

## Article 21 - Commercial Design and Appearance Standards

**Section 16-21.1. Purpose.** The general appearance, style, and design of commercial buildings, landscapes, streetscapes, and developments are of prime importance to the Town of Blowing Rock and its citizens. Blowing Rock is an historic mountain-resort community that has traditionally depended upon a tourism-based economy. Tourists, in large part, are attracted to the history, natural environment, scenic beauty, and aesthetic character of the community. The regulations and guidelines contained herein are intended to ensure that the high quality and standards for which Blowing Rock is known will be maintained and perpetuated. The purposes of this Article are as follows:

- a) To promote the public health, safety, and welfare through a comprehensive system of reasonable, effective, and consistent appearance standards and requirements.
- b) To create a balance between the need for new development and the desire to maintain a safe, healthful, and attractive resort community environment.
- c) To enhance the general welfare of the community by protecting property values and preserving the natural environment, the unique character, and the aesthetic integrity of the community. The preservation of Blowing Rock's appearance and natural beauty from excessive and unattractive development is a matter of critical importance to the Town because of its reliance on tourism.
- d) To provide proper standards to ensure a high level of quality in the appearance of Blowing Rock, without discouraging good design by setting rigid standards that stifle a developer's or property owner's individuality, creativity, or artistic expressions at a particular site.
- e) To aid in the preservation of natural resources by contributing to air purification, oxygen regeneration, groundwater recharge, energy conservation, and storm water runoff abatement, while reducing noise, glare, and heat.
- f) To ensure adequate light and air and to prevent the overcrowding of land.
- g) To preserve and improve property values and to protect public and private investment through the preservation of open space.
- h) To preserve and protect the quality and character of Blowing Rock, and to enhance the business economy attracted to the community by such factors.

**Section 16-21.2. Applicability.** The design criteria outlined in this Article shall apply to all new non-single-family development or redevelopment in Blowing Rock for which a zoning permit or a special use permit is required pursuant to Chapter 21 of the Town Code. Non-single-family development or redevelopment includes, townhouses, condominiums, multi-family apartments, commercial buildings, industrial buildings, churches, schools, hospital buildings, all other buildings not specifically designed and used for single-family or two-family purposes, and accessory buildings associated with all these types of non-single-family developments. For the purposes of this Article, the expansion, alteration, or reconstruction of an existing development shall not be considered "redevelopment" unless the value of the expansion, alteration, or reconstruction is greater than 50% of the value of the existing development prior to the expansion, alteration, or reconstruction. The value of the existing development shall be based on "tax value". In the absence of tax value, the Administrator shall estimate the value based upon

the best information reasonably available. The value of the expansion, alteration, or reconstruction shall be based on “construction cost”.

**Section 16-21.3. Criteria for Design.** The following criteria have been used in developing the standards and requirements contained in this article and shall serve as guidelines for development in Blowing Rock:

- a) **Livability.** Buildings and outdoor spaces should be designed to fit human scale, to harmonize with the design of streets, and to accommodate pedestrian traffic.
- b) **Visual Impact.** New public and private projects should be visually appealing, compatible with the mountain setting, and compatible with other development in the surrounding area.
- c) **Vegetation.** Landscape design should preserve existing trees and vegetation and incorporate new trees and shrubbery, as necessary to comply with this Article. Landscaping should be used to screen and soften the impact of development.
- d) **Mobility.** Land development should provide a network of roads, bicycle paths, and sidewalks that give consideration to the safety of motorists, cyclists, joggers, and walkers.
- e) **Views.** Streets, buildings, and parking lots should enhance the mountain environment by preserving and providing pleasant views and appropriate geographic orientations.

**Section 16-21.4. Exterior Walls and Facades of Commercial Buildings.** The exterior walls of commercial buildings shall be designed to reflect, enhance, and promote the desired image of a “mountain village”. Historic structures and other buildings in the Blowing Rock area that provide important examples of the “mountain village” image is contained in Appendix F. The examples that are contained in Appendix F shall be used as a guide for building design.

**16-21.4.1** Exterior building materials that are used on each building elevation that is adjacent to a street, whether public or private, shall be natural stone found in the area, or equivalent cultured stone products, natural wood siding, or other equivalent materials that are specifically approved by the Planning Board and/or the Town Council, as the case may be.

**16-21.4.2** Exterior building materials that are used on other elevations of the building may include, in addition to the materials specified in subparagraph 4.1 above, stucco, or other equivalent materials that are specifically approved by the Planning Board and/or the Town Council, as the case may be. Stucco may not be used to cover or replace old historic brick on existing buildings.

**16-21.4.3** All elevations of a building’s exterior design shall be coordinated with regard to color, materials, architectural form, and detailing. The design of a building must wrap around the sides to present a continuity of design on all exposed sides. No more than three primary building materials may be used on any building side. The use of different primary materials on the sides of a building from those that are used on the building facade shall be discouraged.

**16-21.4.4** Except to the extent prohibited by the State building codes, the wall area on the first floor of a building fronting a street shall have the following percentage of windows and doors:

- a) At least 30 percent windows and doors within the General Business District
- b) At least 50 percent windows and doors within the Town Center and Central Business Districts.

**16-21.4.5** The building shall be oriented so that a principal or primary facade faces each street on which the building fronts. The design of the principal or primary facade shall enhance the pedestrian environment by the use of such architectural elements as doorways, dormers, gables, porches, columns, and cornices. Upper story features such as balconies, mezzanines, and atriums, shall be encouraged provided that they are in proportion to the scale of the rest of the building.

**16-21.4.6** Special attention shall be given to the design of windows. Reflective glass and band windows are prohibited. Windows shall not be flush with the building facade or shall otherwise add variety to the streetscape.

**Section 16-21.5. Roof Lines.** Roofs shall be pitched with a minimum slope of 6:12 except a flat roof may be allowed on a building facing Main Street where the majority of neighboring buildings have flat roofs.

**16-21.5.1.** The following roofing materials are allowed on commercial buildings and require approval by the Zoning Administrator:

- Wood or asphalt shingles
- Slate (natural or synthetic)
- Metal standing seam
- Copper
- Metal roofing products that mimic traditional shingles

Roof materials shall be “nature-blending” in texture and appearance. Roof shape, color, and texture shall be coordinated with the treatment of the building’s perimeter walls. Roofing material colors shall be dark and consistent with the Town commercial color chart. (For example: brown, dark gray, dark green, slate, rustic red, tan, and light brown)

**16-21.5.2.** All rooftop mechanical and electrical equipment shall be screened from the view of streets and adjacent property.

**16-21.5.3.** Solar panels shall compliment the roof shape, materials, and colors and shall be designed to limit glare and reflectivity. Solar panels that are visible from streets or adjacent properties are subject to review and approval through a zoning permit or special use permit.

**Section 16-21.6. Color.** Colors of paint, stains, and other finishes or materials shall be “nature blending” with generally no more than three colors per building. The Administrator shall maintain a list of “nature blending colors”. Fluorescent colors are prohibited and stark white shall be discouraged.

**Section 16-21.7. Topography.** Proposed development and buildings to be situated on sloping sites shall be planned and designed to minimize the grading of the site, the removal of trees and natural vegetation, and the disruption of natural water courses. Proper erosion control shall be mandatory on all sites. Trees that are to remain on the site shall be protected to safeguard the sensitive root structure.

**16-21.7.1.** Grading shall blend gently with contours of adjacent properties, with smooth gradations around all cut-and-fill slopes, both horizontally and vertically. On sites containing slopes in excess of 12 percent, mass grading approaches are to be avoided. Custom architectural applications and specialized building techniques shall be primary factors in the designs for such sites.

**16-21.7.2.** Developments shall be designed so that they do not exceed the capacity of existing topography, natural drainage ways, soils, geology, and other natural site conditions. Areas whose physical site characteristics make them unsuitable for development shall be set aside as conservation areas or as open space.

**16-21.7.3.** When wooded sites are developed, it should only be done with careful consideration for the site’s natural characteristics. Wooded perimeters and desirable natural site features shall be protected to retain the visual character of the site. Isolated pockets of trees should be protected and used to soften the visual impact of the site.

**16-21.7.4.** Structures shall impede, as little as reasonably practical, upon scenic views of the natural environment from the street or highway corridor.

**Section 16-21.8. Lighting.** The Town of Blowing Rock has established coach lights with high pressure sodium (HPS) fixtures as the lighting standard for the Town. Commercial developments and residential subdivisions shall use this standard for exterior lighting fixtures that are used to illuminate streets, driveways, parking areas, and walkways. Approved lighting sources for other uses may include incandescent, shielded fluorescent, metal halide, or high-pressure sodium. Unapproved lighting sources include mercury vapor, unshielded fluorescent, neon, or tube gas lighting.

Site lighting shall be low-level from a concealed light source fixture and shall not spill over onto adjoining properties, road rights-of-way, or interfere with the vision of motorists. The resulting diffused or otherwise visible light on adjacent properties shall not be more than 1 foot-candle at the common lot line separating the properties. All exterior lighting shall be shielded from adjoining residential and institutional uses by means of thick evergreen vegetated buffers, berms, walls, or fences, and/or the use of directional lighting, special fixtures, timing devices, appropriate light intensities, luminaries, or mountings at appropriate heights.

**Section 16-21.9. General Landscaping.** Landscaping shall be required between a building and the adjacent sidewalk, parking lot, and driveway. The scale of the proposed landscaping shall be in proportion to the building.

**16-21.9.1.** All pruning shall be done in accordance with standard horticultural practice to preserve the natural character of the plant.

**16-21.9.2.** The Town finds that all existing vegetation that can be retained on the site in a healthy condition enhances native wildlife habitat and the visual character of the Town, and helps control surface water runoff, temperature, and pollution. Preservation of existing vegetation, especially specimen trees, is therefore encouraged. All existing vegetation that meets the landscape buffer requirements of this Article, or that is located in a preservation area designated on the approved site plan, shall be preserved on the site. Existing vegetation that is to remain on the site shall be clearly delineated and identified on all relevant plans.

**16-21.9.3.** The owner of the property shall have the following responsibilities with regard to general landscaping:

- a) protecting and maintaining the plants in the designated preservation area or buffer area in a healthy, growing condition;
- b) replacing them when necessary; and
- c) keeping the area free of refuse and debris.

The proposed methods of protection of existing vegetation during the construction process shall be reviewed and approved as part of the site plan approval process, shall be installed prior to the issuance of a land disturbance permit, and shall be maintained until all site work is complete.

**16-21.9.4.** All significant vegetation that is damaged or removed during construction shall be replaced with like species and sizes. If one-for-one replacement with trees of equal size is impossible, then the number and size of all of the replacement trees combined shall equal the total diameter at breast height (dbh) of the trees damaged and/or removed. Where it is impractical to provide one-for-one replacement or an equivalent number of trees equal to the sizes of the trees removed, the Administrator shall determine the minimum quantity of trees required. In no case shall replacement trees have a caliper of less than three (3) inches. Replacement trees shall be planted, or adequate surety given to the Town to guarantee that the trees will be planted, before an occupancy permit will be issued for the property or development.

**16-21.9.5.** As an incentive for the protection and preservation of existing vegetation: a five percent reduction in the number of required parking spaces will be allowed to the extent that the reduction of required pavement will preserve existing healthy trees.

**Section 16-21.10. Landscape Buffer.** Proposed development along a major highway corridor (US Route 321) in the General Business District shall provide a minimum landscape buffer adjacent to any road right-of-way. The purpose of the buffer is to soften the appearance of structures and parking lots from the corridor, to screen vehicular headlight glare, and to lessen the spillover of on-site lighting. The buffer shall have an average width of eight feet and a minimum width of five feet as measured from the right of way line. The prescribed width may be reduced by the Town Council at the time of site plan or preliminary plat approval. The factors to be considered in reducing the width of the landscape buffer are:

- a) Existing topography.

- b) The type, amount, and location of existing vegetation.
- c) The size and configuration of the parcel.
- d) The location and extent of underground and overhead utilities.
- e) Natural barriers to the installation or maintenance of the landscape barrier, such as waterways, rock formations, steep slopes, and soil conditions.

**16-21.10.1.** No development, clearing, grading, or construction activity is permitted within the buffer area except:

- 1) Driveway that is perpendicular (or within 20 degrees of perpendicular where topography limits or prohibits a perpendicular driveway) to the street right-of-way.
- 2) Installation of public utilities.
- 3) Pedestrian and bicycle paths.
- 4) Lighting fixtures.
- 5) Signs.
- 6) Sight distance triangles.

**16-21.10.2.** If the buffer area already has trees of protected size and species, their preservation is required. In order to maintain the screening effect, the lowest branches of existing vegetation may not be pruned off more than five feet from the ground, except where necessary to maintain traffic visibility.

**16-21.10.3.** Street trees, which will have when fully mature a trunk at least twelve inches in diameter, are required to be planted within the streetscape. Credit will be given for existing trees located within 15 feet of the street pavement or trees with canopies extending to the right-of-way line. Trees may be on public or private property and must be 3-inch caliper, or greater, when planted. On average, the property owner/developer shall install or maintain one street tree for each 30 linear feet of street frontage. When trees are planted by the property owner/developer pursuant to this section, the developer shall choose trees that meet the standards set forth in Appendix E.

**16-21.10.4.** Street trees may be installed in linear fashion, or in clusters or groupings with associated plantings, so as to enhance the visual appearance of the streetscape. Any planting area bounded by impervious surface shall be at least eight feet wide.

**16-21.10.5.** Where there is a parking area that is directly visible from the street right-of-way, the streetscaping shall provide a semi-opaque screen or barrier between the right-of-way and the parking area. The screen or barrier may consist of trees, plants, earthen berms, fences, walls, or any combination thereof.

**16-21.10.6.** The owners of property are responsible for the installation, preservation, and maintenance of all plantings and physical features. Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe pruning, shall be replaced with locally adapted vegetation. In the event that any vegetation is severely damaged due to an unusual weather occurrence or natural catastrophe, the owner shall have six months or the next growing season, whichever is sooner, to replace or replant.

**Section 16-21.11. Sidewalks.** It is the intent of this section that sidewalks be provided on both sides of all public streets. Sidewalks may be located on public property, or on private property with an easement agreement. All sidewalks shall conform to the applicable standards of texture,

materials, and color. All sidewalks shall be at least four feet wide. All sidewalks shall conform to the requirements of Section 16-14.17 of the Land Use Code and Appendix C.

In situations where sidewalks do not currently exist along the right-of-way on which the development is to be located, the property owner/developer may request that the Town Council grant a waiver from the requirement that sidewalks be installed. Such a waiver may be granted by the Town Council when the Council, in its sole discretion, determines that a waiver from the immediate construction of the sidewalks would be consistent with the public interest. However, the Council may only grant a waiver if the property owner/developer enters into an agreement wherein he/she agrees to construct the sidewalks at a later date at his/her sole expense when other sidewalks are being constructed or soon will be constructed along the street and when directed by the Town to do so. Such an agreement shall be binding upon the property owner/developer, and his/her agents, heirs, or assigns.

**Section 16-21.12. Utility Lines.** All new utility lines, with the exception of major transmission lines, shall be placed underground. Utility poles (other than wooden poles erected by a public utility company) and supports shall be painted neutral in color.

**Section 16-21.13. Parking Areas.** These requirements are intended to ensure attractive views of a property from streets and adjacent properties; to moderate temperatures of impervious areas; to abate glare; to filter automotive exhaust; and to encourage the preservation of existing trees and their root zones. Parking areas should not be focal points of development. Unless it would be impractical or unnecessary to do so, they shall be located away from streets, to the side or rear of principal structures. Parking areas adjacent to streets shall be screened by berms, trees, shrubs, walls, or fences.

**16-21.13.1.** Vehicle accommodation areas that are required to be paved by Section 21-20.9 of the Land Use Ordinance shall be shaded by deciduous trees in accordance with the provisions of 16-22.19 of the Land Use Code.

**16-21.13.2.** Storage and loading areas shall be screened with planted buffers at least six feet in height or rising two feet above the material or equipment being stored, whichever is greater.

**Section 16-21.14. Mechanical and Utility Areas.** Heating, ventilation, air conditioning, and other mechanical and utility equipment, including but not limited to vents, fans, compressors, pumps, and heating and cooling units, which are located on, besides, or adjacent to any building or development, shall be screened from the view of streets and adjacent property. The screen shall exceed the height of the equipment, shall not interfere with the operation of the equipment, and shall use building materials and design that are compatible with those used for the exterior of the principal building. Suitable plant materials shall be used at the base and corners of any screening wall to soften the wall's appearance.

**Section 16-21.15. Trash Containment Areas.** All trash containment devices, including compactors and dumpsters, shall be located, designed, and screened so as not to be visible from the view of adjacent streets, parking lots, and other properties. The type of screening used shall be determined based on the proposed location of the trash containment area, existing site conditions, and the type and amount of existing and proposed vegetation on the site.

**16-21.15.1.** All trash containment areas and devices shall meet the following standards:

- a) All trash containment areas shall be enclosed to contain windblown litter.
- b) The enclosure shall exceed the height of the compactor or dumpster and shall effectively screen the equipment from the view of adjacent streets and property.
- c) The enclosure shall be made of a material that is opaque and compatible with the design and materials of the principal building.
- d) All compactors and dumpsters shall be placed on a concrete pad that is large enough to provide adequate support, allows for positive drainage, and conforms to health department regulations.
- e) The enclosure shall contain gates to allow for access and to provide security and screening.
- f) The owner or occupant of the premises shall maintain the solid waste containment area in good repair at all times.

**Section 16-21.16. Fences and Walls.** Walls of natural rock material are a revered part of the community's history. Use of stone walls constructed of local stone materials is strongly encouraged for defining property lines, particularly those along street frontages.

**16-21.16.1.** Retaining walls shall be covered with natural stone found in the area or other suitable material as may be specifically approved by the Town Council. Retaining walls over six feet in height that are located adjacent to property lines or street rights-of-way and visible from the adjacent property or street right-of-way shall be screened with a semi-opaque screen or barrier between the wall and the adjacent property or street right-of-way. The screen or barrier may consist of trees, plants, earthen berms, or any combination thereof.

**16-21.16.2.** Long, solid fences or walls shall contain offsets or other architectural features to break up the appearance of a continuous mass.

**16-21.16.3.** Stepped fencing relates well to undulating topography and gentle slopes. Steeply sloping land suggests the use of retaining walls in conjunction with fence design.

**Section 16-21.17. Vacated Buildings.** Whenever the use of a building or premises by a business or other establishment is discontinued, the building shall be properly secured and all signage pertaining to that business or establishment shall be removed in conformance with the requirements of Section 16-17.4.5.

The boarding up of vacated buildings shall be prohibited. The building or property owner may erect or install interior window coverings to block the view into the vacated building, but such interior window coverings shall be of a color or design that is compatible with the remainder of the building.

**Section 16-21.18. Variance from Standards.** The Town Council may vary these standards if it is determined that the proposed project is not detrimental to the public welfare or the intent of this regulations.

Where necessary to accommodate individuality and creativity in site design, or where conformance with the strict requirements of this Article is not feasible on a particular property, the Town Council may modify the requirements of this Article in reviewing and approving the site



plan, provided that the physical improvements, features, or landscaping that the applicant proposes to install on the site are equivalent in effectiveness to the requirements of this Article.

**Section 16-21.19. Additional Standards for Large-Scale Retail Buildings.** This section places additional restrictions and design parameters on large-scale retail developments with the Town of Blowing Rock’s planning jurisdiction, specifically the uses classified in the Table of Permissible Uses under the principal use category **2.000 Sales and Rental of Goods, Merchandise and Equipment**. Given the unique character and scale of development in Blowing Rock, these standards are an effort to reduce the mass of large-scale retail establishments, create additional open spaces, reduce traffic congestion and accidents, increase pedestrian amenities, reduce vehicular dependence, and provide for maintenance responsibilities for developers. When a new retail building is proposed in the General Business District, Town Center District, or Central Business District, the additional standards and requirements in the following tables shall be met:

**GB, General Business District**

<b>Category</b>	<b>Proposed Building Square Feet</b>	<b>Additional Requirements</b>
<b>A</b>	Up to 12,000 SF	None other than existing Land Use Code standards
<b>B</b>	12,001 to 25,000 SF	Maximum F.A.R. (Floor Area Ratio), Landscape space requirements, Traffic analysis, pedestrian amenities
<b>C</b>	Greater than 25,000 SF	Maximum F.A.R. (Floor Area Ratio), Landscape space requirements, Traffic analysis, pedestrian amenities, additional landscape buffers, additional parking lot landscaping, maintenance bond

**TC, Town Center and CB, Central Business District**

<b>Category</b>	<b>Proposed Building Square Feet</b>	<b>Additional Requirements</b>
<b>A</b>	Up to 12,000 SF	None other than existing Land Use Code standards
<b>B</b>	Greater than 12,000 SF	Traffic analysis, pedestrian amenities, additional landscape buffers, additional parking lot landscaping, maintenance bond

**16-21.20 Definitions and Explanations of Additional Requirements:**

**16-21.20.1** Traffic analysis – An independent study provided by the applicant that identifies any improvements necessary to accommodate existing or projected traffic volumes arising from a new commercial development. The study should account for traffic movement on all streets adjacent to the development and provide existing traffic volumes and turning movement counts, projected traffic volumes, and the identification of required improvements such as traffic calming devices. The Town’s engineer or designee will review the traffic analysis and determine compliance with Town Codes and the Comprehensive Plan. The applicant will be responsible for paying the review fees incurred by the Town for review of a traffic analysis.

**16-21.20.2** Pedestrian amenities – Sidewalks, trails, paths, greenways, etc. that link the development with surrounding neighborhoods and commercial developments. These links will provide connectivity and opportunities for citizens to walk or bike to commercial destinations without the reliance of vehicles.

**16-21.20.3** Additional landscape buffers – All side and rear property lines shall have landscape buffers not less than 20 feet in width. These buffers shall have opaque screening as defined by Article 22 and Appendix E.

**16-21.20.4** Additional paved vehicle accommodation area landscaping – Twenty-five percent (25%) of the paved vehicle accommodation area shall be shaded by new or existing trees. The shading is calculated by Section E-3 of the Land Use Code Appendix.

**16-21.20.5** Floor Area – The sum in square feet of the enclosed areas on all floors of a building measured from the outside faces of the exterior walls. It includes halls, lobbies, stairways, elevator shafts, enclosed porches and balconies, and any below grade floor areas used for habitation and storage. It does not include open terraces, patios, atriums, balconies, carports, garages or any floor space in an accessory building. Large-scale commercial buildings in category B or C in the General Business District shall not exceed the maximum Floor Area Ratio (F.A.R.) of (0.40) or 40% of the entire lot.

**16-21.20.6** Landscape Space: The sum in square feet of all areas on a development tract devoted to landscaping, buffers, lawns, grassed areas, naturally-vegetated areas, stream buffers, and open storm water detention/retention areas with planted vegetation. It shall not include vast areas of mulch void of trees, shrubs, or plantings.

- 1) Permissible forms of mulch shall be wood chips, bark, pine straw, or river rock. These materials shall be earth-toned or nature blending.
- 2) Developments with large-scale commercial buildings in category B or C in the General Business District shall not provide less than a minimum landscape space area of (0.20) or 20% of the entire lot.

**16-21.20.7** Maintenance bond: A maintenance bond will provide financial surety to the Town, prior to the issuance of a permit, that an owner will be responsible for the maintenance and repair of a building, parking lot, landscaping, and other site items if the tenant vacates a building.

**Section 16-21.21 Display of News racks and Publications in Town Center, Central Business and Office Institutional Zoning Districts.** All news racks and publications units located on public or private property within the Town Center (TC), Central Business (CB) and Office-Institutional (O-I) zoning districts must be located within a modular news rack provided by the Town. All other news racks and publications units in the TC, CB and O-I zoning districts that display and dispense written or printed material must be located on the inside of buildings.

### **Section 16-21.22 Outdoor Display of Merchandise**

**16-21.22.1.** In the CB and TC zoning districts, merchandise may be displayed on the public sidewalk, provided the following standards are met:

- 1) Merchandise may be placed no farther than three (3) feet from the face of the building, as long as a minimum of five (5) feet of public sidewalk remains unobstructed;
- 2) Merchandise display is limited to a height of five (5) feet above the public sidewalk, and confined to the width of the building;
- 3) Merchandise display may not block any code-required exits or curb access.
- 4) Merchandise can only be displayed during business hours.

### **Section 16-21.23 Outdoor Dining in TC and CB Zoning Districts**

**16-21.23.1.** Outdoor dining in TC and CB Zoning Districts is regulated by the following standards:

- 1) All outdoor dining floor/decking surfaces must meet ADA accessibility requirements in NC Building Code.
- 2) Ingress and Egress pathways must meet the NC Building Code.
- 3) Any impervious surface increases 500 square feet or less are exempt from storm water detention requirements. Impervious surface increases greater than 500 square feet shall offset the increase or provide storm water detention. Gravel and concrete are both considered impervious.
- 4) The total number of permissible outdoor dining seats, combined with indoor seating, is limited by the restroom fixture counts as determined by the NC Building Code.
- 5) Barriers must be provided to protect the dining area from vehicular traffic when adjacent to a public street/sidewalk. Barriers would include solid bollards not more than 4 feet apart with fencing or solid members between the bollards. Unstable protection fencing or posts/barriers/columns will not be acceptable. Outdoor dining areas shall be compatible and complimentary to the principal building in design and use of materials.
- 6) Outdoor dining areas shall not be allowed in designated parking areas.
- 7) Required landscaping and buffers shall not be removed to create outdoor dining areas unless the landscape area is located in an approved nearby area.
- 8) Outdoor white string lighting is allowed to outline dining areas and provide overhead lighting. Consistent with Section 16-21.8, the resulting diffused or visible lighting on adjacent properties shall not exceed 1 foot-candle at the common property line

separating the properties. Outdoor dining area lighting shall not spill over onto road rights of way or interfere with the vision of motorists.

**16-21.23.2.** The available number of outdoor dining seats for downtown zoning areas is determined by several factors within this Section 16-21.23. Outdoor dining seats may be established by an approved zoning permit, approved Special Use Permit (Conditional Use prior to 2021), or the list of restaurant outdoor seating accounted in 2006 (updated) by Planning Staff.

**16-21.23.3.** Restaurant owners may exercise the option to increase outdoor seating from the prior approved number of seats, through a permitting process that will apply the standards herein. If the seating can be increased, and all standards are met, that number of seats shall be listed on the revised permit (Zoning or Special Use). Restaurant owners will not be required to remove seats from the established baseline of the 2006 listing, zoning/special (conditional) use permit. The baseline of permitted seating is not determined by the increase of seating due to the suspension of regulations due to the Covid-19 pandemic.

**16-21.23.4.** Tents used to cover and/or enclose restaurant outdoor dining are permitted for special occasions only and not to exceed one week in duration. Not more than four (4) special occasions are permitted per calendar year. If longer terms are needed for covering of dining areas, restaurant owners are encouraged to construct permanent coverings/roofs that meet the applicable building setbacks, architectural standards in this Article, and the NC Building Code.

#### **Section 16-21.24 Amortization of Trash Containment Areas**

**16-21.24.1.** All properties subject to the requirements of Section 16-21.15 and 16-15.15 under the Town Code of Ordinances with no enclosure or screening for the trash containment area or do not meet the standards set forth in Section 16-21.15 and 16-15.15, or that is nonconforming in some other way related to screening, fence height, gate functions, or dimensional standard shall, by November 1, 2024 comply with provisions of this Article.

**16-21.24.2.** If the nonconformity consists of a trash receptacle, dumpster, or rollouts that currently does not have an enclosure must provide such according to specifications established by the Public Works Director. The person responsible for the violation is required to bring the property or development into conformity with the provisions of these Articles.