

MEMORANDUM

TO: Chairman David Harwood and Members of the Planning Board

FROM: Kevin Rothrock, Planning Director

SUBJECT: Downtown Development Standards Review and Consideration

DATE: December 14, 2018

BACKGROUND

At 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 two drafts of amendments to reflect the general consensus 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.

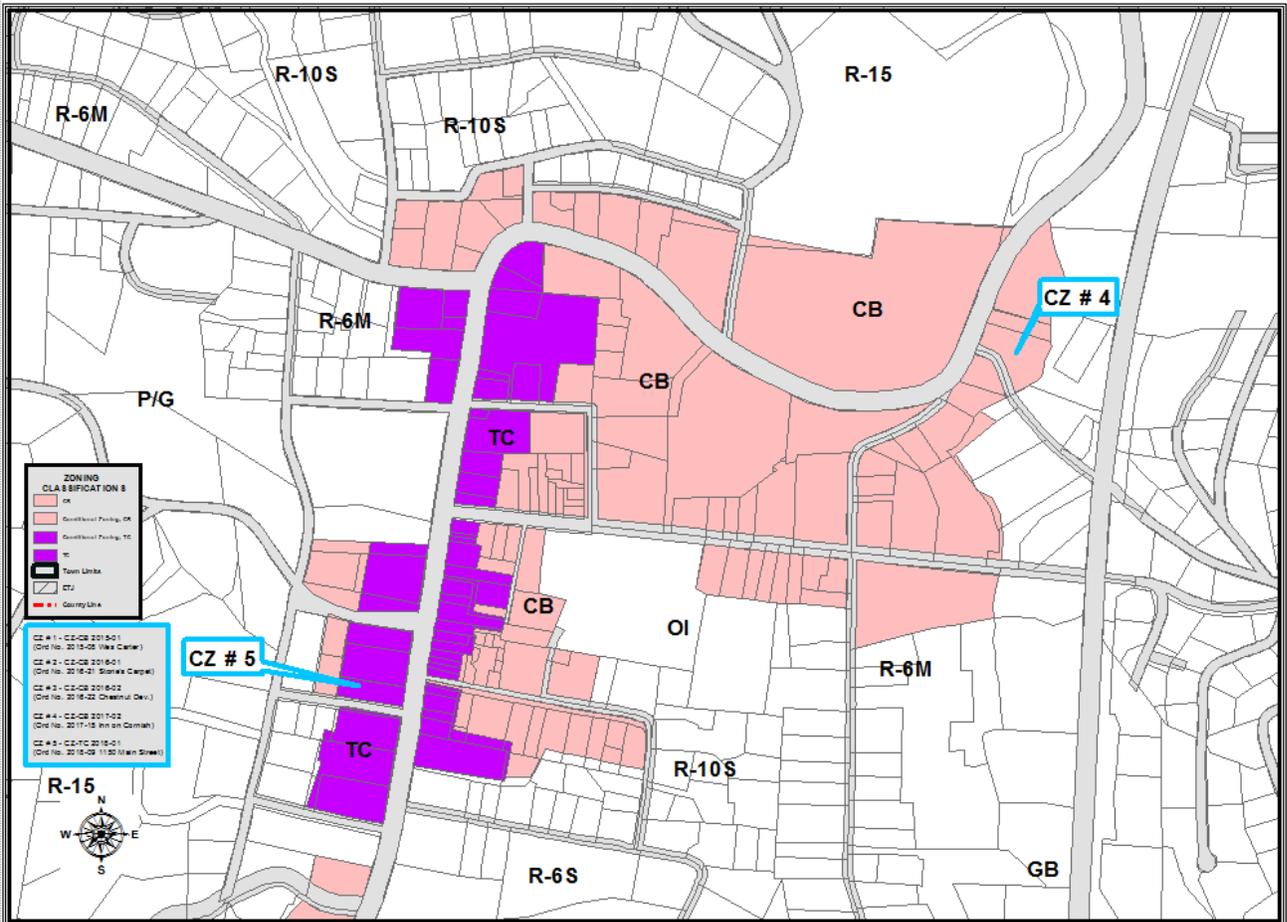
- There are some changes to building heights and setbacks for East side and West side of Main in Town Center and the rest of CB.
- There are changes to the open space and green space requirements and tree area requirements. The 40% green space was used by reviewing the 1510 Main Street project approved 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 – 33 feet (*might consider 35*) – flat roof likely. Measured from sidewalk.
- 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 – Underlined/Strikethrough Version
- Draft ordinance – Clean Version



***Amendments to Residential Density and Building Heights and Setbacks in CB and TC –
Underlined/Strikethrough 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, ~~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.

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. ~~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.~~

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.

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.

Town Center – East side of Main Street

Maximum building height is limited to 33 feet, measured from the sidewalk elevation to the highest point of the structure.

Town Center – West side of Main Street

Maximum building height is limited to 38 feet, measured from the sidewalk elevation to the highest point of the structure.

Central Business

16-12.6.5.1 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.

~~16-12.6.5.2 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.~~

~~16-12.6.5.3 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.~~

~~16-12.6.5.4 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.~~

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.

**Amendments to Residential Density and Building Heights and Setbacks in CB and TC –
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16-12.6.1.1 Town Center – East side of Main Street.

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16-12.6.1.3 Central Business.

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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.

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16-12.6.5.2 Town Center – West side of Main Street

Maximum building height is limited to 38 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 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.