Community Appearance Commission

Regular Meeting

~ Agenda ~

,
http://www.townofboone.net/

Jane Shook
828-268-6960

Tuesday, February 22, 2022 **5:30 PM** **WebEx**

WATCH OR FOR PUBLIC COMMENT: Individuals who wish to watch this meeting or who wish to address the Commission remotely can do so through WebEx, either online or by phone. If you wish to provide public comment remotely, please email jane.shook@townofboone.net or call in at (828) 386-7025 and you will be provided with an invite to the meeting.

I. Call to Order

II. Adoption of Agenda

III. Approval of Minutes

January 25, 2022 Meeting Minutes

IV. Council Direction

V. Article 25-Community Appearance Standards

Article 25 - Community Appearance Standards

VI. Public Comment

VII. Other Discussion

VIII. Adjournment

TOWN OF BOONE
COMMUNITY APPEARANCE COMMISSION
MEETING MINUTES
TUESDAY, JANUARY 25, 2022, 5:30 P.M.

COMMISSION MEMBERS PRESENT:	Chair Sarah-Davis Cagle, Vice-Chair Michael Bugge, Christy Cook, and Maggie Trumpower
TOWN COUNCIL LIASION MEMBERS PRESENT:	Dalton George and Edie Tugman-Mayor Pro-Tem
STAFF MEMBERS PRESENT:	Jane Shook, Director of Planning and Inspections, Christy Turner, Senior Planner, Jessica Mitchell, Long-Range/Special Projects Planner, Brandon Wise, Environmental Planner and Marlene Crosby, Board Secretary

CALL TO ORDER

Chair Sarah-Davis Cagle called to order the meeting of the Boone Community Appearance Commission, held via WebEx, a video conferencing software, on Tuesday, January 25, 2022, at 5:30 p.m.

ADOPTION OF AGENDA

Chair Cagle made a motion, seconded by Member Cook, to adopt the agenda as presented.

Vote: Aye – All

Nay – None

The motion passed.

APPROVAL OF MINUTES

Chair Cagle made a motion, seconded by Member Cook, to amend the November 23, 2022 meeting minutes with the correction of the name "Trumpover" to "Trumpower."

Vote: Aye – All

Nay – None

The motion passed.

Ms. Jane Shook, Director of Planning and Inspections, welcomed Mayor Pro-Tem Edie Tugman, Council Liaison, to the Community Appearance Commission. Ms. Shook asked everyone to introduce themselves.

PUBLIC COMMENT

No individuals requested the opportunity to speak during public comment. Ms. Shook noted there is a member of the public on the call. Still, she confirmed that she only wanted to listen in and did not request to speak during the meeting.

RESIDENTIAL TREE CUTTING PROGRAM

Ms. Jessica Mitchell, Long Range/Special Projects Planner, explained that the residential tree cutting program was discussed at the last CAC meeting. She explained that the Staff would like to have more discussion and direction on continuing their research based on what is presented at this meeting.

Ms. Shook clarified the Council priorities for the CAC. She said that the previous Council Members assigned the Council priorities. She said that since the new Council members have been seated and reviewed the priorities, they have agreed for the CAC to continue working on a Residential Tree Cutting Program. Ms. Shook noted that the CAC had previously agreed that there would be an educational component included in the recommendation for said program. She explained that the ordinance does regulate tree preservation and landscape standards on commercial properties. She further explained that some residential properties get

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included if developed commercially or multi-family. She noted there was concern regarding removing trees in our residential areas, and she explained there should be more discussion on said topic.

Ms. Shook thought there should be more discussion on exemptions and public safety. She explained to the CAC that changes might have to be made to the ordinance overall to make a residential tree cutting program work. She said it would then be a requirement to apply for a permit to cut a tree; she added that the Town does not require a permit at this time.

Ms. Mitchell referred to packet page 15, under Tree Protection Language Possibilities. In this section, "Define tree debris or downed trees," she explained that a downed tree would be an exception to tree cutting. She said another exception would be if there were dead, diseased, or damaged trees that were a risk to public safety. She noted that removal would be allowed for trees in the right-of-way of stormwater mechanisms or those under forestry activity, which the Town does not regulate. She said that state regulations regulate forestry permits. She said there are standards for exemptions in Article 4 of the Unified Development Ordinance (UDO).

Ms. Mitchell noted that in the research previously completed, the Asheville Code of Ordinance, Chapter 7 Development, Article XIX, there were some exemptions for residential. She said the trees could not be removed if over a specific elevation. She said there were also exemptions for trees in the aquatic buffer. She said they also had some regulations that allowed for residential tree cutting.

Ms. Mitchell referred to page 18 of the meeting packet under Inspection and Enforcement. She said that the Staff is requesting some direction on the inspection and enforcement of residential trees.

Ms. Mitchell talked about creating an alternate for compliance for a payment option such as a fee in lieu instead of some type of enforcement. She asked the CAC for feedback on said topic.

Ms. Mitchell noted that the Staff had discussed the need for tree size and type regulations. She asked the CAC if they would consider all trees to be the same size.

Ms. Shook pointed out that the Town of Boone UDO requires that a commercial development must provide a tree survey for every tree over eight inches; this survey is for the area that will be disturbed before cutting any trees. In certain types of development, she said significant trees can be removed (smaller trees are more difficult to preserve) if a tree falls within the building footprint or the paving area of the development. Historic trees can only be removed if they fall within the building's footprint. She said that even at that point, the applicant has to demonstrate that there are no redevelopment options.

Ms. Shook explained that the Asheville ordinance looks at preservation differently than the Town of Boone. She said that they go by different tiers, in which they require 30 percent of canopy coverage in commercial development. They need an assessment, and if they have less than 30 percent, they have to bring the site into compliance. The more trees you have on-site that are not removed, the fewer trees you must plant. Developments are rewarded for not removing trees. The requirements also stipulate to replant trees back to the specified coverage if trees are removed. There is a calculation as far as what you are getting for what each tree equals as far as square footage for that coverage requirement based upon lot size.

Ms. Shook explained that the Asheville ordinance elects to allow tree removal for single-family homes. They are more restrictive on slopes and in-stream yard buffers. They do not make it harder to remove trees in these areas. She noted that it is a very different way of evaluating tree preservation.

Ms. Shook pointed out that the Town of Boone outsourced the first Urban Forest Master Management Plan in 2009 to the Davey Resource Group. This document is on the Town website at: https://www.townofboone.net/DocumentCenter/View/231/Urban-Forestry-Management-Plan-PDF. She mentioned the Davey Resource Group followed a standard industry practice going by the tree's diameter at breast height. She said that now, when evaluating trees, the industry is focused on the individual tree in the overall canopy coverage. She said that the Urban Forest Master Management Plan shows in 2009 the estimated coverages in certain areas.

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Ms. Shook concluded that the Town's goal is to preserve or enhance our tree canopy. She talked about the goals of the Town to increase the tree canopy. The Planning and Inspections work plan includes the need to find a way to assess our tree canopy coverage between now and 2009. She questioned if we should be looking at another size tree other than 24 inches, considering if it should be consider to look at five or eight-inch trees that might give more tree canopy coverage in ten years.

Discussion ensued on tree mitigation sites. Vice-Chair Bugge pointed out that he had read about tree mitigation sites in the Urban Forest Master Management Plan. He asked if these sites had been set up in the Town; if not, is it something that we might need to discuss. Ms. Shook said that there are no current tree mitigation sites set up in the Town, nor is there a mechanism. She explained that when there was a penalty for a tree, the Town would take that money and purchase trees. She noted that have not been many penalties for trees. She said in the past, the money from fines has gone back into a tree fund for the Town. She pointed out that the Town is active in planting trees that help with our carbon offsets.

Discussion ensued on recommendations for funding for a new tree canopy study. Ms. Shook said in previous meetings that it was discussed to have another tree canopy study completed like the one completed in 2009. She noted that the Staff needed more updated information to review before determining the current tree canopy coverage in the Town since 2009. She said the Town could hire a consultant to do the work. She explained that the Town gets orthophotography every five years from North Carolina. She said the orthophotography is done in early spring before tree growth and captures the impervious areas. She said the Staff could review the process for when Davey was hired to work on the plan in 2009 and see if that process could be recreated. She said the Staff could present what they have found to Council with a proposed recommendation from the CAC to request funding for the study.

Ms. Shook explained that the Staff would need time to work on regulations and implement possible residential tree cutting permits from an environmental perspective. She said the Staff would need to work on whether a consultant would be required to do some of the assessment for the Town.

Ms. Shook introduced Mr. Brandon Wise, Environmental Planner for the Town of Boone. She said he would be the one to review any issues encountered with the possible tree permits.

Mr. Wise talked about exemptions, and he said one important thing to think about is how strictly will the exemptions need to be enforced. He said, for example, if there is an invasive species, problematic tree on a property, he could see an exemption given for it. He suggested incentivizing people to replant a native tree species on their property or pay a fee in lieu of a tree. He added that the incentivizing for planting a native tree species would help with pollinators. He noted that in Appendix C of the Town ordinance, a table lists the acceptable trees and shrubs, including which ones are native. He said the North Carolina State Agricultural Department has a good list.

Ms. Shook talked about maintaining right-of-ways. She said if a hurricane occurred in the Town, the right-of-ways would be inspected by the Public Works Department. She said if the right-of-ways have not been maintained, it will affect how much funding would come from FEMA for recovery. She pointed out that this is why it is important to maintain trees in the right-of-way.

Discussion ensued on possibly charging a fee for tree cutting permits for commercial and residential. Ms. Shook asked the CAC if it is being considered for a residential tree-cutting permit, then a tree cutting permit for commercial would need to be included. The Town does not currently have a commercial tree-cutting permit. She explained that the whole review happens within the development approval when a property is developed. She questioned if it would be more equitable to the applicant or property owner to charge a tree cutting permit for residential and commercial.

Ms. Shook explained the cost recovery process. She explained that reviewing and enforcing tree removal is a service that the Planning and Inspections Department provides for free. In essence, there is no cost recovery to help pay for Mr. Wise's salary, use of a town vehicle, or any other costs associated with this service. She believed it would be an equitable solution to start if we are going to enforce residential tree cutting and

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require a tree permit and fee for commercial properties. Council Liaison Dalton George agreed that it makes sense to make the process equitable; although, he did not think the rates should not be the same for residential and commercial permits.

Ms. Shook added that the funds generated from the tree cutting permits, if used towards the cost recovery from the Planning and Inspections Department might free up funds for other programs or goals of the Town.

Ms. Shook said that Asheville is careful regarding the fee in lieu of compliance. She said they have overlay districts that could be considered as resource conservation areas. In these conversation areas, they make sure that they invest the fee in lieu in the same conservation area, which helps maintain certain canopy areas. She said if the Staff could systematically track the tree canopy regularly, it would help identify where coverage is needed.

Ms. Mitchell pointed out that the Neighborhood Woods Program through the Arbor Day Foundation is a good example of an educational component. She asked the CAC if were aware of additional educational program ideas that could be used, similar to the Neighborhood Woods Program. She said the benefit of these types of programs is that they would help to make an effort to replenish trees, whether providing trees to the public or educating them on tree care and management. Ms. Shook pointed out that the public can gain some education from the social media that the Town is involved in.

Ms. Mitchell talked about this year's Earth First Friday event that the Town is involved in. This event will be a great community opportunity to inform the public of Tree City, USA and Bee City. Ms. Shook noted that Mr. Wise is working towards purchasing 150 trees for Boone's 150th birthday to give away during that event.

Vice-Chair Bugge asked the Staff if the Town had planned to hand out hardy plant seeds at the Earth First Friday event. Ms. Shook said that the Town hands out wildflower seeds for pollinators along with informational handouts. She pointed out that the Staff has to be careful with the distribution of funds spent on purchasing these types of materials.

Ms. Shook talked about the requirement for a tree survey. She said the Asheville ordinance is strict by requiring tree surveys to be completed by a certified professional, such as an arborist or surveyor. She said the Staff would research other mountain towns regarding what they require for tree surveys.

Ms. Shook asked the CAC if they had any concerns based on the exemptions, inspections, and enforcement topics discussed in this meeting. Mayor Pro-Tem Edie Tugman noted that having the parameters and exemptions clearly outlined and how they constitute public safety is important.

Ms. Shook talked about the inherent problem with liability on Staff. She spoke about possibly requiring an arborist report stating a tree is healthy or not healthy on a property. She said this type of report could be helpful when a property owner calls into the P & I Department office to cut down a tree because they think it is unhealthy.

Ms. Shook talked about the possibility of allowing fall zones for trees. She said that there was no one-hundred percent certainty on this when previously discussed. She noted that the Staff would investigate fall zones.

Ms. Shook asked the CAC if they would instead make a separate action request to update the tree plan or do a liaison report or discuss it in the budget hearings.

Discussion ensued on the priorities of the CAC. Ms. Shook asked the CAC to establish their priorities so that the Staff can assess the priorities in the whole scheme of things going on regarding the budget. The CAC agreed to work on language for the tree cutting permits, bird and bee health, and animal corridors and implement the Food Council's request for the edible landscape. The CAC also agreed for Staff to investigate tree canopy coverage and update the Urban Forest Management Master Plan while discussing tree cutting. The CAC also showed an interest in quantifying the existing tree canopy as a priority.

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Motion and Vote:
Chair Cagle made a motion, seconded by Member Trumpower, to recommend to Council to direct the Planning Staff to investigate what it would entail to assess the tree canopy coverage from 2009 to the present by referring to the Master Urban Forestry Master Management Plan adopted in 2009.

Vote:

Aye – All
Nay – None
The motion passed.

Ms. Shook asked the CAC if they were satisfied with the Staff presenting information to Council at their February meeting or would the CAC want a CAC member to present to Council at said meeting. There was a consensus from the CAC for the Staff to present information to Council at said meeting.

OTHER MATTERS BY BOARD MEMBERS OR STAFF
Mayor Pro-Tem Tugman said that Ms. Darby Logan, a coordinator for the various garden clubs in Boone, contacted her to request various materials for pocket gardens. Ms. Shook said that Mr. Tom Bolick, the Town Arborist at the Public Works Department, could help Ms. Logan with her request.

Discussion ensued on the next CAC meeting. The CAC agreed that they would plan to have their February 22, 2022 meeting. The February meeting depends on the response or possible direction from Council on the tree canopy coverage assessment or the CAC possibly being assigned another topic to complete. Ms. Shook said that as Council approves topics in the work plan, if there are other topics the CAC could work on, if directed to do so by Council, Staff will inform the CAC at the February meeting. She noted that the Staff would let the CAC know what was discussed at the February Council meeting.

ADJOURNMENT
Chair Cagle made a motion, seconded by Member Trumpower, to adjourn the meeting at 7: 10 p.m.

Vote: Aye – All
Nay – None
The motion passed.

Sarah-Davis Cagle, Chair

Marlene Crosby, Board Secretary

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ARTICLE 25 COMMUNITY APPEARANCE STANDARDS

25.01 Applicability 25-1
25.02 Building Design 25-1
25.03 Parking Structures 25-7
25.04 Site Walls 25-7
25.05 Lighting 25-9
25.06 Flexibility in Administration 25-10
25.07 Alternatives 25-10

25.01 Applicability

25.01.01 This Article is applicable to the publicly visible portions of building elements, as defined herein.

A. A building façade shall be deemed publicly visible when more than thirty percent (30%) of the façade is visible from any street or adjacent residentially zoned property.

B. Each element of a building shall be evaluated independently for public visibility

C. If building elements are not publicly visible at the time of construction due to existing site features (earthen berms, heavily wooded areas, vegetative buffer, existing buildings to remain), then these existing site features must remain indefinitely. If they are altered at any time to allow greater visibility, then the element made visible must comply with the standard.

D. The following uses are exempted from the requirements in this Article: 1.01 Single Family Dwelling, 1.02 & 1.03 Manufactured Home, 1.05 Duplex, 2.01 Family Care Home, A-1 Secondary Suite, A-2 Home Occupation, A-3 Accessory Dwelling Unit, all Temporary Uses.

(Ord. PL01390-032818, 04-26-2018)

25.02 Building Design

25.02.01 **Pedestrian-Orientation**: The intent of this Section is to provide a design of buildings that support a safe and attractive pedestrian environment.

A. Primary façade and main building entry shall face the primary public way.

B. If site constraints are present, the applicant's intent to use a "stock plan" is not a basis for appeal.

C. The Administrator may approve a redesign in which the main primary entrance does not face the primary public way provided the following:

1. The main building entrance, when not facing the primary public way, shall provide a safe and convenient access for pedestrians from the main building entrance to the primary public way. The pedestrian way must provide additional landscape amenities.

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2. Entrances which are oriented on a diagonal are permitted, provided that they are integrated with the overall architectural design, and not merely angled appendages or alcoves.

3. Ground floor windows or window displays shall be provided along at least ten percent (10%) of the building's (ground floor) street-facing elevation(s); windows and display boxes shall be integral to the building design and not mounted to an exterior wall. Parapets above the first floor are excluded from the calculations when the building is over eighty feet (80') in length.

25.02.02 **Exterior Walls**: The intent of this Section is to require running lengths of walls to be interrupted by architectural features which lend a more human scale to the overall massing.

A. Features include:

1. Offsets of the building wall or other elements in plan of four feet (4');
2. A colonnade with columns or other vertical elements of sixteen feet (16') or less on center;
3. A change in building material, with a maximum of two (2) uses of this option being counted toward the schedules below;
4. Awnings or canopies;
5. Covered entries or porticos;
6. Windows with a minimum width of two feet and eight inches (2'8") and a minimum height of three feet and four inches (3'4");
7. Trellises;
8. Pilasters, which must be a different material or contrasting color than their background;
9. A combination of the above; and
10. Any other type of feature not listed here which is deemed by Staff to meet the intent of this Ordinance.

B. Plumbing, mechanical, electrical service components and gutter downspouts are not considered features and may require screening. Such screening is not considered an architectural feature.

C. Required features must be distributed throughout the building façade and shall not be clustered.

D. Features shall be provided in accordance with the following feature schedules:

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Table A

Feature Schedule – Plan

Linear Dimensions, in Plan	Minimum # of Feature Types	Minimum # of Total Features
10’ to less than 40’	2	4
40’ to less than 80’	3	8
80’ to less than 120’	4	12
120’+	5	16

Table B

Feature Schedule – Elevation

Linear Dimensions, in Elevation	Number of Features Required
10’ to less than 16’	2
16’ to less than 32’	3
32’ to less than 48’	4
48’+	5

E. Features which serve to interrupt the building façade in both plan and elevation shall be credited as such using the above charts. Windows are considered plan and elevation features. See examples in Figures 3 and 4 below.

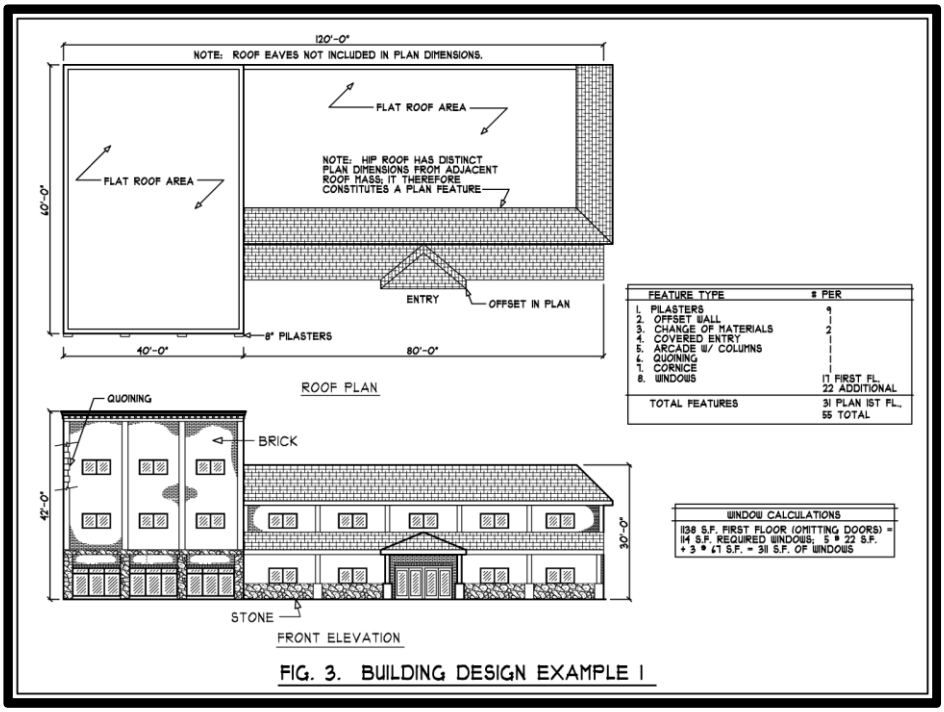

FIG. 3. BUILDING DESIGN EXAMPLE 1

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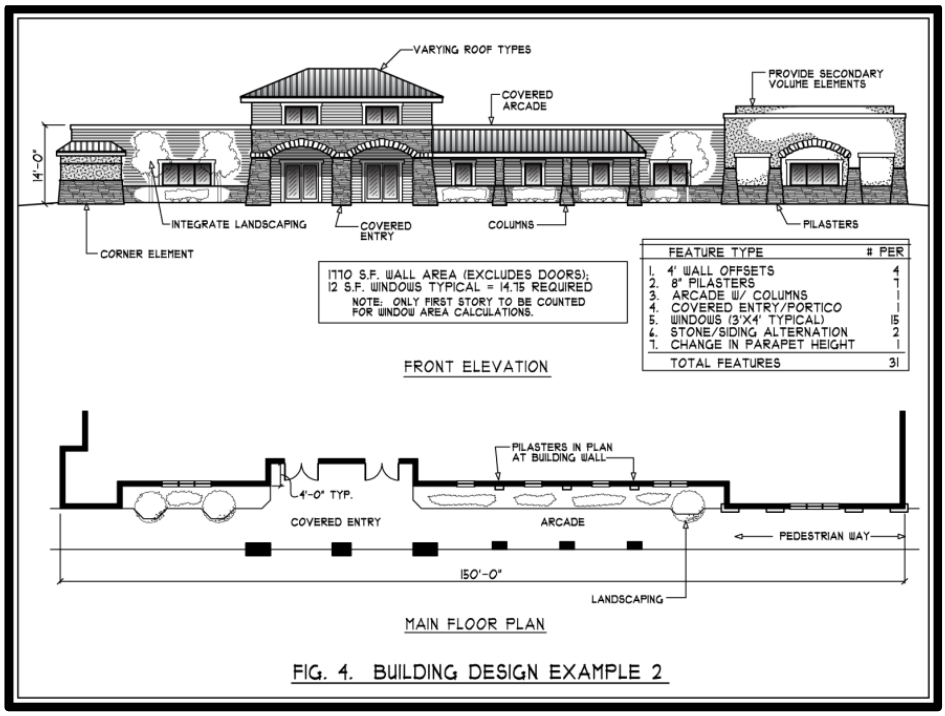

FIG. 4. BUILDING DESIGN EXAMPLE 2

25.02.03 **Roofs**: This Section regulates both pitched and flat roofs. The intent is to interrupt expanses of pitched roofs and minimize or prevent the visibility of flat roofs.

A. Walls shall not appear to terminate at flat roofs. Flat roofs shall be concealed from view by using pitched roof features, parapets, or a mixture thereof. Where only one elevation has this condition, the parapet or other feature will continue four feet (4') along the adjacent elevation. See Figure 5 below.

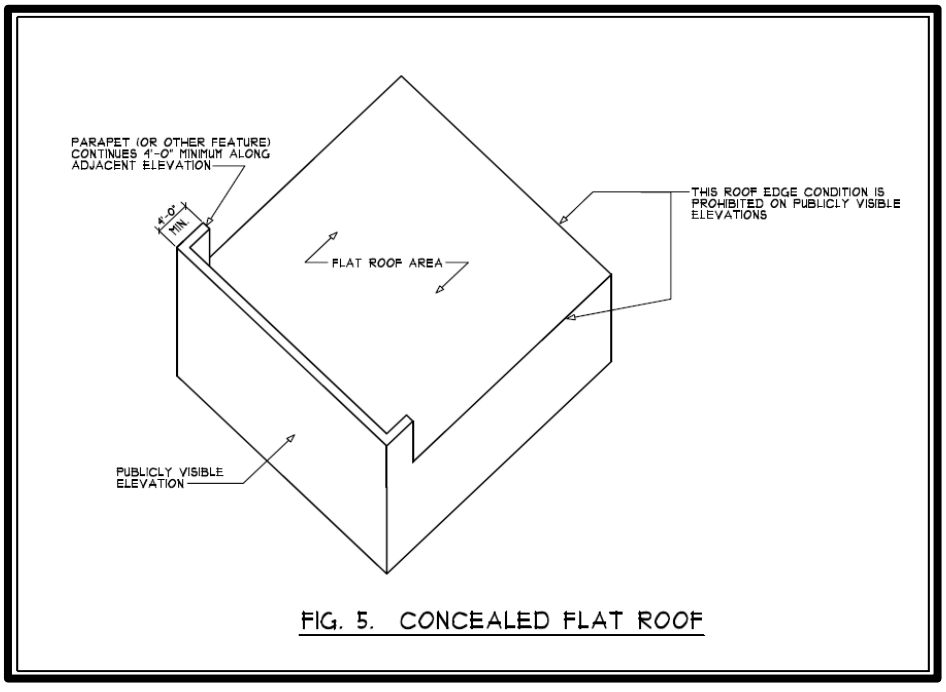

FIG. 5. CONCEALED FLAT ROOF

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B. Buildings over two stories above grade may utilize a flat roof, provided the flat portion is not publicly visible. Compliance may not be possible if the adjacent road grade is substantially above the roof in question.

C. Minimum roof slope for pitched roofs is 4'(v):12'(h).

D. Publicly visible plumbing vent stacks shall be colored to match the roofing material.

E. Where a parapet intersects with a pitched roof element, there shall be no apparent breaks in the parapet wall. See Figure 6 on page 22-17.

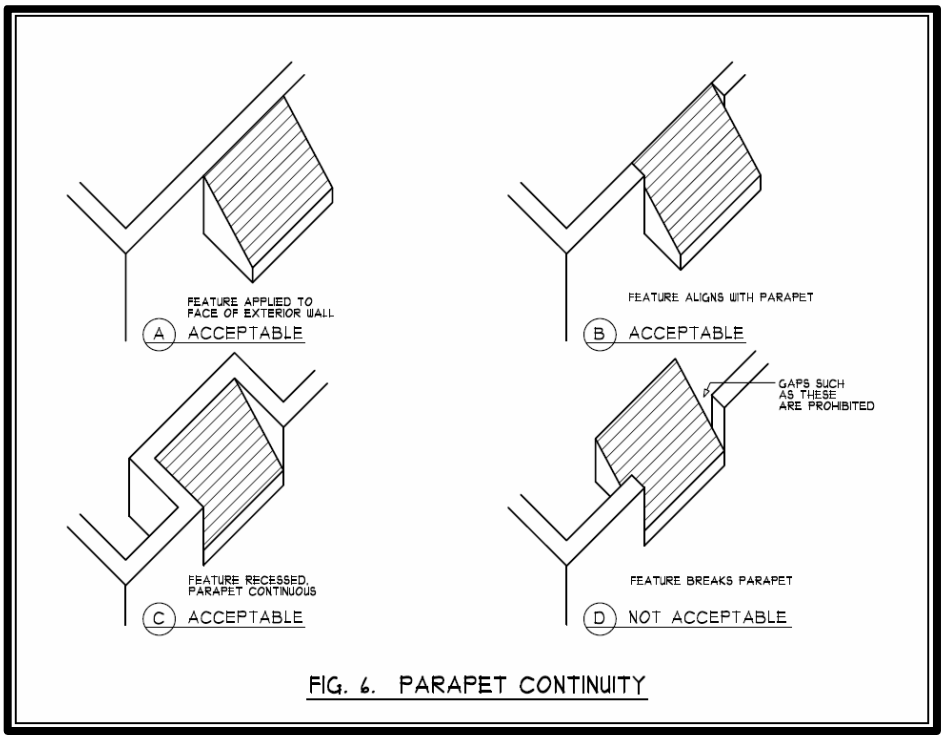

FIG. 6. PARAPET CONTINUITY

F. Awnings or canopies which are illuminated from within must be covered or finished with fully opaque material.

G. Publicly visible pitched roofs shall be articulated by features in accordance with the following schedule. Features shall be in proportion to the roof area where they appear. Features include:

Table C

Feature Schedule – Roof Areas

Roof Area	Number of Features Required
Less than 1200 ft^2	0
1200 ft^2 to less than 1600 ft^2	1
1600 ft^2 to less than 2400 ft^2	2
2400 ft^2 +	3

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H. No part of this Ordinance shall be construed to prevent solar panels or any other type of renewable energy collection or storage method, provided the development follows the massing guidelines established herein.

25.02.04 **Materials:** The intent of this Section is to require materials indigenous to the area for a native, natural appearance.

A. For any publicly visible elevation, a minimum of twenty-five percent (25%) of the building finish material must be stone or concrete-simulated stone, wood or simulated wood in concrete board (such as "Hardi" products), or brick or concrete-simulated brick.

B. Mirrorized glass is prohibited from use. Reflective tinted glass is acceptable up to thirty percent (30%) tint. Anything above thirty percent (30%) tint is subject to review by the Administrator pursuant to 25.07.01.

C. Architectural concrete masonry such as split face, or ground-face block is acceptable.

D. Stucco and synthetic stone are acceptable finish materials.

E. Architectural concrete (containing a pattern or finish) as a finish material is acceptable. Gray, unfinished concrete is prohibited as a finish material. Concrete architectural detail elements intended to be a decorative enhancement for exterior walls and site walls are acceptable

F. Other materials subject to Staff review and approval include vinyl siding (which should simulate wood grain) and other manufactured materials. Vinyl siding shall be anchored to the exterior envelope sufficiently to avoid the appearance of deformation or bowing across the façade.

G. For publicly visible roof surfaces, allowed materials include standing seam metal, asphalt shingles, shakes, tile, or manufactured shingles which give an appearance of shingles, shakes, or other simulated natural material. Sheet materials other than those listed in this Section are subject to Staff review for use on publicly visible roofs.

H. Any materials which comprise less than ten percent (10%) of a publicly visible exterior building wall and are components of windows or trim systems are allowed (example: aluminum storefront, metal corner trim, etc.).

I. FRP, PVC, and other composites formed into architectural detail elements such as columns, cornices, etc., are approved for use as long as such material is intended to be a decorative enhancement for the façade.

25.02.05 **Colors:** The intent of this Section is to prevent inordinately bright façades and primary color ranges. All new construction elements are subject to color requirements, except pavement markings and signage.

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A. Acceptable colors for site walls, site lighting, and any other outside construction elements (excluding signage) include that equivalent to Sherwin-Williams series "Essential" and "Fundamentally Neutral" in the Town of Boone Color Reference Guide.

B. Acceptable field colors and trim colors are those equivalent to Sherwin Williams series "Essential" and "Fundamentally Neutral" in the Town of Boone Color Reference Guide.

1. The "LRV" Light Reflection Value of field colors must be below 60.
2. Black is prohibited as a field color in the series "Essential".

C. Acceptable accent colors are those equivalent to Sherwin-Williams series "Essential", "Fundamentally Neutral", and "Color Options" in the Town of Boone Color Reference Guide.

(Ord. 20150767, 11-19-2015; Ord. 20160438, 03-16-2017; Ord. PL04727-050721, 07-01-2021)

25.03 Parking Structures

25.03.01 The intent of this Section is to regulate aesthetic features on parking structures to prevent a utilitarian appearance, and to provide a safe, secure environment for patrons, employees and vehicles.

25.03.02 Publicly visible facades must comply with provisions of this Article pertaining to exterior walls, materials, and colors.

25.03.03 All above-ground parking floors and decks shall be designed using a continuous façade incorporating window-like openings. The sill of any window-like opening must be a minimum of 42" above the finished floor.

25.03.04 Elevator and stair shafts shall be topped with gabled roofs or other architectural features and be oriented so that lobbies are visible from the street at each level.

25.03.05 Lighting shall be uniform throughout the structure so that dark hiding places are not created. Lighting levels must conform to IESNA standards.

(Ord. PL04727-050721, 07-01-2021)

25.04 Site Walls

25.04.01 The intent of this Section is to prevent walls which appear to dwarf the human scale and to encourage equalizing cut/fill or majority cut slope methods of grading.

25.04.02 No retaining wall may be more than eight feet (8') in height. This height does not include decorative caps that are less than eight inches (8") in height. Screen walls shall not be taller than necessary to conceal the item screened (such as a dumpster, HVAC equipment, etc.)

25.04.03 Buildings located near the top of site retaining walls shall be a minimum of four feet (4') horizontally from the top of the retaining wall.

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25.04.04 Retaining walls, any portion of which are within six feet (6') of a sidewalk or pedestrian way, shall not exceed four feet (4') in height. Subsequent walls must be offset a minimum of four feet (4') in plan. See Figure 1 below.

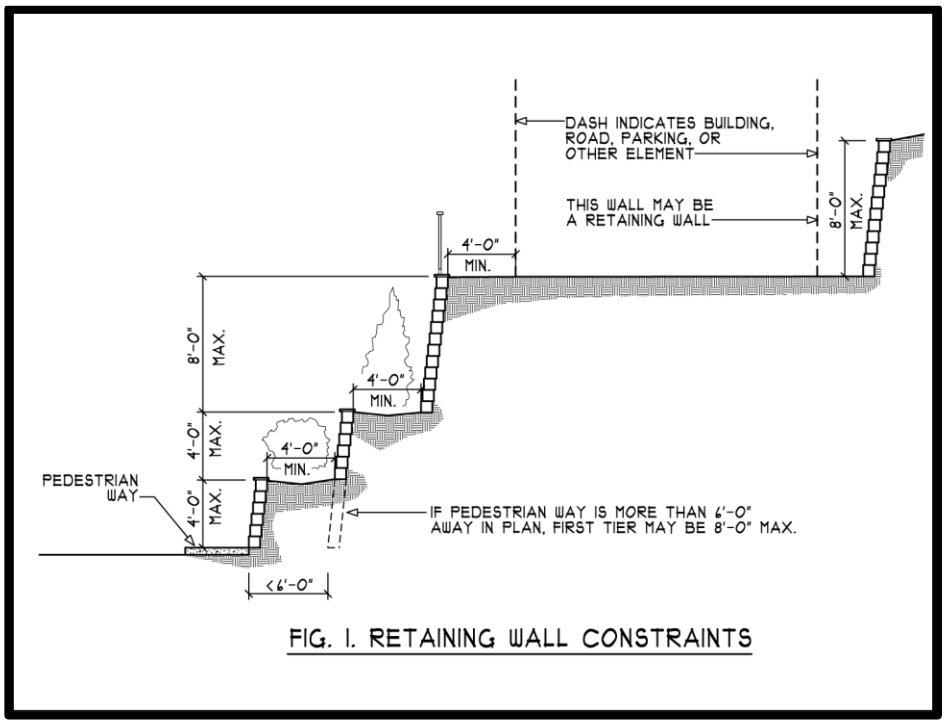

FIG. 1. RETAINING WALL CONSTRAINTS

25.04.05 A series of two (2) retaining walls must have a minimum of four feet (4') horizontally from the back of the top of the lower wall face to the toe of the upper wall face in plan. See Figure 1 above. For three (3) or more walls in series, see item [g] below.

25.04.06 The space between retaining walls in series shall be landscaped with appropriate grasses, vines or other ground cover in accordance with provisions of in Appendix C, Town of Boone Details and Specifications Manual and may contain shrubs and trees not to exceed thirty-five feet (35') in height at maturity. This area shall be maintained in accordance with the provisions of Section 31.12.

25.04.07 Retaining walls in series which collectively exceed sixteen feet (16') in height shall have a minimum of one (1), ten foot (10') wide Type "A" buffer (see Section 31.05), between two of the walls. Retaining walls which are separated by a building, a road, or a parking area shall be exempt from this requirement. See Figure 2 below.

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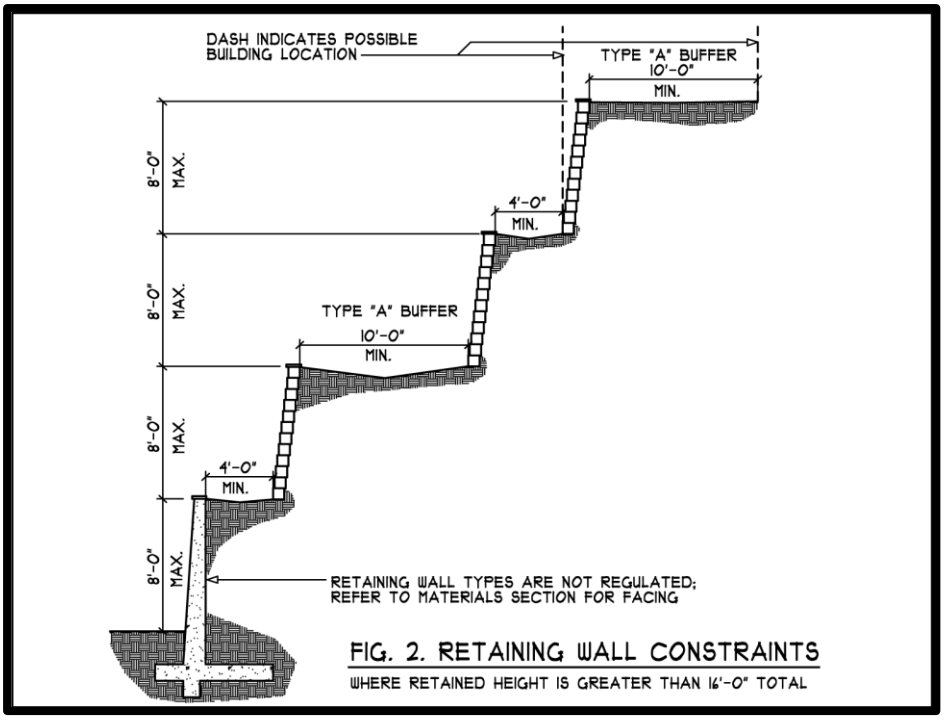

25.04.08 Publicly visible site wall material and color shall be architecturally compatible with the principle building(s) on site.

25.05 Lighting

25.05.01 The intent of this Section is to prevent light from commercial developments from excessively illuminating the property in question, other properties, or the night sky.

25.05.02 Only light fixtures which are categorized as full cut-off (FCO) fixtures shall be permitted, except sports field fixtures which must comply with Section 25.05.04.

25.05.03 The following are specific standards for lighting intensity based upon the activity involved. Values are presented in allowable foot-candles (fc) maintained (measured horizontally) at grade and are to be averaged throughout the site to avoid hot spots, i.e. areas of extreme light intensity relative to the remainder of the site:

Activity	Minimum	Maximum	Min./Max. Uniformity Ratio
Pedestrian Areas/Sidewalks	.2 f.c.	1.0 f.c.	
Building Entries	1.0 f.c.	10.0 f.c.	
Street Lighting	.2 f.c.	1.0 f.c.	
Open Parking Areas	.2 f.c. to 9 f.c.	3.6 fc	4:1
Playgrounds		5.0 fc	
Site Perimeter		.5 fc	

25.05.04 Lighting for sports fields and outdoor courts is generally in excess of general outdoor lighting levels. Recreation lighting levels established by the IESNA are to be used as the standard. All sports fields or tennis courts must meet the following minimum standards:

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A. Fixtures must be fitted with the manufacturer's glare control package. If the manufacturer does not have a glare control package, the fixture specification must be changed to a manufacturer that offers a glare control package.

B. Lighting shall be extinguished no later than one hour after the event ends.

C. Fixtures must be designed with a sharp cutoff and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted.

25.05.05 Canopies associated with vehicle related services shall be illuminated at a maximum illuminance of 30 fc and individual fixtures shall be flush mounted or have the canopy edge below the lowest light-emitting point on the fixtures. All existing gas station canopies which exceed this standard shall be made compliant within seven (7) years of the date of adoption of this Article.

25.05.06 Up-lighting may be used to illuminate a building, landscaping element or architectural feature, provided the lighting design has a maximum illuminance of 12fc, measured in a vertical plane. Down lighting is preferred.

25.05.07 Parking decks and covered parking areas must conform to IESNA standards.

25.05.08 At the end of a development permit, the applicant shall submit a final certification that a post installation inspection was conducted to check for compliance with a light meter against the approved lighting plan. Substitutions by electricians and contractors are common and will not be accepted unless substitutions are reviewed and approved.

The post installation inspection should be conducted by a professional engineer with demonstrable expertise in lighting design and mitigation strategies, or a lighting specialist who is lighting certified (LC) by the National Council on Qualifications for the Lighting Professions (NCQLP).

(Ord. PL04727-050721, 07-01-2021; Ord. PL05270-110121, 12-08-2021; Ord. PL05272-110121, 12-08-21)

25.06 Flexibility in Administration

25.06.01 Flexibility in administration is required for this Article. When strict application of the standards within this Article undermines other provisions of the UDO, then those other provisions take precedence. For example, the retaining wall height limitation may be increased to afford an opportunity to preserve significant or historic tree(s).

25.07 Alternatives

25.07.01 Alternatives to the appearance standards provided herein may be permitted upon written review and approval of the Administrator.

25.07.02 The Administrator may approve an alternative not to exceed +/- 25% of the relevant standard or requirement if they find that the alternative meets the purpose and intent of the provisions contained within this Article. When the Administrator approves an

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alternative, they specifically identify how the alternative meets the purposes and intent of this Article. The Administrator may, but is not required, to seek the recommendation of the Community Appearance Commission with respect to any proposed alternative. An applicant may not seek a variance with respect to any deviation allowed by the Administrator under this section.

(Ord. 20160438, 03-16-2017; Ord. PL04727-050721, 07-01-2021)

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