

§ 160A-364. Procedure for adopting, amending, or repealing ordinances under Article.

(a) Before adopting, amending, or repealing any ordinance authorized by this Article, the city council shall hold a public hearing on it. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) If the adoption or modification of the ordinance would result in any of the changes listed in this subsection and those changes would be located five miles or less from the perimeter boundary of a military base, the governing body of the local government shall provide written notice of the proposed changes by certified mail, or by any other written means reasonably designed to provide actual notice, to the commander of the military base or the commander's designee not less than 10 days nor more than 25 days before the date fixed for the public hearing. Prior to the date of the public hearing, the military may provide comments or analysis to the board [governing body of the local government] regarding the compatibility of the proposed changes with military operations at the base. If the board [governing body of the local government] does not receive a response within 30 days of the notice, the military is deemed to waive the comment period. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the base, the governing body of the local government shall take the comments and analysis into consideration before making a final determination on the ordinance. The proposed changes requiring notice are:

- (1) Changes to the zoning map.
- (2) Changes that affect the permitted uses of land.
- (3) Changes relating to telecommunications towers or windmills.
- (4) Changes to proposed new major subdivision preliminary plats.
- (5) An increase in the size of an approved subdivision by more than fifty percent (50%) of the subdivision's total land area including developed and undeveloped land. (1923, c. 250, s. 4; C.S., s. 2776(u); 1927, c. 90; 1955, c. 1334, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 58; 1977,

**The notice was advertised in the
Blowing Rocket on:
January 31, 2019 and February 7, 2019**

PUBLIC NOTICE

The Blowing Rock Town Council is planning to conduct public hearings during their upcoming meeting on **Tuesday, February 12, 2019** which begins at **6:00 PM** on the following items:

1. Central Business and Town Center – Amendment of Development Standards in LU Code

The Town Council will review and consider a draft ordinance from the zoning subcommittee that proposes modifications to the development standards for Central Business and Town Center. Specific proposed modifications include changes to the building height, building setback, open space, green space, and residential density standards. Town Council originally requested the Planning Board study the current standards for areas that could be amended and/or clarified. Planning Board established a subcommittee to study the standards in detail and over the past four months the subcommittee has developed a draft amendment to the current regulations.

At the December 20, 2018 meeting, the Planning Board made a recommendation to approve the draft ordinance with some modifications.

Any person wishing to comment on the above items may do so during the public hearings or by sending written comments to Hilari H. Hubner, Town Clerk, PO Box 47, Blowing Rock, NC, 28605 prior to the Council meeting.

The public hearings will be held in the Council Chambers in the Blowing Rock Town Hall, 1036 Main Street. The Town Hall is ADA accessible.

Hilari H. Hubner,
Town Clerk

EXHIBIT #1A

MEMORANDUM

TO: Mayor Charlie Sellers and Blowing Rock Board of Commissioners

FROM: Kevin Rothrock, Planning Director

SUBJECT: Downtown Development Standards Review and Consideration

DATE: February 5, 2019

BACKGROUND

At the request of Town Council at the June 25 mid-year retreat, 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. This building measures 31 feet high from the sidewalk elevation and is the tallest building on the east side of Main Street. 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. The 2014 Comprehensive Plan urges a recognition of the different sides of Main Street by establishing development standards that are unique to each.

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? Although hotels and residential dwelling units are different in terms of purpose, the same commercial design, setback, height, landscaping, parking, and storm water standards apply to both types of construction. All of these standards limit the size and mass of the building, not just residential density. The 2014 Comprehensive Plan recommends allowing at least 8 residential units per acre in downtown where residential developments are allowed. This proposed ordinance takes

that a step farther and suggests eliminating the residential density restriction altogether with other development standards limiting building mass and scale.

DRAFT ORDINANCE AMENDMENT

Attached is 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 open/green space requirement is removed from the East side of Main since it exists as mostly zero front setback. The 40% green space for West Main and CB was recommended by reviewing the 1150 Main Street project approved this summer at the BR Realty location.
- At the top of each draft ordinance document is the proposed change to residential density for TC and CB, which changes the standard from 5 units per acre to unlimited.

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 can be 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.

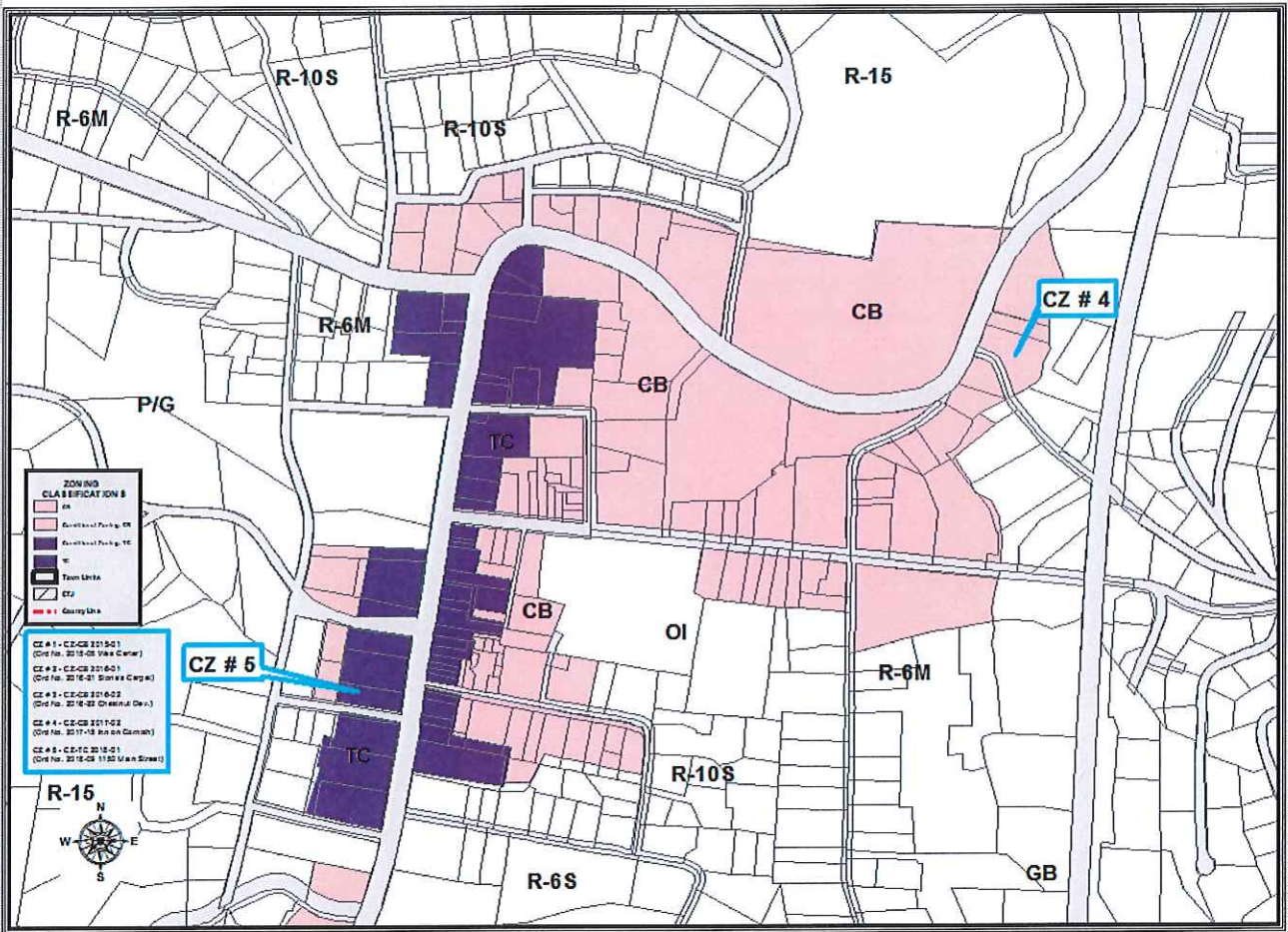
COMPREHENSIVE PLAN COMPATIBILITY

- Policy D-1.1 Revise zoning and architectural design regulations to differentiate between the contexts of the east and west sides of Main Street.
- Policy LC-1.5 Amend the Floor Area Ratio provisions in the Land Use Code to encourage vertically mixed-use structures....to encourage the more effective use of land in areas where higher density development is desired.

- Policy LC-3.1 Amend the Land Use Code to increase the density allowed in the most intensive residential zoning district to allow at least 8 multi-family dwelling units per acre by-right.
- Policy LC-4.5 Maintain policies that prohibit the construction of buildings that are out of scale with the character of the community in terms of their height, bulk or area to preserve the Town's small-town atmosphere.

ATTACHMENTS

- Map of TC and CB zoning
- Draft Ordinance 2019-03
- Draft ordinance text – Clean Version
- Powerpoint slides with downtown buildings photos





28-ft

27-ft

31-ft

Princess
Soubise's

Princess
Soubise's

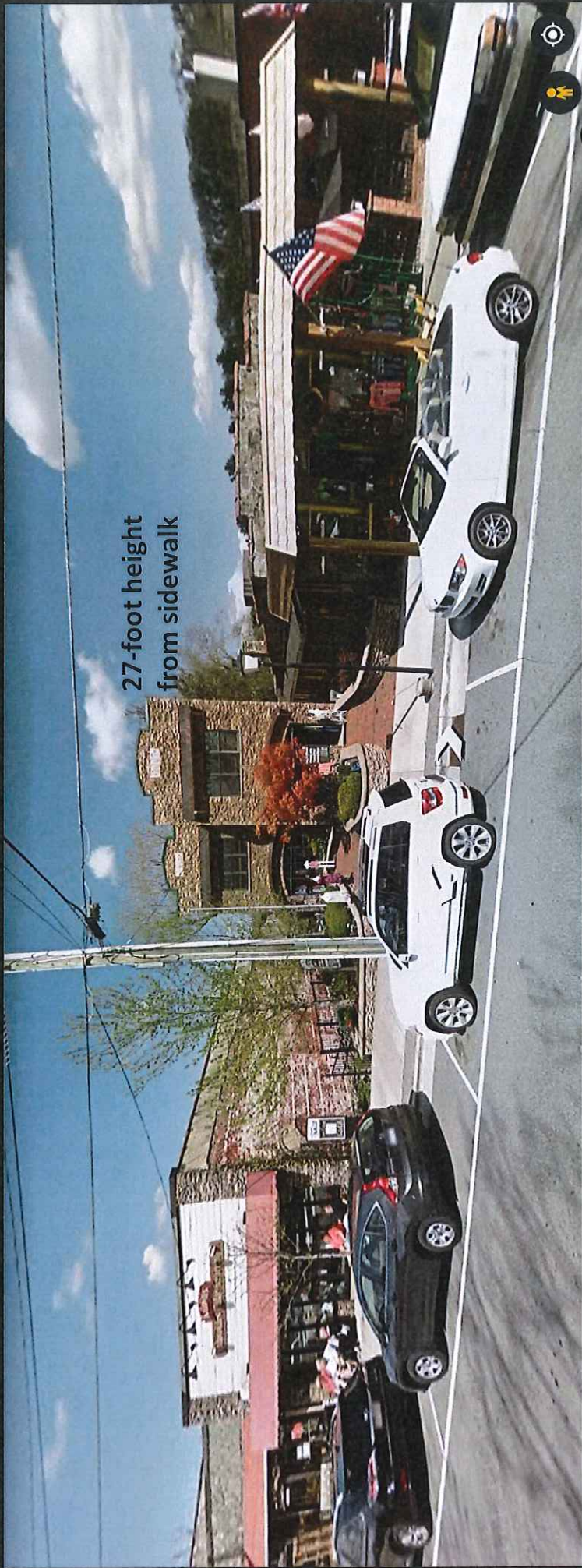
J.W. Wood

Princess
Soubise's

Princess
Soubise's

J.W. Wood

The Big Book



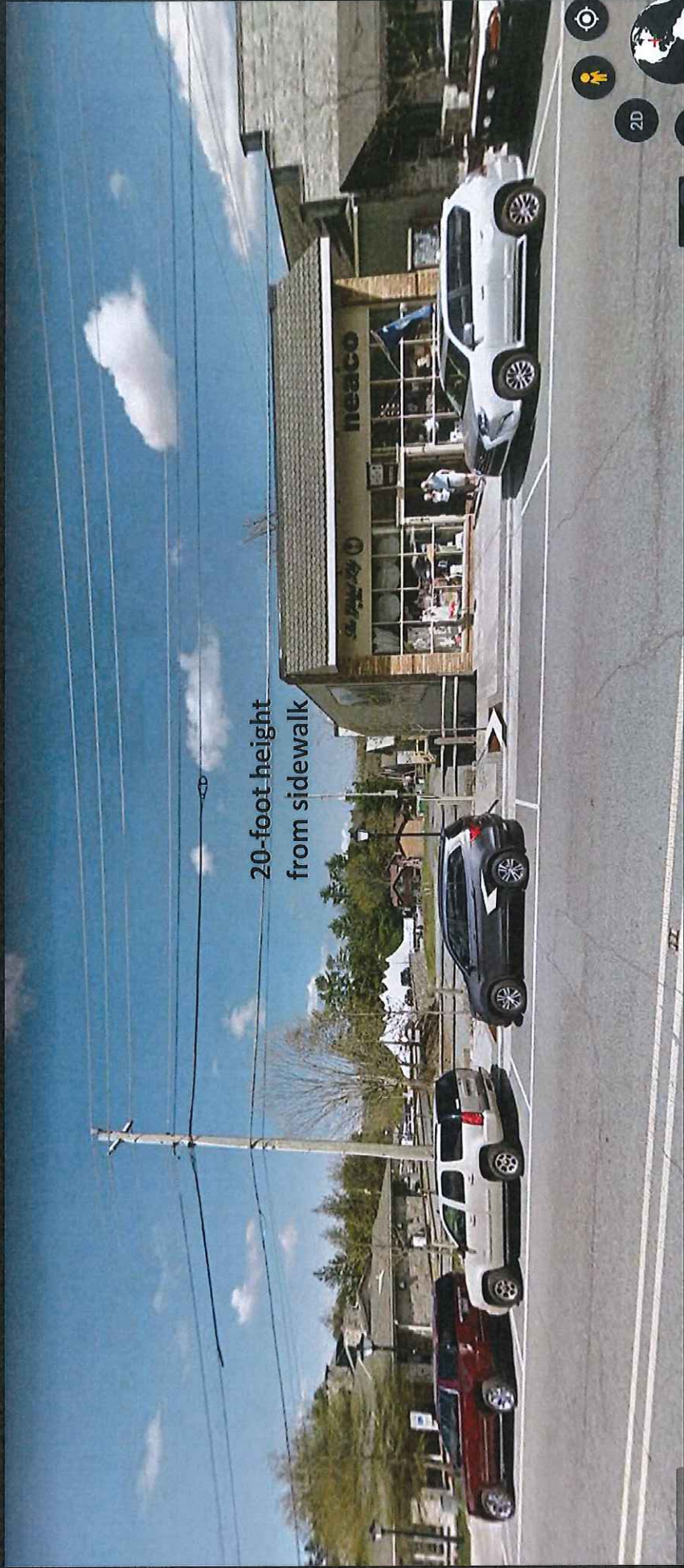
27-foot height
from sidewalk

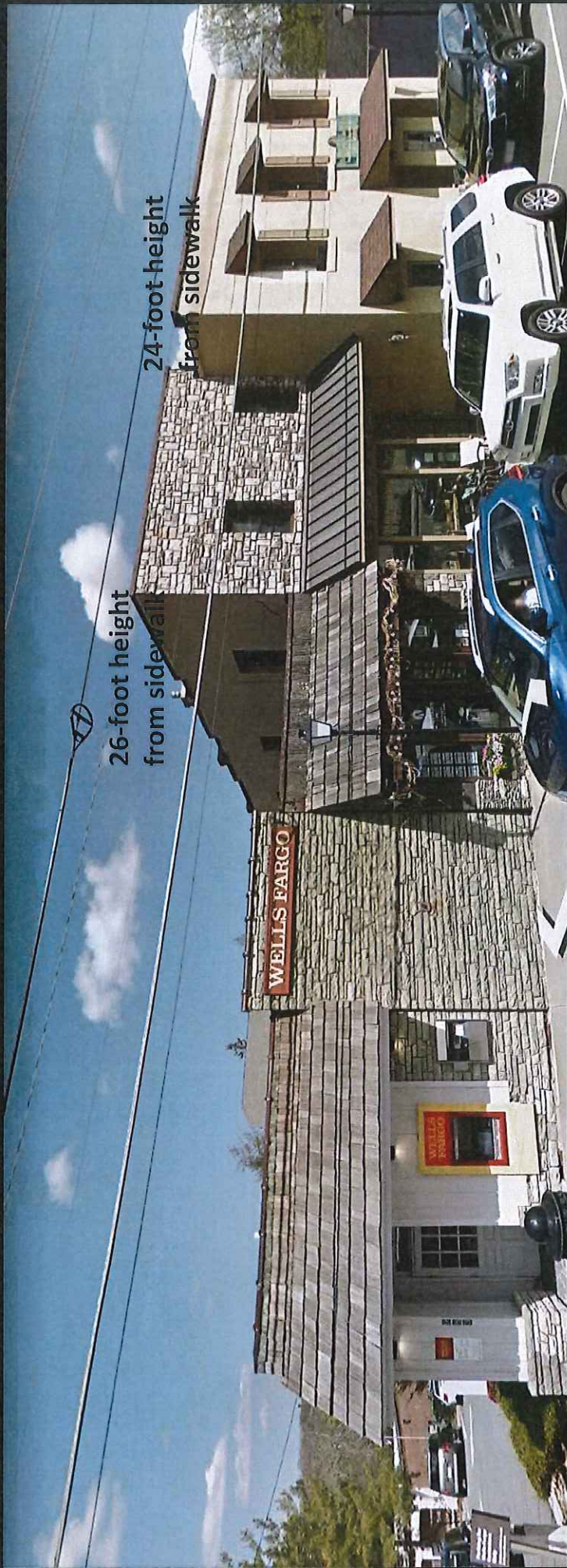


24-foot height
from sidewalk



20-foot height
from sidewalk





26-foot height from sidewalk

24-foot height from sidewalk



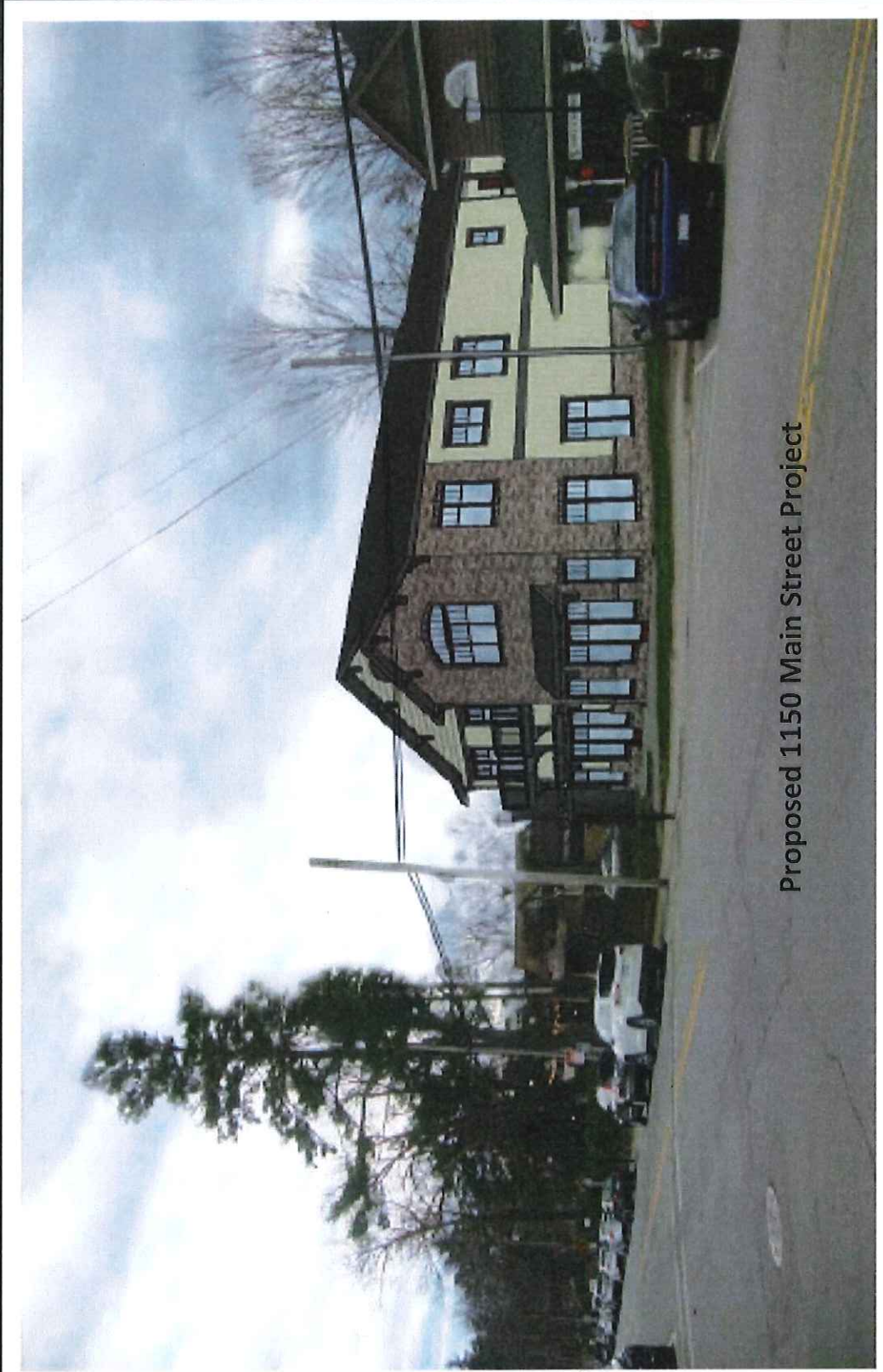
28-foot height
from sidewalk

Google

Google

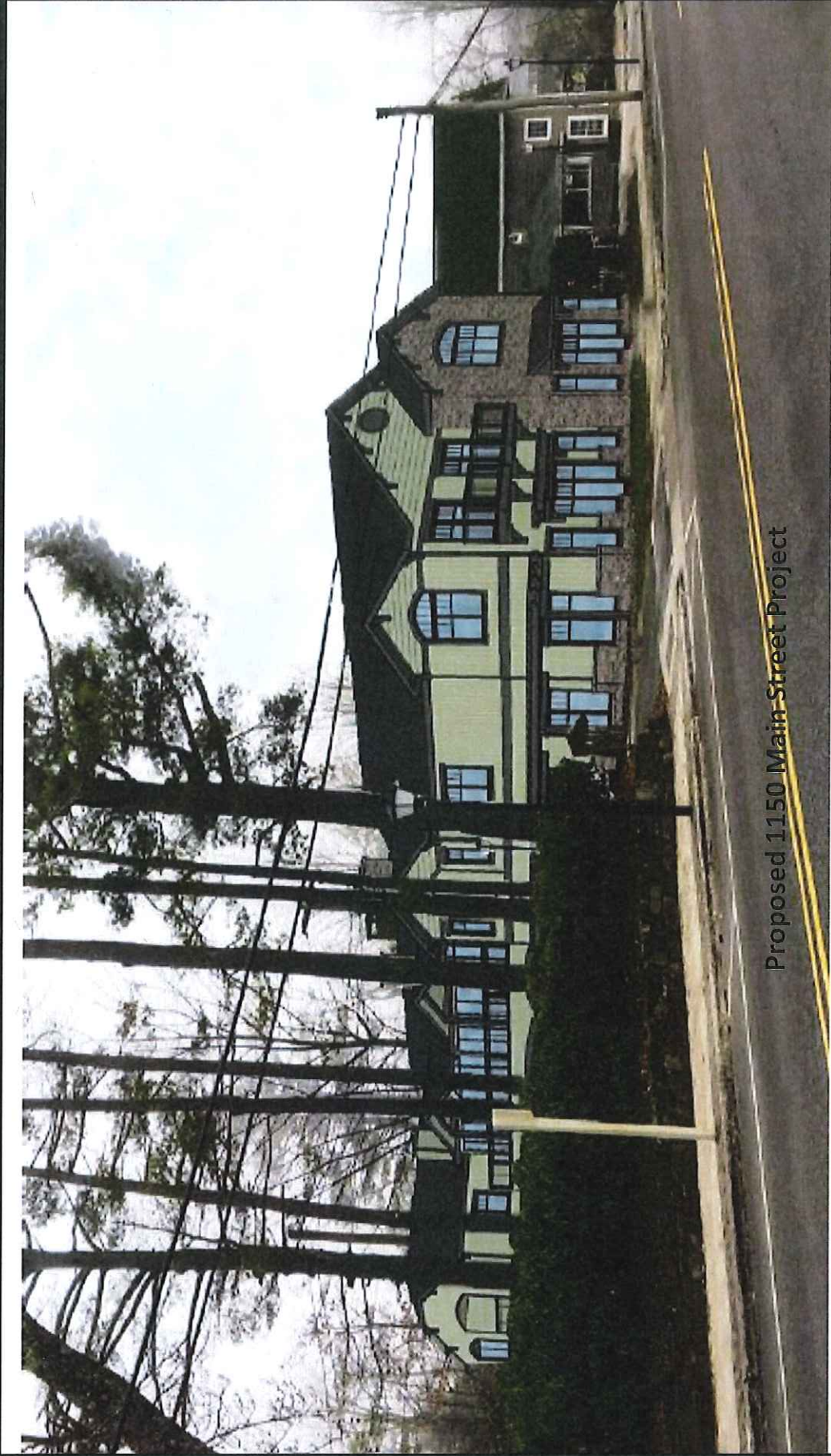
2D





Proposed 1150 Main Street Project





Proposed 1150 Main Street Project

January 29, 2019

PO Box 1926
Blowing Rock, NC 238605

Mayor Charlie Sellers and Members of the Town of Blowing Rock Town Council
PO Box 47
Blowing Rock, NC 28605

Re: Draft Ordinance Amendments for Town Center and Central Business Zoning

Dear Mayor Sellers and Members of the Town Council,

In advance of your consideration of the proposed amendments to the Development Standards of the Town of Blowing Rock Land Use Code on February 12th (Ord. 2019-02), I would like to take an opportunity to detail the proposed changes and relate the context of the recommendations. The Planning Board voted unanimously for these propositions, however, this letter embodies my personal views and not those of individual Planning Board members.

At the Mid-Year Retreat on June 25, 2018, the Town Council discussed, "Staff suggestion is to eliminate the residential density requirement for Town Center and Central Business. The building height, setback, commercial design, parking and stormwater / impervious surface standards in the Land Use Ordinance already limit the mass and size of buildings." The Town Council requested that the Planning Board ". . . study these development standards and propose some draft ordinance amendments for Council consideration."

In the preceding 2+ years, applications for Conditional Use Permits often requested variances from the current developmental standards. Variance requests, in and of themselves, are not inappropriate nor uncommon. Not every unique situation can be legislated and variance requests are often negotiated by a municipality to gain other desired improvements as part of a new development or renovation. As such, it is considered reasonable to review the standards to ensure they are not hindering development nor conflicting with the guidelines of the Town's 2014 Comprehensive Plan. At the January 8th Town Council meeting, Mr. Rothrock detailed the course of action the Planning Board has undertaken to formulate these recommendations. This included the formation of a subcommittee, multiple meetings, tour of the downtown area and an inventory of the existing structures in Central Business (CB) and Town Center (TC) with the assistance of Ms. Sue Glenn. The draft ordinance amendments presented to you include changes to residential density, building heights and setbacks in CB and TC.

Developmental standards must be reviewed in the context of the intended goals for which they exist. Density, building heights and setbacks are instruments that provide safety, environmental protection, create scale, provide open space and foster a sense of place among many other things. The 2014 Comprehensive Plan does provide guidance for these intended goals:

LC-1 Refocusing Growth "Refocus growth on Blowing Rock's core through policies and actions that encourage both infill development and the redevelopment of properties that are not being utilized for their highest and best use."

EXHIBIT #1C

LC-3 Expanding Housing Options “Expand the range of housing options available in Blowing Rock to accommodate the needs of the community and its residents, with a particular emphasis on ensuring a readily available supply of housing options for young families and workers in the early stages of life as well as older residents who are transitioning from larger homes in town but who would like to remain in the community.”

EDT-1 Promoting Economic Diversity “Diversify the economic foundation of the community with a focus on building a more stable and resilient base of economic activity that is complementary to, but not dependent on, the traditional tourism based economic focus of the community.”

To infer that the elimination of residential density requirements in CB and TC will result in unrestrained building mass and size is inaccurate. Standards such as setbacks, building heights, parking requirements and impervious area work collaboratively to restrict density while providing flexibility for development. The attached examples detail a fictitious parcel of land in TC on the west side of Main Street. Please note that Example A utilizes the existing code with density requirements while Example B takes advantage of no restriction on residential density. The effects of no restriction on density are tempered by impervious area (within the watershed area), parking and setbacks.

Per the Land Use Code [Section 16-136 (B) & (H)], both CB and TC are “. . . designed to accommodate a wide variety of commercial activities (particularly those that are pedestrian oriented) that will result in the most intensive and attractive use of the town’s central business district.” TC takes this one step further by adding, “. . . while protecting the historic character of the downtown core primarily along Main Street.” Downtown Blowing Rock can benefit greatly from developmental standards that focus on creating increased population density while maintaining architectural and historical character, walkability, culture, and communal areas. Increasing population density in CB and TC has the following advantages:

1. As a town expands, more infrastructure has to be put in place and maintained over the long term. Choosing to focus on increasing residential density in an area where infrastructure already exists can be more cost effective. [LC-1]
2. Downtown housing has the ability to target young professionals, singles, empty nesters, seniors and those in need of workforce housing by providing different housing options in different price ranges. [LC-3]
3. Higher CB and TC population density can create a stronger and more resilient downtown core. Many people choose to visit, live, work and retire in these popular and vibrant small towns with higher population densities. [EDT-1]

With regard to the changes in building heights, a 17% increase from 30’ to 35’ is in keeping with the scale and fabric of downtown. This change will most certainly assist in the design of three-story structures in TC and CB. However, the current standard of 30’ does allow for three stories as demonstrated in the other attachments to this letter. An increase building height standard will provide for taller ceiling heights which are desired in residential design and important in retail design. Additionally, higher building parapets on the east side of Main Street will provide screening for rooftop mechanical units. Section 16-21.5 of the Land Use Code requires a minimum roof pitch of 6:12 for commercial design. This roof pitch makes it very difficult to achieve three stories in under 30’. However, 35’ does provide an avenue to realize three stories.

The combined effects of eliminating residential density and adjusting building heights and setbacks in CB and TC can simultaneously help build a resilient, healthy downtown while maintaining the small-town character and appeal of Blowing Rock. Some indicators of a successful downtown are:

1. Retail development
2. Downtown housing
3. Organizations and partnerships (BRAAC, Foundations, Chamber of Commerce, Civic Leadership)
4. Traffic generators (BRAHM, Memorial Park)
5. Preservation and rehabilitation
6. Multifunctionality (Mixed Use Development, Offices, Conference & Meeting Space)
7. Downtown design (Appearance standards)
8. Branding and promotion (TDA, Chamber of Commerce)

It is important to note that small-town charm and "historic character" are subjective and affected by more than residential density. Appearance standards and preserving our historic architecture play a role and were not subjects of the request by Council to the Planning Board but should be addressed in conjunction with a review of developmental standards. Editor-in-Chief of Atlanta Magazine, Kevin Benefield, writes that small-town charm is an ". . . embrace of local traditions; a commitment to maintaining long-standing structures and landmarks; and a genuine affection for local characters. It's these charms, along with a slower pace, a welcoming air, and an abiding sense of familiarity that draw visitors to the storied small towns of the South.

I appreciate this opportunity to present my thoughts on these proposed amendments and hope that I have assisted in bringing clarity to your decision process. I look forward to working with you to identify the best course of action. The Planning Board serves at your pleasure and desires to assist the Council as a recommending body.

Best regards,

A handwritten signature in dark ink, appearing to read "David E. Harwood". The signature is fluid and cursive, with the first name being the most prominent.

David E. Harwood
david@sketchlinearchitecture.com
(828) 729-3290

Suggested Code Changes for Downtown Blowing Rock

WHAT WE NEED TO THINK ABOUT:

Implementation Strategies set out in the 2014 Comprehensive Plan guide elected officials and staff in their joint responsibility to amend the Town Code in keeping with identified plan vision and goals. How are we to foster an environment that balances Economic Development and Tourism with Downtown land use?

Maintaining Blowing Rock's aesthetic character is an overarching goal. "In order to help preserve the differing character of the two sides of Main Street, development standards that respect the unique qualities of each area should be implemented, primarily oriented toward preserving the setbacks unique to each side of the street and continuing the established architectural patterns that differentiate the two sides of Main Street." Beyond Main Street, keeping development within "aesthetic character" presents challenges of definition and individual sensibilities. Crafting a land use code that will insure development in keeping with "aesthetic character" becomes a tall order. If the existing town code falls short, then what changes will bring a better result?

Just as people may differ on what is our town's aesthetic character, there are widely divergent views on what sorts of development are fitting, in keeping with, and promotive of an appropriate balancing of our vision and goals. Improved economic conditions since the completion of the 2014 Plan have led to proposed development projects that have challenged town staff and elected officials. Proposals not on "all fours" with the Town Code have been the rule rather than the exception, necessitating requests for Conditional Use and Conditional Zoning requests. Each request has presented unique fact patterns that have required the applicant to go to lengths to justify a departure in some measure from the limiting provisions of the Code. Whether or not exceptions have been granted have, to many, appeared to be decided capriciously.

WHAT WE RECOMMEND AND WHY

Town Council directed the Planning Board to examine the issues in keeping with the 2014 Plan and to make recommendations for code changes. Recommendations for height, setback, green space, and plantings were made that the ad hoc Planning Board subcommittee believe will provide potential developers with reasonable parameters to be met to comply with the town code without having to request conditional use permits. None of these suggestions drastically change existing code provisions. Particular concern has been expressed about the suggestion for a 35-foot building height limitation on east Main Street. Among the goals set forth in the 2014 Plan is to "Facilitate Quality Growth". Examining the existing building heights on the east side of Main Street led us to recommend the increase from a 30-foot limitation to 35 feet. We believe the increase would not be out of keeping with "aesthetic character" goals. More importantly, we believe the increased height allowance would encourage an investor in a building by providing adequate vertical space for three floors of usable space.

Criticisms of the proposed changes have focused on the increased development they might encourage. The subcommittee's recommendations are in part designed to foster development by putting in place code provisions that give developers and investors a clear roadmap for compliance with the code without the necessity to seek exceptions. To the extent that the changes in fact foster development and investment, we believe buildings and improvements would be in keeping with our "aesthetic character".

The subcommittee's recommendation that density limitations be eliminated for Town Center and Central Business Districts will remove a substantial barrier for downtown investment and make proposed projects in downtown less subject to seemingly capricious actions by the Planning Board and the Town Council. The existing limitation of 5 units per acre does not provide reasonable guidance for downtown properties. The 2014 Plan suggests increasing density to 8 per acre or more to encourage residential property growth. Neither limit is apt for TC or CB. Consider a new or rebuilt building downtown on a property measuring 50 feet by 150 feet, a 7,500 square foot parcel. At 5 units per acre, less than one residential unit would be allowed. Applied to downtown properties, the restrictions would eliminate residential properties for almost all parcels in TC and CB. The result being that any proposed project for these districts would require a CUP, thus putting an undue burden on a prospective developer. The practical limitations in the existing code regarding building height, setback requirements, and required provisions for parking may be sufficient to regulate downtown residential density.

SHORT TERM RENTAL IMPLICATIONS

Objectors to the elimination of downtown density requirements argue that the change would allow construction of many short-term rental properties. Blowing Rock allows short term residential rentals only in limited areas with specific rules and limitations. Short term rentals in the downtown provide property owners with opportunities to put their properties to highest and best use while limiting such rentals in other areas of town. The recognition that short-term rentals are appropriate for downtown has been recognized in code provisions recently enacted. Short term rental property opportunities are greatly limited by the requirements that adequate parking be provided. The parking requirements for downtown residential properties were put in place not to limit short-term rentals, rather to address more general parking issues faced by Blowing Rock. Providing downtown short-term rentals is seen as giving visitors an attractive alternative to lodging, making downtown a more vibrant place, and promoting investment in downtown properties.

The concern over short term rentals is shared by most communities similar in nature to Blowing Rock. Of particular importance is the loss of affordable long-term downtown housing. The income from short term rentals is demonstratively more than reasonably priced housing for permanent residents. The 2014 Plan envisions a legal environment conducive to increased affordable housing in Blowing Rock. By limiting short term rentals to CB and TC, builders and investors in residential rental properties can build to price points appropriate to long term housing in other zoning districts. The perceived lack of affordable housing in Blowing Rock invites an examination of the balance between the demands for resort properties and low or lower cost housing for permanent non-resort residents.

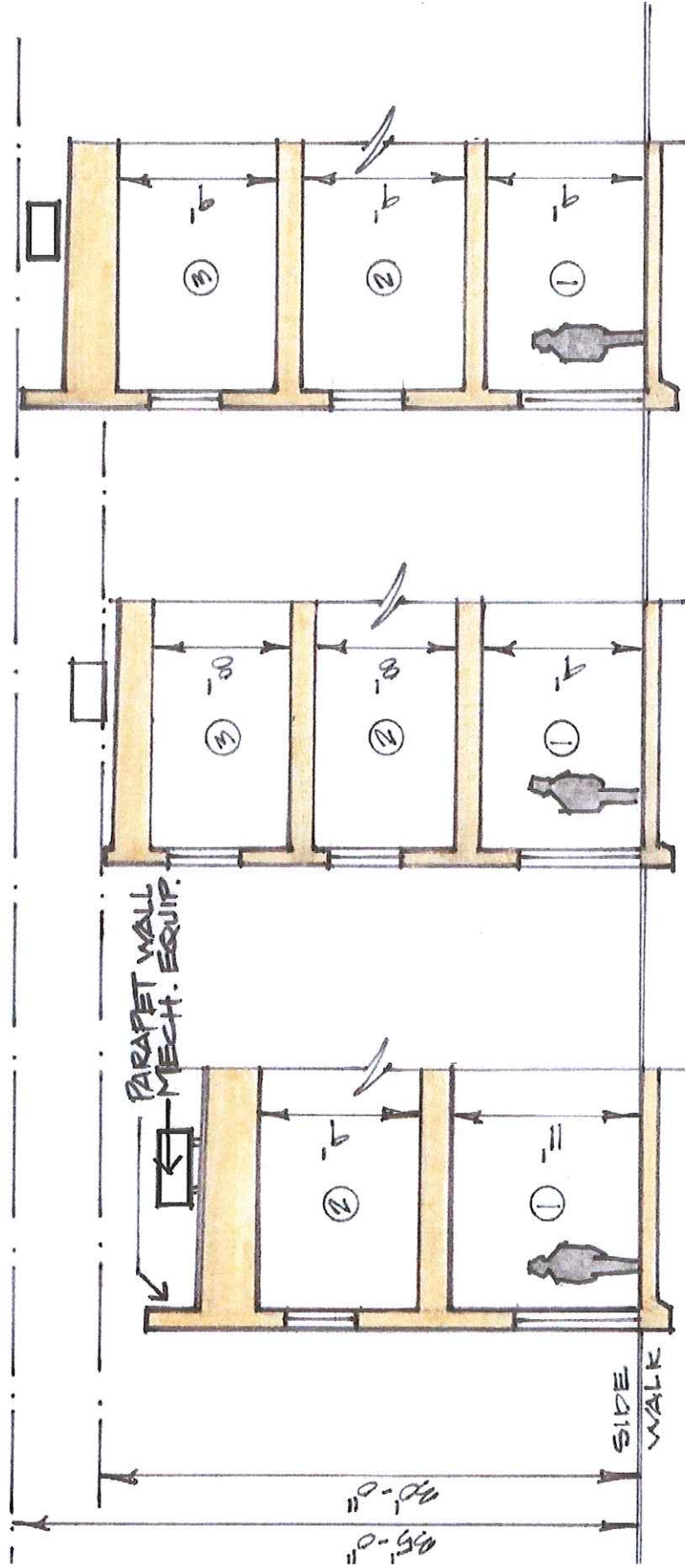
Mike Page

Examples Of The Effects of Density, Parking, Impervious Area and Setbacks On Developmental Standards

Example A	Current Land Use Code for Town Center Zoning within the watershed area.	Current Land Use Code for Town Center Zoning outside the watershed area.
Location of property	West side of Main Street. Town Center.	West side of Main Street. Town Center.
Square footage of parcel	34,850 sf (0.8 acres)	34,850 sf (0.8 acres)
Density	Maximum of 5 units/acre	Maximum of 5 units/acre
Development example	4 units. Each unit is 3-bedrooms. Two stories.	4 units. Each unit is 4-bedrooms. One story.
Square footage per unit	2,329 sf	6,506 sf
Dimensions of parcel	150' x 232'	150' x 232'
Front yard setback (Along Main St.)	15'-0"	15'-0"
Side yard setbacks	5'-0"	5'-0"
Rear yard setback	5'-0"	5'-0"
Setback area required	5,120 sf	5,120 sf
Parking requirements	2.5 spaces/3+-bedroom unit. An additional space for every 4 units.	2.5 spaces/3+-bedroom unit. An additional space for every 4 units.
Parking spaces required	11 parking spaces	11 parking spaces
24% Maximum Impervious Area	8,364 sf	Does not apply
Parking space area (9'x18' per space)	1,782 sf	1,782 sf
Parking lot aisle area	1,404 sf	1,404 sf
Driveway from street to parking lot	520 sf	520 sf
Permissible building footprint area	4,658 sf	26,024 sf

Example B	Proposed Land Use Code for Town Center Zoning within the watershed area.	Proposed Land Use Code for Town Center Zoning outside the watershed area.
Location of property	West side of Main Street. Town Center.	West side of Main Street. Town Center.
Square footage of parcel	34,850 sf (0.8 acres)	34,850 sf (0.8 acres)
Density	No restriction	No restriction
Development example	8 units. Each unit is 2 bedrooms. Two stories.	8 units. Each unit is 2 bedrooms. One story.
Square footage per unit	1,206 sf	3,023 sf
Dimensions of parcel	150' x 232'	150' x 232'
Front yard setback (Along Main St.)	15'-0"	15'-0"
Side yard setbacks	5'-0"	5'-0"
Rear yard setback	5'-0"	5'-0"
Setback area required	5,120 sf	5,120 sf
Parking requirements	2 spaces/2-bedroom unit. An additional space for every 4 units.	2 spaces/2-bedroom unit. An additional space for every 4 units.
Parking spaces required	18 parking spaces	18 parking spaces
24% Maximum Impervious Area	8,364 sf	Does not apply
Parking space area (9'x18' per space)	2,916 sf	2,916 sf
Parking lot aisle area	2,106 sf	2,106 sf
Driveway from street to parking lot	520 sf	520 sf
Permissible building footprint area	4,822 sf	24,188 sf

Town Center Zoning East Side of Main Street

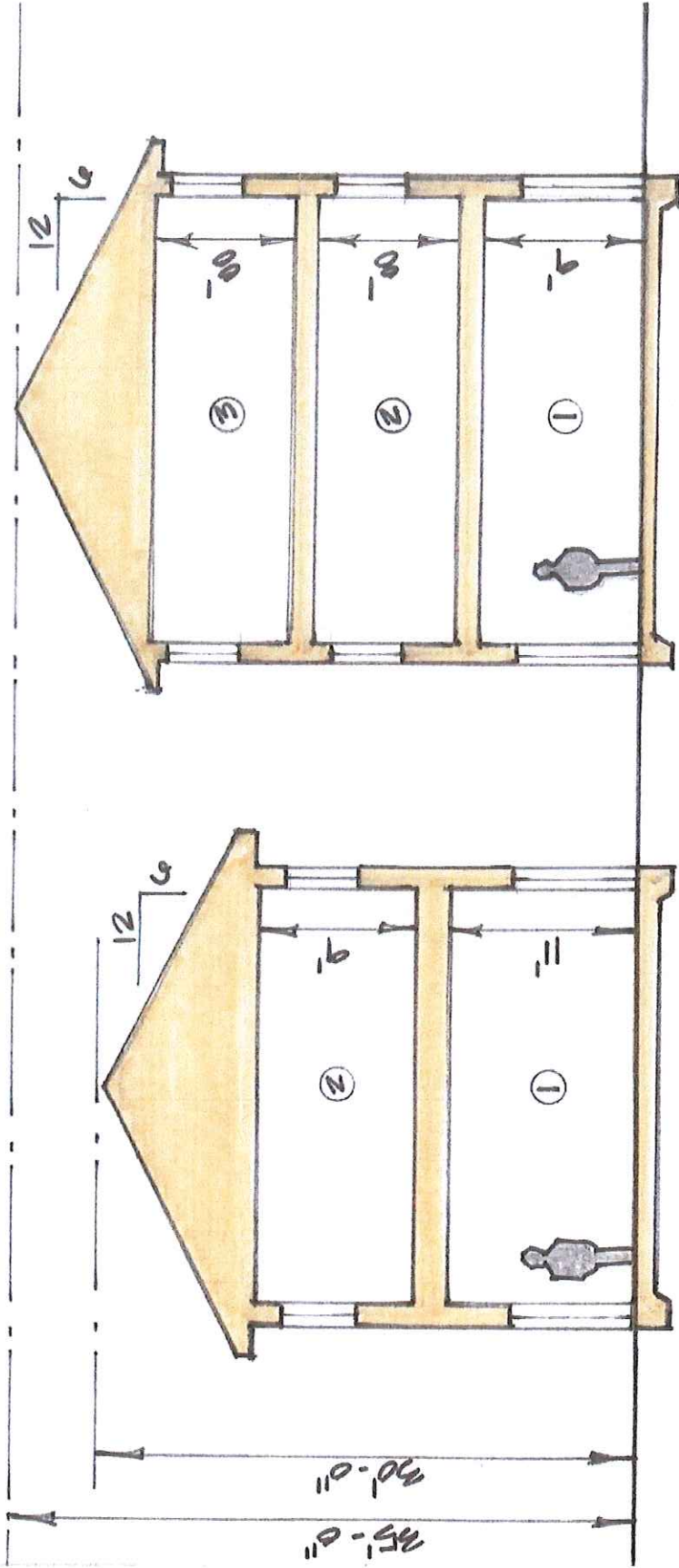


2 STORIES CURRENT STANDARDS
 3 STORIES CURRENT STANDARDS
 3 STORIES PROPOSED STANDARDS

BUILDING SECTION EXAMPLES

SCALE: 1/8" = 1'-0"

Town Center Zoning West Side of Main Street



2 STORIES
CURRENT STANDARDS

3 STORIES
PROPOSED STANDARDS

BUILDING SECTION EXAMPLES
SCALE: 1/8" = 1'-0"

Hilari Hubner

From: Tim C. Gupton <tgupton@hpg.com>
Sent: Wednesday, January 16, 2019 3:44 PM
To: Charlie Sellers; Albert Yount; Jim Steele; Sue Sweeting; Doug Matheson; Virginia Powell
Cc: Jim Freeman; Hilari Hubner
Subject: Letter to Blowing Rock Town Council for Public Hearing on Feb 12 2019.pdf
Attachments: Letter to Blowing Rock Town Council for Public Hearing on Feb 12 2019.pdf

Dear Honorable Mayor Sellers, Mayor Pro Tem Yount, Councilman Steele, Councilwoman Sweeting, Councilman Matheson and Councilwoman Powell,

Attached is my personal letter to you to share my research and conclusion about the proposed changes to downtown building standards.

I would appreciate the Town Clerk including my letter in the "official record" for the public hearing.

Your decision on this proposal will be significant for the future of Blowing Rock.

Thank you for reading my letter and I hope your retreat is productive. I had hoped to fly up to Asheville from Fort Lauderdale, but I am unable to attend due to business commitments next week.

Sincerely,

Tim Gupton

[Map](#)

HPG

looking beyond the bottom line.SM

Tim C. Gupton
Retired Partner

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Tim Gupton
235 Meadow Land
Blowing Rock, NC 28605

January 15, 2019

Dear Honorable Mayor and Council Members,

RE: Proposed Changes to Downtown Building Standards

After learning of the Public Hearing, I have been researching the Town Code and the 2014 Comprehensive Plan, obtaining clarifications from Kevin Rothrock, and talking with Mayview neighbors, BRCA members and others to get their input.

Like many homeowners, I am in Florida until late April. So, I have encouraged other homeowners to call, email, write letters or attend the Public Hearing on February 12th.

At first, I tried to understand the purpose and logic of the proposal out of respect for the Planning Board process and considered proposing amendments to address the risks opened up by the proposal. But, after reading the Town Code and the 2017 Comprehensive Plan, my first reaction was correct - **the current Town Code is well done and the CUP process works.**

The proposal seems to be a **solution looking for a problem to solve**. The conclusion that residential multi-family use is the same as a hotel **undermines downtown residential living** and the **unstated goal of encouraging STR units** in downtown must be balanced against the risks and rewards.

Blowing Rock has always been a **second home community** and the recent in-fill residential development is very encouraging. We should not risk our unique mountain village in the name of tourism or economic development.

I encourage you to take no action at the Public Hearing and continue to use the existing Town Code to evaluate future downtown projects.

The attachment from the Comprehensive Plan and Town Code supports my research and conclusion. **Please read the attachment as a reminder of the community's commitment to Protecting our Vibrant Village.**

Sincerely,



Tim Gupton
919-418-855

Attachment – Support from Comprehensive Plan & Town Code

The Shared Vision in the 2014 Comprehensive Plan sums the community consensus and commitment to **Protecting our Vibrant Village** as follows:

- *The **shared vision** for the future of the Town of Blowing Rock is one of a **vibrant mountain village** resort community that welcomes all with its **charming authenticity** and **unique sense of place**. As a premier destination for visitors to North Carolina’s High Country. Blowing Rock will provide abundant opportunities for outdoor recreation, shopping, dining, lodging and entertainment in a memorable setting that cannot be duplicated elsewhere. With a focus of maintaining its **rustic authenticity**, the community will continue to exemplify the western North Carolina vernacular through its **architecture**, its culture and by preserving and protecting the natural beauty of the mountain landscape. As a full service community, residents and visitors will continue to enjoy high-quality services and amenities that make the Town a desirable place to live or visit year-round. Moving toward this vision, the community will **embrace change** which **remaining vigilant to ensure that the Town’s unique character and quality of life are not compromised**.*
- Additionally, Section LC-4.5 of the Comprehensive Plan - Preserving Architectural Character includes a key implementation strategy to **maintain policies that prohibit the construction of buildings that are out of scale with the character of the community in terms of height, bulk or area to preserve the Town’s small town atmosphere**.

The Town Code includes numerous cites that support **Protecting our Vibrant Village** as follows:

- Section 16-21.1 – Purpose of Commercial Design & Appearance Standards
 - Blowing Rock is a **historic mountain-resort village**
 - The regulations and guidelines contained here-in are intended to ensure that the **high quality and standards** for which Blowing Rock is known will be **maintained and perpetuated**.
 - **Balance** between the need for new development and the desire to maintain an attractive resort community environment
 - **Preserve the unique character and aesthetic integrity**
 - **Preservation of Blowing Rock’s appearance and natural beauty from excessive and unattractive development is a matter of critical importance**
 - **Protect** the quality and character of Blowing Rock to **enhance** the business economy
- Section 16-21.3 – Criteria for Design of Commercial Design & Appearance Standards
 - **Visually appealing**, compatible with the mountain setting and other development in the surrounding area
 - **Enhance the mountain environment** by preserving and providing pleasant views and appropriate geographic orientations
- Section 16-21.4 – Exterior of Commercial Buildings of Commercial Design & Appearance Standards
 - **Promote the desired image of a “mountain village”**
- Section 16-12.6.2.1 – Open Space/Green Space
 - Minimum of **75% of the open space** (*which was greatly reduced for 1150 Main Street to the open concern of the Council and should not be a precedent*)
- Section 16-12.6.9 – Building Height of Non-Residential Zoning Districts
 - **Is not otherwise substantially out of character with the size, scale, and appearance of other buildings within the immediate neighborhood**

Hilari Hubner

From: Jim Freeman
Sent: Monday, January 14, 2019 12:06 PM
To: Hilari Hubner
Subject: FW: Proposed Changes to Building Code

Hilari,
For February 12th agenda packet & hearing record.

jf

-----Original Message-----

From: Susan Treadwell <susantread@bellsouth.net>
Sent: Monday, January 14, 2019 11:40 AM
To: Jim Freeman <jfreeman@toibr.us>; Charlie Sellers <csellers@toibr.us>; Albert Yount <albertyount@gmail.com>; Jim Steele <jsteele@toibr.us>; Virginia Powell <vpowell@toibr.us>; Sue Sweeting <ssweeting@toibr.us>; Doug Matheson <dmatheson@toibr.us>
Subject: Proposed Changes to Building Code

We are expressing our strong opposition to any changes that would allow density increases in downtown residential units and also for allowing building height determination by measurement from secondary streets. Allowing such measurement would permit much taller buildings at street level anywhere there is an uphill terrain. This is not in keeping with trying to preserve our village character which is why people want to come here and why our residents want to live here.

Please vote against allowing these changes to be made.

Sincerely,
Ted and Susan Treadwell
423 Morningside Drive

Sent from my iPad

Kevin Rothrock

From: Jim Freeman
Sent: Monday, January 28, 2019 1:55 PM
To: Kevin Rothrock
Subject: FW: Proposed Changes to Downtown Building Standards

Per your general info.

jim

-----Original Message-----

From: Donna Lewis <dclewis@carolina.rr.com>
Sent: Monday, January 28, 2019 1:54 PM
To: Charlie Sellers <csellers@toibr.us>; Albert Yount <ayount@toibr.us>; Doug Matheson <dmatheson@toibr.us>; Jim Steele <jsteele@toibr.us>; Sue Sweeting <ssweeting@toibr.us>; Virginia Powell <vpowell@toibr.us>; Jim Freeman <jfreeman@toibr.us>
Subject: Proposed Changes to Downtown Building Standards

Honorable Mayor and Council Members

As homeowners in Blowing Rock and people that love our town, we encourage you to take no action at the Public Hearing and to continue to use the existing Town Code to evaluate future downtown projects. I know many of the other homeowners in the Laurel Park community agree with us completely with this opinion. We know that residents in other areas of downtown Blowing Rock also agree that no changes should be made.

Town Council should remember that many homeowners in Blowing Rock are not in residence during the winter months and you should always hold off on holding crucial Public Hearings during the time when most residents are not there. June would be a more appropriate time to hold these hearings.

Please remember we are all in charge of protecting our town and committed to keeping it a very special village in the North Carolina mountains.

Ken and Donna Lewis
340 Laurel Park Road

Sent from my iPad

Hilari Hubner

From: Jim Freeman
Sent: Tuesday, February 05, 2019 12:59 PM
To: Hilari Hubner
Subject: FW: Objection to the "Proposed Changes to Town Land Use Code."

From: Charlie Sellers
Sent: Tuesday, February 05, 2019 11:52 AM
To: Virginia Powell <vpowell@tobr.us>; Doug Matheson <dmatheson@tobr.us>; Jim Freeman <jfreeman@tobr.us>; Jim Steele <jsteele@tobr.us>; Sue Sweeting <ssweeting@tobr.us>; Albert Yount <ayount@tobr.us>
Subject: Fw: Objection to the "Proposed Changes to Town Land Use Code."

FYI Ladies and Gentlemen

From: Charlie Sellers
Sent: Tuesday, February 5, 2019 11:51 AM
To: Kelly Smith
Subject: Re: Objection to the "Proposed Changes to Town Land Use Code."

Thank you for your input, I feel that the council will make the decision which is best for our town and tax payers

Have a good week and hope to see you this summer

Charlie Sellers

From: Kelly Smith <kesmithrep@sbcglobal.net>
Sent: Tuesday, February 5, 2019 11:05:18 AM
To: Charlie Sellers
Subject: Objection to the "Proposed Changes to Town Land Use Code."

Dear Mayor Sellers,

First of all, thank you for your service as Mayor.

By way of introduction and history, I offer the following several sentences. Although I currently live in Manchester, (St. Louis,) MO I am the owner of the property at 356 Morningside Drive, Parcel ID# 2807895748000. This property has been in my family since the early 1930s. My grandparents Leonia Hatley Gragg and John Walt Gragg built the house and with their children, Richard, Earle, and Helen moved in on March 22, 1936.

The purpose of this email is to register my strong objection to the Proposed Changes to the Town Land Use Code. The proposed changes will exacerbate the parking problems and add more unneeded and unwanted congestion to downtown. The changes will destroy the charm of Blowing Rock along with property values and will in no way improve the town.

I say this with no disrespect what-so-ever, but I submit that anyone wanting a community with a code similar to the code with the proposed changes should consider Boone, NC only approximately eight four lane highway miles and 15 minutes away.

I will appreciate anything you can do to stop the Proposed Changes to the Town Land Use Code.

Thank you.

Kelly Smith

Hilari Hubner

From: Patty Butler <pgreene.butler@gmail.com>
Sent: Monday, February 11, 2019 10:36 AM
To: Charlie Sellers; Doug Matheson; Virginia Powell; Jim Steele; Sue Sweeting; Albert Yount
Cc: Hilari Hubner; Patty Butler
Subject: Fwd: Town Council Meeting 2/12-Vote No on Changes to Development Standards

Hello,

I am unable to be at tomorrow night's meeting in person, but want to voice my strong opposition to the proposed changes to the Town Center and Central Business District development standards , and specifically to:

1. Eliminating residential density limitations
2. Reducing required preservation of green space
3. Changing height and set back requirements to allow for increased density

The changes being proposed would dramatically, negatively and forever impact the character of our village. What makes Blowing Rock so attractive to home owners and tourists alike is its quaint , historic, small town character. One cannot put a value on that, and once it's gone, it's gone forever.

My opposition to this proposal could not be any stronger. Please protect our Village and vote against these changes.

Thank you,
Patty Butler
177 Dogwood Lane

Begin forwarded message:

Hilari Hubner

From: Mark Greene <MGreene@BANKERLOPEZ.COM>
Sent: Monday, February 11, 2019 11:14 AM
To: Charlie Sellers; Doug Matheson; Virginia Powell; Sue Sweeting; Albert Yount
Cc: Hilari Hubner; Mark Greene
Subject: Town Council Meeting 2/12 - Vote No on Changes to Development Standards

Dear Fellow Citizens and Council Persons,

Good Morning!

Unfortunately, I am unable to be at tomorrow's Council meeting in person (I am currently in Florida), but I wanted to voice my strong opposition to the proposed changes to the Town Center and Central Business District development standards, and specifically to:

1. Eliminating residential density / population limitations
2. Reducing required preservation of green space (that is universally a bad idea and I have seen it many times first hand) and;
3. Changing the height and set back requirements to allow for increased population density.

The changes being proposed would dramatically, negatively and forever impact the character of our village and, as an aside, undoubtedly property values in the surrounding area. What makes Blowing Rock so special is its quaint, historic and small town character and feel (See the Southern Living Magazine piece, link below.

<https://www.southernliving.com/travel/north-carolina/blowing-rock-nc>

One cannot put a dollar number or value on such an intangible. I recall having this conversation with relatives years ago when the Day's Inn was built, and then later, the Outback Steakhouse. That's just not the Blowing Rock I have been visiting since the late 1960's and now live in half of the year that I want generations to come to experience.

Economic progress cannot come at the expense of beauty and tranquility. The thought of the Village looking like a strip mall abhors me.

My opposition to this proposal could not be any stronger. Please protect our Village and vote and argue vehemently against these changes.

Best,

Mark C. Greene
200 George Blagg Lane
Blowing Rock N.C. 28605
(813) 293-6591.

Mark C. Greene
Banker Lopez Gassler P.A.
Shareholder
Technology and Products Liability

(813) 222-1169 Work
(813) 222-3066 Fax
(813) 293-6591 Mobile
mgreene@bankerlopez.com
501 E. Kennedy Blvd., Suite 1700
Tampa, FL 33602

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Hilari Hubner

From: Jim Bryant <jhbryant3@aol.com>
Sent: Monday, February 11, 2019 11:38 AM
To: Hilari Hubner
Subject: Town Building Code

Ms. Hubner,
Would you please see that the town council and major see my communication below. Thank you for your help.

Dear Council Members,

I am a voting, tax paying, property owner in Blowing Rock. I love our little town. It's small town character and charm make it a very special place. I am aware that there are a number of building code proposals before you that would, in my opinion, negatively affect the charm of our town. I cannot attend the council meeting where these proposals will be discussed, but want to go on record with you that I see no benefits from these proposals to the town. I urge you to reject them. I trust that you will not allow the greed of a few to destroy what is so special to the many.

Thank you,

Jim Bryant
675 Dogwood Lane
Blowing Rock, NC

Sent from my iPhone

Hilari Hubner

From: Beth <ma1221@aol.com>
Sent: Monday, February 11, 2019 11:45 AM
To: Hilari Hubner
Subject: Town meeting

I am homeowner in Laurel Park and I am against short term rentals and higher building in Blowing Rock. We already have a parking deficit and allowing short leases would make that worse.

Higher buildings would not enhance the ambiance of the town. Blowing Rock needs to keep its small town appeal.

Tourists come for the old fashioned appeal and a step back in time.

Respectfully

Beth Tuttle

Ankers Away

134 Dogwood Lane

BR 28605

Sent from my iPhone

Hilari Hubner

From: Butler, Jim <jfbutler@smithcurrie.com>
Sent: Monday, February 11, 2019 1:54 PM
To: Charlie Sellers; Doug Matheson; Virginia Powell; Jim Steele; Sue Sweeting; Albert Yount
Cc: Hilari Hubner; 'Tom.mayer@mountaintimes.com'
Subject: Town Council Meeting 2/12-Vote No on Changes to Development Standards

Honorable Members of the Town Council and Neighbors, I am unable to be at tomorrow night's meeting, but I want to express my shock and dismay about the proposed changes to the Development Standards and share my strong opposition to the proposed changes to the Town Center and Central Business District Development Standards, and specifically to:

1. Eliminating residential density limitations
2. Reducing required preservation of green space
3. Changing height and set back requirements to allow for increased density

My wife and I live in the original St. Mary's Church at 177 Dogwood Lane. My wife's family, the Greenes, have been coming to Blowing Rock since the 40's and purchased our current home in 1972. What attracted the Greene family to Blowing Rock for generations, and motivated us to stay in Blowing Rock was and is, Blowing Rock's unique and protected small village atmosphere, architecture and feel.

I urge each of you to reject these proposed material changes to our village. Although these changes may have an economic benefit for certain individuals, they would harm our homes, our neighborhoods, our cultural community, and the soul and very future of the Village of Blowing Rock. I also caution you that the Council may have put itself into a prohibited conflict of interest situation if these changes are the result of advice and analysis by someone who has an economic interest in effecting these fundamental changes to the Blowing Rock we know and love. Although these changes may benefit some developers and inure to the economic interest of some commission-driven agents, they will fundamentally and materially harm the residents of Blowing Rock and your constituents.

The negative impact on existing homeowners is of such a nature that it may be tantamount to a taking or inverse condemnation and I will be seeking legal advice as to our rights and the rights of our neighbors should these proposed changes be passed. Don't get me wrong, I think Boone is a nice town—but why would you want to turn Blowing Rock into another Boone? Save our Village. Please vote NO on the proposed changes to Development Standards. Thank you for helping to preserve our community.

Jim Butler
177 Dogwood Lane
Blowing Rock, NC 28605
828.295.3253
404.582.8025
jfbutler@smithcurrie.com

James F. Butler III, FCI Arb
Smith Currie & Hancock LLP
245 Peachtree Center Ave. Suite 2700
Atlanta, Georgia 30303
(404) 582-8025



ORDINANCE NO. 2019-03

**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.