

Town of Blowing Rock

Request for Council Action

FROM: Kevin Rothrock, Planning Director
SUBJECT: Ord 2019-02 Downtown Development Standards Review
TO: Town Council
DATE: 1-2-19
REQUESTED BY:

Public Hearing Need to be scheduled
Properly Advertised Yes, on Dec 27 and Jan 3 and will be again in late January

BACKGROUND:

Consideration of a Land Use Ordinance amendment that will modify building height, setback, and green space requirements and remove the residential density requirement for the CB and TC zoning districts. The Planning Board and a subcommittee bring forward this ordinance amendment after several months of study for Council consideration.

STATEMENT OF PLAN CONSISTENCY:

It is the opinion of staff that the proposed action is consistent with the 2014 Blowing Rock Comprehensive Plan Update.

ATTACHMENTS:

1. Staff report
2. Draft Ordinance 2019-02

STAFF RECOMMENDATIONS:

Town Council review the attached documents and set date for public hearing for February 12, 2019.

MEMORANDUM

TO: Mayor Charlie Sellers and Blowing Rock Board of Commissioners

FROM: Kevin Rothrock, Planning Director

SUBJECT: Downtown Development Standards Review and Consideration

DATE: January 3, 2019

BACKGROUND

At the request of Town Council, during the August 2018 Planning Board meeting, an ad hoc subcommittee was formed to study the current development standards for Central Business and Town Center. The subcommittee was also asked to consider future development potential for the 321 Bypass and the standards that would govern that development.

Over the past several months, the subcommittee consisting of Pete Gherini, Mike Page, Wes Carter and David Harwood, met to discuss the development standards in downtown. The group also invited Sue Glenn as she had compiled substantial research on building heights and floor area ratios (FARs) in the downtown.

The group walked Main Street to visually understand the existing conditions of building heights, setbacks, sidewalk widths, mass, landscaping, design, etc. The group even had an opportunity to walk inside the JW Tweeds building to examine the 3 levels of the building and the mezzanine constructed on the main floor. The walk proved to be beneficial to more closely understand the relationship of buildings along both sides of Main Street and to conclude that east and west Main Street have a different character.

Beyond the discussion of measurable standards (height, setback, etc.), staff introduced the idea of eliminating residential density in the CB and TC districts. The thought is that if the building mass is controlled by height and setbacks and parking, why does it matter how many residential dwelling units are in the building? If a hotel can be built under the same height/setback standards at 21-22 rooms/acre, why not a mixed-use building with a residential density equal to that of a hotel?

DRAFT ORDINANCE AMENDMENT

I have attached a draft ordinance of the proposed amendments to reflect the recommendation of the Planning Board on TC and CB building heights/setbacks/density, etc. One version is an underlined/strike through version to examine what has been changed from current ordinance. The other version is a clean copy.

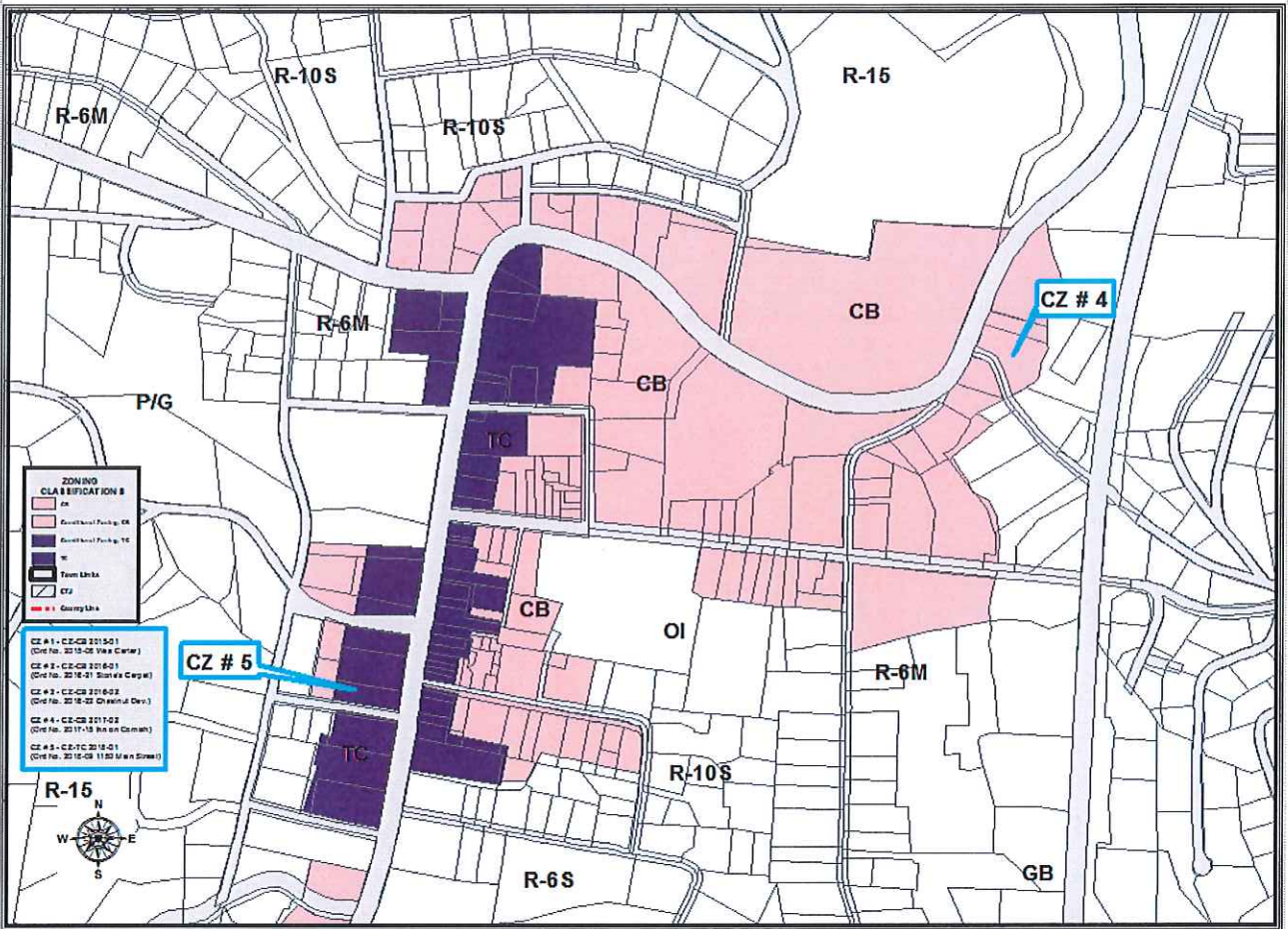
- There are some changes to building heights and setbacks for East side and West side of Main in Town Center and the rest of CB.
- There are changes to the open space and green space requirements and tree area requirements. The 40% green space was used by reviewing the 1150 Main Street project approved this summer at the BR Realty location.
- At the top of each document is the proposed change to residential density for TC and CB, thus eliminating the requirement.

Proposal Summary

- No residential density limitation in Town Center or Central Business.
- TC East Setback – 3 feet from back of sidewalk, 5-foot on sides unless existing is zero.
- TC West Setback – 15 feet from sidewalk, 5-foot on sides/rear.
- CB Setback – 15 feet from sidewalk, 5-foot on sides.
- All Districts – 15-foot side and rear setback if lot over 1 acre.
- TC East building height – 30 feet – flat roof likely. Measured from sidewalk. If building is set back at least 3 feet from sidewalk, building height is allowed to 35 feet.
- TC West building height – 35 feet – pitched roof likely. Measured from sidewalk.
- CB building height – 35 feet. If building is 30 feet back from sidewalk, height is measured from primary entrance. No other walls higher than 45 feet.
- Reduced greenspace from 75% to 40% and applicable only to CB and the West side of Main Street in TC. No greenspace required for East Main Street in TC.
- Reduced required area for shade trees from 300 sq ft to 250 sq ft of green space.

ATTACHMENTS

- Map of TC and CB zoning
- Draft Ordinance 2019-02
- Draft ordinance text – Clean Version



Draft

ORDINANCE NO. 2019-02

**AN ORDINANCE TO AMEND THE TOWN OF BLOWING ROCK LAND USE CODE
PERTAINING TO BUILDING HEIGHTS, STREET SETBACKS, GREEN SPACE AND
RESIDENTIAL DENSITY IN THE CENTRAL BUSINESS AND
TOWN CENTER DISTRICTS**

WHEREAS, the Planning Board and Town Council have recognized a need to evaluate and clarify some of the development standards pertaining to the Central Business District and Town Center District; and

WHEREAS, Section 16-12.2 of the Land Use Ordinance limits residential density in the Central Business District and Town Center District; and

WHEREAS, Section 16-12.6 of the Land Use Ordinance regulates various dimensional standards such as building heights, setbacks, open space and green space in the Central Business District and Town Center District; and

WHEREAS, after evaluation and study by a Planning Board subcommittee, the Planning Board recommends that current building height standards, and setback criteria need to be amended and specifically tailored to the Central Business District and the east side and west side of Main Street in the Town Center District to compliment and maintain the unique village characteristics of those specific zoning districts of the downtown; and

WHEREAS, the Planning Board and Board of Commissioners agree that this ordinance amendment is consistent with the 2014 Comprehensive Plan Update, and helps to promote the health, safety, and general welfare of the citizens of the Town of Blowing Rock.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Blowing Rock, North Carolina, that:

Section 1. Section 16-12.2 of the Land Use Ordinance is hereby amended to read as follows:

“Section 16-12.2 Residential Density. The following shall represent the maximum density permitted for residential uses in the various zoning districts:

16-12.2.3 Lots in the R-MH, CB, GB, and HMC zoning districts, where residential developments are permissible, may be developed at a density equal to the density allowed within the R-6S District for single family developments, or the density allowed within the R-6M District for multi-family developments, whichever is applicable to the type of development that is being proposed. Lots in the CB and TC zoning districts are not subject to the residential density limitations.”

Section 2. Section 16-12.6 of the Land Use Ordinance is hereby amended to read as follows:

“Section 16-12.6 Central Business and Town Center Districts Setbacks, Building Height, Open Space, and Green Space Requirements. Lots developed in the Central Business District and Town Center District shall meet the following standards pertaining to setbacks, building heights, open space and green space areas, and other development criteria:

16-12.6.1 Setbacks. ~~For purposes of this section, primary streets shall be Main Street, Sunset Drive, and Hwy 221. Where a lot or property is bordered by more than one primary street, Main Street shall be the primary street. In such case, other streets shall be considered side streets.~~

Town Center – East side of Main Street

Street setback shall be three (3) feet. The setback shall be measured from the back of the public sidewalk. For consistency, the back of the public sidewalk shall be measured seven (7) feet from the back of the existing curb. Awnings are permitted in the street setback and may encroach over the public sidewalk provided the lowest portion is at least 7 feet above the sidewalk.

Side and rear setbacks shall be five (5) feet, unless a common or shared wall is possible. Lots that are one (1) acre or greater in size shall have 15-foot side and rear lot boundary setbacks.

Town Center – West side of Main Street

Street setback shall be 15 feet. The setback shall be measured from the back of the public sidewalk. For consistency, the back of the public sidewalk shall be measured seven (7) feet from the back of the existing curb. Awnings are permitted in the street setback and may encroach over the public sidewalk provided the lowest portion is at least 7 feet above the sidewalk.

Side setbacks shall be five (5) feet. Lots that are one (1) acre or greater in size shall have 15-foot side and rear lot boundary setbacks.

Central Business

Street setback shall be 15 feet. The setback shall be measured from the back of the public sidewalk. For consistency, the back of the public sidewalk shall be measured seven (7) feet from the back of the existing curb. Awnings are permitted in the street setback and may encroach over the public sidewalk provided the lowest portion is at least 7 feet above the sidewalk.

Side setbacks shall be five (5) feet. Lots that are one (1) acre or greater in size shall have 15-foot side and rear lot boundary setbacks.

16-12.6.1.1 All buildings may be rebuilt to the existing building footprint. This option may only be applied if, prior to the development or removal of the building, a survey is performed by a licensed North Carolina Surveyor to accurately determine the existing footprint. The exception is that any building on the east side of Main Street in the Town Center rebuilt from the original foundation must observe the 3-foot street setback.

~~16-12.6.1.2~~ If a proposed building is not built back to an existing footprint, or development is on vacant property, the following setback requirements apply:

~~16-12.6.1.2.1~~ Primary and side street setback(s) shall be the lesser of:

- ~~(a)~~ 15% of the average lot depth, or
- ~~(b)~~ 15 feet

~~16-12.6.1.2.2~~ A building may encroach into the required primary street setback along 50% of the lot width. However, no building may encroach closer than ten (10) feet from the back of the sidewalk. When a building is permitted to encroach into the required primary street setback, the displaced open/green space area must be placed within the front 1/3 of the lot.

~~16-12.6.1.3~~ In Sections ~~16-12.6.1.2.1~~ and ~~16-6.1.2.2~~ above, the setback shall be measured from the back of the public sidewalk. For the purposes of this subsection, public sidewalks are typically located within five (5) feet of the edge of the public street. The area between the buildings and the sidewalk shall be open space.

~~16-12.6.1.4~~ Side lot and rear boundary setbacks will be a minimum of five (5) feet. Common walls (i.e. zero (0) setbacks) are not allowed. Where an alley is not required by Section ~~16-12.6.7~~ "Alleys", green space is required in the areas between buildings and the side and rear property lines.

~~16-12.6.1.5~~ Lots that are one (1) acre or greater in size shall have 15-foot side and rear lot boundary setbacks."

Section 3. Section 16-12.6.2 of the Land Use Ordinance is hereby amended to read as follows:

"16-12.6.2 Open Space/Green Space. For purposes of this section, open space is defined as the gross land area not covered by a building, between the building and the public sidewalk.

~~16-12.6.2.1~~ In the Central Business District and the West side of Main Street in the Town Center District, Within the open space area, a minimum of ~~75~~ 40 % of the open space at the front of the building, must be planted green space with an emphasis on large, ~~over-story~~, shade trees. Planted green space shall be defined as areas with grass, herbaceous ground cover, shrubbery, and drip line areas of mature, shade trees. Massive areas of mulch, void of vegetation, shall not be considered green space.

~~16-12.6.2.2~~ One (1) ~~over-story~~ shade tree (as defined in Appendix E, Section 10 (c), page 41) shall be planted for every ~~300~~ 250 square feet of required green space."

Section 4. Section 16-12.6.5 of the Land Use Ordinance is hereby amended to read as follows:

"16-12.6.5 Building Height. The following standards determine the applicable building heights for buildings in the Central Business and Town Center Districts.

~~16-12.6.5.1~~ ***Town Center – East side of Main Street***

Maximum building height is limited to 30 feet, measured from the sidewalk elevation to the highest point of the structure. If the building is set back at least 3 feet from the back of the sidewalk, the maximum building height is 35 feet.

16-12.6.5.2 Town Center – West side of Main Street

Maximum building height is limited to 35 feet, measured from the sidewalk elevation to the highest point of the structure.

16-12.6.5.3 Central Business

The maximum building height shall be limited to ~~30~~ 35 feet, as measured from the average elevation of the existing or proposed sidewalk along the primary street to the highest point of the building or structure (Please refer to Appendix B for Diagram). Where an existing rock wall is located adjacent to an existing sidewalk, or where a property does not border a primary street on any side, the maximum height shall be measured from the average finished ground elevation adjacent to the primary entrance to the highest point of the building or structure.

~~16-12.6.5.1 The maximum building height shall also be limited to no more than a 25% increase above the average existing height of adjacent buildings, provided that at least two (2) stories shall be permitted. The average existing height shall be determined by the average height of existing buildings located within 100 feet of the proposed building, on the same side of the street, same block and use district. The lesser of a) 25% greater than the average existing heights or b) 30 feet shall determine the maximum allowable building height. Where the maximum building height is established, that maximum height shall govern the entire structure.~~

~~16-12.6.5.2 The maximum eave height shall be limited to 24 feet. The eave height shall be the vertical distance measured from the sidewalk to the lowest point of the eave above the primary entrance.~~

~~16-12.6.5.3 The maximum building height and maximum eave height for any building located 50 30 feet or more from the back of the existing or proposed sidewalk adjacent to a public street shall be measured from the average finished ground elevation adjacent to the primary entrance. For purposes of this paragraph, the entire structure must be located at or beyond the 50 30-foot setback. If the building is located 50 feet or more from the sidewalk, the eave height shall be the vertical distance measured from the adjacent grade at the primary entrance to the lowest point of the eave above the primary entrance. Maximum building heights may exceed 30 feet, and the maximum eave height may exceed 24 feet, if the building is set back beyond the standard 15-foot setback. No building height in the Central Business or Town Center may exceed 40 feet. Additionally, n No other building walls (rear, side, etc.), measured from the average finished grade along the base of the wall to the highest point of the structure may exceed 40 45 feet. The following table shall be used to determine the maximum building height and eave height based on the proposed building setback from any street:~~

Setback	Maximum Building Height	Maximum Eave Height
15	30	24

20	31	25
25	32	26
30	33	27
35	34	28
40	35	29
45	36	30
50	37*	31*
55	38*	32*
60	39*	33*
—65	40*	34*

*measured from finished ground elevation adjacent to primary entrance to building

~~Where a building is permitted to encroach into the 15-foot setback as provided in Section 16-12.6.1.2.1(b) the building height for that part of the building forward of the 15-foot setback must be reduced one (1) foot for every one (1) foot of setback encroachment."~~

Section 5. Severability; Conflict of Laws. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end, the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6. Effective Date. This ordinance shall be effective upon adoption.

Adopted this the ____ day of _____, 2019

Charlie Sellers, Mayor

ATTEST: _____
Hilari H. Hubner, Town Clerk

*Amendments to Residential Density and Building Heights and Setbacks in CB and TC –
Clean Copy*

RESIDENTIAL DENSITY

Section 16-12.2 Residential Density. The following shall represent the maximum density permitted for residential uses in the various zoning districts:

16-12.2.3 Lots in the R-MH, GB, and HMC zoning districts, where residential developments are permissible, may be developed at a density equal to the density allowed within the R-6S District for single family developments, or the density allowed within the R-6M District for multi-family developments, whichever is applicable to the type of development that is being proposed. Lots in the CB and TC zoning districts are not subject to the residential density limitations.

BUILDING SETBACKS AND BUILDING HEIGHT

Section 16-12.6 Central Business and Town Center Districts Setbacks, Building Height, Open Space, and Green Space Requirements. Lots developed in the Central Business District and Town Center District shall meet the following standards pertaining to setbacks, building heights, open space and green space areas, and other development criteria:

16-12.6.1 Setbacks.

16-12.6.1.1 Town Center – East side of Main Street.

Street setback shall be three (3) feet. The setback shall be measured from the back of the public sidewalk. For consistency, the back of the public sidewalk shall be measured seven (7) feet from the back of the existing curb. Awnings are permitted in the street setback and may encroach over the public sidewalk provided the lowest portion is at least 7 feet above the sidewalk.

Side and rear setbacks shall be five (5) feet, unless a common or shared wall is possible. Lots that are one (1) acre or greater in size shall have 15-foot side and rear lot boundary setbacks.

16-12.6.1.2 Town Center – West side of Main Street.

Street setback shall be 15 feet. The setback shall be measured from the back of the public sidewalk. For consistency, the back of the public sidewalk shall be measured seven (7) feet from the back of the existing curb. Awnings are permitted in the street setback and may encroach over the public sidewalk provided the lowest portion is at least 7 feet above the sidewalk.

Side setbacks shall be five (5) feet. Lots that are one (1) acre or greater in size shall have 15-foot side and rear lot boundary setbacks.

16-12.6.1.3 Central Business.

Street setbacks shall be 15 feet. The setback shall be measured from the back of the public sidewalk. For consistency, the back of the public sidewalk shall be measured seven (7) feet from the back of the existing curb. Awnings are permitted in the street setback and may encroach over the public sidewalk provided the lowest portion is at least 7 feet above the sidewalk.

Side setbacks shall be five (5) feet. Lots that are one (1) acre or greater in size shall have 15-foot side and rear lot boundary setbacks.

All buildings may be rebuilt to the existing building footprint. This option may only be applied if, prior to the development or removal of the building, a survey is performed by a licensed North Carolina Surveyor to accurately determine the existing footprint. The exception is that any building on the east side of Main Street in the Town Center rebuilt from the original foundation must observe the 3-foot street setback.

16-12.6.2 Open Space/Green Space. For purposes of this section, open space is defined as the gross land area not covered by a building, between the building and the public sidewalk.

16-12.6.2.1 In the Central Business District and the West side of Main Street in the Town Center District, a minimum of 40 % of the open space at the front of the building, must be planted green space with an emphasis on large shade trees. Planted green space shall be defined as areas with grass, herbaceous ground cover, shrubbery, and drip line areas of mature, shade trees. Massive areas of mulch, void of vegetation, shall not be considered green space.

16-12.6.2.2 One (1) shade tree shall be planted for every 250 square feet of required green space.

16-12.6.3 Tree Protection. All existing trees eight (8) inches in diameter at breast height (dbh) and greater shall be retained to the extent reasonably practical. If saving such trees, especially those located within the proposed building footprint, would cause undue hardship on the developer, those trees may be removed through the approval of the Board of Commissioners. All proposed developments in the Central Business and Town Center Districts shall submit a site plan with a tree survey that locates all trees eight (8) inches dbh and greater. The Board of Commissioners shall specifically approve the removal of any trees eight (8) inches dbh and greater during site plan approval. Any trees designated for protection shall be replaced with a tree of similar species at least three (3) inches in diameter (measured 6 inches above grade), if the tree dies or must be removed due to unforeseen construction activities.

16-12.6.4 Retaining Walls. All retaining walls shall be preserved and maintained. If the retaining wall is in poor structural condition, a new wall must be built back to replicate the original wall.

16-12.6.4.1 New retaining walls in the Central Business and Town Center Districts that are adjacent to a street shall be made of natural, locally found stone. Cultured stone that has the appearance of natural, locally found stone may be used as a substitute.

16-12.6.4.2 The Board of Commissioners recognize the need for compliance with ADA requirements and will consider such when reviewing a request for removal, or modification, of existing retaining walls.

16-12.6.5 Building Height. The following standards determine the applicable building heights for buildings in the Central Business and Town Center Districts.

17-12.6.5.1 Town Center – East side of Main Street

Maximum building height is limited to 30 feet, measured from the sidewalk elevation to the highest point of the structure. If the building is set back at least 3 feet from the back of the sidewalk, the maximum building height is 35 feet.

17-12.6.5.2 Town Center – West side of Main Street

Maximum building height is limited to 35 feet, measured from the sidewalk elevation to the highest point of the structure.

17-12.6.5.3 Central Business

The maximum building height shall be limited to 35 feet, as measured from the average elevation of the existing or proposed sidewalk along the primary street to the highest point of the building or structure (Please refer to Appendix B for Diagram). Where an existing rock wall is located adjacent to an existing sidewalk, or where a property does not border a primary street on any side, the maximum height shall be measured from the average finished ground elevation adjacent to the primary entrance to the highest point of the building or structure.

The maximum building height for any building located 30 feet or more from the back of the existing or proposed sidewalk adjacent to a public street shall be measured from the average finished ground elevation adjacent to the primary entrance. For purposes of this paragraph, the entire structure must be located at or beyond the 30-foot setback. No other building walls (rear, side, etc.), measured from the average finished grade along the base of the wall to the highest point of the structure may exceed 45 feet.

16-12.6.6 Property Grades and Elevations. Property grade elevations shall be maintained as reasonably practical. The Board of Commissioners shall have the authority to determine if the proposed grade elevations are consistent with the character of the Central Business and Town Center areas.

16-12.6.7 Alleys. Alleys that connect adjacent lots and provide parking, delivery access, utility access, and garbage pickup will be strongly encouraged. Alleys may be required in certain situations through a conditional use permit.

Town Code for Blowing Rock, North Carolina

introduced at the meeting when the Board sets a date for the public hearing. If a proposed ordinance or other action having the effect of an ordinance fails to receive the four votes required for passage on the date it is introduced, it shall be carried over until the next meeting unless it is rejected by a majority of the Board membership.

(C) Franchise ordinances and amendments shall not be finally adopted until passed at two regular meetings of the Board.

Section 2-14 Executive Sessions.

The Board may hold executive sessions in accordance with the Open Meetings Law (Article 33C of Chapter 143) and other provisions of law. The Board shall commence an executive session by a majority vote to do so and shall terminate an executive session in the same manner. Minutes shall be kept of executive sessions but may be withheld from public inspection so long as public inspection would frustrate the purpose of the executive session.

Section 2-15 Public Hearings.

(A) Except as otherwise provided in this code, public hearings required by law or deemed advisable by the Board shall be scheduled pursuant to a motion adopted by a majority vote setting forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time of each speaker and other matters regarding the conduct of the hearing.

(B) At the appointed time the mayor shall call the hearing to order and then preside over it. Upon the expiration of the allotted time, or when there are no individuals who wish to speak who have not done so, the mayor shall declare the hearing ended.

(C) A quorum of the Board shall be required at all public hearings required by state law.

Section 2-16 Minutes.

Minutes shall be kept of all meetings of the Board.

Sections 2-17 through 2-20 Reserved.