

**DRAFT**

**Town of Blowing Rock**  
**Town Council Regular Meeting**  
**April 14, 2015**

The Town of Blowing Rock Town Council met in regular session on Tuesday, April 14, 2015 at 6:00 p.m. The meeting took place at Town Hall located at 1036 Main Street, Blowing Rock. Present were Mayor J.B. Lawrence, Council members Albert Yount, Sue Sweeting, Doug Matheson and Ray Pickett. Council Member Dan Phillips was out of town and unable to attend. Others in attendance were Town Manager Scott Fogleman, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Building Inspector John Warren, Police Chief Tony Jones, Finance Officer Nicole Norman, Public Works & Utilities Director Mike Wilcox, Parks & Recreation Director Jennifer Brown, Fire Chief Kent Graham and Town Clerk Sharon Greene.

**CALL TO ORDER**

Mayor Lawrence called the meeting to order at 6:00 p.m. and welcomed everyone.

**APPROVAL OF MINUTES**

Council Member Pickett made a motion to approve the minutes for the March 10<sup>th</sup> 23<sup>rd</sup>, & 24<sup>th</sup>, 2015 meeting, as written, seconded by Council Member Sweeting. Unanimously approved.

## **SPECIAL RECOGNITIONS AND REPORTS**

Mr. Kipp Turner of Maymead Construction began his monthly update regarding the Hwy. 321 Widening Project by saying the planned pothole patching had not been completed due to inclement weather; however, work continued on sewer line installation, retaining wall construction, and storm drainage. Mr. Turner stated when the weather cleared, fine grading work would be done near the Subway Restaurant and pothole patching would commence. A long-term goal would be to complete the traffic switch to the other side of the highway in the areas where Woodlands, United Community Bank, etc. are located.

Mr. Turner stated a portion of Green Hill Road would be closed for approximately three (3) days during the month of June. He also mentioned once the traffic shift was completed on Valley Boulevard, work would be needed on the intersections of Ransom Street, Church Street, and Sunset Drive, which would entail closing these streets for a period of time. Mr. Turner advised the closing of these streets would be staggered.

Council Member Matheson commented that the new traffic signal located near Chetola was taking too long to change. Mr. Turner responded that he would look into it.

Council Member Matheson also expressed that he and Council Members Pickett and Yount had attended a productive meeting with members of NCDOT regarding the project and asked Mr. Turner if anyone had spoken with him. Mr. Turner stated that he had had a brief conversation regarding these issues. Mr. Turner also stated they were very optimistic about the completion of a great deal of work on the project in the upcoming year.

Council Member Sweeting asked if residents would get adequate notice regarding the future road closures. Mr. Turner stated they would be notified well in advance.

Council Member Pickett asked if the road could be smoothed at the intersection near Chetola and when the traffic shift would take place on Valley Boulevard. Mr. Turner responded that he hoped it would happen in mid to late July.

David Rogers asked why Ransom Street, Church Street and Sunset Drive would have to be closed. Mr. Turner stated work would be needed to tie those streets into the new elevation of Valley Boulevard and to widen the intersections. He also stressed that notice would be given well in advance before these streets were closed.

## **CONSENT AGENDA**

Town Manager Fogleman presented the following consent agenda items:

### **1. Tax Releases and Refunds**

Various tax adjustments over time become apparent and present themselves in the form of requests for releases (adjustments) and refunds. One tax release and refund totaling \$159.65 has been identified for Council approval. **Rocamora Tax Release # 2014-10 Attachment A – Rocamora Tax Refund # 2014-05 – Attachment B**

### **2. Resolution Declaring Surplus Property and Authorizing Disposal**

Various items that are no longer in use have been identified for disposal including the metal stairway and platform to the former fire and rescue building and the former siren used by fire and rescue. The resolution declares these items surplus and authorized their sale via electronic auction. **Resolution Declaring Surplus Property and Authorizing Disposal # 2015- \_\_\_\_ - Attachment C**

### **3. Budget Ordinance Amendment to Account for Various Items**

Consistent with actions approved at previous Council meetings as well as other accumulated items that have occurred thus far during the fiscal year, various related budget ordinance amendments have been prepared. **Budget Ordinance Amendment # 2015 \_\_\_\_ - Attachment D**

### **4. Blue Ridge Relay Date of Friday, September 11, 2015**

The Blue Ridge Relay Organization would like to once again this year utilize the Blowing Rock pool parking lot and restrooms as a runner exchange zone between the hours of 3:00 p.m. and 9:15 p.m. The group had a low impact on the pool parking lot and restrooms last year and the entire area was kept clean and was well taken care of.

A motion was made by Council Member Sweeting to approve the consent agenda items as presented, seconded by Council Member Pickett. Unanimously approved.

## **PUBLIC HEARINGS**

### **1. Amendment to Land Use Code – Exception for Residences with Accessory Apartments in R-15 and R-MH**

Planning Director Kevin Rothrock stated that the Planning Board had recently forwarded a draft ordinance recommendation to Council that would have allowed accessory apartments in the R-15 and R-MH zoning districts. During the March 10, 2015 Council meeting, Council tabled that discussion and instead requested that the Planning Board review and consider a draft ordinance that would provide an exception to the nonconforming section of the Land Use Code. If approved, the exception would allow expansion of the principle residence on current nonconforming properties with accessory apartments, but would restrict expansion of the apartment. Planning Director Rothrock said that currently accessory apartments are not allowed in the R-15, single-family zoning district and this amendment would not change the fact that accessory apartments are not allowed to be constructed or expanded anywhere in R-15 zoning. The code amendment would affect only those properties with existing accessory apartments that are considered “grandfathered” by the ordinance.

Also, the draft ordinance would not affect the rental status of nonconforming accessory apartments and proposed no changes with respect to short-term rental activity.

During their March 19<sup>th</sup> meeting, The Planning Board recommended approval of the draft ordinance.

Council Member Matheson asked Planning Director Rothrock about parking requirements should an addition be made to a primary residence. Planning Director Rothrock advised that parking requirements would remain consistent with the Town Code parking requirements; two (2) spaces for the primary home and one (1) space for an accessory apartment.

Mayor Pro-Tem Yount also asked that Town Attorney Moseley ascertain that in his review of the proposed amendment, did he see anything about changes to short-term rental requirements. Town Attorney Moseley confirmed there were no changes that affected short-term rental requirements.

With no further discussion, Council Member Matheson made a motion to close the public hearing, seconded by Council Member Pickett. Unanimously approved.

Council Member Yount made a motion to approve the proposed amendment as presented; however, he stated that he had received several calls from property owners who were concerned this change would affect their property values negatively. He asked for Planning Director Rothrock's opinion regarding this issue. Planning Director Rothrock stated the change would only allow expansion to the primary residence, not to the "grandfathered" accessory apartments. Council Member Pickett seconded the motion. Unanimously approved. **Amendment to Land Use Code – Exception for Residences with Accessory Apartments in R-15 and R-MH – Attachment E**

## **2. Amendment to Sign Ordinance – Highway 321 Corridor with Speed Over 35 Miles Per Hour**

Planning Director Rothrock stated that during the March 19, 2015 Planning Board meeting, potential amendments to the sign ordinance pertaining to the area along Hwy 321 with a posted speed limit greater than 35 mph was discussed as requested by Council.

Planning Director Rothrock explained the area under consideration was mainly from the northern edge of the current corporate limits extending north along Hwy 321 through the Extra Territorial Jurisdiction (ETJ). A few properties along that area are in the Town's corporate limits including Root's Restaurant, the former New River Inn property, and

satellite annexed properties owned by Appalachian Regional Healthcare Services (ARHS). The remaining properties are zoned Central Business in the ETJ.

During their most recent meeting, the Planning Board had recommended that column and ground signs should be regulated the same within the corridor as far as sign area, structure height and sign height. The proposed sign area was recommended at 60 square feet, the sign height at 10 feet, and the sign structure height at 12 feet, regardless of the structure being a ground-mounted or column sign. The Planning Board also recommended a maximum sign length of 12 feet be included for both ground and column signs.

For multi-tenant signs in the corridor, the Planning Board recommended column signs and ground-mounted signs being treated the same, and an increase in sign area from 60 to 65 square feet, a sign height increase from 10 to 13 feet and sign structure height from 12 to 14 feet.

After a brief discussion, Council Member Pickett made a motion to close the public hearing, seconded by Council Member Sweeting. Unanimously approved.

Council Member Matheson extended his appreciation to the Planning Board for their hard work on this item then made a motion to approve the proposed amendment as presented, seconded by Council Member Sweeting. Unanimously approved. **Amendment to Sign Ordinance – Highway 321 Corridor with Posted Speed Over 35 Miles per Hour – Attachment F**

Mayor Pro-Tem Yount asked Town Attorney Moseley if he felt the proposed amendment was fair to all the affected properties as well as being non-discriminating. Attorney Moseley agreed that it was.

## **DISCUSSION AGENDA**

Town Manager Fogleman updated everyone regarding the financial package for construction of the new Public Works Facility being currently approved by the NC Local Government Commission.

**SPEAKERS FROM THE FLOOR**

None

At 6:35 p.m. Council Member Sweeting made a motion to enter into Closed Session pursuant to NCGS 143.318.11(A)(3) to consult the Town Attorney, seconded by Council Member Yount. Unanimously approved.

**ADJOURN**

At 7:00 p.m. reentered their regular meeting, and there being no further business to discuss, the meeting was adjourned.

**MAYOR \_\_\_\_\_ ATTEST \_\_\_\_\_**

**J.B. Lawrence Sharon Greene, Town Clerk**

**ATTACHMENTS** (04-14-2015)

[Rocamora Tax Release # 2014-10 Attachment A](#)

**SEE BELOW**

[Rocamora Tax Refund # 2014-05 – Attachment B](#)

**SEE BELOW**

[Resolution Declaring Surplus Property and Authorizing Disposal # 2015- - Attachment C](#)

**SEE BELOW**

[Budget Ordinance Amendment # 2015 - Attachment D](#)

**SEE BELOW**

[Amendment to Land Use Code – Exception for Residences with Accessory Apartments in R-15 and R-MH – Attachment E](#)

**SEE BELOW**

[Amendment to Sign Ordinance – Highway 321 Corridor with Posted Speed Over 35 Miles per Hour – Attachment F](#)

**SEE BELOW**





# TOWN OF BLOWING ROCK

1036 Main Street • Post Office Box 47 • Blowing Rock, NC 28605

**Town of Blowing Rock  
Release Request  
No: 2014-010**

Property Owner: Lee R. Rocamora

Address: 2633 Richardson Dr Apt 8A Charlotte, NC 28211

Parcel Number: 2807-84-5490-000 Request Date: April 7, 2015

I Hereby Request Release of Tax Under G.S. 105-381 for the Following Year(s):

Assessment	Tax	Interest	Total	Tax Year
\$51,500	\$159.65		\$159.65	2014

Account Number: 000001519159

County: Watauga

Date of Council Meeting: \_\_\_\_\_

Release Amount: \$159.65

**Specific Reason for Release**

Property Tax Commission Appeal – Total assessed value \$748,100 - value reduced by \$51,500 per Watauga County

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_



# TOWN OF BLOWING ROCK

1036 Main Street • Post Office Box 47 • Blowing Rock, NC 28605

## TOWN OF BLOWING ROCK TAX DEPARTMENT

Refund Request No 2014-05

Refund Request pursuant to NC General Statute 105-381 For Year 2014

<u>Year</u>	<u>Tax</u>	<u>Int/Penalties</u>	<u>Total Paid</u>	<u>Refund</u>
2014	\$159.65		\$159.65	\$159.65

**Specific Reason for Refund:** Per Watauga County owner appealed to the Property Tax Commission and property value was decreased by \$51,500.

**Person Receiving Refund:** Lee R. Rocamora, 2633 Richardson Dr Apt. 8A, Charlotte, NC 28211-3346

**Total Amount Refunded:** \_\_\_\_\_ **Date Approved:** \_\_\_\_\_



# TOWN OF BLOWING ROCK

1036 Main Street • Post Office Box 47 • Blowing Rock, NC 28605

TO: Mayor Lawrence and Members of the Town Council  
FROM: Scott Fogleman, Town Manager  
SUBJECT: Surplus - Equipment (Resolution #2015-##)  
DATE: April 14, 2015

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Attached please find for your consideration Resolution #2015-##, which declares equipment surplus and authorizes disposal.

Pursuant to N.C.G.S. 160A-270(c), Town Council is authorized to sell personal property by electronic auction upon adoption of a resolution authorizing an appropriate Town official to dispose of personal property belonging to the Town by public auction. Resolution #2015-## authorizes the Town Manager or his designee to sell the property via electronic auction on [www.GovDeals.com](http://www.GovDeals.com).

Items to be sold include: 1- 2001 Sewer Equipment Co. of America Sewer Jetter, 1- 747 Jetter Trailer, 1- Scale used to weigh cardboard at the old recycle center, 6 Backhoe Buckets (10.5" wide, 10" wide, 14" wide, 12" wide, 48 wide (shaping bucket), & 22" wide (shaping bucket) and 1- Core Drill for Manholes. All items are in good condition and no longer in use.

GovDeals will be compensated at 7.5% of the total gross sale price for the sale through auction proceeds. The Town signed a contract with GovDeals.com on July 10, 2007 for disposal of surplus items utilizing the electronic auction method.



# TOWN OF BLOWING ROCK

1036 Main Street • Post Office Box 47 • Blowing Rock, NC 28605

## RESOLUTION DECLARING SURPLUS PROPERTY & AUTHORIZING DISPOSAL (Resolution #2015-##)

**Whereas**, the Town of Blowing Rock has surplus property as listed below:

- 1- 2001 Sewer Equipment Co. of America Sewer Jetter – Good Condition
- 1- 747 Jetter Trailer – Good Condition
- 1- Scale used to weigh cardboard at old recycling center- Good Condition
- 6- Backhoe Buckets: 10.5” wide, 10” wide, 14” wide, 12” wide, 48 wide (shaping bucket), & 22” wide (shaping bucket)- All Good Condition
- 1- Core Drill for Manholes- Good Condition

**Whereas**, North Carolina General Statute 160A-270(c) allows the Town Council to authorize an appropriate town official to dispose of personal property belonging to the town electronically by public auction.

**Now, Therefore, Be It Resolved** that the Town Council of the Town of Blowing Rock declares surplus and authorizes the Town Manager or his designee to dispose of the above listed property via electronic auction on GovDeals - [www.govdeals.com](http://www.govdeals.com).

All sales will be processed through GovDeals and remitted to the Town net of auction fees. These items will be sold on an “as is” basis and all sales are final. The Town of Blowing Rock reserves the right to reject any and all bids.

Adopted by the Town Council of the Town of Blowing Rock this the 14<sup>th</sup> day of April, 2015.

\_\_\_\_\_  
J.B. Lawrence  
Mayor

ATTEST:

\_\_\_\_\_  
Sharon H. Greene  
Town Clerk



# TOWN OF BLOWING ROCK

1036 Main Street • Post Office Box 47 • Blowing Rock, NC 28605

To: Scott Fogleman, Mayor Lawrence, and Members of Town Council  
From: Nicole Norman, Finance Officer  
Subject: Budget Amendment Ordinance to Account for Various Items  
(Ordinance #2015-##)  
Date: April 14, 2015

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Enclosed please find a Budget Amendment Ordinance for the fiscal year 2014-2015 for your consideration.

**Section 1 (General Fund)** accounts for the following:

-Allocates funds donated from the Community Library (\$150) towards sidewalk improvements in front of the Library.

-Allocates fund balance (\$2,500) towards Glen Burney Trail Maintenance initiatives approved at the December 9, 2014 Town Council meeting.

-Allocates funds donated (\$600) to fund/sponsor the "Movies in the Park" event in Memorial Park.

-Redistributes funds budgeted for the 2015 Supervisory Training program (this initiative will be going in a different direction as outlined in the departmental work session) towards anticipated legal fee budget overages (\$7,000).

-Allocates donated funds (\$6,780) towards the purchase of a Golf Cart for use in the Police Department. The department is currently accumulating donations towards this purchase that has been quoted at \$9,000, therefore an additional \$2,220 would be needed to complete the purchase.

-Allocates NC Department of Justice bullet proof vest grant (\$750) funds towards the purchase of vests for the police department.

-Allocates NC Department of Justice grant funds (\$11,532) towards the purchase of a new server for the Police department. As a note, this is a 75% (\$11,532) grant, of which the Town has set aside the 25% (\$3,844) match required that is already included in the FY 2015 budget.

**Section 2 (BRAAC Special Revenue Fund)** allocates funds donated (\$5,000) by the Blowing Rock Appearance Advisory Commission towards the American Legion building renovation project from their fund balance per BRAAC.

**Section 3 (Capital Projects Fund)** completes the allocation of funds donated (\$5,000) by the Blowing Rock Appearance Advisory Commission towards the American Legion building renovation project.

**Section 4 (Water/Sewer Fund)** accounts for the following:

-Allocates fund balance towards the placement of a pump station on Hwy. 221 (\$186,000) as approved at the March 10<sup>th</sup> Town Council meeting.

-Redistributes funds from Water/Sewer Field Operations to Plant Operations to offset changes in operations at the Water and Wastewater Treatment Plants (\$27,250).

**Section 5 (Water/Sewer Capital Projects Fund)** completes the allocation of fund balance towards the placement of a pump station on Hwy. 221 (\$186,000) as approved at the March 10<sup>th</sup> Town Council meeting.

Please let me know if you need further details on the proposed amendments.

2014-2015 Fiscal Year  
Budget Amendment Ordinance 2015-##

Be it ordained by the Board of Commissioners of the Town of Blowing Rock, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2015:

**Section 1. To amend the General Fund, the appropriations are to be changed as follows:**

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
10-00-4260-215	Maintenance/Repair- Grounds	\$ 10,000	\$ -	\$ 150	\$ 10,150
10-80-6100-015	Maintenance/Repair- Park	\$ 11,700	\$ -	\$ 2,500	\$ 14,200
10-80-6100-056	Special Events	\$ 25,707	\$ -	\$ 600	\$ 26,307
10-00-4200-003	Legal Services	\$ 19,000	\$ -	\$ 7,000	\$ 26,000
10-00-4200-402	2015 Supervisory Training	\$ 15,000	\$ 7,000		\$ 8,000
10-10-4310-500	Capital Outlay (PD)	\$ 54,752	\$ -	\$ 6,780	\$ 61,532
10-10-4310-036	Uniforms- (PD)	\$ 5,500	\$ -	\$ 750	\$ 6,250
10-10-4310-016	Maint./Repair- Bldg./Equip. (PD)	\$ 12,000	\$ -	\$ 11,532	\$ 23,532
			<u>\$ 7,000</u>	<u>\$ 29,312</u>	

This will result in a net increase of \$22,312 in the appropriations of the General Fund. To allocate the revenue for the above, the following revenue will be increased. This revenue has been or will be received.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
10-00-3400-358	Donations	\$ 4,296	\$ -	\$ 6,930	\$ 11,226
10-80-3400-365	Recreation Special Events	\$ 100	\$ -	\$ 600	\$ 700
10-00-3300-349	Federal/State Grants	\$ -	\$ -	\$ 12,282	\$ 12,282
10-00-3400-399	Fund Balance Appropriation	\$ 205,810	\$ -	\$ 2,500	\$ 208,310
			<u>\$ -</u>	<u>\$ 22,312</u>	

**Section 2. To amend the BRAAC Special Revenue Fund, the appropriations are to be changed as follows:**

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
15-00-6100-501	Transfer to General Capital Projects Fund	\$ -	\$ -	\$ 5,000	\$ 5,000
			<u>\$ -</u>	<u>\$ 5,000</u>	

This will result in a net increase of \$5,000 in the appropriations of the BRAAC Special Revenue Fund. To allocate the revenue for the above, the following revenue will be increased. This revenue has been or will be received.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
15-00-2900-000	BRAAC Fund Balance	\$ -	\$ -	\$ 5,000	\$ 5,000
			<u>\$ -</u>	<u>\$ 5,000</u>	

**Section 3. To amend the General Capital Projects Fund, the appropriations are to be changed as follows:**

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
20-00-5000-580	AL Building Renovation- Construction	\$ 527,386	\$ -	\$ 5,000	\$ 532,386
			<u>\$ -</u>	<u>\$ 5,000</u>	

This will result in a net increase of \$5,000 in the appropriations of the General Capital Projects Fund. To allocate the revenue for the above, the following revenue will be increased. This revenue has been or will be received.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
20-00-3400-332	Transfer from BRAAC Fund	\$ -	\$ -	\$ 5,000	\$ 5,000
			<u>\$ -</u>	<u>\$ 5,000</u>	

**Section 4. To amend the Water/Sewer Fund, the appropriations are to be changed as follows:**

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
30-91-7120-202	Salaries- Filed Ops.	\$ 119,789	\$ 8,000	\$ -	\$ 111,789
30-91-7120-217	Maint./Repair Lift Station	\$ 12,000	\$ 6,220	\$ -	\$ 5,780
30-91-7120-233	Materials/Supplies Field Ops.	\$ 73,000	\$ 13,000	\$ -	\$ 60,000
30-91-7120-034	Sludge Processing Contract	\$ 45,000	\$ -	\$ 27,220	\$ 72,220
30-91-7110-505	Transfer to Water/Sewer Capital	\$ 270,000	\$ -	\$ 186,000	\$ 456,000
			<u>\$ 27,220</u>	<u>\$ 213,220</u>	

This will result in a net increase of \$186,000 in the appropriations of the Water/Sewer Fund. To allocate the revenue for the above, the following revenue will be increased. This revenue has been or will be received.

2014-2015 Fiscal Year  
Budget Amendment Ordinance 2015-##

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
30-91-3400-399	Fund Balance Appropriated	\$ 335,000	\$ -	\$ 186,000	\$ 521,000
			<u>\$ -</u>	<u>\$ 186,000</u>	

Section 5. To amend the Water/Sewer Capital Projects Fund, the appropriations are to be changed as follows:

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
50-91-5000-805	ARHS Utility- Pump Station	\$ -	\$ -	\$ 186,000	\$ 186,000
			<u>\$ -</u>	<u>\$ 186,000</u>	

This will result in a net increase of \$186,000 in the appropriations of the Water/Sewer Capital Projects Fund. To allocate the revenue for the above, the following revenue will be increased. This revenue has been or will be received.

<u>Acct. No.</u>		<u>Current Appropriation</u>	<u>Decrease</u>	<u>Increase</u>	<u>Proposed Appropriation</u>
50-91-3400-332	Transfer from Water/Sewer Fund	\$ 1,175,906	\$ -	\$ 186,000	\$ 1,361,906
			<u>\$ -</u>	<u>\$ 186,000</u>	

Section 6. Copies of this budget amendment shall be furnished to the Clerk to the Board of Commissioners and to the Finance Officer for their implementation.

Adopted this 14th day of April, 2015.

Attested by:

\_\_\_\_\_  
JB Lawrence, Mayor

\_\_\_\_\_  
Sharon Greene, Town Clerk



## MEMORANDUM

TO: Mayor JB Lawrence and Blowing Rock Town Council

FROM: Kevin Rothrock, Planning Director

SUBJECT: Nonconforming Uses Exception – accessory apartments

DATE: April 6, 2015

The Planning Board recently forwarded a draft ordinance recommendation that would have allowed accessory apartments in the R-15 and R-MH zoning districts. At the March 10<sup>th</sup> Council meeting, Town Council tabled that discussion and instead requested that the Planning Board review and consider a draft ordinance that would provide an exception to the nonconforming section of the Land Use Code. The exception, if approved, would allow expansion of the principle residence on current nonconforming properties with accessory apartments, but would restrict expansion of the apartment. An accessory apartment is a dwelling unit in addition to the primary residence that is limited to 25% of the gross floor area of the primary structure and also limited to a maximum of 750 square feet. Accessory apartments are currently not allowed in the R-15, single-family zoning district. This amendment would not change the fact that accessory apartments are not allowed to be constructed or expanded anywhere in R-15 zoning. This code amendment would affect only those properties with existing accessory apartments that are considered “grandfathered” by the ordinance.

In addition, this draft ordinance does not affect the rental status of nonconforming accessory apartments, and proposes no changes with respect to short-term rental activity.

If this ordinance receives favorable consideration, staff would recommend that at this time no further consideration be given to allowing accessory apartments in the R-15 zoning district.

### **PLANNING BOARD RECOMMENDATION**

At their regular meeting on March 19<sup>th</sup>, Planning Board recommended approval of the draft ordinance.

Please review the attached highlighted draft ordinance for discussion and consideration at the April 14<sup>th</sup> meeting.

I can provide further clarification on the ordinance amendment during the meeting, or questions can be directed to me at 295-5240 or [krothrock@townofblowingrock.com](mailto:krothrock@townofblowingrock.com).

**Section 16-8.3 Extension or Enlargement of Nonconforming Situations.** Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

a) An increase in the total amount of space devoted to a nonconforming use; or

An increase in nonconformity. For the purposes of this Article, an increase in nonconformity shall refer to any improvement or expansion which contravenes the density, dimensional or other requirements of the Land Use Ordinance. Structures or portions of structures which are nonconforming may not be extended or expanded in any fashion.

EXPLANATORY NOTE: For purposes of illustration, and not limitation, a deck, or any portion thereof, which is nonconforming for failing to comply with applicable setback requirements may not be altered so as to make it a porch as that would constitute an increase in nonconformity. Neither shall a nonconforming porch be altered to create an enclosed space with the exception that mesh screening may be added.

**16-8.3.1** Subject to Section 16-8.3.3 a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this chapter, was manifestly designed or arranged to accommodate such use. However, subject to Section 16-8.7 (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use may not be extended to additional buildings or to land outside the original building.

EXCEPTION: If a nonconforming use of land is due to a property having a single-family residence with an accessory apartment, then the principal structure may be expanded and other accessory structures may be constructed as long as the accessory apartment or additional dwelling unit is not expanded in any way. Further, no expansion of the principle structure shall result in enlargement of a nonconforming situation with respect to setbacks or building height.

**16-8.3.2** Subject to Section 16-8.7 (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a sand pit) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming if ten percent or more of the earth products had already been removed at the effective date of this chapter.

## **MEMORANDUM**

To: Mayor J.B. Lawrence and Blowing Rock Town Council

From: Kevin Rothrock, Planning Director

SUBJECT: Amendment to Sign Ordinance – Hwy 321 Corridor with Posted Speed Over 35 MPH

DATE: April 7, 2015

At their March 19<sup>th</sup> meeting, the Planning Board discussed potential amendments to the sign ordinance pertaining to the area along Hwy 321 with a posted speed limit greater than 35 mph, as requested by Town Council. The Planning Board studied the entire Hwy 321 corridor and the 15 properties that front along the highway.

### **STUDY AREA**

The area under consideration is mainly from the northern edge of the current corporate limits extending north along Hwy 321 through the Extra Territorial Jurisdiction (ETJ). There are a few properties along this stretch that are in the Town's corporate limits including Roots Restaurant, the former New River Inn property, and satellite annexed properties owned by Appalachian Regional Healthcare Services (ARHS). The remaining properties are zoned General Business in the ETJ. A large portion of this area is controlled by the National Park Service and Blue Ridge Parkway. The blue dashed line on the attached map represents the part of Hwy 321 with a posted speed limit over 35 mph and within the Town's ETJ.

### **PLANNING BOARD RECOMMENDATION**

The Planning Board recommended that column and ground signs be regulated the same within the corridor as far as sign area, structure height and sign height. The proposed sign area was recommended at 60 square feet, the sign height at 10 feet, and the sign structure height at 12 feet, regardless of the structure being a ground-mounted or column sign. The Planning Board also recommended a maximum sign length of 12 feet be included for both ground and column signs.

For multi-tenant signs in the corridor, the Planning Board recommended column signs and ground-mounted signs being treated the same, and an increase in sign area from 60 to 65 square feet, a sign height increase from 10 to 13 feet and sign structure height from 12 to 14 feet.

The highlighted summary tables includes the changes recommended by Planning Board for Council consideration.

**Current Freestanding Sign Summary**

	Sign Area		Sign Structure	
	Size	Height	Height	Length
<b>BR Ground Sign</b>				
Standard	35 sq ft	6	8	10
Greater than 35 MPH	45 sq ft	6	8	10
<b>BR Column Sign</b>				
Standard	45 sq ft	10	12	N/A
Greater than 35 MPH	60 sq ft	10	12	N/A

**Proposed Ordinance Summary**

	<i>Single-tenant</i>				<i>Multi-tenant</i>			
	Sign Area Size	Height	Sign Structure Height	Length	Sign Area Size	Height	Sign Structure Height	Length
<b>BR Column/ Ground Sign</b>								
Greater than 35 MPH	60 sq ft	10 ft	12 ft	12 ft	65 sq ft	13 ft	14 ft	12 ft

For informational purposes, the sign approved for Appalachian Ski Mtn was allowed at 65 square feet, 16 feet in height, and 14 feet in length.

**ATTACHMENTS**

- Proposed draft ordinance language (highlighted)
- Map of study area along Hwy 321 with posted speed limit over 35 mph

If you have any questions, please email me at [krothrock@townofblowingrock.com](mailto:krothrock@townofblowingrock.com) or call me at 295-5240.

**16-17.12.2.1 Column Sign.** Limited to one sign per lot, except where a unified development consists of more than one lot, then limited to one sign per development. However, where the lot or unified development has frontage on more than one street, with building entrances on each street, one such sign will be allowed per street frontage meeting those requirements. The sign area of the column sign shall not exceed 45 square feet. Within the Central Business District, no portion of the sign shall exceed eight feet in height and its structure or support shall not exceed 10 feet in height. Within the other non-residential zoning districts, no portion of the sign shall exceed 10 feet in height and its structure or support shall not exceed 12 feet in height. The sign shall be attached to a structural base or planter box that is at least two feet high. The base or planter box shall be at least two feet wider and two feet longer than the dimensions of the sign. A column sign shall be placed no closer to a street curb or edge of pavement than 10 feet or 50% of the building setback, whichever is less; provided that, in any event, the sign shall not be placed within the public right-of-way or obstruct a sidewalk or public walkway. At least 30 square feet of landscaped area shall be located at the base of each column sign.

With respect to column signs in the General Business District, where the average ground elevation of the proposed sign location is below the road edge elevation of HWY 321 or 321-Bypass, the overall height of the sign may be increased to an elevation up to, and not to exceed, 10 feet above the road edge. In no case, however, may a sign be taller than 20 feet above the average ground elevation, nor shall the height of a sign structure exceed 22 feet above the average ground elevation. 50 percent of the sign height must be screened by landscaping when the sign is built according to the standards listed above.

#### **Hwy 321 Corridor with Posted Speed Limit Over 35 MPH**

In the General Business District, where the posted speed limit on Hwy 321 or the Hwy 321-Bypass exceeds 35 mph, the sign area of ground-mounted signs may be increased from 35 to 45 square feet. Similarly, the sign area of column signs may be increased from 45 to 60 square feet.

In the General Business District, where the posted speed limit along Hwy 321 exceeds 35 mph, column or ground-mounted freestanding signs will be regulated the same. The maximum sign area of single-tenant freestanding signs is 60 square feet. The structure height of freestanding signs is limited to 12 feet above grade, the sign area height is limited to 10 feet above grade, and the overall sign length is limited to 12 feet. For multi-tenant freestanding signs, the maximum sign area of single-tenant freestanding signs is 65 square feet. The structure height of freestanding signs is limited to 14 feet above grade, the sign area height is limited to 13 feet above grade, and the overall sign length is limited to 12 feet.

Hwy 321 Corridor  
Speed Limit over 35 MPH

