

ORDINANCE NUMBER 10-03-09A

**AN ORDINANCE CONCERNING THE DESIGN OF COMMERCIAL BUILDINGS;
AMENDING THE ZONING REGULATIONS TO PERMIT DEPARTURES FROM THE
DESIGN STANDARDS CONTAINED WITHIN §§92.054 – 92.057 SO LONG AS A
DEVELOPMENT SUBSTANTIALLY COMPLIES WITH THE DESIGN GUIDELINES
FOR NEW COMMERCIAL CONSTRUCTION**

WHEREAS, N.C.G.S. 160A-381 authorizes municipalities to adopt zoning ordinances regulating, among other things, “the location and use of buildings, structures, and land”; and

WHEREAS, in Ordinance No. 05-10-11B, enacted by the Town Council on 15th day of November 2005, the Town of Lake Lure used such authority to adopt §92.054, Design Standards for Commercial Buildings; and

WHEREAS, on the 9th Day of September 2008, in Resolution No. 08-09-09, the Town Council adopted the Lake Lure Design Guidelines for New Commercial Construction; and

WHEREAS, in order to facilitate a friendly business environment for commercial operations in the Town of Lake Lure, the Town Council requested that the Zoning and Planning Board recommend amendments to the Zoning Regulations with respect to standards for new commercial construction so that the adopted *Design Guidelines for New Commercial Construction* can be more fully utilized to give maximum flexibility to commercial designers while protecting community character.

WHEREAS, the Zoning and Planning Board has recommended that Town Council enact this ordinance allowing for flexibility in the design standards listed in Section § 92.056 and §92.057 on a case by case basis, with approval by the Board of Adjustment after review and recommendation by the Zoning and Planning Board provided that the development is in substantial compliance with the *Design Guidelines for New Commercial Construction*; and

WHEREAS, the Zoning and Planning Board has also recommended that Town Council amend individual design standards in §92.056 and §92.057 that currently permit flexibility for the such standard. The flexibility statement will no longer be necessary based on the addition of the flexibility provision proposed in § 92.054 which allows for flexibility with all of the standards in §§92.056 and 92.057.

WHEREAS, this Council finds that this ordinance is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan (“Plan”) because the Plan has established the following goals, objectives, and policies:

CA Goal 1: A clear “sense of place” for Lake Lure

Objective CA-1-1: Further develop Lake Lure’s “sense of place” by creating design standards.

Policy CA-1-1.1: Develop design guidelines that supplement standards contained in the zoning regulations and convey community expectations.

1. Gather input and create an inventory of a full range of features that contribute to the character of the town.
2. Create a set of community design guidelines (visual manual) to align future development with Lake Lure’s sense of place. This will depict the design standards (graphics and text) to clearly communicate the desired aesthetics that Lake Lure wishes to accomplish. Architectural styles, building height, building orientations, materials, and landscaping are among the types of features for which standards may be developed.

WHEREAS, this Council further finds that this ordinance is reasonable and in the public interest in that it serves to allow flexibility in the design standards listed in Section § 92.056 and §92.057 and serves to further utilize the Lake Lure Design Guidelines for New Commercial Construction; and

WHEREAS, the Lake Lure Town Council, after due notice, conducted a public hearing on the 9th day of March, 2010, upon the question of amending the Zoning Regulations in this respect.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA, MEETING IN REGULAR SESSION AND WITH A MAJORITY OF THE COUNCIL MEMBERS VOTING IN THE AFFIRMATIVE:

SECTION ONE. *Authority.* This ordinance is enacted pursuant to the grant of authority contained in Section 160A-381 of the North Carolina General Statutes. Throughout this ordinance additions to existing text are underlined and deletions are struck-through.

SECTION TWO. *Findings.* This ordinance is consistent with the 2007-2027 Town of Lake Lure Comprehensive Plan (“Plan”) because the Plan has established the following goals, objectives, and policies:

CA Goal 1: A clear “sense of place” for Lake Lure

Objective CA-1-1: Further develop Lake Lure’s “sense of place” by creating design standards.

Policy CA-1-1.1: Develop design guidelines that supplement standards contained in the zoning regulations and convey community expectations.

1. Gather input and create an inventory of a full range of features that contribute to the character of the town.
2. Create a set of community design guidelines (visual manual) to align future development with Lake Lure's sense of place. This will depict the design standards (graphics and text) to clearly communicate the desired aesthetics that Lake Lure wishes to accomplish. Architectural styles, building height, building orientations, materials, and landscaping are among the types of features for which standards may be developed.

SECTION THREE. §92.054(E) of the Zoning Regulations of the Town of Lake Lure, concerning design requirements for commercial buildings, is hereby created to read as follows:

- (E) *Alternative Design.* Upon the recommendation of the Zoning and Planning Board, the Board of Adjustment may grant a conditional use permit for a commercial building which departs from the design standards contained in §§92.054 – 92.057 so long as the design of such development is in substantial compliance with the Town of Lake Lure Design Guidelines for New Commercial Construction.

SECTION FOUR. Paragraph (6) of Section §92.056(E) of the Zoning Regulations of the Town of Lake Lure, concerning modification of design standards for commercial buildings containing less than 15,000 square feet of gross floor area, is hereby repealed.

SECTION FIVE. Section §92.056(F) of the Zoning Regulations of the Town of Lake Lure, concerning materials used in the design of commercial buildings containing less than 15,000 square feet of gross floor area, is hereby amended as follows:

- (F) *Materials.* The materials used on a building façade play a large part in determining the appearance of a building. In order to ensure that a building is aesthetically pleasing, it is important to ensure that the materials and the colors used on the exterior of a building are pleasing to the eye and are compatible with the surroundings. As a general rule, the use of high quality natural building materials such a wood, brick, and native stone contribute to aesthetically pleasing facades. The following is a list of permitted materials for the building base, body, and cap. ~~Other materials not specifically mentioned may be permitted, but need to be reviewed by the Zoning and Planning Board and approved by the Board of Adjustment.~~

- (1) Building Base: Brick, native stone, manufactured stone, or textured concrete masonry units.
- (2) Building Body: Wood, brick, native stone, manufactured stone, or other applied materials such as exterior insulated finish system (E.I.F.S.).
- (3) Building Cap: Brick, native stone, manufactured stone, textured concrete masonry units, wood, or applied materials such as exterior insulated finish system (E.I.F.S.)

SECTION SIX. Section §92.056(G) of the Zoning Regulations of the Town of Lake Lure, concerning façade colors for commercial buildings containing less than 15,000 square feet of gross floor area, is hereby amended as follows:

(G) *Façade Colors.* The use of low reflectance, subtle, neutral, or earth tone colors on the façade usually results in an acceptable appearance. The use of high intensity colors, metallic colors, black or fluorescent colors as the predominate façade color usually does not result in an aesthetically appealing building and applications utilizing such would have to be reviewed by the Zoning and Planning Board and approved by the Board of Adjustment on a case by case basis. Building trim and accent areas may feature brighter colors, including primary colors, but the use of neon tubing as a feature for a building is not permitted.

- (1) Building Base: The base shall read as a single, subdued, earth-tone color.
- (2) Building Body: The body shall read as a single, subdued, earth-tone color. A maximum of three accent colors are also permitted that are compatible with the body color.
- (3) Building Cap: The cap shall consist of colors that are compatible with the building body color, any accent color and to each other.

SECTION SEVEN. Section §92.056(H) of the Zoning Regulations of the Town of Lake Lure, concerning roof designs for commercial buildings containing less than 15,000 square feet of gross floor area, is hereby amended as follows:

(H) *Roofs.* In order to reduce the massive size of large structures, flat roofs should be avoided if at all possible. The use of varied roof lines, through the utilization of parapets and/or sloped roofs, is encouraged. The roof treatment should harmonize with the neighborhood character. Building walls, parapets, and/or roof systems

shall be designed to conceal all roof-mounted mechanical equipment from view to adjacent properties and public rights of way.

- (1) Permitted roof styles shall include gable, mansard, and hip roofs. Flat roofs are permitted if disguised through the use of parapet walls. ~~Other roof styles shall require review by the Zoning and Planning Board and specific approval by the Board of Adjustment.~~
- (2) The height of any pitched roof shall not exceed the average wall height to of the building.
- (3) Permitted materials for pitched roofs include wood, slate, fiberglass reinforced asphalt shingles, and standing seam or terne metal. ~~Other roofs materials shall require review by the Zoning and Planning Board and specific approval by the Board of Adjustment.~~

SECTION EIGHT. In administering this Ordinance, the Town shall have all the remedies and enforcement powers contained in Article 13 of the Zoning Regulations, as supplemented herein, and as provided by the General Statutes.

SECTION NINE. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION TEN. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION ELEVEN. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

SECTION TWELVE. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 9th day of March, 2010.

Ordinance No. 10-03-09A
March 9, 2010
Page 6

ATTEST:

Mary A. Flack, MMC
Town Clerk

Jim Proctor
Mayor

Approved as to content and form:

J. Christopher Callahan
Town Attorney