ORDINANCE NO. 2010-14

ESTABLISHING A TOWN CENTER DISTRICT

WHEREAS, the downtown core of Blowing Rock is distinct from the rest of the Central Business District; and

WHEREAS, the Chapter 1.D of the 2004 Comprehensive Plan identifies how the quality and character of the Town Center should be protected and set apart from the remaining Central Business; and

WHEREAS, a well-defined Town Center is an area that is eligible for listing on the National Historic Register; and

WHEREAS, the Planning Board and the HyettPalma Retail Strategy document recommends that a Town Center District be established.

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

Section 1. Section 16-136 of the Land Use Ordinance is hereby amended to read as follows:

> "***Section 16-136 Nonresidential Districts Established.***
>
> (A) The following nonresidential districts are hereby established: CB (Central Business), TC (Town Center), GB (General Business), OI (Office/Institutional), HMC (Hospital/Medical Complex), HSG (Horse Show Grounds), PGS (Parks and Green Space), and ETA (Extraterritorial Area). These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this section. *[Amended April 10, 1985; July 14, 1998]"*
>
> "(H) The TC district is 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, while protecting the historic character of the downtown core primarily along Main Street."

Section 2. Section 16-184.02 of the Land Use Ordinance is hereby amended to read as follows:

> "***Section 16-184.02 Central Business and Town Center Districts Setbacks, Building Height, Open Space, and Green Space Requirements***
>
> Lots developed in the Central Business District ~~(commonly referred to as~~ and Town Center District~~)~~ shall meet the following standards pertaining to setbacks, building heights, open space and green space areas, and other development criteria:
>
> ***Setbacks:***
>
> For purposes of subsections (A) and (B), primary streets ~~in the Central Business District~~ 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.

A) All buildings ~~in the Central Business District~~ 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.

5. Lots ~~in the Central Business District~~ that are one (1) acre or greater in size shall have 15-foot side and rear lot boundary setbacks."

Section 3. Section 16-184.02 of the Land Use Ordinance is hereby amended to read as follows:

"***Tree Protection***

B) ….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…"

Section 4. Section 16-184.02 of the Land Use Ordinance is hereby amended to read as follows:

"***Retaining Walls***

C) 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.

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."

Section 5. Section 16-184.02 of the Land Use Ordinance is hereby amended to read as follows:

"***Building Height***

(G) The following standards determine the applicable building heights for buildings in the Central Business and Town Center Districts:

(5) 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.

~~This section supercedes Section 16-185 (B) pertaining to (CB) Central Business.~~"

Section 6. Section 16-184.02 of the Land Use Ordinance is hereby amended to read as follows:

"***Property Grades and Elevations***

(H) 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.

Section 7. To establish the Town Center consistent with Ordinance No. 2010-14, a new column will be added to the Table of Permissible Uses in the Land Use Ordinance with a "TC" for Town

Center that will duplicate the same list of permissible uses and exclusions found under the "CB", Central Business designation.

Section 8. 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 9. Effective Date. This ordinance shall be effective upon adoption.

Adopted this the _____ day of _____, 2010.

_____
J.B. Lawrence, Mayor

ATTEST: _____
Sharon H. Greene, Town Clerk