

MEMORANDUM

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

From: Kevin Rothrock, Planning Director

Subject: Landscape Ordinance Buffer Width Considerations

Date: December 8, 2015

At a recent meeting, Town Council suggested that staff and Planning Board evaluate the landscape screening standards in the Land Use Code and how they might apply to various projects. Over the past few months, Planning Board and Town Council have reviewed two separate projects that have requested waivers of the applicable landscape screening standard. The first project was for the Blowing Rock Urgent Care in which an existing buffer along the adjacent Subway restaurant property met the buffer width and plant material for that property. The ordinance, as currently written, also requires an additional eight (8) foot buffer on the Urgent Care property. There is not sufficient space to provide the additional buffer and maintain the existing parking spaces, so the waiver was granted to allow the Urgent Care project to not install the additional buffer.

At their November meeting, Staff presented to the Planning Board, for discussion purposes only, a draft ordinance amendment to Section 16-22.7 that would have allowed an existing buffer between two similar classification uses to satisfy the screening requirements between the uses without having to provide additional width. Ultimately, after discussion on this draft amendment, the Planning Board unanimously agreed that there was sufficient flexibility in the Land Use Code to handle buffer issues similar to the Urgent Care project on a case by case basis.

The second project requesting a landscape buffer waiver was for the Ransom Street Duplex Project. The side buffer requirement is to provide a 16-foot wide screening between the duplex building and the adjacent single-family structures. There is not enough room to provide a full 16-foot wide buffer and the required side setback is only 8 feet. The waiver was ultimately approved for an 8-foot wide semi-opaque buffer.

Staff presented to the Planning Board, for discussion purposes only, a draft ordinance which would have amended the type of screening between classification II uses (duplexes, multi-family, recreation uses, churches, etc.) and classification I uses (single-family homes) from 16 feet to 8 feet. After discussion and consideration, Planning Board agreed that the buffer width of 16 feet, as required, was more desirable, and that the flexibility provided in the Land Use Code was the best way to alter landscape buffer widths as each project is reviewed on a case by case basis.

The draft Planning Board minutes from the November 19, 2015 meeting are included below for reference.

Draft

Planning and Zoning Board

Minutes

Thursday, November 19, 2015

5:30 p.m.

The Blowing Rock Planning and Zoning Board met on Thursday, November 19, 2015 for their regularly scheduled meeting. Chairman Harwood called the meeting to order at 5:30 pm. Members present were David Laughter, Lisa Stripling, Kim Hartley, Wes Carter, Genie Starnes, Joe Papa, Natalie Bovino and Jim Steele. Staff members present were Planning Director Kevin Rothrock and Planning & Zoning Support Specialist Tammy Bentley.

Chairman Harwood congratulated Jim Steele on his successful campaign for the Town Council. All members agreed and the congratulations were unanimous.

Chairman Harwood asked if there were any changes to the agenda. There were none. *Ms. Starnes made a motion to accept the agenda order, seconded by Mr. Laughter.* **All members were in favor of the motion.**

Chairman Harwood asked if there were any changes to the September 17, 2015 meeting minutes. There were none. *Mr. Steele made a motion to approve the minutes. The motion was seconded by Mr. Laughter.* **All members were in favor of the motion.**

Discussion – Landscape Ordinance Buffer Width Revisions

Mr. Rothrock gave the staff report and Powerpoint presentation. The Town Council suggested that staff and the Planning Board evaluate the landscape screening standards in the Land Use Code and how they apply to various projects. Recently there have been 2 requests for relief for side buffers, one being the Urgent Care/Clinic on Valley Boulevard and the other being the Townhomes on Ransom Street. Mr. Rothrock said that after further review of the ordinance, staff is recommending that the Planning Board consider amending the type of screening between classification II uses (duplexes, multi-family, recreation uses, churches, etc.) and classification I uses (single family homes) from 16 feet to 8 feet.

Chairman Harwood asked if the chart in the Land Use Code would have to change. Mr. Rothrock confirmed.

The Board discussed the proposed changes. Several members asked the benefit of this change versus the existing ordinance language and inquired about the use classifications. Mr. Rothrock indicated that if this is adopted future applicants can

design to this. Mr. Rothrock also said that the Town Council asked the Planning Board to look at this after the R&R Builders CUP for Townhomes on Ransom Street was granted.

Mr. Rothrock reminded the Board that BR MOB LLC (applicant for the Urgent Care/Clinic on Valley Boulevard) and R&R Builders (applicant for the Townhomes on Ransom Street) asked for relief on side setbacks.

Mr. Carter said he thought that if a 16' buffer can be accommodated that it should be. Ms. Bovino concurred. Mr. Laughter said that he thought that applicants would opt for the lesser buffer if it is available. Ms. Starnes agreed with Mr. Laughter.

Mr. Carter asked if there were any pending applications that would benefit from this change. Mr. Rothrock told him no.

Mr. Steele commented that there is land available on Ransom Street that may use this, if amended.

Chairman Harwood pointed out that Mr. Rothrock is referring to the type of screening and the Board is referring to the width. Mr. Steele agreed. Chairman Harwood said the use classifications were a completely separate issue.

The Board further discussed the proposed changes. Mr. Carter said that he likes the existing wording. Mr. Papa agreed and added the existing wording should be left alone.

It was the consensus of the Board to leave the ordinance as written and to take no action.

Other Business

Mr. Rothrock told the Board there would be a conditional use permit on the December agenda. The Holiday Inn is requesting access from their parking lot onto Ransom Street. He reminded all Board members that they should not discuss this with anyone outside the Planning Board meeting. Chairman Harwood asked that the history of previous Conditional Use Permits for this property be provided to the Board.

*Mr. Steele made a motion to adjourn the meeting, seconded by Mr. Laughter. **All members were in favor of the motion.***

Chairman Harwood adjourned the meeting at 6:35 pm.

Chairman David Harwood

Tammy Bentley
Planning & Zoning Support Specialist

MEMORANDUM

To: Chairman David Harwood and Members of the Planning Board

From: Kevin Rothrock, Planning Director

Subject: Landscape Ordinance Buffer Width Revisions

Date: November 13, 2015

At a recent meeting, Town Council suggested that staff and Planning Board evaluate the landscape screening standards in the Land Use Code and how they might apply to various projects. Over the past few months, Planning Board has reviewed at least two projects that have requested waivers of the applicable landscape screening standard. The first project was for the Blowing Rock Urgent Care in which an existing buffer along Subway restaurant property met the buffer width and plant material for that property. The ordinance, as currently written, also required an additional eight (8) foot buffer on the Urgent Care property. There was not sufficient space to provide the additional buffer and maintain the existing parking spaces, and the waiver was granted to allow the Urgent Care project to not install the additional buffer. In this case, adjacent commercial uses could utilize just one buffer for screening as the overall purpose of the Land Use Code regulations was not necessarily to screen commercial uses from one another. In the attached draft ordinance for consideration, new language has been added to Section 16-22.7 to allow an existing buffer between two similar classification uses to satisfy the screening requirements between the uses without having to provide additional width.

The second project requesting a landscape buffer waiver was for the Ransom Street Duplex Project. The side buffer requirement was to provide a 16-foot wide screening between the duplex building and the adjacent single-family structures. There was not enough room to provide a full 16-foot wide buffer and the required side setback is only 8 feet. The waiver was ultimately approved for an 8-foot wide semi-opaque buffer. Since the landscape screening requirements were adjusted in 2007, there had not been an application for a duplex building in Town. Therefore, staff had not reviewed a project to determine if the screening requirements were appropriate. After further review, staff is recommending that the Planning Board consider amending the type of screening between classification II uses (duplexes, multi-family, recreation uses, churches, etc.) and classification I uses (single-family homes) from 16-feet to 8 feet. The attached (highlighted) table from Section 16-22.5 indicates a change from buffer A to buffer B for these type of adjacent uses.

New language in the draft ordinance is underlined, while deleted text has been crossed out. All modifications are highlighted.

Article 22 - Screening and Trees

Section 16-22.1 Board Findings Concerning the Need for Screening Requirements. The Board finds that:

- a) Screening between two lots lessens the transmission from one lot to another of noise, dust, and glare.
- b) Screening can lessen the visual effects that may otherwise occur within an urbanized area. Even minimal screening can provide an impression of separation of spaces, and more extensive screening can shield entirely one use from the visual assault of an adjacent use.
- c) Screening can establish a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the screening.
- d) The provisions of this part are necessary to safeguard the public health, safety and welfare.

Section 16-22.2 General Screening Standard. Every development shall provide sufficient screening so that:

- a) Neighboring properties are shielded from any adverse external effects of that development;
- b) The development is shielded from the negative impacts of adjacent uses such as streets or railroads.

Screening shall be located and maintained so as not to interfere with vehicular and pedestrian traffic.

Section 16-22.3 Compliance With Screening Standard. To determine the required screening, the following steps shall be taken:

- a) Identify the classification of the proposed land use and all adjacent uses listed in Section 16-22.4 Screening Land Use Classification.
- b) Use the Table of Screening Requirements in Section 16-22.5 to determine the appropriate letter designation for each abutting area. Match the letter designation obtained from the Table of Screening Requirements in Section 16-22.5 with the Description of Screening in Section 16-22.4 to determine the required screening.
- c) The screening requirements established in this article apply to all land uses except where specific requirements are established for uses elsewhere in this ordinance.

Section 16-22.4 Screening Land Use Classification. Listed below are the classifications of land uses that will determine the required screening established in Section 16-22.5, Table of Screening Requirements. The land uses are keyed to the Table of Permissible Uses contained in Section 16-10.1.

16-22.4.1 Classification I: single-family residences (1.100); single-family development with an accessory apartment (1.130) golf courses and parks (privately and publicly owned) not

constructed pursuant to a permit authorizing the construction of another use such as a residential development or a school (6.210, 6.220).

16-22.4.2 Classification II: two-family residences (1.200); multi-family residences (1.300); homes emphasizing special services, treatment or supervision (1.400); miscellaneous, rooms for rent situations (1.500, excluding 1.530); educational, cultural, religious, philanthropic, social, fraternal uses (5.000); recreation, amusement, entertainment activity conducted primarily outside enclosed buildings or structures (6.200); agricultural operations, and farming excluding livestock (14.110); cemetery (21.000); commercial greenhouse operations (25.000).

16-22.4.3 Classification III: hotels, motels and other similar businesses or institutions providing overnight accommodations (1.630); sales and rental of goods, merchandise and equipment (2.000); office, clerical, research and services not primarily related to goods or merchandise (3.000); manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment (4.000); recreation, amusement, or entertainment activity conducted entirely within building or substantial structure (6.100); institutional residence or care or confinement facilities (7.000); restaurants, bars, night clubs (8.000); motor vehicle related sales and service operations (9.000); storage and parking (10.000); services and enterprises related to animals (12.000); emergency service operations (13.000); agricultural operations, and farming including livestock (14.120); post office (15.100); airports (15.200); dry cleaner and Laundromat (16.000); utility facilities (22.000); open air markets and horticultural sales (19.000); funeral home (20.000); nursery schools, day care centers (22.000); bus station (24.000).

16-22.4.4 Classification IV: scrap materials salvage yards, junkyards, automobile graveyards (11.000); mining or quarrying operations, including on-site sales of products (14.300); telecommunication towers and related structures (18.000).

Section 16-22.5 Table of Screening Requirements. The Table of Screening Requirements shall be used to determine screening requirements between adjacent land uses.

Proposed Land Use Class	Adjacent Existing Land Use				Adjacent Zoning Type (For Vacant Property)		Adjacent Public or Private Street
	I	II	III	IV	Residential	Non-Residential	
II	AB	B	B	C	AB	C	B
III	A	B	C	C	A	B	B
IV	A	A	A	A	A	A	A

Section 16-22.6 Descriptions of Screens. The following three basic types of screens are hereby established and are used as the basis for the Table of Screening Requirements set forth in Section

16-22.6.1 Opaque Screen, Type "A". A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty feet. An opaque screen is intended to exclude completely all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns that will achieve this standard are included in Appendix E.

16-22.6.2 Semi-Opaque Screen, Type "B". A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least twenty feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The zone of intermittent visual obstruction may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in Appendix E.

16.22.6.3 Broken Screen, Type "C". A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in Appendix E.

16-22.7 Width of Landscaping Screen. Unless otherwise provided in this Land Use Code, the minimum width of a landscaping screen shall conform to the following table. However, the permit-issuing authority may permit deviations from the presumptive requirements of the following table and may require either more intensive or less intensive screening whenever it

finds such deviations are more likely to satisfy the standard set forth in Section 16-22.3 without imposing unnecessary costs on the developer.

If a landscape buffer exists between two uses in the same screening classification, that buffer may satisfy the screening requirements between the uses without having to provide additional width as long as the type of buffer (opaque, semi-opaque, or broken) meets the requirement in the table in Section 16-22.5.

<i>Type of Screen</i>	<i>Width - Front Lot Line</i>	<i>Width - Side Lot Line</i>	<i>Width - Rear Lot Line</i>
Opaque Screen, Type "A"	8 feet	16 feet	16 feet
Semi-Opaque Screen, Type "B"	8 feet	16 feet	16 feet
Broken Screen, Type "C"	8 feet	8 feet	8 feet

16-22.6.8 Town Center and Central Business District Requirements. Street yard buffer area screening/landscaping requirements shall be established using Section 16-12.6.b, 16-12.6.2, 16-12.6.2.1. The minimum width for landscape screening along side and rear lot lines of properties less than one (1) acre (in TC or CB District) may be reduced to half of the required width for other zoning districts, except in cases where other screening widths are authorized by a specific conditional use permit. (Ex: The table below requires a 16-foot wide screen along a side lot line, but in the TC or CB District a buffer 8 feet wide may be approved.)

<i>Type of Screen</i>	<i>Width - Front Lot Line</i>	<i>Width - Side Lot Line</i>	<i>Width - Rear Lot Line</i>
Opaque Screen, Type "A"	8 feet	16 feet (8 ft – CB/TC)	16 feet (8 ft – CB/TC)
Semi-Opaque Screen, Type "B"	8 feet	8 feet (4 ft – CB/TC)	16 feet (8 ft – CB/TC)
Broken Screen, Type "C"	8 feet	8 feet (4 ft – CB/TC)	8 feet (4 ft – CB/TC)

Section 16-22.9 Flexibility in Administration Required. The Board recognizes that because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible screening requirements. Therefore, as provided in Section 16-22.3, the permit-issuing authority may permit deviations from the presumptive requirements of Section 16-22.5 and may require either more intensive or less intensive

screening whenever it finds such deviations are more likely to satisfy the standard set forth in Section 16-22.3 without imposing unnecessary costs on the developer.

16-22.9.1 Without limiting the generality of this section the permit-issuing authority may modify the presumptive requirements for:

- a) Commercial developments located adjacent to residential uses in business zoning districts;
- b) Commercial uses located adjacent to other commercial uses within the same zoning district; and
- c) Uses located within planned unit developments.

16-22.9.2 Whenever the permit-issuing authority allows or requires a deviation from the presumptive requirements set forth in Section 16-22.5, it shall enter on the face of the permit the screening requirement that it imposes to meet the standard set forth in Section 16-22.3 and the reasons for allowing or requiring the deviation.

16-22.9.3 If the permit-issuing authority concludes, based upon information received in consideration of a specific development proposal, that a presumption established by Section 16-22.5 is erroneous, it shall initiate a request for an amendment to the Table of Screening Requirements in accordance with the procedures set forth in Article 23.