Community Appearance Commission

Regular Meeting

~ Agenda ~

,
http://www.townofboone.net/

Jane Shook
828-268-6960

Tuesday, April 30, 2019 **5:30 PMPlanning and Inspections Conference Room**

I. Call to Order

II. Adoption of Agenda

III. Approval of Minutes

February 26, 2019 Minutes

IV. Downtown Design Guidelines

Draft Text

V. Other Matters by Board Members or Staff

VI. Adjournment

TOWN OF BOONE
COMMUNITY APPEARANCE COMMISSION
TUESDAY, FEBRUARY 26, 2019
5:30 P.M.

COMMISSION MEMBERS PRESENT:	Chair Brian Williams, Vice-Chair Sarah Davis Cagle and Jason Selong
COUNCIL LIASIONS MEMBERS PRESENT:	Rennie Brantz and Sam Furgiuele
STAFF MEMBERS PRESENT:	Jane Shook, Director of Planning and Inspections and Brian Johnson, Urban Design Specialist

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CALL TO ORDER

Chair Brian Williams called to order the meeting of the Boone Community Appearance Commission, held in the Planning and Inspections Department – Upstairs Conference Room located at 680 W. King Street at 5:30 p.m.

ADOPTION OF THE AGENDA

Chair Williams made a motion, seconded by Vice-Chair Cagle to adopt the agenda as written.

VOTE: Aye – All
Nay – None

The motion passed.

APPROVAL OF MINUTES

Chair Williams made a motion, seconded by Member Selong to approve the January 22, 2019 meeting minutes as written.

VOTE: Aye – All
Nay – None

The motion passed.

DISCUSSION OF THE DOWNTOWN DESIGN GUIDELINES

Chair Williams began discussion on this topic by noting that he had helped Ms. Jane Shook, Director of Planning and Inspections and Mr. Brian Johnson, Urban Design Specialist in making the proposed changes to the Downtown Design Guidelines, see attached handout (permanently attached).

Discussion ensued the changes made to the document. Chair Williams explained that the Planning Staff had highlighted the sections of the draft document where they had questions and needed clarification on various topics. Ms. Shook said that she had removed the term subdistrict from the draft language. She noted the Commission would need to make a recommendation on how to implement the changes, which would be through a general use rezoning or through the application of an overlay district. She noted the process of implementation would affect the final language.

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She noted if rezoned, then there would be two downtown districts, the B1 Downtown Core and the B1 Downtown Interface. Chair Williams noted that through the general use process, the uses allowed in the district could be controlled.

Member Furgiuele noted that the overlay district would seem like a faster process. Discussion ensued on how to implement the proposed changes. Ms. Shook noted that her recommendations were to rezone the areas as two new zoning districts. She noted that to apply an overlay, which was essentially, a new zoning district would be complicated. She also noted that she felt that the general use rezoning of the properties would have more protection for the downtown area than an appearance overlay because all district related intensities and uses could be reviewed along with the new appearance district. She noted an issue with an overlay is that it does not change the base zoning and therefore any uses allowed within the base zone would only be subject to the proposed appearance design standards.

Member Furgiuele showed concern for adding more work onto the Planning Staff if the Commission recommends the two separate zoning districts. Ms. Shook noted that the rezoning process would be the same for a general use rezoning or the rezoning to add an overlay.

Discussion ensued on the Municipal Service District. Member Furgiuele noted that there have been discussions of the MSD being expanded in the future. He explained that the MSD is a taxing district that follows a separate procedure and considerations for the services that are needed. He explained that the MSD is a part of the Downtown that will work together with the proposed districts. He noted that if the Overlay process is recommended, it will not allow for the MSD to be expanded.

Member Furgiuele suggested that the CAC make a recommendation on either the Overlay district or the rezoning of the properties in the Downtown area before the next Planning Retreat that will be held in April 2019. Ms. Shook explained that the Planning Staff would need to do some additional work on Unified Development Ordinance.

Discussion ensued on the possibility of reformatting the UDO to create an article for the B1 zoning districts that would be all encompassing of all regulations geared toward the B1 zoning districts. It was the consensus of the CAC to use this approach.

Discussion ensued on fence and stand alone wall regulations. Mr. Johnson said he would try to put a package together on this topic. Ms. Shook noted that walls are a requirement for parking lots in the B1 zoning district. Mr. Johnson added that research would need to be done on parking as a use on the street. Ms. Shook suggested making it a requirement for the wall material to be the same brick or rock the same as the structure.

Discussion ensued on building orientation. There was consensus to require the primary façade and the main building entry to face the primary public way and to require secondary facades to contain a building entry similar in design and size to the main building entry.

Discussion ensued on Table 18.04. Chair Williams explained that the CAC recommended changing the street setback back from 20 feet to 15 feet and changing the interior setback from 10 feet to zero feet and the word “minimum” for a street setback was removed. Ms. Shook noted that there was a change to UDO Article 18.04.03 and 18.04.04. Member Furgiuele said in UDO Article 18.04.03 in the second sentence and fifth word “setback” needs to be changed to “set back”. Mr. Johnson

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explained that previously for the B1 Downtown Interface the street setback was 15 feet and they left it at 15 feet and previously the interior setback was zero feet and they left it zero feet. Mr. Johnson further explained that the only way you can go larger on the street back is to require the plaza space or landscaped greenspace. Ms. Shook explained that if the zoning is not changed, it creates a zero-foot interior setback for all of the uses that are allowed in these zoning districts.

Discussion ensued on sidewalks and trees in UDO Article 18.04.04. Member Furgiuele explained that sidewalks are required in the B1 Downtown Interface District and what is the size requirement for them. He asked if there is enough room for trees in the ten-foot sidewalk. Ms. Shook explained that you will always get a ten-foot sidewalk, if there is not a requirement for the sidewalk to be measured from the back of the required public sidewalk. Mr. Johnson said the additional setback area allows for opportunities for dining space and outdoor seating with benches. Ms. Shook pointed out that a definition is needed for plaza space.

Discussion on parking and landscaping. Ms. Shook said that these two sections need further discussion.

Discussion ensued on the language for the interior setback when against an adjacent zoning district. The Commission was in consensus that the language was confusing as to the distance and where the interior setback was to be applied. The Commission requested a change in language to clarify that the B1 lot would be required to provide the minimum setback of the adjacent lot if the adjacent lot is a different zoning district.

Discussion ensued on how to ensure that new construction or renovations captured the rhythm and proportion of the historic core. The Commission debated on whether there should be specific standards set forth in mathematical equations or should the ordinance list specific buildings in the proposed B1 area that met the intent of the proposed language. The Comm

Ms. Shook explained to the CAC members that the Planning Staff could ask the Council questions from the CAC members at the Planning Retreat regarding the design guidelines.

Motion and Vote:
Chair Williams made a motion, seconded by Vice-Chair Cagle, that the Community Appearance Commission is recommending that the Downtown Design Standards to be implemented by way of rezoning of the properties into two zoning districts which are the B1 Downtown Core District and the B1 Downtown Interface District.

Vote: Aye- All
Nay- None

The motion passed.

Discussion ensued on architectural features and how best to describe them. The Commission was in agreement that the list should be broken into two groups, the first group of features that if include would lead to a determination that a design was sympathetic or compatible. The second group would assist in the determination but to a lesser value. The items identified to be included in the first list included: first floor display windows, recessed entry doors, transoms or clerestory windows above doors and storefront windows, cornices and decorative masonry elements. The remaining

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features in the list it to be included in the second list. The Commission and Staff agreed that definitions or more descriptions is needed.

Discussion ensued on proposed graphics. Ms. Shook pointed out that the graphics need to reviewed for accuracy.

Discussion ensued on window materials. Chair Williams wanted to add aluminum and metal window materials into the list of prohibited materials as well as vinyl windows and plexi-glass windows.

Discussion ensued on the next steps. Vice-Chair Cagle and Member Furgiuele noted that they will not be town for the March 26, 2019 CAC meeting. Ms. Shook asked the CAC if they would like to reschedule the March 26, 2019 CAC meeting. Chair Williams suggested having the next CAC meeting on Tuesday, April 30, 2019 at 5:30 p.m. It was the consensus of the CAC to have the next meeting on Tuesday, April 30, 2019 at 5:30 p.m.

OTHER MATTERS BY BOARD MEMBERS OR STAFF

There were no other matters discussed at this meeting.

ADJOURNMENT

With no other topics to discuss, Chair Williams made a motion, seconded by Vice-Chair Cagle to adjourn the meeting at 8:30 p.m.

VOTE: Aye – All
Nay – None

The motion passed.

_____ _____

Chair, Brian Williams **Marlene Crosby, Board Secretary**

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Note: Draft has been prepared as if each zoning district has its own standalone article. As you go through the draft you will see notes on what the final product would look like. For this to work, UDO Articles 14-34 and Appendix B would have to be repealed and new Articles 14-59 would be adopted.

Article 14 Zoning Districts and Zoning Map

Note: Staff has prepared transitional language to form a framework for the new articles for each zoning district.

14.01 ~~**Residential Districts Established**~~ **Enumeration and description of districts; designation of districts on official zoning maps.**

14.01.01 The zoning districts listed herein are hereby established, and are intended to implement the Town of Boone's Comprehensive Plan. District titles are intended to convey general land use but the dimensional standards for each district determine the actual regulations applicable to a particular site.

14.01.02 There are three types of zoning districts: general use districts, overlay districts and conditional districts.

A. General use districts are those in which a variety of uses are permitted.

B. Overlay districts are those which overlap one or more general use districts and contain standards in addition to the general use district zoning standards in order to help development fit better with the site and surrounding properties. Where specified, overlay district standards modify general use district standards.

C. A Conditional District (CD) is a zoning district in which the use and development of a property pursuant to a site-specific development plan is approved through the legislative process pursuant to Article 9 of this Ordinance.

1. A CD utilizes the existing general use zoning district, is limited to the authorized uses and the development standards mandated within that district, and may be subjected to conditions that make the development plan more desirable.

14.01.03 The location and boundaries of zoning districts established by this ordinance are shown on geographic coverage layers that are maintained as part of the Town's geographic information system (GIS). These zoning geographic coverage layers constitute the Town's official zoning map, and is as much a part of this ordinance as if actually depicted within the pages of this ordinance.

14.02 General Use Districts Established

14.0~~1~~2.01 **Residential Use Districts Established.** The following residential districts are hereby established: R1, R1A, RR, R2, R3, R4, RA and MH. Each of the~~se~~ residential districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts.

Communication: Draft Text (Downtown Design Guidelines)

A. ~~**14.01.02**~~ The R1 Single--Family Residential District is established to provide a low-density living area consisting only of single-family dwelling units and other related uses necessary for a sound neighborhood. The regulations for this district are designed to stabilize and encourage a comfortable, healthy, safe, aesthetically pleasing and pleasant living environment for family life that promotes peaceful quiet enjoyment sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. See UDO Article 15 for more information on the allowable uses and development standards set forth for the R1 Single-Family Residential District.

B. Reserved

~~**B.**~~**C.** ~~**14.01.03**~~ The R1A Single-Family Residential with Accessory Dwelling District is established to provide a low-density living area consisting of single-family dwellings with or without subordinate, accessory dwellings. The regulations for this district are intended to maintain the essential character of a single-family neighborhood but allow for the establishment of accessory dwellings which are clearly subordinate to the single-family dwelling. The regulations for this district are designed to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. See UDO Article 17 for more information on the allowable uses and development standards set forth for the R1A Single-Family Residential with Accessory Dwelling District.

~~**C.**~~**D.** ~~**14.01.04**~~ The RR Residential Rehabilitation District is designed to recognize the need to preserve existing housing stock for low income occupants through rehabilitation efforts. Residential Rehabilitation Districts shall possess the following three characteristics:

1. The majority of the housing stock in the district shall have been constructed before the Town adopted zoning regulations; and
2. The area must qualify under U.S. Department of Housing and Urban Development standards- as a blighted area; and
3. The district must be a designated target area for which public money has been appropriated for the purpose of rehabilitating housing stock for low and moderate income persons. All existing nonconforming uses and uses with nonconforming structures, within the Residential Rehabilitation District, shall comply with Article 7 Nonconformities.

See UDO Article 18 for more information on the allowable uses and development standards set forth for the RR Residential Rehabilitation District.

Communication: Draft Text (Downtown Design Guidelines)

~~D.~~E. ~~14.01.05~~ The R2 Two-Family Residential District is established to provide a medium density living area consisting of single-family and two-family dwellings, and other related uses necessary for a sound neighborhood. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. See UDO Article 19 for more information on the allowable uses and development standards set forth for the R2 Two-Family Residential District.

~~E.~~F. ~~14.01.06~~ The R3 Multiple-Family Residential District is established to provide a high density area consisting of three or more dwelling units per lot plus limited service use. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment in which to live and provide for compatible and disruptive activities that properly belong in nonresidential districts. See UDO Article 20 for more information on the allowable uses and development standards for the R3 Multiple-Family Residential District.

~~F.~~G. ~~14.01.07~~ The R4 Two-Family/Manufactured Home District is established to provide a medium density area consisting of two-family uses, and manufactured homes on single lots. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment in which to live and provide for compatible and disruptive activities that properly belong in nonresidential districts. See UDO Article 21 for more information on the allowable uses and development standards for the R4 Two-Family/Manufactured Home District.

~~G.~~H. ~~14.01.08~~ The RA Residential/Agricultural District is established as a district in which the principal use of the land is for low density residential and agricultural purposes. Low-density commercial and service uses which serve the day to day convenience needs of the surrounding area are permissible so long as the uses are of such nature as to minimize conflicts with the area they serve. These districts are intended to insure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses. See UDO Article 22 for more information on the allowable uses and development standards for the RA Residential/ Agricultural District.

Communication: Draft Text (Downtown Design Guidelines)

~~H.~~I. ~~14.01.09~~ The MH Manufactured Home Park District is established to encourage well planned, attractive land development in the Town by providing fair standards and beneficial requirements for the siting, operation, and maintenance of manufactured homes. The regulations for this district are designed and intended to secure for the persons who reside there a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment in which to live and provide for compatible and disruptive activities that properly belong in nonresidential districts. See UDO Article 23 for more information on the allowable uses and development standards for the MH Manufactured Home District.

~~14.02 Commercial Districts Established~~

14.02.0~~1~~2 Commercial Districts Established. The following commercial districts are hereby established: B1-DC, B1-DI, ~~-~~B2, B3, ~~and~~ OI, and WD. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this section.

A. The B1 Downtown Core and the B1 Downtown Interface Districts encompass the Town of Boone's downtown area and represents, in large measure, the last vestiges of the Town's original character. Regulations in these districts are directed to preserve and maintain a small town, high country atmosphere. Preservation and adaptive reuse of existing historic buildings is encouraged and new construction shall be appropriately scaled to be sympathetic to the existing built environment. Design and regulatory standards for these districts reinforce the character of the downtown as a pedestrian friendly area by encouraging architectural solutions that are visually interesting, and are compatible in scale and character to the surrounding area. To help accomplish this, the area is divided into two (2) districts, each with its own character and scale which contribute to the overall vitality of the downtown area. Identification of the districts and a map showing district boundaries are listed below:

1. **B1 Downtown Core District:** The Downtown Core District, shown in light pink in the map below, is the center of the downtown area and contains the greatest concentration of historic commercial buildings. This district establishes a continuous building facade at the street frontage to strengthen the identity of downtown as a pedestrian destination where pedestrians feel comfortable through the careful selection of building materials, human scale design, and ground floor fenestration. Standards in this district reinforce the historic nature of the existing built environment through regulation of appearance, height, scale and mass.

2. **B1 Downtown Interface District:** The Downtown Interface District, shown in dark pink in the map below, serves as gateways into the downtown area and as the transition between the B1 Downtown Core District and adjacent zoning districts. Development in this district must be sensitive to issues of compatibility with the Downtown Core District.

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See UDO Article 26 for more information on the allowable uses and development standards for the B1 Downtown Districts.

~~A. 14.02.02 The B1 Central Business District is intended to provide for the development of the commercial and service center for the Town while maintaining its character, and to encourage appropriate residential uses in the central area of Town, normally as part of mixed-use developments. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses.~~

~~A.~~B. ~~14.02.03~~ The B2 Neighborhood Business District is intended to provide for the development of low-density commercial and services that are accessible by pedestrians and cyclists from surrounding neighborhoods, which serve the day to day convenience needs of surrounding neighborhoods, and are of such nature as to be in harmony with the neighborhoods they serve. Appropriate residential uses are allowed in this district, normally as part of mixed-use developments. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses. See UDO Article 27 for more information on the allowable uses and development standards for the B3 Neighborhood Business District.

~~B.~~C. ~~14.02.04~~ The B3 General Business District is established to provide a wide range of consumer goods, convenience goods and personal services for the community and surrounding region. Appropriate residential uses are allowed in this district, normally as part of mixed-use developments. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses. See UDO Article 28 for more information on the allowable uses and development standards for the B3 General Business District.

~~C.~~D. ~~14.02.05~~ The OI Office/Institutional District is established to provide a zoning district which promotes the development of moderately intensive office and institutional uses which are oriented toward the provision of services versus the sale of products. Appropriate small scale residential uses are allowed in this district to the point they support allowable office and institutional uses. The regulations for this district are designed and intended to create a comfortable, healthy, safe, aesthetically pleasing, and pleasant environment for all appropriate uses. See UDO Article 29 for more information on the allowable uses and development standards for the OI Office/Institutional District.

Communication: Draft Text (Downtown Design Guidelines)

~~D.~~E. ~~14.02.06~~ The WD Wellness District ~~(WD)~~ is established to provide an area-specific zoning district located around the local hospital to promote a diverse mixture of medical, education, office, retail and residential uses within a compact, vibrant pedestrian oriented center while encouraging community interaction and transportation options. See UDO Article 30 for more information on the allowable uses and development standards for the WD Wellness District.

~~14.03 Educational Districts Established~~

14.02.03 ~~14.03.01~~ **Educational Districts Established.** The following educational districts are hereby established: U1, E1, E2, and E3. The educational districts are established to provide areas which promote the enhancement of compatible educational institutions and opportunities within the town's planning area while preserving the overall small-town character of Boone.

A. ~~14.03.02~~ The U-1 University District is established for the main campus of Appalachian State University (ASU). This district is intended to provide for the planning and expansion of ASU's main campus that is consistent with the Town's overall planning objectives. In the event that a property or portion of property zoned U-1 is sold to a non-university third party, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property. See UDO Article 33 for more information on the allowable uses and development standards for the U1 University District.

B. ~~14.03.03~~ The E-1 Educational District is established to provide for appropriate uses by colleges or universities outside of the ASU main campus. Such uses shall not include residential uses. The owner of a property zoned E-1 must be a college or university. In the event that a property or portion of property zoned E-1 is sold to a third party that is not a college or university, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property. See UDO Article 34 for more information on the allowable uses and development standards for the E1 Educational District.

C. ~~14.03.04~~ The E-2 Educational District is established to provide for appropriate uses by colleges or universities outside of the ASU main campus, which uses may include residential uses. The owner of a property zoned E-2 must be a college or university. In the event that a property or portion of a property zoned E-2 is sold to a third party that is not a college or university, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property. See UDO Article 35 for more information on the allowable uses and development standards for the E2 Educational District.

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D. ~~**14.03.05**~~ The E-3 Educational District is established to provide for planning and appropriate expansion of trade schools and public or private elementary and secondary educational institutions. Such uses shall not include residential uses unless such are approved through a CD process. The owner of a property zoned E-3 must be a public or private educational institution. In the event that a property or portion of property zoned E-3 is sold to a third party that is not such an educational institution, the property must be rezoned. The third-party property owner shall submit a petition to rezone the property within 6 months of closing on its purchase of the property. See UDO Article 36 for more information on the allowable uses and development standards for the E3 Educational District.

~~**14.04 Manufacturing District Established**~~

14.02.04 ~~**14.04.01**~~ **Manufacturing District Established.** The M1 Manufacturing District is established primarily to accommodate appropriate light industrial and warehouse enterprises engaged in the assembly, fabrication, finishing, packaging, warehousing or distribution of goods and materials, including the storage and processing of raw materials into other products, as well as and (related and/or compatible commercial uses. The intent in allowing related and/or compatible commercial uses is to promote flexible and creative use of the District while still serving the primary intent of accommodating light industrial, warehousing, and distribution uses. See UDO Article 39 for more information on the allowable uses and development standards for the M1 Manufacturing District.

~~**14.05 Conditional Districts Established**~~

~~**14.05.01** A Conditional District (CD) is a zoning district in which the use and development of a property pursuant to a site-specific development plan is approved through the legislative process pursuant to Article 9 of this Ordinance.~~

~~A CD utilizes the existing zoning district, is limited to the authorized uses and the development standards mandated within that district, and may be subjected to conditions that make the development plan more desirable.~~

14.03 Overlay Districts Established

~~**14.06**~~**14.03.01 Special Flood Hazard ~~Area~~**

~~**14.06.01** The~~**Area. The** Special Flood Hazard Area is an overlay district intended to regulate the Special Flood Hazard Area pursuant to Article 30 Flood Damage Prevention.

~~**14.07**~~**14.03.02 Watershed Districts.**

~~**14.07.01**~~ The watershed districts are established as overlay districts intended to regulate the water supply watershed areas pursuant to Article 29 Watershed Protection.

~~**14.08**~~**14.03.03 Corridor ~~Overlay~~ Districts.**

Communication: Draft Text (Downtown Design Guidelines)

~~A.~~ **~~14.08.01~~** The corridor districts are established overlay district intended to protect the main thoroughfares though Town.

B. **~~14.08.02~~** The following corridor district(s) are hereby established, with the limits of each district being 550' on either side of the centerline of each of the following thoroughfares, and shall apply to all development other than single-family dwellings along the thoroughfare:

1. **US Hwy 421 East**: Beginning at the intersection with US Hwy 321 (Hardin Street) and extending east along the centerline of US Hwy 421 to the farthest extent of the Town's planning jurisdiction. This Corridor District includes both the old two lane portion of US Hwy 421 and the new four lane portion of US Hwy 421 located in the Town's extraterritorial jurisdiction.
2. **US Hwy 421 West**: Beginning at the intersection with Poplar Grove Connector and extending west along the centerline of US Hwy 421 to the farthest extent of the Town's planning jurisdiction.
3. **US Hwy 321**: Beginning at the intersection with US Hwy 421 (East King Street) and extending south along the centerline of US Hwy 321 to the farthest extent of the Town's planning jurisdiction.
4. **NC Hwy 105**: Beginning at the intersection with US Hwy 321 (Blowing Rock Road) and extending west along the centerline with NC Hwy 105 to the intersection of NC Hwy 105 Bypass (SR 1107).
5. **NC Hwy 105 Extension:** Beginning at the intersection with US 321 (Blowing Rock Road) and extending north along the centerline with NC Hwy 105 Extension to the intersection of US Hwy 421.
6. **NC Hwy 105 Bypass** (SR1107): Beginning at the intersection with NC Hwy 105 and extending north along the centerline of NC Hwy 105 Bypass to the farthest extent of the Town's planning jurisdiction.
7. **NC Hwy 194**: Beginning at the intersection with US Hwy 421 (East King Street) and extending north along the centerline with NC Hwy 194 to the farthest extent of the Town's planning jurisdiction.

~~C.~~ **~~14.08.03~~** Site development requirements shall apply to all developments within the established corridor district with the exception of single-family residences.

D. **~~14.08.04~~** The requirements for all properties are listed below.

Communication: Draft Text (Downtown Design Guidelines)

1. Allowed Access: All lots recorded and shown on tax maps at the Watauga County Register of Deeds and Tax Office as of the effective date of this Ordinance shall be permitted one driveway access. If projects are proposed that encompass more than one parcel as recorded at the date of adoption of this Ordinance, they shall be permitted only one driveway access for the project. If any street(s) or road(s) other than the thoroughfare(s) protected by this Ordinance is (are) available for access to any parcel, tract or development, access must be taken from the alternate street(s). If the alternate street access is not adequate to serve the parcel, tract or development, a single access point to the regulated thoroughfare may be allowed.
2. Transition Tapers and Deceleration Lanes: These may be required for any driveway or development if the size of the development and/or traffic volume warrants, and shall be constructed in accordance with NCDOT standards. Transition tapers and deceleration lanes shall be required in accordance with standard engineering practices which analyze the results of the cumulative impacts of site distance, type of development and size of development.
3. Corner Clearance: No driveway, except single-family residential access, shall be allowed within 150' of the centerline of an intersecting street.
4. Driveway Spacing: The distance between any two [2] drives shall be 150' on the protected thoroughfare[s].
5. The driveway spacing requirement shall be measured along the right-of-way line from the centerline of the driveway.
6. Subdivision Frontage: Any tract proposed for subdivision which borders the protected thoroughfare(s) shall provide sufficient frontage on another street [either pre-existing or created as part of the subdivision] for all lots created out of such tract so that direct access to lots does not need to be provided on the protected thoroughfare[s].
7. Access Driveways: All developments (greater than 50,000 square feet of gross floor area) and fronting the protected thoroughfare[s] shall provide landscaped medians within the access driveway.
8. Access not Prohibited: Any parcel of record on the effective date of this Ordinance that has been prohibited all vehicular access based on the provisions herein shall be allowed one (1) access point to its street frontage while meeting the intent of the technical requirements as is practical.
9. Coordination of Access: Access shall be coordinated between adjoining properties for vehicles, pedestrians and bicycles. Pedestrian linkages must be in an acceptable form such as sidewalks, maintained gravel paths and paved walks.

Communication: Draft Text (Downtown Design Guidelines)

10. Transit Shelters and Stops: All developments (having greater than 50,000 square feet of gross floor area) shall provide transit shelters and stops as needed after consultation with local transit officials.

E. ~~**14.08.05**~~ No requirement of the corridor district shall repeal, modify or amend any federal or state law or regulation, but shall replace any specific regulation or Ordinance provision pertaining to the specific requirement within this Ordinance.

~~14.09~~14.03.04 Neighborhood Conservation Districts

A. ~~**14.09.01**~~ Neighborhood Conservation Districts are established as overlay districts to stabilize and maintain a suitable low-density living environment for family life.

~~**B. 14.09.02** Neighborhood Conservation Districts shall be depicted on the Town's Zoning Map, which will be posted at the Town's Planning and Inspections Department and on the Town of Boone's website.~~

~~**C.**~~B. ~~**14.09.03**~~ The requirements of all rental property within Neighborhood Conservation Districts shall be as follows:

1. All tenants of rental property must complete and file a Residential Parking Registration Form with the Administrator. Tenants must provide personal identification, vehicle registration, and proof of residency within a designated Neighborhood Conservation District.
2. Tenants meeting eligibility requirements will be issued parking stickers for their vehicle(s) for the appropriate neighborhood district which must be permanently attached to eligible vehicles. Annual renewal and nominal fees are required.
3. No more than two unrelated persons per dwelling unit will be issued parking stickers.
4. Owners of rental property residing more than fifty (50) miles from Boone must designate in writing a local managing agent residing within Watauga County that will be responsible for all matters concerning occupancy of such rental property, and must provide the Administrator with the agent's name, address and telephone number.
5. Owners or local managing agents of rental property must notify tenants of applicable Neighborhood Conservation District requirements.

(Ord. 20160742, 12-15-2016)

~~14.10~~14.03.05 Viewshed Protection District

Communication: Draft Text (Downtown Design Guidelines)

A. ~~**14.10.01**~~ The Viewshed Protection District is established as an overlay district intended to protect the scenic beauty and natural environment of Boone's hillside areas vital to preservation of a high quality of life and continued economic development by minimizing the visual impact of building construction and land disturbing activities.

B. ~~**14.10.02**~~ Protection Map. The presumed boundaries of the Viewshed Protection District shall be depicted on a "Viewshed Map," which will be posted at the Town's Planning and Inspections Department and on the Town of Boone's website. This map shall show the areas of the Town's zoning jurisdiction which exceed the one hundred foot line which defines the lower most boundary of the viewshed. However, when an owner of property which is either partly or wholly above the depicted line files an application for development to take place within the presumed viewshed, the Administrator or his designee shall determine if the development, as proposed, can be seen during any season of the year from one of the major traffic corridors. If the Administrator determines that the property cannot be thus seen, the requirements of the overlay district shall not apply. In addition, the owner of property contained within the viewshed protection district may establish that the property to be developed is not within the viewshed by presenting sufficient information to the Administrator that the development, as proposed, cannot be seen during any season of the year from one of the major traffic corridors, or by showing that the portion of the property to be developed is not more than 100' above the nearest major traffic corridor. Should the Administrator determine that a portion of the property to be disturbed by the development is in the viewshed, when the owner contends it is not be in the viewshed as it is proposed to be developed, the Administrator's determination shall be considered an appealable determination which may be appealed to the Town of Boone Board of Adjustment in conformity with the procedures of Article 6.

C. ~~**14.10.03**~~ The requirements for the development of properties wholly or partly within the Viewshed Protection District shall be as follows:

1. The maximum allowable land disturbance on property within the viewshed shall be as follows:

    a. Property up to two (2) acres in size shall be limited to three-quarters (3/4) of an acre of land disturbance. Therefore, a three-quarter (3/4) acre or smaller property in the viewshed is unrestricted by this Section with regard to land disturbing activity.

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b. The maximum allowable land disturbance for property in the viewshed which is larger than two (2) acres shall be limited to three-quarters (3/4) of an acre for the first two (2) acres, plus thirty percent (30%) of the additional property. For example, a tract of land of four (4) acres can be developed with three-quarters (3/4) acre, or 32,670 square feet, of land disturbed based upon the first two acres, and an additional thirty percent (30%), or 26,136 square feet of land disturbed, based on the additional two (2) acres. Therefore, a total of 58,806 square feet can be disturbed in the development of the four (4) acres, and this total amount of land disturbance may be consolidated in one area of the property. In this example, the land in one (1) acre can be 100% disturbed, in a second acre, partly disturbed, and in the remaining two (2) acres, undisturbed.

c. Land disturbance of portions of a property below the viewshed are unrestricted by this Section, but do not increase the amount of land disturbance which can take place on the portion of the property in the viewshed.

2. The intensity of development of property zoned RA within the viewshed shall be as established for the RA district in Article 16 of the UDO. The intensity, including height limitations, of development of property in all other zoning districts within the viewshed shall be as established for the R1 zoning district in Article 16 of the UDO, but the exemption for single family homes contained in Subsection 16.01.01(B) shall not apply in the viewshed.

3. Property which has been developed before the effective date of this amendment will be affected as follows:

   a. When the intensity of the development does not exceed the limits established by Subsection 14.01.03(B), it may be increased in size up to ten percent (10%) greater than the limits established by Subsection 14.10.03(B).

   b. When the intensity of the development already exceeds the limits established by Subsection 14.10.03(B), additional development is permitted up to a size 10% greater than the existing structure, and likewise, an additional ten percent (10%) of impervious surface may be created.

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c. The limits on land disturbing activity created by Subsection 14.10.03(A) shall be calculated as if no development on the property has yet taken place. In other words, the Administrator shall exclude from the calculations of allowable land disturbance that portion of the property upon which an impervious surface exists at the time this amendment is effective. For example, if a house with a 2,000 square foot footprint and 2,000 square feet of driveway already exists on a three (3) acre tract, and the owner wishes to construct an addition, the Administrator will first add the square footage of the house's footprint and the square footage of the driveway to determine that there is already 4,000 square feet of impervious surface on the property. This existing square footage of impervious surface will be subtracted from the total land area of the property to calculate how much of the remaining property can be disturbed. In the example, the property will be viewed not as a three (3) acre tract, but as a tract of two (2) acres, plus 39,560 square feet (an acre = 43,560 square feet, minus 4,000 square feet of existing impervious surface). The amount of allowable land disturbance to put in the addition ends up being 44,538 square feet.

4. Persons developing property in the viewshed shall strive to reasonably site any structures to be developed on the property in such way as to minimize their visual impact from the major corridors. To this end, the Administrator may request a redesign of a site development plan to accomplish this goal.

5. Persons developing property in the viewshed shall strive to reasonably preserve and protect foliage and trees on the property, without placing the construction in danger, with a goal of minimizing the visual impact of the development from the major corridors.

6. All development in the viewshed shall include a plan for landscape buffering, using the techniques and vegetation authorized in Appendix B, in the line of sight from the major corridors, to reduce to the extent reasonably possible the visual impact of the development from the major corridors. Such plans, in the case of the construction of a single family home, need not be "formal" or prepared by a landscape professional, but must be in writing sufficiently detailed to allow the Administrator to know what is planned.

7. All development along ridgelines must be designed in an effort to reasonably minimize the visual impact of such development from the major corridors. To this end, the Administrator may require a redesign of a site development plan to accomplish this goal or may require specific landscape buffering, such as trees and other plant material, to be installed. This requirement by the Administrator shall be considered an appealable decision to the Board of Adjustment, and may be appealed in conformity with the procedures of Article 6.

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8. All requirements of the particular zoning district or development in the viewshed otherwise established by the UDO shall remain in full force and effect.

~~14.11~~14.03.06 Historic Districts.

~~**14.11.01**~~ Historic districts are established as overlay districts intended to preserve historic landmarks and districts within the Town pursuant to Article 8 Historic Preservation.

14.~~12~~04 Split Zone

14.~~12~~04.01 When a development is proposed on land with more than one zoning classification, the elements of the development, including but not limited to parking, recreation and storage, must be located on those portions of the development with zoning designations which allows the use as a principal use or is otherwise specifically authorized. Notwithstanding this prohibition all portions of the site specific development plan may be used to satisfy the requirements of Section 16.01 unless otherwise prohibited.

14.~~12~~04.02 Split zone developments have special rules regarding allowable intensity (see Article 16).

Article 15 Use Requirements

Note: Staff has prepared transitional language to form a framework for the new articles for each zoning district.

15.01 Types of Uses

A. The standards listed herein provide guidance on how to use any of the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses located in UDO Articles 16-32.

~~A.~~B. This Article also provides guidance on unlisted uses, accessory uses, and permissible uses not requiring permits, combination uses and more specific use controls.

15.01.01 Permitted (P): A "P" in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses located in UDO Article 16-indicates that a use is allowed by right in the respective district unless the use is subject to a transitional zone (see 6.02.02). Such uses are subject to all applicable requirements of this Ordinance but do not have additional requirements which are specific to the use in accordance with this Article. A cross-reference in the "Reference" column of the Table for a permitted use is intended to direct the reader to a Section(s) which has special importance to the use, but it does not limit the applicability of other Sections.

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15.01.02 **Permitted Subject to Limitations (L):** An "L" in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed by right in the respective district unless the uses is subject to a transitional zone (see 6.02.02), provided that the use meets the normal requirements of the Ordinance plus additional requirements designed to address the specific impacts of the use. A cross-reference in the "Reference" column of the Table for a permitted use with an "L" is intended to direct the reader to a Section(s) which has special importance to the use, but it does not limit the applicability of other Sections.

15.01.03 **Special Use Permit Required (S):** An "S" in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed only with a Special Use Permit in the respective district. A cross-reference in the "Reference" column of the Table for a permitted use with an "S" is intended to direct the reader to a Section which has special importance to the use, but it does not limit the applicability of other Sections.

15.01.04 **Conditional District (CD):** A "CD" in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is allowed only with a Conditional District zoning approval in the respective district. A cross-reference in the "Reference" column of the Table for a permitted use with a "CD" is intended to direct the reader to a Section which has special importance to the use, but it does not limit the applicability of other Sections.

15.01.05 **Not Permitted (Blank Cell):** A blank cell in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses indicates that a use is not allowed in the respective district.

15.01.06 **Transitional Zones:** Transitional zones attach to each R1, R1A, RR, R2, and RA district and are designed to address the predictable negative impacts of certain uses and therefore have additional standards which must be met. A proposed use subject to a transitional zone must be approved by a Special Use Permit or in a Conditional District. A superscript "T*n*" in the Table of Principal Uses, Table of Accessory Uses or the Table of Temporary Uses denotes the specified use in the specified district is subject to a transitional zone, where "*n*" represents the size, in feet, of the transitional zone, measured from the boundary of the protected district. However, in the any of the protected districts, the distance is measured from the protected lot rather than the protected zone. See Subsection 6.02.02 for full transitional zone requirements.

15.01.07 **Use Nomenclature:** Each use listed in the Table of Principal Uses, Table of Accessory Uses, and Table of Temporary Uses below is more fully defined in Article 34 Definitions. The nomenclature of each use within the Tables is for identification purposes only.

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15.02 Unlisted Uses

15.02.01 Unlisted Uses: Any use not permitted, prohibited, or restricted by this Ordinance is an "unlisted use" that shall only be permitted if approved by the Planning Director pursuant to the following provisions:

A. Procedure for Evaluating Unlisted Uses: Where a particular use category or use type is not specifically allowed under this Ordinance or is also not prohibited or restricted by this Ordinance, the Planning Director may permit the use category or type if the criteria of Subsection 15.02.02(B) below are met. The Planning Director shall give due consideration to the intent of this Ordinance concerning the district(s), involved, the character of the uses specifically identified, and the character of the use(s) in question.

B. Criteria for Evaluating Unlisted Uses: In order to determine that the proposed uses(s) has an impact that is similar in nature, function, and duration to the other uses allowed in a specific zoning district, the Planning Director shall assess all relevant characteristics of the proposed use, including but not limited to the following:

1. The volume and type of sales, retail, wholesale; size and type of items sold and nature of inventory on the premises;
2. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution; any dangerous, hazardous, toxic, or explosive materials used in the processing; and
3. The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders); and
4. The type, size and nature of buildings and structures; and
5. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts; and
6. Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site, trip purposes and whether trip purposes can be shared by other uses on the site; and
7. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses; and

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8. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation and fumes; and

9. Any special public utility requirements for serving the proposed use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and

10. The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the zoning district.

15.02.03 **Determination of Unlisted Use(s) by the Planning Director:** All determinations by the Planning Director made pursuant to this section shall be in writing. In making the determination described in this section, the Planning Director shall initiate an amendment to this Ordinance if the particular use or category of use(s) is likely to be common or to recur frequently, or if the omission is likely to lead to public uncertainty and confusion. Until final action has been taken on such proposed amendment, the determination of the Planning Director shall be binding on all officers and departments of the Town. If no amendment is initiated, the Planning Director's determination shall thereafter be binding on all officers and departments of the Town, without further action or amendment of this Ordinance.

15.02.04 **Appeal of Determination of the Planning Director:** The determination of the Planning Director may be appealed to the Board of Adjustment pursuant to the procedures set forth in Article 6 of this Ordinance.

15.03 Accessory Uses

15.03.01 An accessory use must be:

A. Clearly incidental to and customarily found in connection with a principal structure or use; and

B. Subordinate to and serve a principal structure or use; and

C. Subordinate in area, extent, or purpose to the principal structure or use served; and

D. Located within the same site-specific development plan as the principal structure or use.

15.03.02 Subsection 15.07.01, the Table of Accessory Uses, lists generally authorized accessory uses within the associated zoning districts so long as the use otherwise qualifies as an accessory use.

15.03.03 A use which is not permitted as a principal use in a zoning district cannot be allowed as an accessory use in that district unless it is specifically listed in the Table of Accessory Uses.

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15.03.04 When a development is proposed on land with more than one zoning classification, any accessory use must be located on those portions of the development with zoning designations which allows the use as principal use or is authorized by the Table of Accessory Uses.

15.04 Permissible Uses Not Requiring Permits

15.04.01 Notwithstanding any other provisions of this ordinance, no zoning or special use permit is necessary for the following uses:

A. Public streets or sidewalks.

B. Electric power, telephone, telegraph, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way with the permission of the owner.

C. Utility facilities located within a public right-of-way with the permission of the owner.

15.05 Combination Uses

15.05.01 A combination use may only be authorized if all proposed principal uses are permissible in the zoning district for which it is proposed.

15.05.02 A combination use must be authorized by a special use permit if any of the permissible uses requires a special use permit.

15.05.03 A combination use has special rules regarding landscaping (See Article 31).

15.06 More Specific Use Controls

15.06.01 When two use classifications in ~~the~~ a Table of Principal Uses describe a particular activity, the more specific description shall control.

NOTE: Remainder of current Article 15 will be broken up into the appropriate Articles (16-32). Supplemental uses are moved to UDO Article 42 Supplemental Uses.

Article 16 R1 Single-Family Residential District

Article 17 Reserved

Article 18 R1A Single-Family with Accessory Dwelling District

Article 19 RR Two-Family Residential District

Article 20 R3 Multiple-Family Residential District

Article 21 R4 Two-Family/Manufactured Home Residential District

Article 22 RA Residential/Agriculture District

Article 23 MH Manufactured Home Park District

Article 24 Reserved

Article 25 Reserved

These articles will be formatted similarly to Article 26. Town Council approval is needed before additional work is done on these articles.

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Article 26 B1 Downtown Core and Downtown Interface Districts

26.01 Purpose: The B1 Downtown Core and the B1 Downtown Interface Districts encompass the Town of Boone's downtown area and represents, in large measure, the last vestiges of the Town's original character. Regulations in these districts are directed to preserve and maintain a small town, high country atmosphere. Preservation and adaptive reuse of existing historic buildings is encouraged and new construction shall be appropriately scaled to be sympathetic to the existing built environment. Design and regulatory standards for these districts reinforce the character of the downtown as a pedestrian friendly area by encouraging architectural solutions that are visually interesting, and are compatible in scale and character to the surrounding area. To help accomplish this, the area is divided into two (2) districts, each with its own character and scale which contribute to the overall vitality of the downtown area. Identification of the districts and a map showing district boundaries are listed below:

A. **B1 Downtown Core District:** The Downtown Core District, shown in light pink in the map below, is the center of the downtown area and contains the greatest concentration of historic commercial buildings. This district establishes a continuous building facade at the street frontage to strengthen the identity of downtown as a pedestrian destination where pedestrians feel comfortable through the careful selection of building materials, human scale design, and ground floor fenestration. Standards in this district reinforce the historic nature of the existing built environment through regulation of appearance, height, scale and mass.

B. **B1 Downtown Interface District:** The Downtown Interface District, shown in dark pink in the map below, serves as gateways into the downtown area and as the transition between the B1 Downtown Core District and adjacent zoning districts. Development in this district must be sensitive to issues of compatibility with the Downtown Core District.

26.02 Relationship to Other Regulations: Where there is a conflict between this Article and other provisions in the Unified Development Ordinance, the provisions in this Article shall govern.

26.03 Intent: When Staff is in doubt that a development meets the intent of the regulations of this Section, the permit shall be denied. The applicant may challenge this determination by appeal to the Town of Boone Board of Adjustment, in conformity with the procedures of Article 6.

26.04 Allowable Uses. All permissible uses and uses expressly prohibited are identified in the tables provided below. Guidance on how to interpret the table is found in UDO Article 15.

26.04.01 Table of Principal Uses

Note: Reference numbers will change if approval is given for the modifications. Staff will revise prior to sending the case out for final review.

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Use #	Specific Use	B1-DC	B1-DI	Reference
1.01	Single-Family Dwelling			
1.02	Manufactured Home “Class A”			15.08
1.03	Manufactured Home “Class B”			15.08
1.04	Manufactured Home “Class C”			
1.05	Manufactured Home Park			15.09
1.06	Duplex (one duplex building per lot)			
1.07	Duplex (more than one duplex building per lot)			15.10
1.08	Townhouse (up to 30 bedrooms)			15.10
1.09	Townhouse (31-100 bedrooms)			15.10
1.10	Townhouse (> 100 bedrooms)			15.10
1.11	Multi-Family Dwelling (up to 30 bedrooms)			15.10
1.12	Multi-Family Dwelling (31-100 bedrooms)			15.10
1.13	Multi-Family Dwelling (> 100 bedrooms)			15.10
1.14	Multi-Family Dwelling in Mixed Use (up to 30 bedrooms)	L	L	15.11
1.15	Multi-Family Dwelling in Mixed Use (31-100 bedrooms)	CD	L T125	15.11
1.16	Multi-Family Dwelling in Mixed Use (> 100 bedrooms)		L T300	15.11
2.01	Family Care Home			15.13
2.02	Family Care Institutions			15.14
2.03	Halfway House, Category 1			15.14
2.04	Halfway House, Category 2			15.14
2.05	Nursing Care Home			15.14
2.06	Nursing Care Institution			15.14
2.07	Skilled Nursing Facility			15.14
2.08	Retirement Community, Category 1			15.15
2.09	Retirement Community, Category 2			15.15
2.13	Fraternity or Sorority Dwelling			15.16
2.14	Boarding House			15.17
3.01	Home for Survivors of Domestic Violence		L T125	15.18
3.02	Shelter for Homeless, Category 1		L T50	15.19
3.03	Shelter for Homeless, Category 2			15.19
3.04	Bed and Breakfast, Category 1		L	15.20
3.05	Bed and Breakfast, Category 2			15.20
3.06	Vacation Rental			15.21
3.07	Motel			
3.08	Hotel			
4.01	Airport/Landing Strip			15.22
4.02	Heliport			15.22
4.03	Funeral Home Establishment	P	P	
4.04	Cemetery		P	
4.05	Post Office	P	P	

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Use #	Specific Use	B1-DC	B1-DI	Reference
4.06	Post Office, Distribution			
4.07	Animal Sanctuary			
5.01	Government Cultural Facility	P	P	
5.02	Government Neighborhood Cultural Facility, Indoor Activity Only	P	P	
5.03	Government Neighborhood Cultural Facility, Includes Outdoor Activity	P	P	
5.04	Recreation Facility, Category 1	P	P	
5.05	Recreation Facility, Category 2	P	P	
5.06	Recreation Facility, Category 3	P[T50]	P[T50]	
5.07	Event Venue, Category 1	P	P	
5.08	Event Venue, Category 2	P	P	
5.09	Event Venue, Category 3	P[T50]	P[T50]	
5.10	Landfill			
5.11	Solid Waste Processing			
5.12	Police Substation	P	P	
5.13	Utility Facility, Town	L	L	15.23
5.14	Utility Facility, Government, Neighborhood	L	L	15.23
5.15	Utility Facility, Government, Regional			15.23
5.16	Government Facility	P	P	
6.01	Utility Facility, Neighborhood	L	L	15.23
6.02	Utility Facility, Regional			15.23
7.01	Antenna Collocation on Existing Wireless Support Structure not requiring additional accessory equipment			
7.02	Antenna Collocation on Existing Wireless Support Structure requiring additional accessory equipment			15.24
7.03	Building Mounted Antenna not requiring additional accessory equipment			15.24
7.04	Building Mounted Antenna requiring additional accessory equipment			15.24
7.05	Antenna Collocation on Electrical Transmission Towers			15.24
7.06	Other Antenna			15.24
7.07	Wireless Support Structure which meets district height requirements			15.24
7.08	Stealth Wireless Facility which exceeds district height requirements			15.24
7.09	Wireless Support Structure which does not meet district height requirements up to and including 120’			15.24
7.10	Other Tower that exceeds 120’ in height			15.24
7.11	Emergency Response Communication Antenna			
8.01	Religious Assembly, Category 1		P	
8.02	Religious Assembly, Category 2		P	
8.03	Religious Assembly, Category 3		P[T200]	

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Use #	Specific Use	B1-DC	B1-DI	Reference
8.04	Club/Lodge, Category 1		P T75	
8.05	Club/Lodge Which Does Not Serve Alcohol			
9.01	Public colleges and universities			
9.02	Private colleges and universities			
9.03	Trade school			
9.04	High school			
9.05	Elementary school			
9.06	Boarding school			
9.07	College- or university-operated community enterprise	L	L	15.70
10.01	Child Daycare, Large			15.25
10.02	Child Daycare Center			15.25
10.03	Adult Daycare, Large			15.25
10.04	Adult Daycare Center			15.25
10.05	All Other Daycare			
11.01	Kennel			15.26
11.02	Veterinary Office/Hospital with Outdoor Kennels			15.26
11.03	Veterinary Office/Hospital without Outdoor Kennels	P	P	
11.04	Financial Institution ≤ 5,000 ft²	P	P	
11.05	Financial Institution > 5,000 ft²	P	P	
11.06	Restaurant ≤ 2,500 ft² open to the public during 10 pm – 6 am	P T125	P T200	
11.07	Other Restaurants ≤ 2,500 ft²	P	P	
11.08	Restaurant > 2,500 ft² open to the public during 10 pm – 6 am	PT125	PT200	
11.09	Other Restaurants > 2,500 ft²	PT75	PT75	
11.10	Restaurant ≤ 3,500 ft² open to the public during 10 pm-6 am			
11.11	Other Restaurants ≤ 3,500 ft²			
11.12	Bar			
11.13	ABC Store			
11.14	Personal Service Establishment open to the public during 10 pm – 6 am	P T125	P T125	
11.15	Other Personal Service Establishments	P	P	
11.16	Retail Store up to 5,000 ft²	P	P	
11.17	Retail Store more than 5,000 but less than 25,000 ft²	CD	P T300	
11.18	Retail Store 25,000 ft² and greater			15.27
11.19	Reserved			
11.20	Business or Professional Office open to the public during 10 pm–6 am	P T50	P T125	
11.21	Other Business or Professional Office	P	P	
11.22	Medical Office, Category 1	PT300	PT300	
11.23	Medical Office, Category 2	PT125	PT125	

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Use #	Specific Use	B1-DC	B1-DI	Reference
11.24	Medical Office, Category 3			
11.25	Medical Office, Category 4	P	P	
11.26	Hospital			
11.27	Medical Emergency Response		P T300	
11.28	Open Air Market, Recurring		L	15.29
11.29	Vehicle Sales and Service			15.30
11.30	Equipment Sales and Service			15.31
11.31	Moped Sales and Service		P	
11.32	Boat or Marine Craft Sales and Service			15.32
11.33	Impound Lot/Towing Service			15.33
11.34	Gas Station			
11.35	Car Wash			
11.36	Seasonal Retail Activities and Amusements	P	P	
12.01	Indoor Shooting Range			15.34
12.02	Outdoor Shooting Range			
12.03	Indoor Theater	P	P	
12.04	Outdoor Theater	P	P T125	
12.05	Event Venue, Category 1	P	P	
12.06	Event Venue, Category 2	P T50	P T50	
12.07	Event Venue, Category 3	P T200	P T200	
12.08	Campground and Recreational Vehicle Park			15.35
12.09	Coliseum			
12.10	Recreation Facility, Category 1	P	P	
12.11	Recreation Facility, Category 2			
12.12	Recreation Facility, Category 3			
12.13	Racetrack			
13.01	Garden, Community	L	L	15.36
13.02	Garden, Residential	L	L	15.37
13.03	Agricultural Operation Excluding Livestock			
13.04	Agricultural Operation Including Livestock			
13.05	Swine Farm			
13.06	Confined Animal Feeding Operation (CAFO)			
13.07	Custom Slaughterhouse			
13.08	Other Slaughterhouse			
13.09	Forestry	L	L	15.38
14.01	Microbrewery	L T125	L T200	15.39
14.02	Brewpub	L T75	L T125	15.39
14.03	Brewery/Distillery	?	?	15.40
14.04	Brewery/Distillery, Other	?	?	15.41
14.05	Winery Associated with a Vineyard			15.42
14.06	Winery			15.42
14.07	Winery, Other			

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Use #	Specific Use	B1-DC	B1-DI	Reference
14.08	Extraction of Earth Materials			
14.09	Machine/Welding Shop			15.44
14.10	Manufacturing, Other			15.45
15.01	Parking Lot	CD	CD	15.46
15.02	Parking Structure	CD	CD	15.47
15.03	Park and Ride Lots		CD	15.46
16.01	Self-Storage Facilities			15.48
16.02	Outdoor Storage			15.49
16.03	Warehouse			
16.04	Fuel Storage Facility			
16.05	Chemical Storage Facility			
17.01	Passenger Terminals			
17.02	Trucking or freight terminal ≤ 10,000 ft^2			
17.03	Trucking or freight terminal > 10,000 ft^2			
18.01	Recycling Drop-off Station			15.49
18.02	Recycling and Salvage			15.49
18.03	Junkyard			
18.04	Private Landfill			
19.01	Electronic and Internet Gaming			15.50
19.02	Adult Establishments			15.51

26.04.02 Table of Accessory Uses

Use #	Accessory Use	B1-DC	B1-DI	Reference
A-1	Secondary suite		L	15.52
A-2	Home occupation	L	L	15.53
A-3	Accessory dwelling unit		L	15.54
A-4	Drive-through			15.55
A-5	Outdoor display	L	L	15.56
A-6	Outdoor storage			15.57
A-7	Outdoor dining	L	L	15.58
A-8	Automated teller machine (ATM)	P	P	
A-9	Automated teller machine (ATM), freestanding	L	L	15.59
A-10	Produce stand			15.60
A-11	Poultry			15.61
A-12	Livestock, small			15.62
A-13	Livestock, large			15.63
A-14	Bees	L	L	15.64
A-15	Garden, residential	L	L	15.65

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Use #	Accessory Use	B1-DC	B1-DI	Reference
A-16	Satellite receiving antennas less than 1 meter in diameter	P	P	
A-17	Satellite receiving antennas less than 2 meters in diameter	P	P	
A-18	Satellite receiving antennas 2 meters and greater in diameter			
A-19	Helistop			
A-20	Swimming pools, spas, and hot tubs	L	L	15.66
A-21	Caretaker's residence			15.67
A-22	Vehicular gate	L	L	15.68
A-23	Vehicle washing station			
A-24	Chemical storage facility			
A-25	Open air market, accessory	L	L	15.29
A-26	Daycare, small	P	P	

26.04.03 Table of Temporary Uses

Use #	Temporary Use	B1-DC	B1-DI	Reference
T-1	Temporary care provider dwelling	L	L	15.69
T-2	Temporary construction or repair dwelling		L	15.69
T-3	Temporary construction trailer	L	L	15.69
T-4	Temporary mobile medical unit		L	15.69
T-5	Temporary classroom			15.69
T-6	Temporary portable storage containers	L	L	15.69
T-7	Temporary staging			15.69
T-8	Temporary non-fixed site event venue			15.69
T-9	Carrier on wheels (cow)	L	L	15.69
T-10	Yard sales		L	15.69
T-11	Itinerant merchant/peddler	L	L	15.69
T-12	Open air market, temporary	L	L	15.69
T-13	Temporary Use 9.01 Public Colleges and Universities			15.69

26.05 District Standards. Development within the B1 zoning districts is exempt from the requirements of UDO Article 43 except where provided herein.

26.05.01 Minimum Lot Size. The minimum lot size for any property located within a B1 zoning district shall be xxx square feet and is further regulated by UDO Subsection 43.02.

26.05.02 Minimum Lot Width. The minimum lot width for any property located within a B1 zoning district shall be 40 feet (40') and is further regulated by UDO Subsection 43.03.

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26.05.03 Minimum Street Frontage Width. The minimum street frontage width for any property located within a B1 zoning district shall be 32 feet (32') and is further regulated by UDO Subsection 43.04.

26.05.04 Minimum Building Footprint. A minimum building footprint of fifty percent (50%) of the lot or parcel is required.

26.05.05 Setbacks.

Table 26.04.05

District	Street Setback	Interior Setback
B1 Downtown Core	See Subsection 26.04.02(A)	0'
B1 Downtown Interface	See Subsection 26.04.02(B)	0'

A. Buildings in the B1 Downtown Core District shall be constructed to the build-to line. The build-to line is the back of the required public sidewalk or the back of the street right-of-way along the primary public way. The building may be set back further if the area created by an additional setback is designated as plaza space and/or landscaped greenspace that retains the intended connection between the publicly accessible pedestrian realm and ground-level internal portions of the building.

B. Buildings in the B1 Downtown Interface District shall be subject to a minimum 15' street setback, measured from the back of the required public sidewalk. Additional setback is allowed if the area created by an additional setback is designated as plaza space and/or landscaped greenspace that retains the intended connection between the publicly accessible pedestrian realm and ground-level internal portions of the building.

C. Whenever a lot in either a B1 Downtown Core or B1 Downtown Interface District has a common boundary line with a lot in adjacent zoning district, the interior setback requirement applicable to the B1 lot shall be the minimum set forth for the adjacent lot.

D. As used in this Section, the term "building" includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:

1. Retaining walls which exceed four feet (4') in height.

26.05.06 Orientation. The primary façade and the main building entry shall face the primary public way.

A. Secondary facades shall contain a building entry similar in design and size to the main building entry.

26.05.07 Height. Development in the B1 zoning districts are exempt from the requirements of UDO

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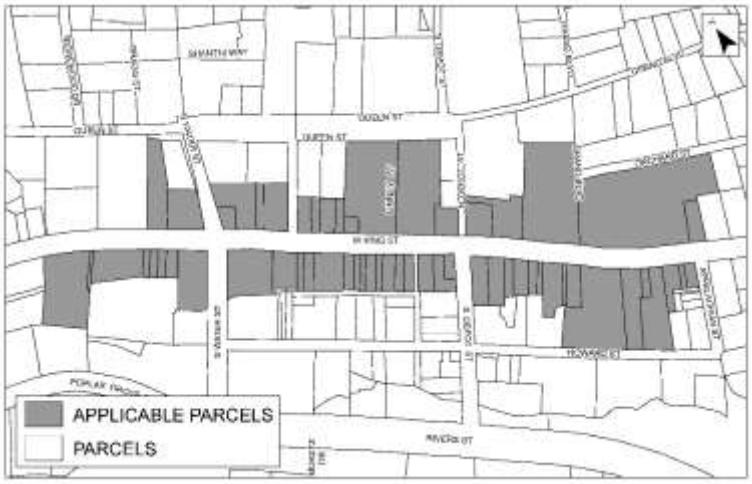
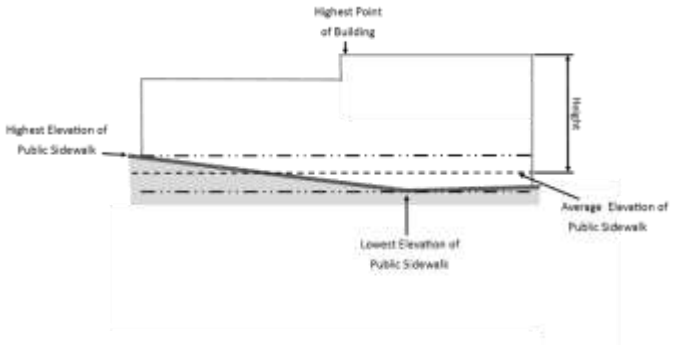
A. Building Height by Location:

1. King Street



a. Buildings which front on King Street as shown on the map above are limited to thirty feet (30'), as measured from the average elevation of the existing or proposed public sidewalk facing King Street to the highest point of the building or structure.



b. Buildings which front King Street on corner lots shall be limited to thirty feet (30'), as measured from the average elevation of the existing or proposed public sidewalk facing King Street to the highest point of the building or structure.

c. Buildings which front on King Street as shown on the map above and Howard Street are limited to thirty feet (30') at the King Street elevation, and thirty-three feet (33') at the Howard Street elevation. Building height shall be measured from the average elevation of the existing or proposed public sidewalk facing the street to the highest point of the building or structure subject to the limitations below. The building height limitation for the King Street elevation may extend horizontally from the building frontage on King Street toward Howard Street not more than 75% of the lot length.

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d. Buildings which front on King Street as shown on the map above and Queen Street are limited to thirty feet (30') at the King Street elevation, and thirty-three feet (33') at the Queen Street elevation. Building height shall be measured from the average elevation of the existing or proposed public sidewalk facing the street to the highest point of the building or structure. The applicable building height shall apply for each street and the building height limitation shall terminate at the midpoint of the lot.

2. Buildings fronting streets in the B1 Downtown Core and Downtown Interface Districts, outside of the area governed above, are limited to thirty-three feet (33'), as measured from the average elevation of the existing or proposed public sidewalk facing the street to the highest point of the building or structure containing the primary entrance.

3. Buildings in the B1 Downtown Core and Downtown Interface Districts located on interior lots with no street frontage are limited to thirty-three feet (33'), with height being the vertical distance measured from the average elevation of the finished grade at the primary façade of the building to the highest point of the building or structure.

B. Building Height Limitations:

1. Flat roofs shall be capped by parapets- of sufficient height to screen rooftop equipment and equipment penthouses from view when standing at ground level twenty feet (20') from the structure.

   a. The building height limitations for buildings on King Street governed by Subsection 16.08.04(A)(1) above shall include parapet walls.

   b. The building height limitations for buildings governed by Subsections 16.08.04(A)(2) and 16.08.04(A)(3) above shall not include parapet walls so long as the parapet walls do not exceed 4' above the maximum building height of thirty-three feet (33'). The height of parapet walls above 4' shall be counted toward the building height.

2. An existing building may not be demolished and replaced with a building of greater height unless approved under the Conditional District Zoning Map Amendment set forth in Article 9 herein.

   a. The height of existing buildings may not be increased unless approved under the Conditional District Zoning Map Amendment process set forth in Article 9 herein.

   b. Addition or modification of the features exempted in Subsection 16.08.08 do not trigger the requirement for the Conditional District Zoning Map Amendment process.

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C. Where a multi-family or nonresidential structure has a height in excess of 20' and adjoins a low density residential district, the structure shall meet an additional setback of one and one-half feet for each foot in height above 20'.

D. The following features are not included in calculating the height of a structure for the purposes of applying the district height limitations set forth in in this Article, except that on a corner lot in any residential district no planting, structures, fence, wall or obstruction to vision more than three feet in height measured from the street center line shall be placed or maintained within the triangular area formed by the intersection street lines and a straight line connecting points on said street lines each ~~i~~of which is 25 feet from the point of intersection.

1. Belfries, chimneys, church spires, cupolas, domes and similar structural appendages not intended or used as places of storage or occupancy; and
2. Accessory antennas, flagpoles, solar collectors and similar equipment fixtures and devices provided that such features do not exceed 15% of the maximum height requirements; and
3. Except as provided at 16.08.04(B)(2), parapets which do not exceed five feet (5') past the maximum building height; by way of clarification, the height of parapets above 5' shall be counted toward the building height for purposes of applying building and
4. Elevator and mechanical equipment and penthouses; and
5. Utility transmission poles and cables; and
6. Limited structures to enable recreation uses of open rooftops. As used in this provision, "limited structure" does not include areas that are simply decking to be used for standing or sitting.
7. The features listed above are exempt from the height limitations subject to the following requirements:
   a. Not more than one-third (1/3) of the total roof area may be consumed by such features.
   b. The features must be set back from the edge of the roof at primary and secondary facades a minimum of one foot for every foot which such features extends above the roof surface to which they are attached.

26.05.08 Rhythm and Proportion

A. Because rhythm and proportion are critical elements in an architectural composition, it is vital that applicants understand and employ these principles when planning and designing additions and new construction. By following these principles, a project is more likely to achieve compatibility with the historic context of the downtown area. The principles of rhythm and proportion—which may refer to an individual building on one lot or several buildings that comprise

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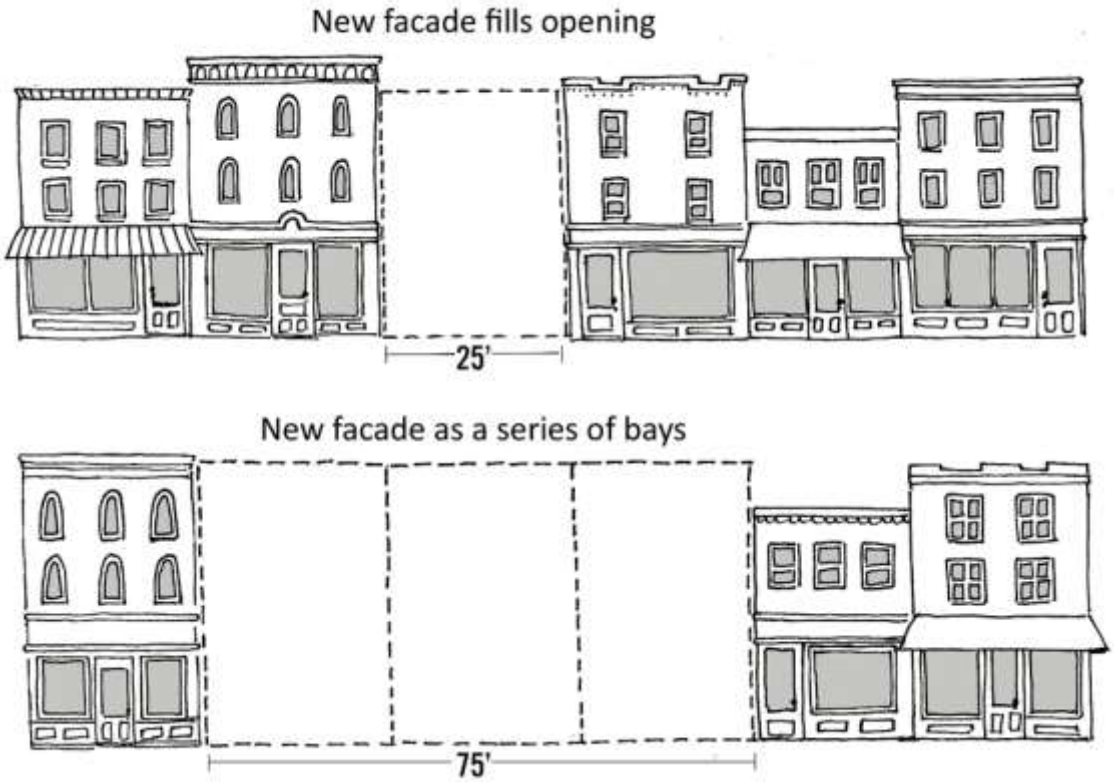
a streetscape—are important to ensuring that renovations, additions and new construction projects are compatible with the surrounding neighborhood.

B. Rhythm refers to the regular, or rhythmic, occurrence of building elements such as windows and doors across a facade. Rhythm also refers to the pattern of buildings along a street.

~~**B.**~~**C.** Proportion refers to a relationship between building elements with respect to size and/or quantity. Proportion also refers to the height of a building in relation to its width and the dimensions of the structure in relation to the dimension of nearby buildings.



D. Larger buildings shall be designed to create an overall design that is consistent with the proportions and rhythm of nearby historic buildings. Often new buildings are proposed for construction on sites much larger than the traditionally smaller sized lots in downtown. These new structures can translate into buildings whose mass and scale overwhelm neighboring existing buildings. Therefore, new construction must employ design techniques to reduce its visual presence with respect to the existing buildings in the immediate context. Varied façade wall planes, stepped-back upper levels and irregular or additive massing help mitigate the impact of larger buildings on the existing area. The foregoing and/or the following design techniques shall be employed to create an overall

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building design that is consistent with the proportions and rhythm of nearby buildings:

1. Varying the surface planes of large buildings is a way to make the structure more consistent with the design of smaller-scaled historic structures in the surrounding area. In order to successfully mitigate the impact of a larger building the difference between the surface planes may be a little as one foot or greater than ten feet.

2. Breaking up the roofline of a large building into smaller components may help the perceived mass of large buildings.

~~1.~~3. Where necessary and appropriate, creating bay divisions on the façades of large buildings allows the building to reflect the massing of smaller-scaled historic structures.

26.06 Design Standards

26.06.01 Purpose.

A. For purposes of this Section the term "historic" shall mean any building, building material, or feature fifty years or older as of May 1, 2018.

B. Development in the B1 districts are exempt from following the requirements set forth in UDO Article 50 Community Appearance Standards except as set forth herein.

C. This section does not apply to any dwelling regulated under the North Carolina Residential Code for One- and Two-Family Dwelling.

26.06.02 Applicability. This section is applicable to the primary and secondary facades and to any other publicly visible portions of building elements as defined in UDO Subsection 50.01.01.

26.06.03 Compatibility with Existing District. For purposes of this Article, when a development standard requires an element to be "similar or compatible", the applicant shall reference the following group of buildings:

A. These buildings have been determined to be similar or compatible with one another in terms of rhythm and proportion for the fenestration of the buildings:

B. These buildings have been determined to contain

26.06.03 Design Standards for New Construction and Additions

A. Purpose. The purpose of this section is to provide standards for the design of new building construction in the B1 districts in order to retain the historic context of the area while providing new opportunities for design. While new building design must be sympathetic to existing buildings in the B1 Downtown Core, it is also important to respect the traditional qualities that make downtown unique, such as use of storefront detailing and choice of materials. Applicants

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shall use the design elements that pay tribute to what was historically present in Boone's architecture.

~~A.~~B. Architectural Features.

1. Inclusion of the following architectural features will assist in the determination that a design is sympathetic or compatible with the area:

   a. First floor display windows.

   b. All entrance doors shall be recessed so that any door will not extend past the front of the building.

   c. Transoms or clerestory windows above doors and windows.

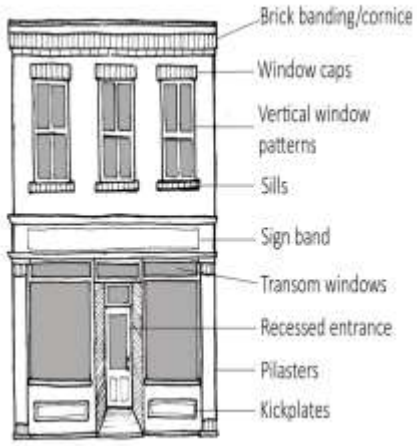
   d. Cornices

   e. Decorative Masonry Elements:

      i. Belt course: a course of bricks which runs the entire length of the façade and is laid in a pattern different to the stretcher or common course (examples include soldier or sailor course).

      ii. Stone belt course: a course of stone (such as granite) which runs the entire length of the façade and is in a different material that the remainder of the façade.

      iii. Masonry lintels or sill



2. The features below will assist with contributing to the determination that a building is sympathetic or compatible but to a lesser degree than the list above:

   a. Kick plates when used as base to the windows and the entrance doors along a façade.

   b. Angled entrances on corners,

   c. Vertical window patterns and shapes between upper stories,

   d. Pilasters of decorative brick or stone,

   e. Friezes and fascia's,

   f. Medallions,

   g. Sunbursts,

   h. Corbels,

   i. Decorative molding

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1. **B1 Downtown Interface District.** Additional contemporary architectural features allowed within the B1 Downtown Interface District that are not allowed within the B1 Downtown Core District include but are not limited to:

    a. Large glass windows on upper floors

    b. Metal detail and metal roof elements

    c. Accordion or garage-style window/doors

C. Fenestrations

1. The rhythm and placement of window and door openings shall be designed to be similar or compatible with the group of buildings listed below (primary facades only):

    a. 630 West King Street (Mast Store)

    b. 593-603 West King Street (Former PNC Bank building)

    c. 683-685 West King Street (Former Did Someone Say Party building)

    d. 607 West King Street (Highway Robbery building)

    e. 659-661 West King Street (Farmers Hardware building)

2. Window and door openings shall be sized and proportioned to be similar to or compatible with the group of buildings listed in Subsection (C)(1) above.

    a. Additional guidance: commercial storefronts shall have more horizontal window openings and a higher ratio of window-to-wall than the upper stories of the same building.

3. All buildings shall have continuous storefront windows along all primary and secondary facades.

    a. The bottom of windows must be no more than 30 inches above the sidewalk.

    b. The top of windows should be no less than 8 feet above the sidewalk.

        i. Windows should not exceed 90% of the façade area of the first floor.

        ii. Windows on upper floors should cover 30-70% of the façade, as detailed below.

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4. The use of clear or lightly-tinted colored glass on windows and doors (minimum 70% VLT) is required. Spandrel glass is prohibited.

D. Façade Materials. The use of construction materials that are compatible in color, texture, finish and dimension to those commonly found in the district are required. Materials shall be highly durable and easily maintained, especially at the pedestrian level.

1. Acceptable Field Materials:

   a. Acceptable building materials are historic materials found on one or more historic buildings on the same block or block across the street. Applicants may use a compatible substitute material that can reproduce the overall appearance and aesthetic of the historic material.

   b. Real brick consistent in color, size, texture, and mortar with historic brick buildings in the B1 Downtown Core District.

   c. Real stone consistent in color, size, and mortar with historic stone buildings in the B1 Downtown Core District.

   d. Stucco finishes are not allowed on primary or secondary facades but are allowed on other façades so long as the stucco reflects historic examples found in the B1 Downtown Core District and is not the primary building material.

2. Acceptable Trim Materials: The following are the only acceptable materials for trim features and accents:

   a. Acceptable building materials are historic materials found on one or more historic building on the same block or block across the street.

   b. Brick or natural stone, unglazed and unpainted.

   c. Wood details (Allowable wood detailed in 2012 NC Building Code, Appendix D)

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d. Finished painted metal or sheet metal

e. Copper

f. Ceramic tiles

g. Brick, Clay, or Ceramic Pavers

h. Concrete and stone as lintels

i. Embossed, corrugated or metal embellishments

j. Concrete, stone, or brick caps or cornices

3. Prohibited Materials: The following exterior building materials are prohibited:

a. Fiber-cement, metal, wood or

b. Aluminum trim

c. Vinyl siding or vinyl trim

d. FRC, PVC composites

e. Glass Curtain Walls

f. Concrete Blocks

g. Mirrored Glass

h. Plexi-glass

i. Concrete simulated brick or stone (cultured stone)

j. Stacked stone with no mortar

k. Thin-stacked stone

4. Exceptions for prohibited materials: An otherwise prohibited material may be used in an addition if the applicant demonstrates that the same material was a historic material used for the existing building.

E. Color

1. Colors outside of field materials can only be applied to cornice, door and window trim, awnings, canopies, and kickplates.

2. Colors shall be chosen from the Benjamin Moore Historical Collection series or equivalent.

F. Roofs: Historically, most of Boone's downtown commercial buildings had flat roofs. This theme should be carried forward in new construction and additions using the following guidelines:

1. The roof planes should be hidden from view on the façade, and rooflines should be decorated using historic decorative details. Use historic photographs and/or neighboring buildings as a guide.

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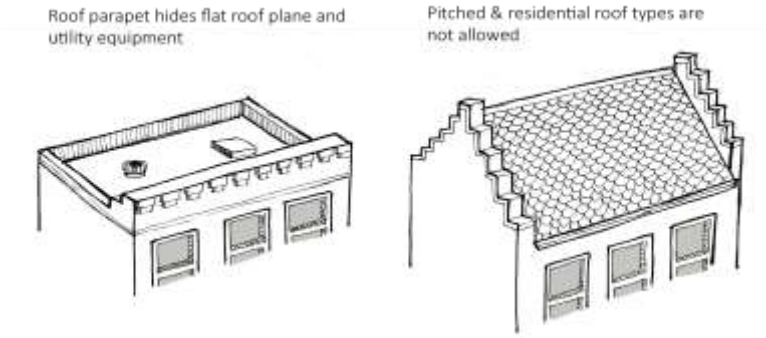
2. Any mechanicals on the roof of the building must be shielded by the parapet wall. Mechanical shielding via screening is prohibited.

3. Tile roof coping is required in the B1 Downtown Core District and encouraged in the B1 Downtown Interface District.

4. Residential roof types are prohibited.

5. Pitched roofs are prohibited, with the exception of decorative roof elements such as clock towers and cupolas.



G. Awnings and Canopies: Awnings and canopies shall be designed in relationship to the historic context of the surrounding district. Acceptable awning and canopy styles are listed below:

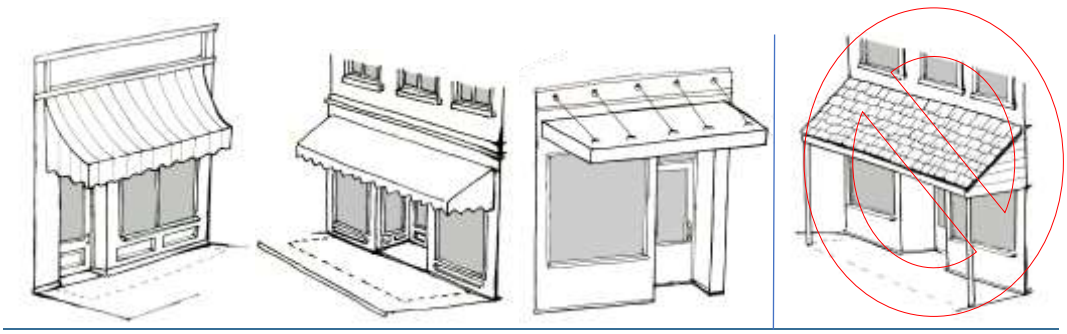
1. Metal frame covered with material appropriate to climate (i.e. UV protected canvas)

2. Cable-hung

3. Decorative wood frame with metal roofing; copper (allowable wood detailed in 2012 NC Building Code, Appendix D)

4. Vertical supports that interrupt the sidewalk are prohibited, as detailed in Figure 15.

5. Awnings and canopies that are illuminated from within must be covered or finished with fully opaque materials.



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H. Additions:

1. New additions should be designed and constructed so that the character-defining features of a building are not radically changed, obscured, damaged, or destroyed in the process of rehabilitation. New design should always be clearly differentiated so that the addition does not appear to be part of the original building.
2. Exterior materials for additions shall be compatible with those in the original building.
3. The addition should complement the scale, massing, materials, and window spacing of the adjacent building(s).
4. Keep the addition clearly differentiated from the existing building. Do not attempt to duplicate form, material, style, wall plane, roofline, cornice height.

26.05.04 Design Standards for Renovation of Existing Buildings.

A. ~~General Considerations~~Purpose**:** A building may need renovation for a number of reasons. A building may be in poor condition, or may have been insensitively remodeled in the past. Similarly, certain changes may be desired in order to add either modern conveniences to a building or to bring the building up to current building code standards. Renovations to existing historic buildings shall be consistent with ~~the following~~ guidelines set forth herein~~:~~.

~~A.~~ Distinctive or historic materials, features, finishes, construction techniques or examples of building craftsmanship of a building shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property shall be avoided.

~~i.~~**B.** Applicants shall identify, retain and preserve masonry features that are important in defining the overall historic character of the building (such as but not limited to, walls, brackets, railings, cornices, window and door surrounds, steps and columns) and decorative ornament and other details, such as tooling and bonding patterns, coatings and color.

~~ii.~~**C.** Applicants shall identify, retain and preserve wood features that are important in defining the overall historic character of the building (such as but not limited to, siding, cornices, brackets, window and door surrounds, and steps) and their paints, finishes and colors.

~~iii.~~**A.** Applicants shall identify, retain and preserve storefronts and their functional and decorative features that are important in defining the overall historic character of the building. The storefront materials (including wood, masonry, metals, ceramic tile, clear glass, and pigmented structural glass) and the configuration of the storefront are significant, as are features, such as but not limited to, display windows, base panels, bulkheads, signs, doors, transoms,

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kick plates, corner posts, piers, and entablatures. The removal of inappropriate, non-historic cladding, false mansard roofs, and other more recent, non-historic or insignificant alterations can help reveal the historic character of the storefront. If the original façade has been covered, every effort should be made to uncover it if it is structurally feasible.

B. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinct feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence and shall only be replaced with new materials that match the existing historic material in composition, size, shape, texture, pattern, color and detail.

C. Brick and stone were the predominant building materials used in downtown. Materials that are not visually compatible with the original façade, such as shiny metals, mirror glass, plastic panels, and vinyl windows or doors are prohibited, unless they can be documented through historic images or other documentation.

~~a.~~**D.** ~~Acceptable Building Materials:~~ A historic material found on the existing building used for the same purpose or location will be found to be acceptable. Where necessary or desirable due to lack of historic materials, equivalency of alternative materials, or other reasons demonstrated to the satisfaction of the Administrator, applicants may use a compatible substitute material that reproduces the overall appearance and aesthetic of the historic material.

~~A.~~**E.** Non-historic buildings (building built less than fifty years ago) in the B1 shall be renovated in accordance with the standards set forth in Subsection xxxx.

F. Coordinate color selections with the original colors of the building, the natural color existing in the present building materials (brick, limestone, granite, etc.), and colors used on adjacent buildings and throughout the district. The dominant colors within the district tend to be the muted brick reds and stone tans of existing masonry. Colors chosen for color schemes should complement the natural colors that already exist in the building and its immediate surroundings.

1. As a general rule in determining whether or not to paint a building or building features, it is best to paint only materials that have been previously painted.
2. Do not paint masonry that is not painted.
3. If paint removal is not structurally feasible and the body of a masonry building must be repainted, the paint color selected should be similar to the natural color of the masonry, or the existing color the masonry is painted.
4. Likewise, when previously painted brick or stone trim, such as window lintels or sills must be repainted, they should be painted a color to match

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the natural color of the material, or the existing color the masonry is painted.

~~1.~~5. Colors should be used primarily on wood trim such as window frames, storefront frames, and bulkheads, not on masonry details; refer to Figure 11. Introducing an accent paint color on decorative brick, limestone, or pressed metal details, causes the details to be accented which makes the buildings appear less homogenous than the original design intent, this should not be done.

6. Colors must be chosen from the Benjamin Moore Historical Collection or equivalent.

G. Awning and Canopies: Awning and canopies should only be installed in cases where their use can be historically documented use can be historically documented in relationship to the historic context of an existing building and/or the surrounding district. In these instances, their design should be complementary to the shape and color of the building façade. Existing awnings and shed roof porticos on historic properties should be evaluated for their historical accuracy. In those cases where they are not appropriate, they should be removed and the original building façade appearance and orientation restored. Shed roof porticos designed to suggest a "mountain village" appearance are not historically appropriate to Boone and are prohibited in renovations. Acceptable awning and canopy styles are listed below:

1. Metal frame covered with material appropriate to climate (i.e. UV protected canvas)
2. Cable-hung
3. Decorative wood frame with metal roofing; copper (allowable wood detailed in 2012 NC Building Code, Appendix D)
4. Vertical supports that interrupt the sidewalk are prohibited, as detailed in Figure 15.
5. Awnings and canopies that are illuminated from within must be covered or finished with fully opaque materials.

26.05.05 Fencing

A. Decorative fencing is permissible within the B1 downtown districts. Decorative fencing is not fencing required to meet any other requirement within the ordinance.

B. Materials:

1. Chain link, solid, barbed, razor wire, plastic, cloth, or electrified fences are prohibited in the B1 zoning districts.
2. Fences materials may be of coated aluminum, wrought iron, or welded steel.

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3. Solid fence pillars are allowed and if used, shall be made of the same brick or rock used on the principal structure.

4. The fence must be installed with the decorative side facing out.

C. Height:

1. Fences less than fifteen feet from any public way including streets, sidewalks, alleys, and greenways shall not exceed forty-two inches (42") in height and shall be screened with evergreen planting materials so than no more than ½ of the surface area will be visible from the public way.

2. Fences over fifteen feet from any public way including streets, sidewalks, alleys, and greenway may not exceed six feet (6') in height and shall be screened with evergreen planting materials so that no more than ½ of the surface area will be visible from the public way.

26.05.06 Retaining Walls and Other Stand-Alone Walls

A. All publicly visible retaining walls within a B1 zoning district shall be faced with the same brick or rock that is used on the principal structure and shall meet all other requirements of UDO Section.

B. All other retaining walls within a B1 zoning district shall meet the requirements of UDO Section….

C. Stand-alone walls shall meet the setback and design standards for primary facades.

26.06 Landscaping

26.05.01 NEEDS WORK

1. **No landscaping required in the B1 Downtown Core except for 4**
2. **Landscaping required in B1 Downtown Interface**
   - **Overstory shade trees within parking lots**
   - **Overstory shade trees within landscaped courtyards/plaza space along primary public way**
3. **Full landscape buffers required where a lot in a B1 zoning districts abuts a lot in another zoning district. Shall meet the full buffer requirements set forth in UDO…**

26.07 Sidewalks

NEEDS WORK

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Article 27 B2 Neighborhood District

Article 28 B3 General Business

Article 29 OI Office/Institutional

Article 30 WD Wellness District

Article 31 Reserved

Article 32 Reserved

Article 33 U1 University District

Article 34 E1 Educational District

Article 35 E2 Educational District

Article 36 E3 Educational District

Article 37 Reserved

Article 38 Reserved

Article 39 M1 Manufacturing District

Article 40 Reserved

Article 41 Reserved

Article 42 Supplemental Use Standards

These articles will be formatted similarly to Article 26. Town Council approval is needed before additional work is done on these articles.

Note: This Article now contains the remainder of former Article 15 and just covers the supplemental use regulations for the specific uses identified in the Tables of Principal, Accessory and Temporary Uses.

42.01 Manufactured Home (Class A and Class B)

42.01.01 Manufactured Home "Class A" is a structure, constructed after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, transportable in one or more sections, which in the traveling mode is eight feet (8') or more in width, or forty feet (40') or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with a continuous permanent masonry foundation (not pierced except for required ventilation and access) and connected to the required utilities for systems contained therein and satisfies the following criteria:

A. The pitch of the home's roof is a minimum vertical rise of one foot (1') for each five feet (5') of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;

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B. The exterior siding consists of wood, hardboard, aluminum, or vinyl covering, with reflectivity in no case exceeding the reflectivity of gloss white paint, comparable in composition, appearance, and durability to the exterior siding compatible with standard residential construction; and

C. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

42.01.02 Manufactured Home "Class B" is a structure, constructed after June 15, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, transportable in one or more sections, which in the traveling mode is eight feet (8') or more in width, or forty feet or more (40'±) in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without a continuous permanent masonry foundation (not pierced except for required ventilation and access) and connected to the required utilities for systems contained therein, but that does not satisfy the criteria necessary to qualify as "Class A" (10.01.02-A). Skirting is required for "Class B" manufactured homes.

42.02 Manufactured Home Park

42.02.01 Plan Requirements: In addition to the other plan requirements of the Ordinance, an applicant for a Zoning Permit to establish a manufactured home park must submit a detailed plan which specifies the following:

A. Name of the manufactured home park (approval required by Fire Marshall)

B. Location and dimensions of every manufactured home space, including total number of spaces ; and

C. Location and dimensions of every street (street names required for approval by the Fire Marshall) and vehicle accommodation area; and

D. Recreation Space; and

E. Landscape buffers; and

F. Office location; and

G. Storage building(s) utilized by the park.

42.02.02 General Requirements for the Manufactured Home Park

A. There shall be at least one (1) entrance sign identifying the park which meets the requirements of Article 26.

B. There shall be a designated office which may be a manufactured home.

C. There shall be a designated space on the grounds for mail service for the residents of manufactured home park.

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D. Storage buildings utilized by the park for materials and equipment must be located a minimum of twenty-five feet (25') from any residential unit within the park and a minimum of twenty-five (25') feet from any property line.

E. Streets:

1. No individual manufactured home space may have direct vehicular access to a public street.
2. Access to each manufactured home space must be provided by a private street constructed to the standards as set forth in Article 23.
3. All streets in the manufactured home park intersecting another street shall have a stop sign that conforms to the NC Department of Transportation specifications.
4. Each street shall have a permanent street sign installed with an approved (Fire Marshall approval required) designated name identifying each street.

F. Parking:

1. Two (2) off-street parking spaces must be provided within each manufactured home space.
2. Parking spaces shall be constructed to the standards as set forth in Article 24 Parking.
3. Off-street parking areas shall be at least four feet (4') away from any unit.
4. An applicant may utilize on-street parking if the private street within the manufactured home park is designed and constructed to accommodate on-street parking.
5. A combination of off-street and on-street parking is allowed.

G. All manufactured home spaces must be set back at least twenty-five feet (25') from all public right-of-ways and property lines.

H. Landscaping for the manufactured home park shall be provided in accordance with Article 31 Landscape Standards.

I. Recreation space:

1. A minimum of 5% of the parcel shall be provided as recreation space for residents of the park.
2. In general, required recreation space shall have a least dimension of twenty-five feet (25), an average dimension of fifty feet (50'), and a minimum area of 2,500 square feet. Smaller dimensions are acceptable if:
   a. Less than 2500 square feet of recreation area is required, or
   b. The recreation area is a suitably improved roof area or enclosed floor area, or
   c. The anticipated needs of the residents require smaller facilities, such as tot lots or shuffle board courts, or

1. The dedication of a greenway easement may be used to satisfy the requirements for recreational space.
2. Outdoor recreation area for common use should be located twenty feet (20') or more from any residential windows at the same general level.

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3. Recreation areas shall be maintained in a safe and sanitary manner.

J. Utilities:

1. All utilities must be installed underground in accordance with Article 22.
2. The source of the water supply system shall be the public water system.
3. The source of the sewer system shall be the public sewer system.
4. Solid waste and recycling enclosures shall be provided in accordance with Section 22.13.

K. The park operator must maintain a register containing a record of all occupants. The register must contain the following information:

1. Name, address, and space number of each occupant; and
2. The date the manufactured home entered the park.

L. Recreational vehicles shall not be used for residential purposes.

M. Maintenance:

1. Grounds and buildings of the manufactured home park shall be kept free of debris, trash, and litter to prevent the infestation of rodents, flies, mosquitos, and other pests.
2. Grounds within the manufactured home park, including manufactured home spaces, shall be maintained to prevent the growth of ragweed, poison ivy, poison oak and other weeds.
3. Grounds within the manufactured home park shall have proper drainage to prevent the accumulation of water.

42.02.03 General Requirements for the Manufactured Home Space

A. Each manufactured home must be placed and maintained in accordance with the plan filed in accordance with Subsection 15.09.01.

B. No more than one manufactured home may be parked or set up in a manufactured home space.

C. Each space must be graded and grassed to prevent erosion and provide adequate storm drainage away from the manufactured home.

D. Each space shall have a solid surface where the home will be placed.

E. Each manufactured home space shall be clearly established on the ground by permanent monuments or markers.

F. Each manufactured home dwelling must be set up in accordance with the standards established by NC Department of Insurance and a Certificate of Occupancy shall be obtained.

G. Setbacks:

1. The manufactured home (and any additions) must be set back at least ten feet (10') from the edge of the private street pavement.
2. The manufactured home (and any additions) shall be set back from any other manufactured home within the manufactured home park by twenty feet (20').

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3. The manufactured home (and any additions) must be set back at least ten feet (10') from the rear of the manufactured home space.

H. No manufactured home may extend beyond its own manufactured home space.

I. Manufactured home additions: Prefabricated structures specifically designed by the manufactures as extensions and any other additions meeting NC Building Code may be added to any manufactured dwelling, provided that the minimum setback between the homes of twenty feet (20') can be met and the proper Zoning and Building Permits are obtained.

J. All entrances/exits of the manufactured home shall have steps.

K. Accessory storage buildings are permissible on a manufactured home space provided:

1. Accessory storage buildings must be fully contained on the manufactured home space for which the storage building is intended.
2. Accessory storage buildings shall be located to the rear of the manufactured home space and in no case shall the accessory building extend past the manufactured home toward the street.
3. Accessory buildings shall be setback a minimum of five feet (5') from the manufactured home and a minimum of seven feet (7') from any manufactured home space boundary.

42.02.04 Existing Manufactured Home Parks: Compliance of the existing manufactured home parks with the requirements of this Ordinance shall be triggered by the costs of any site improvements within the manufactured home park.

A. For purposes of complying with Article 6, the simple act of replacing one manufactured home with another does not trigger the required site improvements except in cases of manufactured homes located in Special Flood Hazard Areas.

NOTE: The rest of the article continues with new formatting. Staff provided a small amount of reformatted text so the Commission could understand how the new Article worked.

Article 43 General Development Standards

43.01 ~~Schedule of~~ Land Use Intensity Regulations

43.01.01 Unless otherwise specified, development ~~in the following zones~~ shall comply with the intensity regulations indicated ~~in the following Intensity Table~~.

A. Unless otherwise provided in this Ordinance, the land use intensity regulations for architecturally integrated subdivisions shall apply to the development as a whole and not to individual parts thereof.

B. ~~In the B1 Zoning District, a minimum "Building Footprint" of fifty percent (50%) of the lot or parcel area is required. All other regulations in the Intensity Table apply~~.

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~~16.01.02 Intensity Table~~

~~Zoning District~~	~~Minimum Gross Land Area~~	~~Minimum Lot Width~~	~~Minimum Street Frontage~~	~~Minimum Livability Space Ratio* (LSR)~~	~~Minimum Setbacks~~	
					~~Street~~	~~Interior~~
~~Residential Zoning Districts~~						
~~RA No Public Water & Sewer Available~~	~~20,000 sq. ft.~~	~~100 ft.~~	~~80 ft.~~	~~.65~~	~~20 ft.~~	~~18 ft.~~
~~RA Public Water Available~~	~~15,000 sq. ft.~~	~~80 ft.~~	~~64 ft.~~	~~.65~~	~~20 ft.~~	~~18 ft.~~
~~RA Public Water & Sewer Available~~	~~10,000 sq. ft.~~	~~65 ft.~~	~~52 ft.~~	~~.65~~	~~20 ft.~~	~~14 ft.~~
~~R1~~	~~8,000 sq. ft.~~	~~70 ft.~~	~~56 ft.~~	~~.53~~	~~20 ft.~~	~~14 ft.~~
~~R1A~~	~~8,000 sq. ft.~~	~~70 ft.~~	~~56 ft.~~	~~.53~~	~~20 ft.~~	~~14 ft.~~
~~RR~~	~~6,000 sq. ft.~~	~~70 ft.~~	~~56 ft.~~	~~.48~~	~~20 ft.~~	~~13 ft.~~
~~R2~~	~~6,000 sq. ft.~~	~~70 ft.~~	~~56 ft.~~	~~.48~~	~~20 ft.~~	~~13 ft.~~
~~R4~~	~~6,000 sq. ft.~~	~~70 ft.~~	~~56 ft.~~	~~.48~~	~~20 ft.~~	~~13 ft.~~
~~R3~~	~~5,000 sq. ft.~~	~~80 ft.~~	~~64 ft.~~	~~.40~~	~~20 ft.~~	~~13 ft.~~
~~MH~~	~~87,120 sq. ft.~~	~~None~~	~~56 ft.~~	~~.51~~	~~20 ft.~~	~~20 ft.~~
~~Commercial/Industrial Zoning Districts~~						
~~OI~~	~~10,000 sq. ft.~~	~~100 ft.~~	~~80 ft.~~	~~.27~~	~~20 ft.~~	~~17 ft.~~
~~B1~~	~~5,000 sq. ft.~~	~~15 ft.~~	~~12 ft.~~	~~None~~	~~Refer to Section 16.06.02~~	~~Refer to Section 16.06.04~~
~~B2~~	~~5,000 sq. ft.~~	~~50 ft.~~	~~40 ft.~~	~~.27~~	~~20 ft.~~	~~17 ft.~~
~~B3~~	~~5,000 sq. ft.~~	~~50 ft.~~	~~40 ft.~~	~~.27~~	~~20 ft.~~	~~17 ft.~~
~~M1~~	~~17,000 sq. ft.~~	~~80 ft.~~	~~64 ft.~~	~~.3~~	~~20 ft.~~	~~22 ft.~~
~~Educational Zoning Districts~~						
~~U1~~	~~None~~	~~None~~	~~None~~	~~.27~~	~~Refer to Section 16.06.09~~	~~Refer to Section 16.06.08~~
~~E1~~	~~5,000 sq. ft.~~	~~50 ft.~~	~~40 ft.~~	~~.27~~	~~20 ft.~~	~~17 ft.~~
~~E2~~	~~5,000 sq. ft.~~	~~50 ft.~~	~~40 ft.~~	~~.27~~	~~20 ft.~~	~~17 ft.~~
~~E3~~	~~5,000 sq. ft.~~	~~50 ft.~~	~~40 ft.~~	~~.27~~	~~20 ft.~~	~~17 ft.~~

~~*LSR is a ration where the numerator is the square footage of Livability Space and denominator is the square footage of the entire parcel~~

~~16.01.03~~ 43.01.02 Where a lot is located in more than one zoning district, the appropriate land use intensity ratios shall be applied individually to each portion of the gross land area located within the different districts.

43.02 Gross Land Area

~~16~~43.02.01 When a lot is located in more than one zoning district, the minimum square footage of the lot shall be the sum of the square footage derived by multiplying the minimum square footage required for each represented district by the proportion of the lot located within that district.

~~16~~43.02.02 The area within the street right-of-way may not be used to satisfy lot area requirements.

43.03 Minimum Lot Widths

~~16~~43.03.01 No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

A. Could be used for purposes that are permissible in that zoning district, and
B. Could satisfy any applicable setback requirements for that district.

~~16~~43.03.02 Where a lot fronts two (2) or more streets, the minimum lot width requirement shall be considered met if the lot width at the street setback from any one of such streets meets the minimum lot width requirement.

~~16~~43.03.03 No lot created after the effective date of this Ordinance that is less than the required width shall be entitled to a variance from any building setback requirement.

43.04 Minimum Street Frontage Widths

~~16~~43.04.01 The minimum width of the frontage of a lot on a street shall be eighty percent (80%) of the minimum lot width required for the lot. Easement areas shall be excluded from this requirement.

~~16~~43.04.02 Where a lot fronts on two (2) or more streets, the minimum street frontage width requirements shall be considered met if the frontage along any one of such streets meets the minimum street frontage width requirements.

~~16~~43.04.03 Where a lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than ninety feet (90'), the minimum street frontage width requirement shall not apply.

43.05 Reserved

43.06 ~~Building~~ Setback Requirements

~~16~~43.06.01 Unless specified, ~~Subject to Sections 16.07 and 16.11 and the other provisions of this Section,~~ no portion of any building may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized ~~in the Intensity Table~~.

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A. If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline. Whenever a lot fronts a street with a right-of-way of thirty feet (30') or less, the setback shall be measured from a line running parallel to the centerline at a distance of fifteen feet (15') from the centerline.

B. As used in this Section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.

C. As used in this Section, the term "building" includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:

1. Gas pumps and overhead canopies or roofs.
2. Fences running along lot boundary adjacent to public street rights-of-way if such fences exceed nine feet (9') in height and are substantially opaque.
3. Retaining walls which exceed four feet (4') in height.

D. Flagpoles, bridges, transmission poles, cables, heat pumps, generators, air condition units and pad mounted transformers shall be exempt from building setback requirements, however, walk in coolers and refrigeration units must meet the requirements for accessory buildings.

~~**16.06.02** In the B1 district, existing development may rebuild to existing building footprint lines, but cannot rebuild any closer to a street than the established existing building setback line as noted on the Official Existing Building Line Maps recorded with the Watauga County Registry in Deed Book 239, Pages 132-138. Structures existing prior to February 25, 1993 that do not meet the required setbacks shall not be considered to have nonconforming features.~~

~~**16.06.03** In the B1 district, the minimum street setback distance shall not apply to a projecting theater marquee, canopy or roof overhang supports as long as such supports do not go beyond the edge of the sidewalk. This exemption shall not obviate the need for an encroachment agreement.~~

~~**16.06.04** The interior setback for the B1 zoning district is 0', unless the lot abuts a district other than a U1 zoning district, in which case the lot boundary setback shall be fifteen feet (15').~~

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~~**16.06.05**~~ ~~In the B2 and B3 zoning districts, sideline to sideline construction may be permitted on one or more lots of at least 100 feet road frontage upon issuance of a special use permit in accordance with the provisions of Article 6 and subject to the following conditions:~~

~~**A.** The building must be constructed in accordance with the regulations for the primary fire district as contained in the North Carolina State Building Code.~~

~~**A.** There shall be a deeded street or right-of-way, built to Town standards, at both the front and the rear of the property.~~

~~**B.** Loading, unloading and refuse disposal access shall be from the street at the rear of the property.~~

~~**C.** Loading and parking shall be in compliance with Article 24 of this Ordinance.~~

~~16~~43.06.0~~6~~2 Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, then the lot in the nonresidential district shall be required to observe the property line setback requirement applicable to the adjoining residential lot.

~~16~~43.06.0~~7~~3 Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).

~~**16.06.08**~~ ~~In the U1 district, the minimum street setback of ten feet (10') shall apply only when development is proposed adjacent to Town maintained streets.~~

~~**16.06.09**~~ ~~In the U1 district, the minimum interior setback shall be increased to fourteen feet (14') only when development is proposed adjacent to R1 zoned property. Additional setback provisions in Section 16.06.05 do not apply in the U1 district. The minimum interior setback is zero feet (0') only when development is proposed adjacent to B1 zoned property.~~

43.07 Accessory Structure ~~Setback~~ Requirements

~~16~~43.07.01 All accessory structures shall meet the building street setback requirement of fifteen feet (15') from the street right-of-way line and seven feet (7') from any interior lot line.

~~16~~43.07.02 No accessory structure may be further forward to the street setback than the front most point of the principal structure.

~~16~~43.07.03 The maximum lot coverage of the accessory structure shall not exceed twenty percent (20%) of the lot.

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~~16~~43.07.04 An accessory structure must be clearly subordinate to the principal structure in all dimensional aspects.

~~16~~43.07.05 An accessory structure shall not be located in an easement unless expressly allowed.

43.08 **Building Height**

~~16~~43.08.01 For the purposes of this Section:

A. The height of a building shall be the vertical distance measured from the mean elevation of the finished grade to the highest point of the building except as provided for herein.

B. "Stories" as used herein refers to the number of heated, habitable floors above grade. Where both stories and heights are listed ~~in the table below at section 16.08.02~~, the building can have no more than the listed number of stories, and also may not exceed the specified height in feet.

~~16.08.02 Subject to the remaining provisions of this Section, building height limitations in the various zoning districts shall be as follows:~~

~~Zone~~	~~Height Limitation~~
~~R1, R1A, RR, R2, R4, RA~~	~~3 stories/40'; accessory structures may not exceed 25'~~
~~R3~~	~~3 stories/50'~~
~~MH~~	~~35'~~
~~OI~~	~~4 stories/67'~~
~~B1~~	~~See Subsection 16.08.04~~
~~B2~~	~~3 stories/35' (primary) –3 stories/40' (secondary)~~
~~B3, E1, E2, E3~~	~~3stories/45' (primary) – 5 stories/67' (secondary)~~
~~U1~~	~~Refer to Subsection 16.08.09~~
~~M1~~	~~67'~~

~~16.08.03 In the R3, B2, B3, E1, E2 and E3 districts the height limitation may range between the primary height limitation in the table to the secondary height (which is the maximum for the district), subject to the provision that for each foot the height of the structure exceeds the primary height limitation, the boundary lot setback applicable to the entire structure shall increase by one (1) foot. In no case shall the height of a structure exceed the secondary height limitation established in the table.~~

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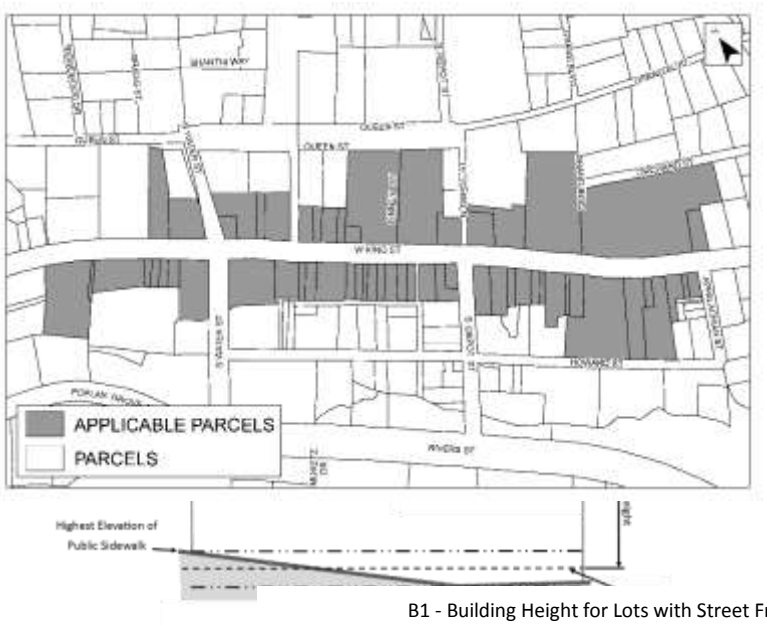
~~16.08.04 Height in the B1 Central Business District~~

~~A. Building Height by Location:~~

~~1. King Street~~



B1 - Building Height for Lots with Street Frontage

~~a. Buildings which front on King Street as shown on the map above are limited to thirty feet (30'), as measured from the average elevation of the existing or proposed public sidewalk facing King Street to the highest point of the building or structure.~~

~~a. Buildings which front King Street on corner lots shall be limited to thirty feet (30'), as measured from the average elevation of the existing or proposed public sidewalk facing King Street to the highest point of the building or structure.~~

~~b. Buildings which front on King Street as shown on the map above and Howard Street are limited to thirty feet (30') at the King Street elevation, and thirty three feet (33') at the Howard Street elevation. Building height shall be measured from the average elevation of the existing or proposed public sidewalk facing the street to the highest point of the building or structure subject to the limitations below. The building height limitation for the King Street elevation may extend horizontally from the building frontage on King Street toward Howard Street not more than 75% of the lot length.~~

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c. Buildings which front on King Street as shown on the map above and Queen Street are limited to thirty feet (30') at the King Street elevation, and thirty-three feet (33') at the Queen Street elevation. Building height shall be measured from the average elevation of the existing or proposed public sidewalk facing the street to the highest point of the building or structure. The applicable building height shall apply for each street and the building height limitation shall terminate at the midpoint of the lot.

1. Buildings fronting streets in the B1 Central Business District, outside of the area governed by 16.08.04(A)(1) above, are limited to thirty-three feet (33'), as measured from the average elevation of the existing or proposed public sidewalk facing the street to the highest point of the building or structure containing the primary entrance.

1. Buildings in the B1 Central Business District located on interior lots with no street frontage are limited to thirty-three feet (33'), with height being the vertical distance measured from the average elevation of the finished grade at the primary façade of the building to the highest point of the building or structure.

A. Building Height Limitations:

1. Flat roofs shall be capped by parapets of sufficient height to screen rooftop equipment and penthouses from view when standing at ground level twenty feet (20') from the structure.

a. The building height limitations for buildings on King Street governed by Subsection 16.08.04(A)(1) above shall include parapet walls.

a. The building height limitations for buildings governed by Subsections 16.08.04(A)(2) and 16.08.04(A)(3) above shall not include parapet walls so long as the parapet walls do not exceed 4' above the maximum building height of thirty-three feet (33'). The height of parapet walls above 4' shall be counted toward the building height.

1. An existing building may not be demolished and replaced with a building of greater height unless approved under the Conditional District Zoning Map Amendment set forth in Article 9 herein.

A. The height of existing buildings may not be increased unless approved under the Conditional District Zoning Map Amendment process set forth in Article 9 herein.

A. Addition or modification of the features exempted in Subsection 16.08.08 do not trigger the requirement for the Conditional District Zoning Map Amendment process.

16.08.05 In all nonresidential zones and the R3 zone, all structures located within 100 feet of an R1 zoned property shall not exceed 40 feet in height.

1643**.08.0**6**2** Where a multi-unit or nonresidential structure has a height in excess of 20 feet and adjoins a low density residential district, the structure shall meet an additional setback of one and one-half feet for each foot in height above 20 feet.

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~~16~~43.08.0~~7~~3 If a structure is located at an elevation of 3,000 feet above mean sea level and 500 feet above the valley floor, in no case shall the height of such structure exceed 40 feet above the mean natural grade.

~~16~~43.08.0~~8~~4 The following features are not included in calculating the height of a structure for the purposes of applying the district height limitations set forth in in this Article, except that on a corner lot in any residential district no planting, structures, fence, wall or obstruction to vision more than three feet in height measured from the street center line shall be placed or maintained within the triangular area formed by the intersection street lines and a straight line connecting points on said street lines each if which is 25 feet from the point of intersection.

A. Belfries, chimneys, church spires, cupolas, domes and similar structural appendages not intended or used as places of storage or occupancy; and
B. Accessory antennas, flagpoles, solar collectors and similar equipment fixtures and devices provided that such features do not exceed 15% of the maximum height requirements; and
C. Except as provided at 16.08.04(B)(2), parapets which do not exceed five feet (5') past the maximum building height; by way of clarification, the height of parapets above 5' shall be counted toward the building height for purposes of applying building height; and
D. Elevator and mechanical equipment and penthouses; and
E. Utility transmission poles and cables; and
F. Limited structures to enable recreation uses of open rooftops. As used in this provision, "limited structure" does not include areas that are simply decking to be used for standing or sitting.
G. The features listed above are exempt from the height limitations subject to the following requirements:
    1. Not more than one-third (1/3) of the total roof area may be consumed by such features.
    2. The features must be set back from the edge of the roof at primary and secondary facades a minimum of one foot for every foot which such features extend above the roof surface to which they are attached.

~~16.08.09 In the U1 district, building heights for structures internal to the main campus shall be generally limited only by the town's firefighting capability except for those structures located immediately adjacent to property in a non-University district. In this instance:~~

~~A. All buildings proposed within 100 feet of an R1, R1A, RR, R2, R4, or RA zoned property shall be limited to a maximum height of 40 feet.~~
~~A. All buildings proposed within 50 feet of an R3, OI, B1, B2, or B3 zoned property shall be limited to the maximum height allowed in the adjoining district. Additional height restrictions in Subsections 16.08.04 and 16.08.05 shall not apply in the U1 district.~~

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~~16~~43.08.~~1~~05 Other than in the case of a single family residence, attic space that is not counted as habitable space when a development is approved may not ever subsequently be converted to habitable space.

43.09 Minimum Building Spacing

~~16~~43.09.01 The minimum spacing between any two (2) buildings located on a single lot or in the U1 district, which contain dwelling units, shall be the sum of the spacing distances required for the walls of each building or portion thereof as follows:

A. The required spacing between buildings for any wall containing windows shall be the horizontal distance equal to the minimum interior setback applicable to the lot or district in which it is located, plus one (1) additional foot for each foot the height of the building exceeds thirty-five feet (35').

B. The required spacing distance for a windowless wall shall be in accordance with the applicable building codes.

~~16~~43.09.02 Unless otherwise regulated by this Ordinance, the spacing between structures or portions of structures not containing dwelling units shall be appropriate to the use of such structures or portions thereof. Spacing shall be related to fire protection requirements, the separation of spaces by fences, walls or vegetative screening, the location of parking and service areas, the exposure to nearby living quarters and similar considerations.

~~**Intensity Regulations for the U1 District**~~

~~**16.10.01** University campus land will be considered as a whole for purposes of computing land use intensities. This provision does not apply to satellite tracts; however, land separated from the main campus only by a public street or thoroughfare will be deemed part of the main campus.~~

43.10 Architecturally Integrated Subdivisions

~~16.11~~43.10.01 In an architecturally integrated subdivision, the applicant may create lots and construct buildings without regard to any minimum lot size, lot width or setback restrictions except that:

A. Lot boundary setback requirements shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision, and

B. Each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this Ordinance.

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~~16.11~~43.10**.02** The number of dwelling units in an architecturally integrated subdivision may not exceed the maximum density authorized for the tract under Section 16.01. The number of lots allowed in an architecturally integrated subdivision shall be calculated by dividing the project area by the minimum gross land area as shown in Section 16.01. For an architecturally integrated subdivision project that is composed of areas with different zoning designations, the number of units shall be determined for each zoning district. The maximum number of units for the project shall be the sum of the densities for each district. The units may be distributed throughout the project without regard to the zoning district lines subject to meeting the requirements of Subsection 16.11.01. Further, only uses authorized by Article 15 shall be permitted in each zoning district.

~~16.11~~43.10**.03** To the extent reasonably practicable, in architecturally integrated subdivisions the amount of land saved by creating lots that are smaller than the standards set forth in Section 16.01 shall be set aside as usable open space.

~~16.11~~43.10**.04** The purpose of this Section is to provide flexibility, consistent with the public health and safety and without increasing overall density, to the applicant who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development.

43.11 Density on Lots Where Portion Dedicated to Town

~~16.12~~43.11**.01** Subject to the other provisions of this Ordinance, if (i) any portion of a tract lies within an area designated on any officially adopted Town plan as part of a proposed public park, greenway, or bikeway, and (ii) before the tract is developed, the owner of the tract, with the concurrence of the Town, dedicates to the Town that portion of the tract so designated, then, when the remainder of the tract is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development.

Article 44 Grading

Article 45 Soil Erosion and Sediment Control

Article 46 Stormwater Management

Article 47 Utilities

Article 48 Driveways, Streets, and Sidewalks

Article 49 Parking

Article 50 Community Appearance Standards

Article 51 Signs

Article 52 Residential Occupancy Controls

No changes proposed, other than renumbering each Article.

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Article 53 Reserved

Article 54 Watershed Protection

Article 55 Flood Damage Prevention

Article 56 Landscape Standards

Article 57 Reserved

Article 58 Reserved

No changes proposed, other than renumbering each Article.

Article 59 Definitions

Column

A supporting pillar consisting of a base, a cylindrical shaft, and a capital on top of the shaft. Columns may be plain or ornamental.

Colonnade

A range of columns that supports a string of continuous arches or a horizontal entablature.

Column

A supporting pillar consisting of a base, a cylindrical shaft, and a capital on top of the shaft. Columns may be plain or ornamental.

Cornice

A cornice is the finished edge of the roof where it meets the exterior wall, of varying sizes, sometime plain, but often decorative and marked by brackets, dentils, medallions or some other decorative feature.

Plaza Space

A pedestrian oriented urban open space which is predominately hardscaped. Plaza spaces should include manicured landscaping and other pedestrian oriented amenities (such as benches) and should connect the building to the public sidewalk. Plaza spaces should be at or near the same grade as the sidewalk or the street.

Pilaster

A shallow, non-structural rectangular column, attached to, and projecting only slightly from, a wall surface.

Pillar

A structural support, similar to a column, but larger and more massive, and often without ornamentation. Pillars can be round or square in section, and are most often made of brick, stone, cement, or other masonry, although substantial wooden timbers can be formed into pillars.

Transom

A narrow window, sometimes hinged at the top, positioned over a doorway or larger window.

Sailor Course

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A sailor course is similar to the soldier course but with the wide edge facing out. It is used for decorative effects (vertical, long, wide). The width of a masonry structure can be measured by stretchers and joints. The height of a masonry structure can be measured by courses and joints.

Sill

The flat horizontal bottom piece of a window or door, often of wood, but sometimes of stone.

Soldier Course

A soldier course is one in which brick are laid standing on end with the narrow edge facing out. This type of course is sometimes used for decorative effects over door and window openings (vertical, long, narrow).

Stretcher Course

Brick laid flat with the long face parallel to the wall are called a stretchers. When all the brick in the course are laid in this manner, it is called a stretcher course. (horizontal, long, narrow)

Appendix A Application Information

Appendix B Comparative Tables

Note: Staff proposed to transfer the information currently in Appendix B "Guide to Landscaping" to a "Technical Specifications Manual" and replace it with the comparative tables (use & intensities).

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