special-use permit shall constitute approval of the proposed sign or signs.
- 3) Signs exempted under the provisions referenced in paragraph (1) above or not approved as provided in paragraph (2) above may be constructed, erected, moved, enlarged, illuminated or substantially altered only in accordance with a sign permit issued by the zoning administrator.
 - a) Sign permit applications and sign permits shall be governed by the same provisions of this chapter applicable to zoning permits.

- b) In the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center), sign permits shall be issued in the name of the lot owner or his agent rather than in the name of the individual business enterprise requesting a particular sign. The city may assist the owner by suggesting a formula whereby the maximum square footage of sign area allowed on the lot may be allocated equitably among all tenants, but the city shall be responsible for enforcing only the provisions of this chapter and not the provisions of any allocation formula, lease, or other private restriction.
- 4) Additional permit requirements that are applicable for billboard permits are specified in Part J (Billboards) of this Section.

Part C. Signs Excluded From Regulation

The following signs are exempt from regulation under this chapter except for those stated in Part O (Miscellaneous Restrictions and Prohibitions).

- 1) Signs not exceeding four square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as (I) signs giving property identification names or numbers or names of occupants, (ii) signs on mailboxes or newspaper tubes, and (iii) signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
- 2) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional, or regulatory signs.
- 3) Official signs of a noncommercial nature erected by public utilities.
- 4) Flags or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- 5) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
- 6) Signs directing and guiding traffic on private property that do not exceed four square feet each.
- 7) Church bulletin boards, church identification signs, and church directional signs that do not exceed one per abutting street and 15 square feet in area and that are not internally illuminated.
- 8) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.

- 9) Signs proclaiming religious, political, or other noncommercial messages (other than those regulated by Part D (1)(e)) that do not exceed one per abutting street and 15 square feet in area and that are not internally illuminated.

Part D. Certain Temporary Signs: Permit Exemptions and Additional Regulations

- 1) The following temporary signs are permitted without a zoning, special-use, or sign permit. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this chapter except those contained in Part H (Total Sign Surface Area) and Part J (Number of Freestanding Signs).
 - A. In residential zoning districts, temporary signs erected for the purpose of sale, lease, or rent of the real estate on which the sign is located (including buildings), may not exceed six (6) square feet in area. In non-residential districts, such signs may not exceed 15 square feet in area. All such signs shall be removed immediately after sale, lease, or rental of the property on which the sign is located and where applicable, before a Certificate of Occupancy is issued for the subject structure. For lots of less than five (5) acres, a single sign on each street frontage may be erected. For lots of five (5) acres or more in area and having a street frontage in excess of 400 feet, a second sign may be erected.
 - B. Temporary construction site identification signs may be erected during the construction period of a structure in all zoning districts, for the purpose of identifying the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources and related information including but not limited to sale or leasing information. Such signs may not exceed 15 square feet in area. All such signs shall not be erected prior to the issuance of a building permit, and must be removed from the subject site before the issuance of a Certificate of Occupancy.
 - C. Temporary signs attached temporarily to the interior of a building window or glass door. Such signs, individually or collectively, may not cover more than 75 percent of the surface area of the transparent portion of the window or door to which they are attached.
 - D. Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within 10 days following the holidays.
 - E. Signs erected in connection with elections or political campaigns. Such signs shall be removed within three (3) days following the election or conclusion of the campaign.
 - F. Signs erected in connection with festivals, special events, and fund-raising campaigns for civic clubs and other bona-fide non-profit organizations. Such signs shall be removed within three (3) days following the conclusion of the event or fund-raising campaign.

- G. Banner signs and advertising inflatables (balloons) indicating that a special event such as a grand opening, fair, carnival, circus, festival, or similar event is to take place on the lot where the sign is located. No more than two (2) such signs may be displayed per lot or business premises at any given time.
- H. Banner signs indicating "Welcome Home" or similar signs pertaining to the return of military forces from deployment elsewhere. Such signs may not be erected more than five days before and must be removed within five days after the return of the specified military unit.
- I. Flags, other than those described in Part C (4), of a commercial or non-commercial nature. Such flags may be displayed for indefinite periods of time provided that they remain in good physical condition and are not tattered, torn or otherwise deteriorated to the point that they become aesthetically detrimental by virtue of their poor physical condition. In no case may such flags extend over or otherwise encroach upon public rights-of-way.
- J. Temporary signs not covered in the foregoing categories, so long as such signs meet the following restrictions:
 - I. Not more than one such sign may be located on any lot.
 - II. No such sign may exceed four square feet in surface area.
 - III. Such sign may not be displayed for longer than three consecutive days nor more than 10 days out of any 365-day period.
 - IV. For the purposes of this ordinance, Portable Signs shall not be considered Temporary Signs and are prohibited.

2) Other temporary signs not listed in subpart (1) above shall be regarded and treated in all respects as permanent signs, except that (as provided in Part H) temporary signs shall not be included in calculating the total amount of permitted sign area.

Part E. Special Provisions for Certain Signs

1) Schools and Church Signs

a) Signs located within residential zoning districts.

- i. Freestanding signs: Shall be a monument type sign not exceeding thirty-two (32) square feet in area and eight (8) feet in height. The maximum number of signs allowed shall be one (1) per street frontage.
- ii. Wall signs: Shall be in accordance with Part H. of this ordinance.

- b) Signs located within nonresidential zoning districts shall not be subject to (a) above.

2) Shopping Center and Associated Outparcel Signs

a) Freestanding signs:

(1) At the primary entrance to a shopping center, one 80 square foot (maximum) monument style sign, comprised of no more than 6 panels is allowed. The square footage distribution between the 6 panels shall be as follows:

- a) First (top) panel shall not exceed 30 square feet and shall be used to identify the name of the development;
- b) Second through Sixth panel shall not to exceed 10 square feet each and may be used for individual tenant identification.
- c) In no case may any portion of supporting structural elements of the sign exceed 20 feet in width nor be erected to a height greater than fifteen (15) feet. Sign height is measured from ground level at the base of the sign structure.

(2) At any secondary entrance to a shopping center, no more than two, one sided monument signs are allowed. This identification sign may be constructed in lieu of the 6 panel sign at the primary entrance if an owner/developer so chooses.

- a) These signs are only allowed to identify the name of the development. The single side of such sign face may not exceed 32 square feet.
- b) In no case may any portion of supporting structural elements of the sign exceed 20 feet in width nor be erected to a height greater than eight (8) feet. Sign height is measured from ground level at the base of the sign structure.

(3) For outparcels, one (1) fifty-five (55) square foot monument style sign, comprised of no more than four (4) panels, is allowed. Each sign located on an out parcel shall be subject to the following restrictions:

- a) No panel shall be less than ten (10) square feet;
- b) Other restrictions in this Part notwithstanding, if an outparcel is bordered by two (2) or more public streets, the outparcel may have one (1) monument style sign along each side of the outparcel bordered by such street(s), provided each sign shall be subject to the other requirements set forth herein. In no case, shall any such sign be less than one hundred and fifty (150) feet from any other such sign; and
- c) In no case may any portion of the supporting structural elements of any outparcel sign exceed fifteen (15) feet in width nor be erected to a height of greater than ten (10) feet. Sign height is measured from ground level at the base of the sign structure.

d) No more than seventy-five percent (75%) of the total sign surface area allowed may consist of an electronic message board.

(4) All shopping center and outparcel signs located near street intersections shall be situated outside of the "site triangle" as depicted in the Manual of Standard Specifications and Design (MSSD) for the purpose of ensuring traffic safety.

b) Wall signs:

(1) Front Primary Elevation (as depicted on the plan): The maximum sign surface area permitted on the front elevation of an individual unit shall not exceed 2.0 square feet of sign surface area per linear foot of individual shop frontage.

(2) Secondary Elevations (side and rear – as depicted on the plan): The maximum sign surface area permitted on the rear elevation of an individual unit shall not exceed 1.0 square feet of sign surface area per linear foot of individual shop frontage.

3) College and University Signage

a) The development is a college or university located on 30 or more acres housing 10 or more buildings.

b) A Master Sign Plan that includes the following information in booklet form shall be submitted and approved by City Council following a recommendation from the Planning Board and Planning staff specifying:

i) Detailed designs of all proposed signs including the size, height, copy, materials, and colors of such signs.

ii) Proposed locations and number of proposed signs.

iii) Sign Illumination Plans that the source of illumination is not visible and is consistent with the City's exterior lighting provisions.

iv) Plans for landscaping or architectural features to be used in conjunction with such plans.

c) It is determined that the proposed signs shall meet the following criteria:

i) All signs are coordinated in terms of design features.

ii) There shall be no more than one primary sign for the college/university. Such signs shall not exceed 15 feet in height.

iii) Entrances/driveways can have signs located on one or both sides (mirrored) and shall clearly be secondary to the primary sign. Such signs shall not exceed 8 feet in height.

iv) Multi-information directional signs shall be no greater than 16 square feet and shall be located within the interior of the development. Such signs shall be

- located at least: 1) a minimum of 100 feet from any public or private right of way; and 2) should not be legible from any public or private right of way.
- v) Interior campus signs be located a minimum of 100 feet and should not be legible from any public or private right of way.
 - vi) Parking lot identification shall be alphanumeric and shall not exceed 8 square feet.
 - vii) Each sign must be located within the relevant building's curb line.
 - viii) Signs must be located within 150 feet of the pedestrian entrance it identifies.
- d) Any amendments shall be reviewed and decided in accordance with the original approval of the master sign plan.
 - e) After approval of the sign plan, no sign shall be constructed or maintained except in accordance with the sign plan. Failure to remain consistent with the sign plan will be deemed a violation of the ordinance.
 - f) Interpretations of the sign plan shall be made by the Planning and Development Services Director. Appeals shall follow the normal appeals process.

Part F. Determining the Number of Signs

- 1) For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.
- 2) A two-sided or multi-sided sign shall be regarded as one sign so long as:
 - a. With respect to double face (back to back) signs, the distance between the backs of each face of the sign does not exceed three feet.

Part G. Computation of Sign Area

- 1) The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- 2) If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

3) With respect to two-sided, multi-sided, or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the foregoing:

- a. The sign surface area of a double faced, back to back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three feet.
- b. The sign surface area of a double faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as the angle of the "V" does not exceed 30 degrees and at no point does the distance between the backs of such sides exceed five feet.

Part H. Total Sign Surface Area

- 1) Unless otherwise provided in this Section, the total surface area devoted to all signs on any lot shall not exceed the limitations set forth in this section, and all signs except temporary signs shall be included in this calculation.
- 2) The maximum sign surface area permitted on any lot in any residential district, except as provided for in Part C, Part D, Part E of this Section, is six (6) square feet.
- 3) Subject to the other provisions of this Section, the maximum sign surface area permitted on any lot in a non-residential district shall be determined as follows:
 - a. There may be not more than 2.0 square feet of sign surface area per linear foot of lot street frontage.
- 4) If a lot has frontage on more than one street, then the total sign surface area permitted on that lot shall be the sum of the sign surface area allotments related to each street on which the lot has frontage. However, the total sign surface area that is oriented toward a particular street may not exceed the portion of the lot's total sign surface area allocation that is derived from frontage on that street.
- 5) Whenever a lot is situated such that it has no street frontage on any lot boundary and an applicant desires to install on such a lot a sign that is oriented toward a street, then the total sign surface area permitted on that lot shall be the sign surface area that would be allowed if the lot boundary closest to the street toward which such sign is to be oriented fronted on such street. The applicant shall be restricted to using only one street and the closest lot boundary to this street for determining the total permitted sign surface area. However, the applicant shall be given the opportunity to determine the one street used in the calculations.
- 6) The sign surface area of any sign located on a wall of a structure may not exceed 50 percent of the total surface area of the wall on which the sign is located. Electronic message boards are not permitted as wall signs.

- 7) The provisions of this Part shall not apply to billboards. The placement and dimensional requirements of billboards shall be governed by Part K of this Section.

Part I. Freestanding Sign Surface Area

- 1) For purposes of this Section, a side of a freestanding sign is any plane or flat surface included in the calculation of the total sign surface area as provided in Part H. For example, wall signs typically have one side. Freestanding signs typically have two sides (back to back), although four-sided and other multi-sided signs are also common.
- 2) A single side of a freestanding sign may not exceed 0.75 square feet in surface area for every linear foot of street frontage along the street toward which such sign is primarily oriented. In addition, the maximum total surface area for a single side of a freestanding sign shall not exceed 150 square feet. Maximum percentage of the total sign area for an electronic message board shall not exceed 30 percent.
- 3) With respect to freestanding signs that have no discernible sides, such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed the maximum total surface area allowed for a single side of a freestanding sign.
- 4) The provisions of this Part shall not apply to billboards. The placement and dimensional requirements of billboards shall be governed by Part K of this Section.

Part J. Number of Freestanding Signs

- 1) Except as authorized by this Part, no development may have more than one freestanding sign.
- 2) If a development is located on a corner lot that has at least 100 feet of frontage on each of the two intersecting public streets, then the development may have not more than one freestanding sign along each side of the development bordered by such streets.
- 3) If a development is located on a lot that is bordered by two public streets that do not intersect at the lot's boundaries (double front lot), then the development may have not more than one freestanding sign on each side of the development bordered by such streets.
- 4) For developments that have more than 300 linear feet of frontage along a single right-of-way boundary, a second freestanding sign may be established. For developments that have more than 500 feet of frontage, a maximum of three freestanding signs may be established. Multiple freestanding signs established in the same development must be separated by a minimum of 100 feet. The total amount of area for all freestanding signs erected for a single development may not exceed 0.75 square feet in surface area for every linear foot of street frontage along

the street toward which such sign is primarily oriented. In no case may any such freestanding sign exceed 150 square feet in size.

- 5) Freestanding signs are prohibited in all residential districts, except as otherwise provided by this section.
- 6) The provisions of this Part shall not apply to billboards. The placement and dimensional requirements of billboards shall be governed by Part K of this Section.

Part K. Billboards

Billboards shall be permitted only in the Billboard Overlay Zone as shown on the Official Zoning Map for the City of Jacksonville and its extraterritorial jurisdiction. For the purposes of this Chapter, Billboards constitute a separate and distinct land use due to their size and prominence upon the landscape, and are therefore subject to the following separate regulatory provisions. It is recognized that billboards provide the opportunity to advertise products, services, and ideas; however, because of their sheer size, location in proximity to buildings, and potential for storm damage these signs can be aesthetically undesirable, create traffic hazards, and present dangers to adjoining properties. Therefore, it is the purpose of this ordinance to allow for the establishment of billboards under specific, limited circumstances.

- 1) No two billboards shall be spaced less than 2000 feet apart on the same side of the roadway on all streets and rights-of-way where they are allowed. In addition, no two billboard structures shall be placed within 1000 feet in either direction of the nearest point on the opposite side of the same right-of-way from an existing billboard. When determining the distance between signs the measurement shall be from the nearest points of the respective signs (including braces, overhang, etc.).
- 2) No billboards shall be allowed within 750 feet of the center point of an intersection where both roads allow billboards nor within 750 feet of the interior apex of an angle intersection, where both roads allow billboards.
- 3) All billboard structures, including overhangs and all other components, shall be set back at least 20 feet from the nearest road right-of-way.
- 4) The maximum allowable height for a billboard shall be 40 feet.
- 5) No one copy area of any billboard structure shall exceed four hundred square feet, and there shall be no more than one copy area facing any one side of the traveled roadway on any sign structure.
- 6) All billboards shall be plainly marked with the name of the person, firm, or corporation erecting and maintaining such sign and shall have affixed the firm number issued for said sign by the building inspector.

- 7) All owners of billboards are required to obtain and maintain an annual billboard permit in order for the billboard to be considered a conforming use. Billboard permits shall only be issued for billboards that are in complete conformance with the requirements of this ordinance. If a billboard permit expires, the billboard shall be deemed non-conforming until a new permit is obtained. For the purposes of this subsection, a billboard shall be considered "destroyed" if damaged to an extent that the cost of repairing the billboard to its former stature or replacing it with an equivalent billboard equals or exceeds 50 percent of the tax value, as listed in the Onslow County Tax Office, of the billboard so damaged.

Part L. Development Entrance Signs

At any entrance to a residential subdivision multifamily development, office park, or industrial park there may be no more than two signs at each entrance identifying such subdivision or development. A single side of any such sign may not exceed 32 square feet, nor may the total surface area of all such signs located at a single entrance exceed 64 square feet. In addition, no part of such development entrance sign(s) shall be of a height greater than six feet as measured from ground level at the base of the sign structure. All such development entrance signs located near street intersections shall be situated to provide a minimum of 10 feet by 70 feet vehicular sight triangles for the purpose of ensuring traffic safety.

Part M. Location and Height Requirements

- 1) No part of any freestanding sign shall be established closer than five feet to a property line, existing right-of-way boundary or future right-of-way boundary as depicted on the amended City of Jacksonville Thoroughfare Plan or other officially adopted plan.
- 2) No sign attached to a building may project more than 18 inches from the building wall.
- 3) No sign or supporting structure may be located in or over the traveled portion of any public right-of-way unless the sign is attached to a structural element of a building and an encroachment permit has been obtained from the city.
- 4) No part of a freestanding sign may exceed a height, measured from ground level at the base of the sign, of 35 feet in the B-1, B-2 and Industrial districts and 15 feet in all other districts where they are allowed.

Part N. Sign Illumination and Signs Containing Lights

- 1) Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination is in accordance with this Part.
- 2) No sign within 150 feet of a residential zone may be illuminated between the hours of midnight and 6 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.
- 3) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.
- 4) Except as herein provided, (i) internally illuminated signs are not permissible in any residential zoning district, and (ii) where permissible, internally illuminated freestanding signs may not be illuminated during hours that the business or enterprise advertised by such sign is not open for business or in operation. This subsection shall not apply to the following types of signs:
 - a) Signs that constitute an integral part of a vending machine, telephone booth, device that indicates only the time, date, or weather conditions, or similar device whose principal function is not to convey an advertising message.
 - b) Signs that do not exceed two square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy.
- 5) Subject to subpart (7) below, illuminated tubings or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.
- 6) Subject to subpart (7) below, no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date or weather conditions.
- 7) Subparts (5) and (6) above do not apply to temporary signs erected in connection with the observance of holidays.

Part O. Miscellaneous Restrictions and Prohibitions

Where applicable, all signs shall be constructed in accordance with the requirements of the North Carolina State Building Code, as amended. The following signs and situations are specifically prohibited within the City of Jacksonville and its extra-territorial jurisdiction.

- 1) No sign may be located so that it substantially interferes with the view or vision necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

- 2) Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. Signs that only move occasionally because of wind are not prohibited if their movement (I) is not a primary design feature of the sign, and (ii) is not intended to attract attention to the sign. The restriction of this subpart shall not apply to signs specified in Part C (4), Part D (1)(h), or to signs indicating the time, date, or weather conditions.
- 3) No sign may be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
- 4) Freestanding signs that are not securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property are prohibited.
- 5) Portable signs are prohibited.
- 6) Flashing signs are prohibited.
- 7) Painted-on-building signs are prohibited.
- 8) Signs located within public rights-of-way (except governmental and informational signs as exempted per Part C) are prohibited.
- 9) Signs that are posted on any telegraph pole, telephone pole, electric light pole, or any tree along any street are prohibited.
- 10) Signs that obstruct ingress or egress to any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any room or building as required by law are prohibited.
- 11) Strings of lighting, pennants and similar devices are prohibited.

Part P. Maintenance of Signs

- 1) All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs and billboards, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.
- 2) If the message portion of a sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within 30 days of the removal of the message portion of

the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of Part R (3), which prohibits the replacement of a nonconforming sign. Nor shall this subsection be construed to prevent the changing of the message of a sign.

- 3) The area within 10 feet in all directions of any part of a freestanding sign shall be kept clear of all debris and all undergrowth more than eight (8) inches in height. This requirement shall not apply to well maintained landscaping that may include decorative shrubs, bushes, flowering plants and other managed types of flora.

Part Q. Unlawful Cutting of Trees or Shrubs

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

- 1) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the City of Jacksonville.
- 2) On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located;
- 3) In any area where such trees or shrubs are required to remain under a permit issued under this ordinance.

Part R. Nonconforming Signs and Billboards

- 1) Subject to the remaining restrictions of this section, nonconforming signs and billboards that were otherwise lawful on the effective date of this section may be continued until such time as they may be removed or destroyed, as provided under the non-conforming provisions stipulated in Section 96 of this chapter.
- 2) No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign or billboard. Without limiting the generality of the foregoing, no nonconforming sign or billboard may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign or billboard.
- 3) A nonconforming sign or billboard may not be moved or replaced except to bring the sign or billboard into complete conformity with this chapter.
- 4) If a nonconforming sign or billboard is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this chapter, and the remnants of the former sign or billboard structure shall be cleared from the land. For purposes of this chapter, a nonconforming sign

that does not qualify as a billboard is "destroyed" if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds 75 percent of the replacement value of the sign so damaged.

- 5) Subject to the other provisions of this chapter, nonconforming signs, excluding billboards, may be repaired and renovated so long as the cost of such work does not exceed within any 12-month period 75 percent of the replacement value of such sign.
- 6) For the purposes of this chapter, a billboard shall be considered "destroyed" if damaged to an extent that the cost of repairing the billboard to its former stature or replacing it with an equivalent billboard equals or exceeds 50 percent of the tax value, as listed in the Onslow County Tax Office, of the billboard so damaged. Billboards may be repaired and renovated so long as the cost of such work does not exceed within any 12-month period 50 percent of the tax value of such sign.
- 7) The message of a nonconforming sign may be changed so long as this does not create any new non-conformities.
- 8) If a nonconforming billboard remains blank for a continuous period of 180 days, that billboard shall be deemed abandoned and shall, within 30 days after such abandonment, be altered to comply with this article or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is "blank" if:
 - a) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
 - b) The advertising message it displays becomes illegible in whole or substantial part; or
 - c) The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.
- 9) The zoning administrator shall keep complete records of all correspondence, communications, and other actions taken with respect to such nonconforming signs.

Part S. Amortization of Painted-On-Building Signs

Subject to other applicable provisions of this ordinance, all painted-on-building signs as defined by this ordinance existing at the time of adoption of this Section shall, within five years after the effective date of this Section, be altered to comply with the provisions of this Section or be removed.

Part T. Applicability

The regulations stipulated in this section shall apply to all signs that are constructed, erected, moved, enlarged, illuminated, substantially altered or otherwise maintained within the City of Jacksonville's jurisdiction except for signs expressly or implicitly regulated elsewhere in this ordinance.

BE IT FURTHER ORDAINED by the City Council of the City of Jacksonville that the Zoning Ordinance may be appropriately reorganized and/or renumbered in the order to set the provisions of this text change in a logical and orderly fashion. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be in full force and effective upon its adoption. Adopted by the Jacksonville City Council in regular session on this 8th day of September, 2009.

Sammy Phillips, Mayor

ATTEST:

Carmen K. Miracle, City Clerk