ORDINANCE NO. (2008) 3528

AN ORDINANCE TO AMEND ORDINANCE NO. (2003) 3250 ENTITLED "THE GARNER UNIFIED DEVELOPMENT ORDINANCE FOR THE TOWN OF GARNER AND ITS EXTRATERRITORIAL JURISDICTION" TO ESTABLISH THE GARNER ROAD OVERLAY DISTRICT

Section One. Create a new Section 4.16 entitled "Garner Road Overlay District" to read as follows:

A. Purpose and Intent

The Board of Aldermen finds that Garner Road is an important roadway corridor through the historic portion of the Town of Garner. It was the first paved road in the state and once served as a main travel route connecting central North Carolina to the coast. As such, this roadway corridor played a very important role in the early development of Garner. Presently commercial areas along this corridor are characterized by large signs, unscreened surface parking areas with little or no landscaping and significant amounts of outdoor storage. The Board believes it is important for the community to improve these conditions in order for Garner Road to function efficiently as a transportation facility, provide opportunities for new business locations and promote a strong commitment to quality community appearance.

B. Overlay Zone

The Garner Road Overlay District is an overlay zone. The land use regulations applicable to the underlying zone remain in full force and effect except where superseded herein. Where there is a provision not expressed in the underlying zone, or where a provision hereof is in conflict with the underlying zone or other requirement, the stricter provision shall be controlling

C. Location.

The Garner Road Overlay District shall apply to the segment of Garner Road located generally from Northview Street east to the limits of the Town's jurisdiction near the intersection of Garner Road and Auburn-Knightdale Road as illustrated on the attached map which is herein incorporated as part of this ordinance. The Town of Garner Official Zoning Map shall be amended to clearly indicate the boundaries of the adopted Garner Road Overlay District. In cases where any portion of a building or parking area falls within the boundaries of the overlay district, these provisions shall apply to all of the building(s) and parking areas.

D. Permissible and Prohibited Uses

Unless otherwise restricted below, all uses allowed by the underlying zoning district are permissible in the Garner Road Overlay District provided all requirements and permits as required by this UDO are satisfied.

1. Prohibited Uses

The following uses are prohibited in the Overlay District.

a. Drive-in movie theaters;
b. Adult cabarets and establishments;
c. Outside Storage of Goods not related to Sale or Use on Premises;
d. Junkyards, automobile graveyards; and
e. Commercial Greenhouse Operations.

2. Prohibited Uses Adjacent to or within 150 feet of Existing Residential Uses

The following uses are prohibited adjacent to or within 150 feet of an existing residential use.

a. Pool halls/bowling alleys only; and
b. Bars/night clubs/ABC-permitted private clubs.

3. Restricted Uses

The following uses are permissible in the Garner Road Overlay District provided the use complies with special standards listed below.

a. Motor Vehicle Sale Lots. All vehicle display areas with frontage along Garner Road shall be screened to a minimum height of 2½ feet. Such screening height must be achieved within 1 year.

b. Automobile Service Centers. All service bay door areas shall be oriented so as not to directly face Garner Road. All service bay doors areas shall have a 100 percent screen to a minimum height of 3 ½ feet if such areas are visible

from public street views. Such screening height must be achieved within 1 year.

c. Automobile Repair and Body Shops. All service bay areas shall be located at the rear of the building or be oriented in such a manner so as not to be directly visible from Garner Road as approved by the permit issuing authority. All overnight vehicle storage areas shall be located in the rear of the building. Such storage areas shall be 100 percent screened from public street rights-of-way to a minimum height of 6 feet by the use of fencing, landscaping, berms, or a combination thereof as approved by the permit issuing authority.

d. Car Washes. Car washes are permissible, provided the buildings are oriented in such a manner that the wash bays do not directly face Garner Road. If such orientation is not reasonably practical as determined by the permit-issuing appropriate screening of the building is provided in a manner and location approved by the permit issuing authority.

4. Nonconforming Uses

The provisions of Article 9 regarding nonconformities shall apply properties located in the Garner Road Overlay District.

5. Street and Driveway Access

The existing access location standards set forth in Section 8.2 of the UDO shall govern driveway locations on Garner Road as well as North Carolina Department of Transportation requirements. The permit issuing authority may allow deviations from these standards if it concludes, based upon a Traffic Impact Study submitted by a professional traffic engineer, the requested deviations do not pose any traffic safety impacts to the public and that such deviations have been recommended by the Town Engineer and the North Carolina Department of Transportation.

6. **Site Lighting**

The provisions of Section 7.6 shall apply to properties located in the Garner Road Overlay District.

7. **Signage**

The provisions of Section 7.5 shall apply to property located in the Garner Road Overlay District.

8. **Nonconforming Sign Requirements**

Existing non-conforming signs located in the Garner Road Overlay District as of the date of the adoption of this ordinance shall be required to come into compliance when a change in business operations occurs or a change in use occurs.

9. **Building Design Standards**

All retail or office complexes or commercial subdivisions, as defined in this UDO, shall be required to obtain Town approval of Building Design Guidelines that are consistent with the following standards. An individual nonresidential building, not part of a larger retail center, office complex, or commercial subdivision, shall also be subject to these provisions. All new development must comply with the following standards.

a. The use of pre-fabricated metal buildings shall not be permitted unless all building facades visible from street views are treated with brick, decorative/scored concrete masonry units (CMU). Exterior insulated finishing systems (EIFS), or other materials in styles and colors approved by the permit issuing authority may be used only as minor accents (less than 25% of a visible building façade).

b. Design guidelines shall be required for all shopping centers, business or offices complexes and commercial subdivisions located within the overlay district. Such guidelines must be included as part of the initial overall development plan submittal. All development that is subject to Design Guidelines approved by the Town must be constructed in accordance with the applicable standards for that specific development.

c. All design guidelines shall include, but not be limited to, provisions that address building height, mass and scale, setback distances and unifying site elements such as building materials and colors, landscaping, site lighting elements, pedestrian circulation systems and other elements deemed appropriate by the permit issuing authority for the particular location on Garner Road.

d. Vehicular parking surface areas with direct frontage on Garner Road shall have curb and gutter and be paved with a permanent surface consisting of a minimum six inches of base stone and two inches of I-2 asphalt from the edge of the front vehicular/parking surface area to the front building line. An equivalent permanent surface material may be used as an alternative if approved by the permit issuing authority. Truck loading and/or vehicular service areas shall be oriented on the property so as to be out of public street views unless approved by the permit issuing authority consistent with the requirements herein.

10. Requirements for Existing Uses

All existing nonresidential uses of property with direct frontage on Garner Road shall comply with the following requirements by December 31, 2010.

a. Parking Lot Landscape Planting for Existing Uses

i. All affected properties shall comply with the street tree requirements of the UDO and screen all outside display/storage areas or vehicular surface areas directly fronting along Garner Road to a minimum height of 2 ½ feet at installation and planted five feet on center at installation.

ii. Each property owner or designee shall be responsible for obtaining landscape plan approval from the Planning Department which complies with these standards and install the planting material prior to the December 31, 2010 deadline date.

iii. In cases where the existing property does not have sufficient land area available to accommodate the required landscaping on site without severely impacting business operations, the Planning

Department may allow deviations from these standards provided the following is accomplished.

- An appropriate combination of street trees and shrubs is provided in locations that effectively improve the appearance of the property and special highway corridor as determined by the Planning Department (the use of r/w area is permissible with an NC DOT encroachment agreement; maintenance by property owner shall be required).
- A maximum deviation of up to 50 percent of required landscaping may be authorized by the Planning Department if it finds there is not sufficient space available on private property and/or public right-of-way areas (merely having to relocate storage areas when sufficient space elsewhere on site is available does not qualify for this type of relief).
- The decision of the Planning Department may be appealed to the Planning Commission for review and recommendation with the final decision by the Board of Aldermen.

b. Existing Businesses with outdoor storage

i. All outdoor storage of unlicensed vehicles, equipment or other materials as identified by the town of Garner located between the front of the building and the right-of-way of Garner Road shall be removed by December 31, 2010. This restriction includes the prohibition of overnight storage of vehicles in the above defined area that are associated with automobile repair shops. The provision is not intended to prohibit or restrict overnight parking of licensed commercial vehicles associated with the conduct of the business.

ii. All outdoor storage of items described above shall be allowed only if such storage is located in an area behind the front building line of a building with 100% screening is provided up to a height of 6 feet from all street views in a manner acceptable to the Town.

iii. Each property owner or designee shall be responsible for obtaining plan approval from the Planning Department which complies with these standards and install the required improvements prior to the December 31, 2010 deadline.

iv. Some minor deviation of the standards identified (b) (i) above may be authorized by the Planning Department if it finds it is in the public interest to grant some minor relief from these requirements.

v. The decision of the Planning Department may be appealed to the Planning Commission for review and recommendation with the final decision by the Board of Aldermen.

Section Two. Ordinance No. (2008) 3528 entitled Garner Unified Development Ordinance and Its Extraterritorial Jurisdiction as noted for deletion where applicable in Section One are hereby appealed.

Section Three. All ordinances or portions thereof in conflict with this ordinance are hereby appealed.

Duly adopted this 21st day of October, 2008.

Ronnie S Williams
MAYOR

ATTEST: Judy Basso
TOWN CLERK

APPROVED AS TO FORM: [illegible]
TOWN ATTORNEY